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Contents

Federal Register

Vol. 69, No. 137

Monday, July 19, 2004

Administration on Aging
See Aging Administration

Aging Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Livable Communities Initiative, 42997–42998

Agricultural Marketing Service
RULES
Onions grown in—
Idaho and Oregon, 42850–42852
PROPOSED RULES
Fresh prunes grown in—
Oregon and Washington, 42899–42901
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 42959–42960

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Food and Nutrition Service
See Forest Service

Air Force Department
NOTICES
Global Positioning System:
Navstar GPS Space Segment/Navigation User Segment Interface Control Document; document identifier changes, 42988
Senior Executive Service:
Performance Review Board; membership, 42988–42989

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Asian longhorned beetle, 42849–42850
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 42960–42962

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Army Department
PROPOSED RULES
Law enforcement and criminal investigations:
Law enforcement reporting, [**EDITORIAL NOTE**: The page number for this document was incorrectly listed in the Friday, July 16, 2004 **Federal Register** table of contents. The correct page number is 42626]

Census Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 42965–42966

Coast Guard
RULES
Drawbridge operations:
Florida, 42872–42874
New York, 42876
South Carolina, 42874–42876
Ports and waterways safety:
Eagle Island, Cape Fear River, NC; security zone, 42876–42879
Regattas and marine parades:
Atlantic Ocean, Atlantic City, NJ; marine events, 42870–42872
PROPOSED RULES
Ports and waterways safety:
Suisun Bay, CA; security zone, 42950–42953

Commerce Department
See Census Bureau
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 42964–42965

Commodity Futures Trading Commission
NOTICES
Self-regulatory organizations:
Governance and self-regulation; comment request, 42971

Consumer Product Safety Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 42971–42972

Defense Department
See Air Force Department
See Navy Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 42972–42973
Arms sales notification; transmittal letter, etc., 42973–42987
Meetings:
Defense Science Board, 42987–42988
Electron Devices Advisory Group, 42988
Senior Executive Service:
Performance Review Board; membership, 42988

Employment and Training Administration
NOTICES
Adjustment assistance:
Allied Holdings, Inc., 43018
American Furniture Company, Inc., 43016–43017
CEMCO, Inc., 43017
GE Consumer Finance America, 43017
Hawk Motors, 43017
Interface Fabrics Elkin, Inc., et al., 43017
Phoenix Lace Cutting, Inc., 43018
Tateishi of America, Inc., 43018
Vishay Dale Electronics, 43018
Wright Express, LLC, 43018

Environmental Protection Agency

RULES

Air pollutants, hazardous; national emission standards:
Chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks; amendments, 42885–42897
Air quality implementation plans; approval and promulgation; various States:
Georgia, 42880–42884

PROPOSED RULES

Air pollutants, hazardous; national emission standards:
List of hazardous air pollutants, petition process, lesser quantity designations, and source category list, 42954–42956
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
New Jersey, [**EDITORIAL NOTE**: The page number for this document was incorrectly listed in the Friday, July 16, 2004 **Federal Register** table of contents. The correct page number is 42641]
Solid waste:
Municipal solid waste landfill permit program—
Indiana, [**EDITORIAL NOTE**: The page number for this document was incorrectly listed in the Friday, July 16, 2004 **Federal Register** table of contents. The correct page number is 42644]

NOTICES

Superfund program:
Federal Agency Hazardous Waste Compliance Docket; Federal facilities; list update, 42989–42996

Export-Import Bank

NOTICES

Turkey; soda ash production, goods sent on behalf of U.S. exporter; finance application, 42996

Farm Credit Administration

RULES

Farm credit system:
Borrower rights
Correction, 42852–42853
Loan policies and operations, etc.—
Participations in loans from non-System lenders, 42853–42855

Farm Credit System Insurance Corporation

PROPOSED RULES

Farm credit system:
Golden parachute and indemnification payments, [**EDITORIAL NOTE**: The page number for this document was incorrectly listed in the Friday, July 16, 2004 **Federal Register** table of contents. The correct page number is 42606]

Federal Aviation Administration

RULES

Airworthiness directives:
Airbus, 42858–42860
Empresa Brasileira de Aeronautica, S.A. (EMBRAER), 42860–42862
Pratt & Whitney Canada, 42855–42858

PROPOSED RULES

Airworthiness directives:
Airbus, [**EDITORIAL NOTE**: The page number for this document was incorrectly listed in the Friday, July 16, 2004 **Federal Register** table of contents. The correct page number is 42612]
Cessna; meeting, 42912–42913

NOTICES

Exemption petitions; summary and disposition, 43046–43047

Federal Communications Commission

RULES

Radio stations; table of assignments:
Arizona, 42897
Nebraska and Wyoming, 42897–42898

PROPOSED RULES

Digital television stations; table of assignements:
Kentucky, 42956

Army Department

PROPOSED RULES

Law enforcement and criminal investigations:
Law enforcement reporting, [**Editorial Note**: The page number for this document was incorrectly listed in the Friday, July 16, 2004 **Federal Register** Table of Contents. The correct page number is 42626] of assignments:

Kentucky, 42956
Radio stations; table of assignments:
Arkansas and Massachusetts, 42956–42957
Florida, 42957–42958
Wisconsin, 42957

NOTICES

Common carrier services:
Wireless telecommunications services—
Private Land Mobile Radio Spectrum Audit; licenses cancelled, 43143–43276
Practice and procedure:
Elimination of market barriers for small telecommunications businesses and allocations of spectrum-based services for small and minority-owned businesses, 42996

Federal Deposit Insurance Corporation

PROPOSED RULES

International banking regulations; activities of insured state nonmember banks operating in foreign countries and insured U.S. branches of foreign banks, 43059–43087

Federal Railroad Administration

NOTICES

Exemption petitions, etc.
Canadian Pacific Railway, 43047–43048
Fort Worth & Western Railroad, 43048–43049
Massachusetts Bay Transportation Authority, 43049
Traffic control systems; discontinuance or modification:
CSX Transportation, Inc., 43049–43050
CSX Transportation, Inc., et al., 43050
Norfolk Southern Corp., 43050–43051
Twin Cities & Western Railroad Co. et al., 43051

Federal Reserve System

NOTICES

Banks and bank holding companies:
Formations, acquisitions, and mergers, 42996–42997

Federal Trade Commission

PROPOSED RULES

Fair Credit Reporting Act:
Summaries of consumer rights and notices of duties, [**EDITORIAL NOTE**: The page number for this document was incorrectly listed in the Friday, July 16, 2004 **Federal Register** table of contents. The correct page number is 42616]

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Critical habitat designations—
Bull trout; Jarbridge River, Coastal-Puget Sound, and Saint Mary-Belly River populations; correction, 43058
NOTICES
Comprehensive conservation plans; availability, etc.:
Eastern Shore of Virginia and Fisherman Island National Wildlife Refuges, VA, 43007–43008
Las Vegas National Wildlife Refuge, NV, 43008
Muleshoe National Wildlife Refuge, TX, et al., 43008–43009
Endangered and threatened species:
Recovery plans—
Yreka phlox, 43009–43010
Environmental statements; notice of intent:
Laguna Atascosa National Wildlife Refuge, TX; comprehensive conservation plan, 43010–43011

Food and Drug Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 42998–43002

Food and Nutrition Service
NOTICES
Food distribution programs:
Beef and pork; substitution of donated for commercial, 42962–42963
Value of donated foods, 42963–42964

Forest Service
PROPOSED RULES
Special areas:
Inventoried roadless area management; State petitions, [**EDITORIAL NOTE**: The page number for this document was incorrectly listed in the Friday, July 16, 2004 **Federal Register** table of contents. The correct page number is 42636]

Health and Human Services Department
See Aging Administration
See Food and Drug Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration
NOTICES
Meetings:
National Committee on Vital and Health Statistics, 42997

Homeland Security Department
See Coast Guard
See Immigration and Customs Enforcement Bureau

Housing and Urban Development Department
NOTICES
Meetings:
Manufactured Housing Concensus Committee, 43006–43007

Immigration and Customs Enforcement Bureau
PROPOSED RULES
Nonimmigrants; removal orders, countries to which aliens may be removed, 42901–42912

Indian Affairs Bureau
RULES
Land and water:
Indian Reservation Roads Program, 43089–43141

Industry and Security Bureau
RULES
Export administration regulations:
Commerce Control List—
Export licensing jurisdiction of certain types of energetic material and other chemicals, 42862–42870

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See Reclamation Bureau
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
PROPOSED RULES
Income taxes:
Qualified zone academy bonds; States and political subdivisions obligations
Hearing cancellation, 42919
REIT and subchapter 8 subsidiaries and single-owner eligible entities disregarded as separate from their owners; clarification and hearing
Hearing cancellation, 42919
NOTICES
Privacy Act:
Systems of records, 43055–43056

International Trade Administration
NOTICES
Antidumping:
Dynamic random access memory semiconductors of one megabit or above from—
Korea, 42966–42967
Hot-rolled carbon steel flat products from—
India, 42967

International Trade Commission
NOTICES
Import investigations:
Barbed wire and barbless wire strand from—
Argentina, 43013–43014
Light emitting diodes and products containing same, 43014
Optical disk controller chips and chipsets and products containing same, including DVD players and PC optical storage devices, 43014–43015
Meetings; Sunshine Act, 43015

Justice Department
See Justice Programs Office
PROPOSED RULES
Nonimmigrants; removal orders, countries to which aliens may be removed, 42901–42912

Justice Programs Office
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 43015–43016

Labor Department
See Employment and Training Administration

See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Meetings:
Steens Mountain Advisory Council; cancellation, 43011
Resource management plans, etc.:
Hollister Resource Area, CA; correction, 43011–43012

Maritime Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 43052

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Humanities Panel, 43021–43022

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards:
Exemption petitions, etc.—
InterModal Technologies, Inc., 43052–43054

National Institutes of Health
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 43002–43005

National Oceanic and Atmospheric Administration
NOTICES
Environmental statements; notice of intent:
Pacific sardine harvest guideline; annual allocation alternatives, 42968–42969
Meetings:
Integrated Ocean Observation System, 42969
New England Fishery Management Council, 42969–42970
Pacific Fishery Management Council, 42970
Permits:
Endangered and threatened species, 42970–42971

National Science Foundation
NOTICES
Agency information collection activities; proposals, submissions, and approvals: correction, 43022

Navy Department
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
American BioHealth Group, LLC, 42989

Nuclear Regulatory Commission
NOTICES
Reports and guidance documents; availability, etc.:
Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance, 43277–43282
Applications, hearings, determinations, etc.:
Pacific Gas & Electric Co., 43022

Occupational Safety and Health Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 43018–43021

Overseas Private Investment Corporation
NOTICES
Meetings; Sunshine Act, 43023

Reclamation Bureau
NOTICES
Central Valley Project Improvement Act:
Water management plans—
Hills Valley Irrigation District et al., 43012–43013
Meetings:
Glen Canyon Dam Adaptive Management Work Group, 43013

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 43023–43027
Chicago Board Options Exchange, Inc., 43028–43036
Chicago Stock Exchange, Inc., 43036–43042
Depository Trust Co., 43042–43043
Pacific Exchange, Inc., 43043–43044

Small Business Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 43044–43045
Disaster loan areas:
Arkansas, 43045
North Dakota, 43045

State Department
PROPOSED RULES
Consular services; fee schedule, 42913–42919
NOTICES
Grants and cooperative agreements; availability, etc.:
Edmund S. Muskie Graduate Fellowship Program, 43045

Substance Abuse and Mental Health Services Administration

NOTICES
Agency information collection activities; proposals, submissions, and approvals, 43005–43006

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program and abandoned mine land reclamation plan submissions:
Illinois, 42870
PROPOSED RULES
Permanent program and abandoned mine land reclamation plan submissions:
Alaska, 42920–42926
Indiana, 42927–42939
Kentucky, 42939–42943
Maryland, 42943–42948
Texas, 42948–42950

Surface Transportation Board
NOTICES
Railroad services abandonment:
New York & Eastern Railway, LLC, et al., 43054
Union Pacific Railroad Co., et al., 43054–43055

Tennessee Valley Authority
NOTICES
Meetings; Sunshine Act, 43045–43046

Transportation Department
See Federal Aviation Administration

See Federal Railroad Administration
See Maritime Administration
See National Highway Traffic Safety Administration
See Surface Transportation Board

Treasury Department
See Internal Revenue Service

Veterans Affairs Department
RULES
Adjudication; pensions, compensation, dependency, etc.:
Disruption of normal business practices; exceptions to definition, 42879–42880
NOTICES
Inventions, Government-owned; availability for licensing, 43056
Meetings:
Health Services Research and Development Service Merit Review Board, 43057

Separate Parts In This Issue

Part II
Federal Deposit Insurance Corporation, 43059–43087

Part III
Interior Department, Indian Affairs Bureau, 43089–43141

Part IV
Federal Communications Commission, 43143–43276

Part V
Nuclear Regulatory Commission, 43277–43282

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
301 42849
958 42850
Proposed Rules:
924 42899

8 CFR
Proposed Rules:
236 42901
241 42901
1236 42901
1240 42901
1241 42901

12 CFR
609 42852
611 42852
612 42852
614 (2 documents) 42852, 42853
615 42852
617 42852
Proposed Rules:
303 43060
325 43060
327 43060
347 43060

14 CFR
39 (4 documents) 42855, 42858, 42860, 42861
Proposed Rules:
39 42912

15 CFR
742 42862
748 42862
770 42862
774 42862

22 CFR
Proposed Rules:
22 42913

25 CFR
170 43090

26 CFR
Proposed Rules:
1 (2 documents) 42919

30 CFR
913 42870
Proposed Rules:
902 42920
914 (3 documents) 42927, 42931, 42937
917 42939
920 42943
943 42948

33 CFR
100 42870
117 (3 documents) 42872, 42874, 42876
165 42876
Proposed Rules:
165 42959

38 CFR
3 42879

40 CFR
52 42880
63 42885
Proposed Rules:
63 42954

47 CFR
73 (2 documents) 42897
Proposed Rules:
73 (4 documents) 42956, 42957

50 CFR
Proposed Rules:
17 43058

Rules and Regulations

Federal Register
Vol. 69, No. 137
Monday, July 19, 2004

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

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 04–002–2]

Asian Longhorned Beetle; Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle regulations by adding a portion of Cook County, IL, to the list of quarantined areas and restricting the interstate movement of regulated articles from those areas. The interim rule also removed other portions of Cook County, IL, and portions of DuPage County, IL, from the list of quarantined areas and removed restrictions on the interstate movement of regulated articles from these areas. These actions were necessary to prevent the spread of the Asian longhorned beetle to noninfested areas of the United States and to relieve restrictions on certain areas that are no longer necessary.

DATES: *Effective Date:* The interim rule became effective on March 3, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Director of Emergency Programs, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–4387.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB) is an insect native to China, Japan, Korea, and the Isle of Hainan. It is a destructive pest of hardwood trees. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches and debris of half an inch or more in diameter are also subject to infestation. The ALB regulations (7 CFR 301.51–1 through 301.51–9) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States.

The regulations in § 301.51–3(a) provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a state, in which ALB has been found by an inspector, in which there is reason to believe ALB is present, or because of the area's inseparability for quarantine enforcement purposes from localities where ALB has been found.

In an interim rule effective March 3, 2004, and published in the **Federal Register** on March 8, 2004 (69 FR 10599–10601, Docket No. 04–002–1), we amended the ALB regulations by adding a portion of Cook County, IL, to the list of quarantined areas in § 301.51–3(c) and restricting the interstate movement of regulated articles from the quarantined area. We also removed other portions of Cook County, IL, and portions of DuPage County, IL, from the list of quarantined areas.

We solicited comments concerning the interim rule for 60 days ending May 7, 2004. We received one comment by that date, from a private citizen.

The commenter was in favor of the interim rule's additon of the portion of Cook County, IL, to the list of quarantined areas. However, the commenter requested that we reconsider our decision to remove parts of Cook and DuPage Counties, IL, from the list of quarantined areas in order to decrease the likelihood of future ALB infestation in those areas.

While we realize that there is always the possibility of ALB reinfestation, APHIS does not believe a continuation of the quarantine in the areas removed by the interim rule is necessary or warranted. As stated in § 301.51–3(a) of the regulations, an area may be listed as a quarantined area if ALB have been found by an inspector, if there is reason to believe ALB are present, or if the area is inseparable from other quarantined areas for purposes of enforcement. The last evidence of ALB found in these areas was on December 2, 2000, near Addison in DuPage County, IL, and on August 18, 1999, in that portion of the Village of Summit, IL. Those areas have also been determined to be sufficiently far from other quarantined areas for the removal of the quarantine to be considered safe. Though we do not believe further regulation of these areas is necessary, we will continue to survey them to ensure that ALB does not reappear.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866, 12372, and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

Regulatory Flexibility Act

This rule affirms an interim rule that amended the ALB regulations by adding a portion of Cook County, IL, to the list of quarantined areas and by removing other portions of Cook County, IL, and DuPage County, IL, from the list of quarantined areas. In the interim rule, we stated that we were taking those actions on an immediate basis to prevent the spread of ALB to noninfested areas of the United States and to remove restrictions on areas in which the ALB is no longer present.

The following analysis addresses the economic effects of the interim rule on small entities, as required by the Regulatory Flexibility Act. The small businesses potentially affected by the interim rule are nurseries, arborists, tree removal services, and firewood dealers located within the areas added to and removed from the list of quarantined areas.

Within the quarantined area added by the interim rule there is only one business potentially affected, a firewood dealer. This business could be affected by the regulations in two ways. First, if the business wishes to move regulated articles interstate from a quarantined area, that business must either: (1) Enter into a compliance agreement with APHIS for the inspection and certification of regulated articles to be moved interstate from the quarantined

area; or (2) present its regulated articles for inspection by an inspector and obtain a certificate or a limited permit, issued by the inspector, for the interstate movement of regulated articles. The inspections may be inconvenient, but not costly; businesses operating under a compliance agreement would perform the inspections themselves and for those businesses that elect not to enter into a compliance agreement, APHIS would provide the services of an inspector without cost. There is also no cost for the compliance agreement, certificate, or limited permit for the interstate movement of regulated articles.

Second, there is a possibility that, upon inspection, a regulated article could be determined by the inspector to be potentially infested with the ALB and, as a result, the inspector would not issue a certificate. In this case, the entity's ability to move regulated articles interstate would be restricted. However, the affected entity could conceivably obtain a limited permit under the conditions of § 301.51–5(b). Whether or not the affected entity would be denied certificates as a result of inspections of regulated articles is unknown. However, because it is located in a densely populated urban area, the firewood dealer is more likely to be receiving regulated articles from outside the quarantined area than it is to be shipping regulated articles interstate to nonquarantined areas. It is unlikely, therefore, that the firewood dealer would be moving regulated articles that would require inspection in the first place.

The interim rule removed two areas from the list of quarantined areas. One area, the Village of Summit in Cook County, IL, encompasses 0.92 square mile. Within that area, there are no known potentially affected business entities. The other area removed, Addison in DuPage County, IL, encompasses 0.81 square mile. Within that 0.81 square mile area, there are six potentially affected business entities, four tree companies and two landscape companies. These six entities stand to benefit from the interim rule, since they are no longer subject to the restrictions in the regulations. However, any benefit for these six entities is likely to be minimal. While the size of the six entities is unknown, it is reasonable to assume that they would be classified as small entities, based on the U.S. Small Business Administration's size standards.

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.

List of Subjects in 7 CFR Part 301

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

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 69 FR 10599–10601 on March 8, 2004.

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).

Done in Washington, DC, this 13th day of July, 2004.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04–16280 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

[Docket No. FV04–958–02 FR]

Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Idaho-Eastern Oregon Onion Committee (Committee) for the 2004–2005 and subsequent fiscal periods from $0.095 to $0.105 per hundredweight of onions handled. The Committee locally administers the marketing order that regulates the handling of onions grown in designated counties in Idaho, and Malheur County, Oregon. Authorization to assess onion handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period begins July 1 and ends June 30. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: July 20, 2004.

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

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

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 130 and Marketing Order No. 958, both as amended (7 CFR part 958), regulating the handling of onions grown in certain designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Idaho-Eastern Oregon onion handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions beginning July 1, 2004, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for

a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Committee for the 2004–2005 and subsequent fiscal periods from $0.095 to $0.105 per hundredweight of onions handled.

The Idaho-Eastern Oregon onion marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The Committee consists of six producer members, four handler members and one public member. Each member is familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2003–2004 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on April 1, 2004, and unanimously recommended 2004–2005 expenditures of $997,442. In comparison, last year's budgeted expenditures were $957,000. At that same meeting, the Committee, in a vote of seven in favor, two opposed (desired continuation of the current rate), and one abstention, recommended increasing the assessment rate to $0.105 per hundredweight of onions handled. The assessment rate of $0.105 is $0.01 higher than the rate currently in effect. The order authorizes the Committee to establish an operating reserve of up to one fiscal period's operational expense. However, the Committee's policy is to maintain the operating reserve at a level of approximately one-half of one fiscal period's operational expenses. The Committee, over the last five fiscal periods, has reduced its operating reserve to slightly below this level. The Committee recommended the $0.01 increase so the total of assessment income ($932,400), contributions ($75,600), interest income ($7,000), and other income ($2,000) would sufficiently fund the recommended expenses for 2004–2005 of $997,442. The increased assessment income is anticipated to add approximately $19,558 to the operating reserve, increasing it to an estimated $504,661 at the end of the 2004–2005 fiscal period.

The major expenditures recommended by the Committee for the 2004–2005 fiscal period include $10,000 for committee expenses, $163,482 for salary expenses, $81,960 for travel/office expenses, $60,000 for production research expenses, $32,000 for export market development expenses, $600,000 for promotion expenses, and $50,000 for unforeseen marketing order contingencies. Budgeted expenses for these items in 2002–2003 were $10,000, $148,353, $72,610, $59,170, $27,250, $589,617, and $50,000, respectively.

The Committee estimates that fresh market onion shipments for the 2004–2005 fiscal period will be approximately 8,880,000 hundredweight, which should provide $932,400 in assessment income. Income derived from handler assessments, along with contributions ($75,600), interest income ($7,000), and other income ($2,000) would be sufficient to cover budgeted expenses and increase the operating reserve approximately $19,558. The Committee estimates that its operating reserve will be approximately $485,103 at the beginning of the 2004–2005 fiscal period. Funds in the reserve will be kept within the maximum permitted by the order of approximately one fiscal year's operational expenses (§ 958.44.)

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2004–2005 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 37 handlers of Idaho-Eastern Oregon onions who are subject to regulation under the order and approximately 250 onion producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those whose annual receipts are less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000.

The Committee estimates that 32 of the 37 handlers of Idaho-Eastern Oregon onions ship under $5,000,000 worth of onions on an annual basis. According to the *Vegetables 2003 Summary* reported by the National Agricultural Statistics Service, the total farm gate value of onions in the regulated production area for 2003 was $130,768,000. Therefore, the 2003 average gross revenue for an onion producer in the regulated production area was $523,072. Based on this information, it can be concluded that the majority of handlers and producers of Idaho-Eastern Oregon onions may be classified as small entities.

This rule increases the assessment rate established for the Committee and collected from handlers for the 2004–2005 and subsequent fiscal periods from $0.095 to $0.105 per hundredweight of onions handled. The Committee recommended 2004–2005 expenditures of $997,442 and an assessment rate of $0.105 per hundredweight, which is $0.01 higher than the rate currently in effect. The quantity of assessable onions for the 2004–2005 fiscal period is estimated at 8,880,000 hundredweight. Thus, the $0.105 rate should provide $932,400 in assessment income, which

along with anticipated contributions, interest income, and other income should be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2004–2005 fiscal period include $10,000 for committee expenses, $163,482 for salary expenses, $81,960 for travel/office expenses, $60,000 for production research expenses, $32,000 for export market development expenses, $600,000 for promotion expenses, and $50,000 for unforeseen marketing order contingencies. Budgeted expenses for these items in 2003–2004 were $10,000, $148,353, $72,610, $59,170, $27,250, $589,617, and $50,000, respectively.

The Committee reviewed and unanimously recommended 2004–2005 expenditures of $997,442. This budget includes increases in the budget line items for salary expenses, travel and office expenses, research expenses, export expenses, and promotion expenses. Committee expenses and the marketing order contingency fund would remain the same. Prior to arriving at this budget, the Committee considered information from various sources, including the Idaho-Eastern Oregon Onion Executive, Research, Export, and Promotion Committees. These subcommittees discussed alternative expenditure levels, based upon the relative value of various research and promotion projects to the Idaho-Eastern Oregon onion industry. The assessment rate of $0.105 per hundredweight of assessable onions was then determined by taking into consideration the estimated level of assessable shipments, other revenue sources, and the Committee's goal of not having to use reserve funds during 2004–2005.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the producer price for the 2004–2005 season could be about $10.80 per hundredweight. Therefore, the estimated assessment revenue for the 2004–2005 fiscal period as a percentage of total producer revenue could be about 1.1 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the order. In addition, the Committee's meetings were widely publicized throughout the Idaho-Eastern Oregon onion industry and all interested persons were invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the April 1, 2004, meeting was open to the public and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

This rule imposes no additional reporting or recordkeeping requirements on either small or large Idaho-Eastern Oregon onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on May 21, 2004 (69 FR 29244). Copies of the proposed rule were also mailed or sent via facsimile to all onion handlers. Finally, the proposal was made available through the Internet by the Office of the Federal Register and USDA. A 30-day comment period ending June 21, 2004, was provided for interested persons to respond to the proposal. No comments were received.

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

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

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 2004–2005 fiscal period began on July 1, 2004, and the order requires that the rate of assessment for each fiscal period apply to all assessable onions handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting; and (4) a 30-day comment period was provided for in the proposed rule, and no comments were received.

List of Subjects in 7 CFR Part 958

Onions, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 958 is amended as follows:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

■ 1. The authority citation for 7 CFR part 958 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 958.240 is revised to read as follows:

§ 958.240 Assessment rate.

On and after July 1, 2004, an assessment rate of $0.105 per hundredweight is established for Idaho-Eastern Oregon onions.

Dated: July 13, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04–16271 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–02–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 609, 611, 612, 614, 615, and 617

RIN 3052–AB69

Electronic Commerce; Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Borrower Rights

AGENCY: Farm Credit Administration.

ACTION: Correcting amendment.

SUMMARY: The Farm Credit Administration (FCA) published a document in the **Federal Register** on March 9, 2004 (69 FR 10901, clarifying the rights provided in the Farm Credit Act of 1971, as amended, for loan applicants and borrowers of the Farm Credit System (System) and explaining the responsibilities of the System in providing these rights, responding to comments, and placing all borrower rights provisions in one part of our regulations. That document failed to include a necessary nomenclature change to § 609.930(i). This document

corrects the final regulations by revising this section.

DATES: Effective on July 19, 2004.

FOR FURTHER INFORMATION CONTACT: Mark L. Johansen, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4479, TTY (703) 883–4434; or Joy Strickland, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–2020.

SUPPLEMENTARY INFORMATION: The final rule published on March 9, 2004 (69 FR 10901) redesignated existing part 617 as a newly designated subpart B in part 612. Because of this redesignation, a nomenclature change in § 609.930(i) should have been included in the final rule.

List of Subjects

12 CFR Part 609

Agriculture, Banks, banking, Electronic commerce, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 611

Agriculture, Banks, banking, Rural areas.

12 CFR Part 612

Agriculture, Banks, banking, Conflict of interests, Rural areas.

12 CFR Part 614

Agriculture, Banks, banking, Flood insurance, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 615

Accounting, Agriculture, Banks, banking, Government securities, Investments, Rural areas.

12 CFR Part 617

Banks, banking, Criminal referrals, Criminal transactions, Embezzlement, Insider abuse, Investigations, Money laundering, Theft.

■ Accordingly, 12 CFR part 609 is corrected by making the following correcting amendment:

PART 609—ELECTRONIC COMMERCE

■ 1. The authority citation for part 609 continues to read as follows:

Authority: Sec. 5.9 of the Farm Credit Act (12 U.S.C. 2243); 5 U.S.C. 301; Pub. L. 106–229 (114 Stat. 464).

§ 609.930 [Corrected]

■ 2. Section 609.930(i) is corrected by removing the reference ''617'' and adding in its place ''612, subpart B''.

Dated: July 14, 2004.

Jeanette C. Brinkley,

Secretary, Farm Credit Administration Board.

[FR Doc. 04–16379 Filed 7–16–04; 8:45 am]

BILLING CODE 6705–01–P

FARM CREDIT ADMINISTRATION

12 CFR Part 614

RIN 3052–AB87

Loan Policies and Operations; Participations

AGENCY: Farm Credit Administration.

ACTION: Final rule; response to comment.

SUMMARY: The Farm Credit Administration (FCA or agency) responds to a comment letter on a final rule that repealed regulations that required a Farm Credit System (FCS or System) bank or association to provide notice or obtain consent before purchasing participations in loans that a non-System lender originates in the chartered territory of another FCS institution. This response, which is pursuant to an order of the United States District Court for the District of Columbia dated April 8, 2004, supplements the preamble to the final rule that was published at 65 FR 24101 on April 25, 2000.

DATES: *Effective Date:* These regulations became effective on May 25, 2000. *See* 65 FR 33743.

FOR FURTHER INFORMATION CONTACT: Alan Markowitz, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TTY (703) 883–4434, or Richard A. Katz, Senior Attorney, Office of the General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–2020.

SUPPLEMENTARY INFORMATION:

I. Background

On November 9, 1998, the FCA proposed repeal of several regulations in parts 611, 614, and 618 that required System lenders operating under title I or II of the Farm Credit Act of 1971, as amended (Act) to provide notice or obtain consent before they could lend, participate in loans, or offer related services to borrowers in the chartered territory of other FCS lending institutions. *See* 63 FR 60219. The extended comment period closed on May 10, 1999.

The FCA received more than 270 comment letters from System institutions, commercial banks, trade associations, FCS and non-System customers, state agricultural commissioners, a statewide council of agricultural organizations, a United States senator, and individuals. Commercial bank commenters opposed the proposed rule, while the other commenters were evenly divided between those supporting and opposing the proposal.

The Farm Credit Bank of Texas (FCBT) and its six affiliated Federal land credit associations (FLCAs) [1] in Alabama, Louisiana, and Mississippi, and its two affiliated production credit associations (PCAs) in New Mexico sent the FCA a joint comment letter dated May 3, 1999, opposing the proposed rule. The joint comment letter stated that: (1) The FCA lacked statutory authority to enact the proposed rule; (2) the proposed rule would conflict with statutory amendments enacted in 1992; (3) geographic boundaries are an integral part of the System's statutory scheme; (4) out-of-territory credit and related services would hurt the System and its customers, especially small farmers; and (5) the proposed rule would not advance any congressionally mandated purpose.

The FCA did not repeal those regulations that require notice or consent when a System lender operating under title I or II of the Act makes direct loans or offers related services outside its chartered territory. However, the FCA adopted a final rule on April 25, 2000, that repealed the notice and consent requirements only for out-of-territory loan participations. *See* 65 FR 24101. As a result, notice and consent requirements no longer apply when a System lender purchases participations in loans that non-System lenders originate in the chartered territory of other FCS institutions.[2]

The preamble to the final rule explained that repealing the notice and consent requirements for loan participations could help: (1) Increase the flow and availability of agricultural credit; (2) improve the liquidity of non-System lenders; and (3) diversify geographic and industry concentrations in the loan portfolios of Farm Credit banks and associations. The preamble also pointed out that the chartered territory of an FCS lender does not change when it buys participations in loans that non-System lenders originate

[1] At the time that the FCA received this comment letter, the FCBT had not yet transferred direct lending authority to one of these FLCAs pursuant to section 7.6 of the Act.

[2] The final rule does not affect intra-System loan participations because the originating FCS lender consents when it sells participations in its loans to other FCS institutions.

in the territory of other System lenders. Another passage in the preamble explained that the final rule does not authorize any FCS lender to make loans directly to farmers and ranchers in the chartered territory of other System lenders. The following paragraph in the preamble to the final rule discussed the comments that the FCA received from the public:

> We received over 270 comment letters on the proposed rule. No commenter cited any statutory provision that restricts the authority of System banks and associations to participate in loans outside of their chartered territory. Only one comment letter mentioned the statutory authorities of System institutions to participate in loans.

After the final rule became effective on May 25, 2000, the FCBT and the FLCAs that submitted the joint comment letter (plaintiffs) filed suit against the FCA in the United States District Court for the District of Columbia, seeking a declaration that the final rule was invalid.[3] The plaintiffs claimed the final rule violated the Act and a 1992 amendment thereto, and that the FCA failed to comply with the procedural requirements of the Administrative Procedure Act (APA) when it enacted the final rule.

The plaintiffs raised two procedural arguments. First, they claimed that the FCA failed to respond to their comments in the preamble to the final rule. Their second claim was that the public did not have adequate notice that the FCA would only repeal the out-of-territory notice and consent requirements for loan participations and, therefore, the FCA should have sought additional comment before it enacted the final rule.

On August 21, 2001, the District Court granted the FCA's motion for summary judgment. The District Court ruled that: (1) The FCA adequately responded to the plaintiffs' comments; (2) the final rule was a logical outgrowth of the proposed rule; (3) the final rule complied with the applicable provisions of the Act; and (4) the plaintiffs waived their argument that the final loan participation rule violated the 1992 amendments because they did not raise this argument in their comment letter. *La Fed. Land Bank Ass'n, FLCA* v. *Farm Credit Admin.,* 189 F. Supp. 2d 47, (D.D.C. 2001).

The plaintiffs appealed. On July 29, 2003, the Court of Appeals ruled that the final rule did not violate the Act and the 1992 amendments thereto. *La Fed. Land Bank Ass'n, FLCA* v. *Farm Credit Admin.,* 336 F.3d 1075 (D.C. Cir., 2003). In addition, it denied the plaintiffs' petition to vacate the final rule, stating, ''we think the probability that the [FCA] will be able to justify retaining the [final] rule is sufficiently high that vacatur of the rule is not appropriate.'' *See* 336 F.3d 1075, 1085. The Court of Appeals also affirmed the District Court's finding that the FCA did not need to seek additional public comment before it repealed the notice and consent requirements for out-of-territory participations because the final rule was a logical outgrowth of the proposed rule. However, the Court of Appeals found that: (1) The plaintiffs' comment letter opposed repeal of the notice and consent requirements for both out-of-territory lending and participations; and (2) the FCA was required to address the plaintiffs' comments before enacting the final rule. The Court of Appeals reversed the judgment of the District Court with instructions to remand the matter to the FCA for a response to the plaintiffs' comments.

II. Response to the Plaintiffs

In accordance with the court's ruling, the FCA publishes this notice, which responds to the plaintiffs' joint comment letter. Our response addresses out-of-territory loan participations, which were the subject of both the final rule and the court decisions.

A. Legal Issues

The plaintiffs alleged that: (1) The FCA lacked authority to rescind regulatory restrictions on out-of-territory activities by System lenders; and (2) the proposed rule would violate several provisions of the Act and section 401 of the Farm Credit Banks and Associations Safety and Soundness Act of 1992[4] (1992 amendments). The Court of Appeals decided both of these issues, holding that the FCA had authority under the Act and the 1992 amendments to repeal the pre-existing regulatory notice and consent requirements for out-of-territory loan participations. Accordingly, this response does not recap the plaintiffs' legal arguments, the agency's response, and the Court of Appeals' rulings. The FCA refers interested parties to the Court of Appeals' opinion if they seek a detailed discussion of the legal issues.

B. Policy Issues

In addition to its findings on the above legal issues, the Court of Appeals found that the FCA's ''only error was its failure to explain what seems to be a policy difference with the plaintiffs.'' *Id.* Accordingly, the FCA now responds to the plaintiffs' policy comments. The plaintiffs' comment letter objected to the repeal of notice or consent requirements for out-of-territory activities on policy grounds. The plaintiffs claimed that repeal of regulatory restrictions on out-of-territory activities would have a detrimental impact on both the System and its borrowers. The plaintiffs raised three arguments. Their first argument is that geographic restrictions preserve the cooperative principles, local control, and financial interdependence of the FCS. The second argument is that ending restrictions on out-of-territory activities will introduce intra-System competition that will harm small farmers, ''who are the very people the System is designed to serve.'' The plaintiffs'' final argument is that the proposed rule would not advance any congressionally mandated purpose.

1. Cooperative Principles, Local Control, and Financial Interdependence

The plaintiffs claimed that geographic boundaries reinforce the structure of System institutions, which are credit cooperatives that are owned and controlled by the local farmers who borrow from them. Accordingly, the plaintiffs believe that revoking regulatory restrictions on out-of-territory activities overturns the rights of farmer-owners to make decisions that affect their institution. Another argument that the plaintiffs raised is that allowing FCS institutions to make or participate in loans in the chartered territory of other System lenders without restriction is incompatible with an intra-System financial support structure that depends on joint and several liability and loss-sharing agreements.

The FCA responds that the final rule does not authorize any FCS institution to lend directly to borrowers outside its chartered territory without consent. As a result, the final rule does not change the System's cooperative principles, local control, or financial interdependence. Cooperative principles, borrower stock, voting rights, and borrower rights continue to apply to loans that System institutions make. However, the final rule applies only to participations in loans made by non-System lenders. The borrowers are customers of non-System commercial lenders, not the FCS; therefore, they do not enter into a contractual relationship with any FCS lender. FCS institutions may buy participations in these loans from commercial lenders, but their contractual relationship is with the lead lender, not the borrower. Accordingly, borrower stock, cooperative membership requirements, and borrower rights do not apply. For these

[3] Two FLCAs that signed the joint comment letter merged before litigation.

[4] Pub. L. 102–552, 106 Stat. 4102 (Oct. 28, 1992).

reasons, repeal of the notice and consent requirements for loan participations do not adversely affect cooperative principles and local control of System institutions.

Similarly, the final rule does not threaten the financial interdependence of System institutions. The final rule does not change the Farm Credit banks' statutory joint and several liability, or their lending relationships with their affiliated associations. In addition, the final rule does not bring FCS institutions into competition with each other for direct loans because it applies only to participations in loans that non-System lenders originate. Furthermore, System lenders participated in loans with non-System lenders long before the FCA repealed regulatory notice and consent requirements for out-of-territory participations. Loan participations with non-System lenders have never undermined the System's financial interdependence.

2. Service to Small Farmers

The plaintiffs claimed that removal of restrictions on out-of-territory activities would be detrimental to the ''very people the System is designed to serve,'' especially small farmers and ranchers. More specifically, the plaintiffs alleged that the FCA's proposal would enable the bigger FCS associations to ''cherry pick'' loans to large and profitable farm operations outside their chartered territory, leaving loans to small and struggling farmers to the local association.

First of all, the final rule addresses participations, not direct loans. More importantly, the final rule is not detrimental to small farmers. Nothing in the final rule weakens the System's statutory authority and commitment to serve small farmers. The Act expressly authorizes FCS banks and associations to participate in loans with each other and non-System lenders. Although lenders participate in credits to larger borrowers, loan participations for larger borrowers generate income and portfolio diversification which, in turn, facilitate System lending to small farmers.

3. Benefiting Agriculture

Finally, the plaintiffs' comment letter claimed that rescinding restrictions on out-of-territory activities does not advance any congressionally mandated purpose. The FCA replies that loan participations achieve a congressionally mandated purpose because several provisions of the Act expressly authorize them. Buying out-of-territory loan participations from non-System lenders improves ''the income and well-being of American farmers and ranchers by furnishing sound, adequate, and constructive credit * * * to them,'' which is an objective that Congress established for the System in section 1.1(a) of the Act.

Eliminating territorial restrictions on loan participations promotes cooperation between System and non-System lenders, which ultimately benefits farmers and ranchers. Sound loan participation programs can increase the availability of agricultural credit for farmers and ranchers. System banks and associations can improve the liquidity of non-System lenders by purchasing participations in loans to farmers and ranchers which, in turn, enable non-System lenders to make more agricultural loans. The final rule also enables System lenders to diversify geographic and industry concentrations in loan portfolios by purchasing participations in sound loans made anywhere in the United States. Cooperation between System and non-System lenders benefits America's farmers, ranchers, and rural communities by ensuring a steady flow of agricultural credit in both good and bad economic times. For these reasons, the final rule furthers the goals that Congress set forth in the Act because it advances the System's mission of financing agriculture and rural America.

Dated: July 13, 2004.

Jeanette C. Brinkley,

Secretary, Farm Credit Administration Board.

[FR Doc. 04–16318 Filed 7–16–04; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–18585; Directorate Identifier 2004–NE–28–AD; Amendment 39–13731; AD 2004–14–22]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada PW206B, PW206C, PW206E, PW207D, and PW207E Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Pratt & Whitney Canada (PWC) PW206B engines that have incorporated PWC Service Bulletin (SB) No. 28119, and PW206C, PW206E, PW207D, and PW207E turboshaft engines. This AD requires checking the automatic low-cycle-fatigue (LCF) counting data made by the engine Data Collection Unit (DCU) on installed engines, and validating proper DCU automatic LCF counting before an engine is installed. This AD results from two reports of irregular LCF counting, observed between engines on the same helicopter, during weekly recording of LCF data in the engine log books. We are issuing this AD to prevent critical rotating parts from exceeding published life limits, which could result in uncontained engine failure and possible loss of the helicopter.

DATES: Effective August 3, 2004. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of August 3, 2004.

We must receive any comments on this AD by September 17, 2004.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You can get the service information identified in this AD from Pratt & Whitney Canada, 1000 Marie-Victorin, Longueuil, Quebec, Canada J4G1A1.

You may examine the comments on this AD in the AD docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7178; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: Transport Canada (TC), which is the airworthiness authority for Canada, recently notified us that an unsafe condition may exist on PWC PW206B engines that have incorporated PWC SB No. 28119, and PW206C, PW206E, PW207D, and PW207E turboshaft engines. Transport Canada advises that two reports of

irregular LCF counting were observed between engines on the same helicopter, during weekly recording of LCF data in the engine log books. PWC investigated and confirmed that irregular DCU LCF count recordings can occur, registering above and below the LCF count data of a paired reference engine. LCF cycle count data is used to track life-limited critical rotating parts. Pratt & Whitney Canada determined that cycle counting history by the DCU becomes corrupted if system electrical power is shut off before the completion of data transfer. Data transfer occurs after engine shutdown, as the compressor revolutions per minute (rpm) decelerates through 20% speed. Operators must verify the DCU data each week as described in the maintenance manual. However, some operators have not been verifying this data. This condition causes potential for some life limited rotating parts to be close to or even beyond the currently approved published life limits.

Relevant Service Information

We have reviewed and approved the technical contents of PWC Alert Service Bulletin (ASB) No. PW200–72–A28252, Revision 2, dated March 11, 2004. That ASB describes procedures to compare the LCF counting data recorded by the DCU to the data recorded in the engine log books. We have also reviewed and approved the technical contents of PWC service bulletin (SB) No. PW200–72–28253, dated February 12, 2004, that describes procedures for validating proper DCU automatic LCF counting before an engine is installed. Transport Canada classified these SBs as mandatory and issued AD No. CF–2004–06, dated March 31, 2004, in order to ensure the airworthiness of these PWC engines in Canada.

Bilateral Airworthiness Agreement

These PWC PW206B, PW206C, PW206E, PW207D, and PW207E turboshaft engines are manufactured in Canada and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral airworthiness agreement, Transport Canada has kept the FAA informed of the situation described above. We have examined the findings of Transport Canada, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other PWC PW206B, PW206C, PW206E, PW207D, and PW207E turboshaft engines of the same type design. We are issuing this AD to prevent critical rotating parts from exceeding published life limits, which could result in uncontained engine failure and possible loss of the helicopter. This AD requires a Comparison Check and a Consistency Check of the automatic LCF counting data made by the engine DCU on installed engines, at the following:

- For engines with impeller and or compressor turbine (CT) disks and or power turbine (PT) disks having fewer than 2,000 cycles life limit remaining on the effective date of the AD; within the next 50 engine flight hours or two months, whichever occurs first, after the effective date of this AD; and
- For engines with impeller and or CT disks and or PT disks having from 2,000 to 5,000 cycles life limit remaining on the effective date of the AD; within the next 200 engine flight hours or three months, whichever occurs first, after the effective date of this AD; and;
- For engines with impeller and or CT disks and or PT disks having more than 5,000 cycles life limit remaining on the effective date of the AD; within the next 500 engine flight hours or four months, whichever occurs first, after the effective date of this AD.

This AD also requires validating proper DCU automatic LCF counting before an engine is installed. You must use the service information described previously to perform the actions required by this AD.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Docket Management System (DMS)

We have implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, we posted new AD actions on the DMS and assigned a DMS docket number. We track each action and assign a corresponding Directorate identifier. The DMS docket No. is in the form ''Docket No. FAA–200X–XXXXX.'' Each DMS docket also lists the Directorate identifier (''Old Docket Number'') as a cross-reference for searching purposes.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES.** Include ''AD Docket No. FAA–2004–18585; Directorate Identifier 2004–NE–28–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the DMS Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is clear, and your suggestions to improve the clarity of our communications with you. You can get more information about plain language at *http://www.faa.gov/language* and *http://www.plainlanguage.gov.*

Examining the AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES.** Comments will be available in the AD docket shortly after the DMS receives them.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that the regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2004–14–22 Pratt & Whitney Canada: Amendment 39–13731. Docket No. FAA–2004–18585; Directorate Identifier 2004–NE–28–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective August 3, 2004.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Pratt & Whitney Canada (PWC) PW206B engines that have incorporated PWC Service Bulletin (SB) No. 28119, and PW206C, PW206E, PW207D, and PW207E turboshaft engines. These engines are installed on, but not limited to, Augusta 109E, Bell 427, Eurocopter EC135, and MD Explorer helicopters.

Unsafe Condition

(d) This AD results from two reports of irregular LCF counting observed between engines on the same helicopter, during weekly recording of LCF data in the engine log books. We are issuing this AD to prevent critical rotating parts from exceeding published life limits, which could result in uncontained engine failure and possible loss of the helicopter.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

Confirmation of Data Collection Unit (DCU) Properly Collecting Engine Low-Cycle-Fatigue (LCF) Data, and Confirmation of Engine LCF Count Values

(f) To confirm that the data stored in the DCU is correct and that the data recorded in the engine log books is correct, do a Comparison Check and a Consistency Check as specified in paragraphs (g) and (h) of this AD, within the following compliance requirements:

(1) For engines with impeller and or compressor turbine (CT) disks and or power turbine (PT) disks having fewer than 2,000 cycles life limit remaining on the effective date of this AD, do a Comparison Check and a Consistency Check within the next 50 engine flight hours or two months, whichever occurs first, after the effective date of this AD; and

(2) For engines with impeller and or CT disks and or PT disks having from 2,000 to 5,000 cycles life limit remaining on the effective date of this AD; do a Comparison Check and a Consistency Check within the next 200 engine flight hours or three months, whichever occurs first, after the effective date of this AD; and

(3) For engines with impeller and or CT disks and or PT disks having more than 5,000 cycles life limit remaining on the effective date of this AD; do a Comparison Check and a Consistency Check within the next 500 engine flight hours or four months, whichever occurs first, after the effective date of this AD.

Comparison Check

(g) Do a Comparison Check of the data stored by the DCU using paragraph 3.C of PWC Alert Service Bulletin (ASB) No. PW200–72–28252, Revision 2, dated March 11, 2004. Interpret the results of the Comparison Check using paragraphs 3.C.9.a. and 3.C.9.b. of PWC ASB No. PW200–72–28252, Revision 2, dated March 11, 2004. If necessary, restore baseline LCF life of components using manual counting using paragraph 3.E of PWC ASB No. PW200–72–28252, Revision 2, dated March 11, 2004.

Consistency Check

(h) Do a Consistency Check by reviewing the engine log books to confirm the impeller, CT, and PT disks LCF counts are correct using paragraph 3.D. of PWC ASB No. PW200–72–28252, Revision 2, dated March 11, 2004.

(1) Interpret the results using paragraphs 3.D.5 and 3.D.6 of PWC ASB No. PW200–72–28252, Revision 2, dated March 11, 2004.

(2) If necessary, restore the baseline LCF life of components using manual counting as indicated in paragraph 3.E. of PWC ASB No. PW200–72–28252, Revision 2, dated March 11, 2004.

Components Exceeding Published Life Limit

(i) Before further flight, replace any impeller, CT, or PT disk that exceeds its published life limit.

Validating Proper DCU Automatic LCF Counting Before an Engine Is Installed

(j) Before an engine is installed, validate the proper DCU automatic LCF counting using the checks in paragraphs (g) and (h) of this AD and using paragraphs 3A. through 3.A.(21)(a)15 of PWC Service Bulletin (SB) No. PW200–72–28253, dated February 12, 2004.

Previous Credit

(k) Previous credit is allowed for Comparison Checks and Consistency Checks that were done in accordance with the Original, Revision 1, or Revision 2 of PW ASB No. PW200–72–A28252, before the effective date of this AD.

Alternative Methods of Compliance

(l) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(m) You must use the Pratt & Whitney Canada service information specified in Table 1 to perform the checks required by this AD. The Director of the Federal Register approved the incorporation by reference of the documents listed in Table 1 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from Pratt & Whitney Canada, 1000 Marie-Victorin, Longueuil, Quebec, Canada J4G1A1; or at 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.*

TABLE 1.—INCORPORATION BY REFERENCE

Service bulletin No.	Page	Revision	Date
PW200–72–A28252 Total Pages: 11	ALL	2	March 11, 2004.
PW200–72–28253 Total Pages: 10	ALL	Original	February 12, 2004.

Related Information

(n) Transport Canada airworthiness directive No. CF–2004–06, dated March 31, 2004, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on July 7, 2004.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 04–16005 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–201–AD; Amendment 39–13732; AD 2004–14–23]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319–111, –112, –113, and –114; A320–111, –211, –212, and –214; and A321–111, –112, and –211 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A319, A320, and A321 series airplanes, that requires a one-time inspection to identify the serial number of the actuator of the thrust reverser blocker door, and corrective action if necessary. This action is necessary to prevent inadvertent deployment of the thrust reverser door, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective August 23, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from Rohr, Inc., 850 Lagoon Drive, Chula Vista, California 91910–2098. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the 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 FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: We proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes. That proposed AD was published in the **Federal Register** on March 11, 2004 (69 FR 11547). That action proposed to require a one-time inspection to identify the serial number of the actuator of the thrust reverser blocker door, and corrective action if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. We have given due consideration to the comments received.

Support for the Proposed AD

The manufacturer concurs with the content of the proposed AD. The Air Transport Association (ATA) of America, on behalf of its members, reports that the members generally support the intent of the rulemaking.

Request to Revise Proposed Requirements

One commenter suggests that the proposed AD be revised to reidentify the part number of the suspect actuators after rework, to help ensure compliance with the AD. Rohr CFM56–5A/–5B Service Bulletin RA32078–112, described in the proposed AD, specifies marking the label plate of the actuator with the numeral ''2'' to indicate completion of the actions in the service bulletin. The commenter, however, finds this a vague and confusing way to track compliance with an AD. The commenter adds that, in most cases, compliance with an AD involves changing the part number of the component in question.

We disagree with the request. We find that the addition of the numeral ''2'' to the label plate will adequately distinguish affected and reworked parts. No change is necessary to the final rule in this regard.

Request to Revise Compliance Time

This same commenter (an operator) requests that the proposed AD be revised to allow 100 flight hours to replace any discrepant actuator. (The proposed AD would require replacement before further flight.) According to the commenter, requiring immediate replacement would result in a limited number of airplanes that could be inspected at one time and a limited number of maintenance stations available to do the work, whereas the requested extension of time would allow operators to inspect multiple airplanes at multiple maintenance stations simultaneously. The commenter reports that the spare actuators are typically available at only one or two maintenance stations. The commenter states that, in light of the proposed compliance time to inspect (up to 7,000 flight cycles since the last overhaul), an additional 100 flight hours to replace the actuator would not adversely affect safety. (The commenter does not provide further support for the previous statement.)

We do not agree with the commenter's request to allow temporary flight with known discrepant actuators—without interim measures in place to ensure the continued operational safety of these airplanes. As a matter of law, to be airworthy an airplane must be in a condition for safe operation. Immediate replacement of a discrepant actuator is therefore required to correct the unsafe condition and ensure that the airplane is operated in an airworthy condition, as required by the Federal Aviation Regulations. The compliance time for the inspection specified in paragraph (b) of this AD should allow operators ample time to schedule both the inspection and any necessary corrective action at

the same time. The proposed AD, issued in March 2004, advised affected operators of our plans to require the inspections and corrective action; the service bulletin cited in that NPRM has been available since February 2002. Therefore, we find that operators have had sufficient time to incorporate the required and conditional actions into their individual maintenance plans. However, according to the provisions of paragraph (e) in this final rule, we might approve requests to allow flight for an interim period if the request includes data or interim procedures that would ensure that an acceptable level of safety would be maintained. We have not changed the final rule regarding this issue.

Conclusion

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

Cost Impact

We estimate that 551 airplanes of U.S. registry will be affected by this AD. It will take about 4 work hours per airplane to identify the actuator part numbers, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $143,260, or $260 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

2004–14–23 Airbus: Amendment 39–13732. Docket 2002–NM–201–AD.

Applicability: Model A319–111, –112, –113, and –114; A320–111, –211, –212, and –214; and A321–111, –112, and –211 series airplanes; certificated in any category; powered by CFM56–5A or –5B engines having any thrust reverser blocker door actuator part number D23090000–6.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent deployment of the thrust reverser door, which could result in reduced controllability of the airplane, accomplish the following:

Repair History

(a) If, from a review of the maintenance records, it can be positively determined that the thrust reverser blocker door actuator was never overhauled by ''TRW—Lucas Repair Center—Englewood, New Jersey,'' then no further work is required by this AD.

Inspection

(b) Before the actuator of the thrust reverser blocker door accumulates 7,000 total flight cycles since its last overhaul, or within 500 flight hours after the effective date of this AD, whichever occurs later: Do a general visual inspection to identify the part number and serial number of the actuator, in accordance with Rohr CFM56–5A/–5B Service Bulletin RA32078–112, Revision 1, dated February 6, 2002. Look for affected serial numbers as listed in paragraph 1.A(1) of the service bulletin.

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

(1) If no affected serial number is found, no more work is required by this paragraph.

(2) If any affected serial number is found: Before further flight after doing the inspection required by paragraph (b) of this AD, replace the affected actuator with a new or reworked part in accordance with the service bulletin.

(c) An inspection and rework done before the effective date of this AD in accordance with Rohr CFM56–5A/–5B Service Bulletin RA32078–112, dated October 22, 2001, is acceptable for compliance with the applicable requirements of this AD.

Parts Installation

(d) As of the effective date of this AD, no person may install, on any airplane, an actuator of the thrust reverser blocker door having a part number and serial number listed in paragraph 1.A.(1) of Rohr CFM56–5A/–5B Service Bulletin RA32078–112, Revision 1, dated February 6, 2002, unless the actuator has been reworked in accordance with the service bulletin.

Alternative Methods of Compliance

(e) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(f) Unless otherwise specified in this AD, the actions must be done in accordance with Rohr CFM56–5A/–5B Service Bulletin RA32078–112, Revision 1, dated February 6, 2002. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Rohr, Inc., 850 Lagoon Drive, Chula Vista, California 91910–2098. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at 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.

Note 2: The subject of this AD is addressed in French airworthiness directive 2002–337(B) R1, dated July 24, 2002.

Effective Date

(g) This amendment becomes effective on August 23, 2004.

Issued in Renton, Washington, on July 1, 2004.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–16004 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2004–NM–48–AD; Amendment 39–13734; AD 2004–14–25]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 series airplanes, that requires installing a lightning bonding jumper from the lower rotating beacon to the airframe. This action is necessary to prevent possible multiple avionics failures caused by a lightning strike, which could reduce the ability of the flightcrew to control the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective August 23, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), PO Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the 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 FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer; International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–120 series airplanes was published in the **Federal Register** on April 29, 2004 (69 FR 23456). That action proposed to require installing a lightning bonding jumper from the lower rotating beacon to the airframe.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments have been submitted on the proposed AD or on the determination of the cost to the public.

Conclusion

After careful review of the available data, we have determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

We estimate that 217 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $65 per work hour. Required parts will cost approximately $134 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $71,393, or $329 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

2004–14–25 Empresa Brasileira De Aeronautica S.A. (EMBRAER): Amendment 39–13734. Docket 2004–NM–48–AD.

Applicability: Model EMB–120 series airplanes, serial numbers 120004, and 120006 through 120359 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent possible multiple avionics failures caused by a lightning strike, which could reduce the ability of the flightcrew to control the airplane, accomplish the following:

(a) Within 4,000 flight hours or 30 months after the effective date of this AD, whichever comes first: Install a lightning bonding

jumper from the lower rotating beacon to the airframe in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 120–33–0037, dated November 5, 2003.

Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(c) The actions shall be done in accordance with EMBRAER Service Bulletin 120–33–0037, dated November 5, 2003. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at 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.*

Note 1: The subject of this AD is addressed in Brazilian airworthiness directive 2004–01–06, dated February 5, 2004.

Effective Date

(d) This amendment becomes effective on August 23, 2004.

Issued in Renton, Washington, on July 8, 2004.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–16033 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–81–AD; Amendment 39–13733; AD 2004–14–24]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 series airplanes, that currently requires measuring the gap between the bellcrank and the body of the rotary variable inductive transducers (RVITs) of the aileron and elevator, performing corrective action if necessary, and torquing the bolt that attaches the bellcrank to the RVIT shaft. This amendment requires replacing the aileron and elevator RVIT bellcranks with new, improved bellcranks. The actions specified by this AD are intended to prevent restricted movement of the aileron or elevator, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective August 23, 2004.

The incorporation by reference of EMBRAER Service Bulletin 120–31–0046, Revision 01, dated December 27, 2002, as listed in the regulations, is approved by the Director of the Federal Register as of August 23, 2004.

The incorporation by reference of EMBRAER Alert Service Bulletin 120–31–A046, dated July 13, 2001, as listed in the regulations, was approved previously by the Director of the Federal Register as of August 27, 2001 (66 FR 43076, August 17, 2001).

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), PO. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the 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 FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2001–17–01, amendment 39–12392 (66 FR 43076, August 17, 2001), which is applicable to certain Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 series airplanes, was published in the **Federal Register** on May 3, 2004 (69 FR 24105). The action proposed to require replacing the aileron and elevator RVIT bellcranks with new, improved bellcranks.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 201 Model EMB–120 series airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 2001–17–01 take approximately 1 or 2 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be between $13,065 and $26,130; or between $65 and $130 per airplane.

The new actions that are required by this new AD will take approximately 1 or 2 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Required parts will cost approximately $810 per airplane. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be between $175,875 and $188,940; or between $875 and $940 per airplane.

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

Regulatory Impact

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

have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by removing amendment 39–12392 (66 FR 43076, August 17, 2001), and by adding a new airworthiness directive (AD), amendment 39–13733, to read as follows:

2004–14–24 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–13733. Docket 2003–NM–81–AD. Supersedes AD 2001–17–01, Amendment 39–12392.

Applicability: Model EMB–120 series airplanes, certificated in any category; with serial numbers 120004 and 120006 through 120355 inclusive; that have been modified in accordance with EMBRAER Service Bulletin 120–31–0039, 120–31–0040, 120–31–0041, or 120–31–0042.

Compliance: Required as indicated, unless accomplished previously.

To prevent restricted movement of the aileron or elevator, which could result in reduced controllability of the airplane, accomplish the following:

Restatement of the Requirements of AD 2001–17–01: Inspection and Corrective Action, if Necessary

(a) Within 50 flight hours after August 27, 2001 (the effective date of AD 2001–17–01, amendment 39–12392), measure the gap between the bellcrank and the body of the rotary variable inductive transducers (RVITs) of the elevator and aileron, in accordance with EMBRAER Alert Service Bulletin 120–31–A046, dated July 13, 2001.

(1) If the gap is within the limits specified by the alert service bulletin: Prior to further flight, tighten the bolt that attaches the bellcrank to the RVIT shaft to a torque of 40–45 inch pounds, in accordance with the alert service bulletin.

(2) If the gap is not within the limits specified by the alert service bulletin: Prior to further flight, accomplish all applicable corrective actions (including inspecting to detect damage of the connecting rod, replacing any damaged rod with a new rod having the same part number, and adjusting the gap between the bellcrank and the RVIT body), and tighten the bolt that attaches the bellcrank to the RVIT shaft to a torque of 40–45 inch pounds; in accordance with the alert service bulletin.

New Actions Required by This AD: Corrective Action

(b) Within 4,000 flight hours after the effective date of this AD: Replace the aileron and elevator RVIT bellcranks having part number (P/N) 123–82549–007 or P/N 123–82549–009, as applicable, with new, improved bellcranks having P/N 145–51146–001 or P/N 145–51147–001, respectively, in accordance with Paragraph 2.8 of the Accomplishment Instructions of EMBRAER Service Bulletin 120–31–0046, Revision 01, dated December 27, 2002.

(c) Replacement of the bellcranks accomplished before the effective date of this AD per EMBRAER Service Bulletin 120–31–0046, dated February 20, 2002, are considered acceptable for compliance with the corresponding action specified in this AD.

Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(e) The actions shall be done in accordance with EMBRAER Service Bulletin 120–31–0046, Revision 01, dated December 27, 2002; and EMBRAER Alert Service Bulletin 120–31–A046, dated July 13, 2001; as applicable.

(1) The incorporation by reference of EMBRAER Service Bulletin 120–31–0046, Revision 01, dated December 27, 2002, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of EMBRAER Alert Service Bulletin 120–31–A046, dated July 13, 2001, was approved previously by the Director of the Federal Register as of August 27, 2001 (66 FR 43076, August 17, 2001).

(3) Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at 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.*

Note 1: The subject of this AD is addressed in Brazilian airworthiness directive 2001–07–01R1, dated February 10, 2003.

Effective Date

(f) This amendment becomes effective on August 23, 2004.

Issued in Renton, Washington, on July 8, 2004.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–16032 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 742, 748, 770, and 774

[Docket No. 031202303–3303–01]

RIN 0694–AC75

Revisions of Export Licensing Jurisdiction of Certain Types of Energetic Material and Other Chemicals Based on Review of the United States Munitions List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the Export Administration Regulations (EAR) to implement decisions to move export licensing jurisdiction of certain types of energetic materials and other chemicals from the Department of State, Directorate of Defense Trade Controls (DTC), to the Department of Commerce, Bureau of Industry and Security (BIS), and to move such jurisdiction for other chemicals from BIS to DTC.

DATES: This rule is effective July 19, 2004.

FOR FURTHER INFORMATION CONTACT: Robert Teer at (202) 482–4749 for questions concerning changes to Export Control Classification Numbers (ECCN) 1C018 and 1C992; Steve Clagett (202) 482–1461 for questions concerning coverage of guanidine nitrate or nitroguanidine under ECCN 1C011; Joan Roberts (202) 482–4252 for questions concerning the coverage of liquid pepper in ECCN 1A984; Scott Hubinger at (202) 482–5223, for questions concerning changes to ECCNs 1C350, 1C355, and 1C395, and related changes in parts 742 and 770; and William Arvin

at (202) 482–2440 for other questions about this rule.

SUPPLEMENTARY INFORMATION:

Background

This rule, along with a complementary rule published by the Department of State (67 FR 70839, November 27, 2002) (hereinafter ''November 27 rule''), implements decisions reached in an ongoing review of the United States Munitions List (USML) that is part of the Defense Trade Security Initiative. That initiative, announced on May 24, 2000 at a NATO ministerial meeting by the Secretary of State, includes annual review of portions of the USML with the objective of reviewing the entire list every four years. This rule adds some chemicals formerly on the USML to the Export Administration Regulations (EAR) and removes from the EAR other chemicals that were added to the USML by the November 27 rule.

This rule adds to the Commerce Control List (CCL) the following chemicals: chloropicrin; propyleneimine (2-methylaziridine) (CAS 75–55–8); liquid pepper, except when packaged in individual containers of 3 ounces (85.05 grams) or less; and oxidizers and mixtures thereof that are compounds composed of fluorine and one or more of the following—other halogens, oxygen, or nitrogen. In addition, three chemicals that were removed from the USML by the November 27 rule are not being added to the CCL because they were already listed thereon. Those chemicals are fluorine, guanidine nitrate, and nitroguanidine. This rule removes from the CCL: 0-ethyl-2-diisopropyl aminoethyl methylphosphonite (QL), ethyl phosphonyl difluoride, methylphosphonyl difluoride (DF), methyl phosphonous dichloride, methylphosphinyl difluoride, and methylphosphonyl dichloride because the November 27 rule placed them on the USML.

This rule also replaces the phrase ''Office of Defense Trade Controls'' with ''Directorate of Defense Trade Controls'' in several places to reflect the name change of that organization and revises the references to Libya and Syria in the License Requirements section of ECCN 1C350 to reflect the current provisions of the EAR that address export controls that apply to those countries.

The specific descriptions of the changes to the EAR made by this rule are as follows.

Chemicals Transferred from the United States Munitions List to the Commerce Control List

This rule adds chloropicrin to ECCN 1C355 by creating a new paragraph (b.1.d) in the List of Items Controlled section of that entry. This action imposes a reexport license requirement on chloropicrin that is subject to the EAR when reexported from one country that is not a party to the Chemical Weapons Convention (Convention) to another country not a party to the Chemical Weapons Convention, and when exported from the United States to a country not a party to the Convention if the exporter has not received an End Use Certificate issued by the importing country. This rule also imposes a license requirement for antiterrorism reasons for exports and reexports of chloropicrin to a limited number of destinations. The imposition of this control is described in a report to Congress on July 2, 2004. This rule removes a reference to chloropicrin as being under the export license jurisdiction of DTC in the Related Controls paragraph of the List of Items controlled section of ECCN 1C355. This rule also removes and reserves paragraph (.b.3) from ECCN 1C355 because the mixtures containing chloropicrin described therein are subsumed in the new paragraph (b.1.d.)

This rule adds propyleneimine (2-methylaziridine) (CAS 75–55–8) to ECCN 1C018 by adding a new paragraph (l) to the List of Items Controlled section of ECCN 1C018. This rule adds oxidizers and mixtures thereof that are compounds composed of fluorine and one or more of the following: other halogens, oxygen, or nitrogen to ECCN 1C018 by adding a new paragraph (m) to that entry and by adding ''MT column 1'' as a reason for control applicable only to the items covered by the new paragraph (m) because these oxidizers are listed on both the Missile Technology Control Regime (MTCR) Annex and the Munitions List maintained by the Wasssenaar Arrangement. A note to new paragraph 1C018.m excludes nitrogen trifluoride (NF_3) in a gaseous state and refers readers to 1C992. Another note to that paragraph excludes chlorine triflouride (ClF_3) from national security controls. Cross references are added to the ''Related Controls'' paragraphs of ECCN 1C018 and ECCN 1C238 to alert readers that both entries impose controls on ClF_3. The addition of the oxidizers and mixtures to new paragraph 1C018.m is a new foreign policy control requiring a report to Congress. The report was delivered to Congress on July 2, 2004.

This rule also adds language to the ''Related Controls'' paragraph of ECCN 1C111 to notify readers that oxidizers and mixtures thereof that are compounds composed of fluorine and one or more of other halogens, oxygen, or nitrogen, are controlled under ECCN 1C018.

This rule also amends the heading of ECCN 1C018 to add ''and Certain Chemicals as follows (*See* List of Items Controlled)'' because the chemicals added by this rule are controlled by that entry regardless of whether they are incorporated into a commercial charge or device. This rule also adds paragraph references to the Related Controls paragraph of ECCN 1C018 to clarify for the reader which paragraphs in those related ECCNs describe commercial charges and devices containing USML controlled materials, and which do not. USML controlled materials, when not incorporated into the charges and devices described in the paragraphs of those ECCNs, remain on the USML. However, the chemicals being added to those ECCNs by this rule are subject to the EAR unless they are incorporated into an item on the USML. This rule adds a sentence to the Related Controls paragraph of ECCN 1C018 to alert readers to that fact. This rule also corrects the citations to the USML at several places in both of those entries. This rule also imposes a license requirement on the chemicals that it adds to ECCN 1C018 for antiterrorism reasons to some destinations. The antiterrorism controls imposed by these changes are in a report submitted to Congress on July 2, 2004.

A note is added to ECCN 1C018 providing that when a chemical in paragraphs .1 or .m of ECCN 1C018 is incorporated into a commercial charge or device described in paragraphs .a through .k of ECCN 1C018 or of ECCN 1C992, the item is classified as the commercial charge or device.

The November 27 rule also removed liquid pepper from the USML. This rule adds liquid pepper, except when in individual containers with net weight of 3 ounces (85.05 grams) or less, to ECCN 1A984. This addition is a new foreign policy control requiring a report to Congress. The report was delivered to Congress on July 2, 2004.

This rule also revises the heading and list of items controlled paragraph in ECCN 1C992 to add nitrogen trifluoride in a gaseous state. It also adds a reference to 1C018 to the related controls paragraph of 1C992 alerting readers to the fact that nitrogen trifluoride when not in a gaseous state is controlled by 1C018.

Chemicals Removed From the USML That Are Not Being Added to the CCL

The November 27 rule published by the Department of State removed fluorine, guanidine nitrate, and nitroguanidine from the USML. These chemicals were already listed on the CCL prior to the publication of this rule. Guanidine nitrate and nitroguanidine will continue to be covered by ECCN 1C011 paragraphs .c and .d, which impose a license requirement to all destinations except Canada. Fluorine will continue to be subject to ECCN 1C999, which imposes a license requirement to North Korea.

Chemicals Transferred From the Commerce Control List to the United States Munitions List

This rule removes 0-ethyl-2-diisopropyl aminoethyl methylphosphonite (QL), ethyl phosphonyl difluoride, and methyl phosphonyl difluoride (DF), from the CCL by removing and reserving paragraph (a) in the ''List of Items Controlled'' section of ECCN 1C350. This rule also removes methylphosphonous dichloride, methylphosphonous difluoride, and methylphosphonyl dichloride from the Commerce Control List by removing and reserving subparagraphs (b.15) (b.16) and (b.17) in the List of Items Controlled section of ECCN 1C350. These six chemicals are now on the USML.

This rule removes references to ECCN 1C350.a from the following: paragraph (a)(2)(i)(A) of § 742.2; paragraphs (a)(1), (b)(1)(i), (b)(1)(ii), and (b)(1)(iii) of § 742.18; paragraph (q) of part 748, Supplement No. 2; the Reason for Control and License Requirements Notes paragraphs of the License Requirements section of ECCN 1C350; the Related Controls paragraph of the License Requirements section of 1C395; and the Related Controls Paragraph of the List of Items Controlled section of ECCN 1C995.

This rule removes the following references to chemicals that are now subject to the licensing jurisdiction of DTC and no longer subject to the licensing control of BIS. References to methylphosphonyl difluoride are removed from paragraphs (1), (4) and (8) and methylphosphonyl dichloride is removed from paragraph (8) of part 742, Supplement No. 1, which deals with contract sanctity dates. References to 0-ethyl-2-diisopropyl aminoethyl methylphosphonite (QL), ethyl phosphonyl difluoride, methyl phosphonyl difluoride (DF), methylphosphonous dichloride, methylphosphonous difluoride, and methylphosphonyl dichloride and their synonyms are removed from paragraph (k) of § 770.2, which provides alternative names for chemicals subject to ECCN 1C350.

Conforming Changes to ECCN 1C350

In the ''License Requirements'' section of ECCN 1C350, this rule replaces the reference to part 742 of the EAR as the source of information about antiterrorism controls that apply to Syria with a reference to Supplement No. 1 to part 736. It also replaces the reference to part 746 as the source of information about antiterrorism controls that apply to Libya with a reference to part 742. These changes are being made to make this ECCN conform to recently published rules about Libya (69 FR 23626, April 29, 2004) and a general order implementing the Syria Accountability and Lebanese Sovereignty Act (69 FR 26766, May 14, 2004).

Savings Clause

Items that this rule transfers to BIS export licensing jurisdiction, and that have been authorized for export or reexport pursuant to a license issued by DTC, may be exported or reexported in accordance with the terms of that license until that license expires. Items that this rule removes from BIS licensing that have been authorized for export or reexport pursuant to a license issued by BIS may be exported or reexported in accordance with the terms of that license until that license expires. Items that will require an export or reexport license from BIS upon publication of this rule and that, prior to publication of this rule, were eligible for export or reexport under a License Exception or with no license required (NLR) may be exported or reexported under those conditions if they are on dock for loading, on lighter, laden aboard an exporting carrier or en route aboard a carrier to a port of export on August 2, 2004, pursuant to actual orders for export to a specific destination, and actually are exported from the United States or reexported from another country before August 16, 2004. Any such items not actually exported or reexported before midnight August 16, 2004 may be exported or reexported only if authorized by BIS.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by the OMB under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748 . Miscellaneous and recordkeeping activities account for 12 minutes per submission. Burden hours associated with the Paperwork Reduction Act and Office and Management and Budget control number 0694–0088 are not impacted by this regulation. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to David Rostker, OMB Desk Officer, by e-mail at *david_rostker@omb.eop.gov* or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to William Arvin, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, Room H2705, Washington, DC 20230.

List of Subjects

15 CFR Parts 742, 770 and 774

Exports, Foreign trade.

15 CFR Part 748

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble parts 742 and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 742—[AMENDED]

■ 1. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of October 29, 2003, 68 FR 62209, 3 CFR, 2003 Comp., p. 347; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 2. In § 742.2 revise paragraph (a)(2)(i)(A) to read as follows:

§ 742.2 Proliferation of chemical and biological weapons.

(a) * * * * *

(2) * * *

(i) * * *

(A) This license requirement includes chemical mixtures identified in ECCN 1C350.b, .c, or .d, except as specified in License Requirements Note 2 to that ECCN.

* * * * *

■ 3. In § 742.18 revise paragraph (a)(1), the introductory text of paragraphs (b)(1)(i), and paragraphs (b)(1)(ii) and (b)(1)(iii) to read as follows:

§ 742.18 Chemical Weapons Convention (CWC or Convention).

* * * * *

(a) *License requirements.* (1) *Schedule 1 chemicals and mixtures controlled under ECCN 1C351.* A license is required for CW reasons to export or reexport Schedule 1 chemicals controlled under ECCN 1C351.d.5 or d.6 to all destinations including Canada. CW applies to 1C351.d.5 for ricin in the form of Ricinus Communis $Agglutinin_{II}$ (RCA_{II}), which is also known as ricin D or Ricinus Communis $Lectin_{III}$ (RCL_{III}), and Ricinus Communis $Lectin_{IV}$ (RCL_{IV}), which is also known as ricin E. CW applies to 1C351.d.6 for saxitoxin identified by C.A.S. #35523–89–8. (Note that the advance notification procedures and annual reporting requirements described in § 745.1 of the EAR also apply to exports of Schedule 1 chemicals.)

* * * * *

(b) *Licensing Policy.* (1) *Schedule 1 chemicals and mixtures.* (i) *Exports to States Parties to the CWC.* Applications to export Schedule 1 Chemicals controlled under ECCN 1C351.d.5 or .d.6 to States Parties to the CWC (destinations listed in Supplement No. 2 to part 745 of the EAR) generally will be denied, unless all of the following conditions are met:

* * * * *

(ii) *Exports to States not Party to the CWC.* Applications to export Schedule 1 chemicals controlled under ECCN 1C351.d.5 or .d.6 to States not Party to the CWC (destinations *not* listed in Supplement No. 2 to part 745 of the EAR) generally will be denied, consistent with U.S. obligations under the CWC to prohibit exports of these chemicals to States not Party to the CWC.

(iii) *Reexports.* Applications to reexport Schedule 1 chemicals controlled under ECCN 1C351.d.5 or .d.6 generally will be denied to all destinations (including both States Parties to the CWC and States not Party to the CWC).

* * * * *

■ 4. In Supplement No. 1 to part 742—Nonproliferation of Chemical and Biological Weapons—revise paragraphs (1), (4) and (8) to read as follows:

SUPPLEMENT NO. 1 TO PART 742—NONPROLIFERATION OF CHEMICAL AND BIOLOGICAL WEAPONS

* * * * *

(1) The contract sanctity date for exports to Iran or Syria of dimethyl methylphosphonate, phosphorous oxychloride, thiodiglycol, dimethylamine hydrochloride, dimethylamine, ethylene chlorohydrin (2-chloroethanol), and potassium fluoride is April 28, 1986.

* * * * *

(4) The contract sanctity date for exports to Iran of dimethyl methylphosphonate, phosphorus oxychloride, and thiodiglycol is February 22, 1989.

* * * * *

(8) The contract sanctity date for exports to all destinations (except Iran, Libya or Syria) of chemicals controlled by ECCN 1C350 is March 7, 1991, except for applications to export the following chemicals: 2-chloroethanol, dimethyl methylphosphonate, dimethyl phosphite (dimethyl hydrogen phosphite), phosphorus oxychloride, phosphorous trichloride, thiodiglycol, thionyl chloride triethanolamine, and trimethyl phosphite. (See also paragraphs (6) and (7) of this Supplement.) For exports to Iran, Libya or Syria, see paragraphs (1) through (6) of this Supplement.

* * * * *

SUPPLEMENT NO. 2 TO PART 748—[AMENDED]

■ 5. The authority citation for 15 CFR part 748 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 6. In Supplement No. 2 to part 748—Unique License Application Requirements, revise paragraph (q) to read as follows:

SUPPLEMENT NO. 2 TO PART 748—UNIQUE LICENSE APPLICATION REQUIREMENTS

* * * * *

(q) *Chemicals controlled for CW reasons under ECCN 1C350.* In addition to any supporting documentation required by part 748, you must also obtain from your consignee an End-Use Certificate for the export of chemicals controlled for CW reasons by ECCN 1C350 to non-States Parties (destinations not listed in Supplement No. 2 to part 745 of the EAR). See § 745.2 of the EAR. In addition to the End-Use Certificate, you may still be required to obtain a Statement by Ultimate Consignee and Purchaser (Form BIS–711P) as support documentation. Consult §§ 748.9 and 748.11 of the EAR.

* * * * *

PART 770—[AMENDED]

■ 7. The authority citation for 15 CFR part 770 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 8. In § 770.2, remove and reserve paragraphs (k)(20), (24), (28), (29), (30), and (31).

SUPPLEMENT NO. 1 TO PART 774—[AMENDED]

■ 9. The authority citation for 15 CFR part 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42

U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 10. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins—Export Control Classification Number 1A984, revise the heading to read as follows:

1A984 Chemical agents, including tear gas formulation containing 1 percent or less of orthochlorobenzalmalononitrile (CS), or 1 percent or less of chloroacetophenone (CN) except in individual containers with a net weight of 20 grams or less; liquid pepper except when packaged in individual containers with a net weight of 3 ounces (85.05 grams) or less; smoke bombs; non-irritant smoke flares, canisters, grenades and charges; and other pyrotechnic articles having dual military and commercial use.

* * * * *

■ 11. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins—Export Control Classification Number 1C018, revise the heading, Reason for Control paragraph in the License Requirements section and the Related Controls, Related Definitions, and Items paragraphs in the List of Items Controlled section to read as follows:

1C018 Commercial charges and devices containing energetic materials on the International Munitions List and certain chemicals as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT, UN

Control(s)	Country chart
NS applies to entire entry except as noted in 1C018.m.	NS column 1.
MT applies to 1C018.m except as noted therein.	MT Column 1.
AT applies to entire entry	AT Column 1.
UN applies to entire entry	Rwanda.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) Explosive devices or charges in paragraphs .a through .k of this entry that utilize USML controlled energetic materials (*See* 22 CFR 121.1 Category V) are subject to the licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls if they have been specifically designed, developed, configured, adapted, or modified for a military application. (2) With the exception of slurries, cutters and severing tools, if the USML controlled materials utilized in devices and charges controlled by paragraphs .a through .k of this entry can be easily extracted without destroying the device or charge, then they are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. (3) Commercial prefabricated slurries and emulsions containing greater than 35% of USML controlled energetic materials are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. (4) The individual USML controlled energetic materials in paragraphs .a through .k of this entry, even when compounded with other materials, remain subject to the export licensing authority of the Department of State when not incorporated into explosive devices or charges controlled by this entry or 1C992. (5) The chemicals in paragraphs .l and .m of this entry, when incorporated into items listed on the United States Munitions List, become subject to the licensing jurisdiction of the U.S. Department of State, Directorate of Defense Trade Controls (6) *See also* ECCNs 1C011, 1C111, and 1C239 for additional controlled energetic materials. (7) *See* ECCN 1C238 for additional controls on chlorine trifluoride (ClF_3).

Related Definitions: (1) For purposes of this entry, the term ''controlled materials'' means controlled energetic materials (*see* ECCNs 1C011, 1C111, 1C239 and 22 CFR 121.1 Category V). (2) For purposes of this entry, the mass of aluminum powder, potassium perchlorate, and any of the substances listed in the note to the USML (*see* 22 CFR 121.1 Category V) (such as ammonium pictrate, black powder, etc.) contained in commercial explosive devices and in the charges are omitted when determining the total mass of controlled material.

Items:

a. Shaped charges specially designed for oil well operations, utilizing one charge functioning along a single axis, that upon detonation produce a hole; and

a.1. Contain any controlled materials;

a.2. Have a uniform shaped conical liner with an included angle of 90 degrees or less;

a.3. Have more than 0.090 kg but not more that 2.0 kg of controlled materials; and

a.4. Have a diameter not exceeding 4.5 inches.

b. Detonating cord or shock tubes containing greater than 0.064 kg per meter (300 grains per foot), but not more than 0.1 kg per meter (470 grains per foot) of controlled materials;

c. Cartridge power devices containing greater than 0.70 kg, but not more than 1.0 kg of controlled materials;

d. Detonators (electric or nonelectric) and assemblies thereof containing greater than 0.01 kg, but not more than 0.1 kg of controlled materials;

e. Igniters containing greater than 0.01 kg, but not more than 0.1 kg of controlled materials;

f. Oil well cartridges containing greater than 0.015 kg, but not more than 0.1 kg of controlled materials;

g. Commercial cast or pressed boosters containing greater than 1.0 kg, but not more than 5.0 kg of controlled materials;

h. Commercial prefabricated slurries and emulsions containing greater than 10 kg and less than or equal to thirty-five percent by weight of USML controlled materials;

i. Cutters and severing tools containing greater than 3.5 kg, but not more than 10 kg of controlled materials;

j. Pyrotechnic devices when designed exclusively for commercial purposes (*e.g.*, theatrical stages, motion picture special effects, and fireworks displays), and containing greater than 3.0 kg, but not more than 5.0 kg of controlled materials;

k. Other commercial explosive devices and charges, not controlled by 1C018.a through g above, when used for commercial applications and containing greater than 1.0 kg but not more than 5.0 kg of controlled materials;

l. Propyleneimine (2-methylaziridine) (CAS 75–55–8); or

m. Any oxidizer or mixture thereof that is a compound composed of fluorine and one or more of the following—other halogens, oxygen, or nitrogen.

Note: Nitrogen trifluoride (NF_3) in a gaseous state is controlled by ECCN 1C992 and not by 1C018.

Note: National security is not a reason for control for chlorine trifluoride.

Note: If a chemical in paragraphs .1 or .m of 1C018 is incorporated into a commercial charge or device described in paragraphs .a through .k of ECCN 1C018 or in 1C992, the classification of the commercial charge or device applies to the item.

■ 12. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins, Export Control Classification Number 1C111

revise the Related Controls paragraph in the List of Items Controlled section to read as follows:

1C111 Propellants and constituent chemicals for propellants, other than those specified in 1C011, as follows (see List of Items Controlled)

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) Butacene as defined by 1C111.c.1 is subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Controls (See 22 CFR 121.12 (b)(6), other ferrocene derivatives). (2) See 1C018 for controls on oxidizers that are composed of fluorine and one or more of the following—other halogens, oxygen, or nitrogen.

Related Definitions: * * *

Items: * * *

■ 13. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms'' and Toxins—Export Control Classification Number 1C238, Chlorine trifluoride, revise the Related Controls paragraph of the List of Items controlled section to read as follows:

1C238 Chlorine trifluoride (ClF_3)

* * * * *

List of Items Controlled

Unit * * *

Related Controls: See ECCNs 1E001 (''development'' and ''production'') and 1E201 (''use'') for technology for items controlled by this entry. See 1C018 for additional controls on Chlorine trifluoride (ClF_3).

* * * * *

■ 14. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins—Export Control Classification Number 1C350, revise the License Requirements section and the Related Controls and Items paragraphs of the List of Items Controlled Section to read as follows:

1C350 Chemicals that may be used as precursors for toxic chemical agents

License Requirements

Reason for Control: CB, CW, AT

Control(s)	Country chart
CB applies to entire entry.	CB Column 2.

CW applies to 1C350 .b and .c. The Commerce Country Chart is not designed to determine licensing requirements for items controlled for CW reasons. A license is required, for CW reasons, to export or reexport Schedule 2 chemicals and mixtures identified in 1C350.b to States not Party to the CWC (destinations not listed in Supplement No. 2 to part 745 of the EAR). A license is required, for CW reasons, to export Schedule 3 chemicals and mixtures identified in 1C350.c to States not Party to the CWC, unless an End-Use Certificate issued by the government of the importing country has been obtained by the exporter prior to export. A license is required, for CW reasons, to reexport Schedule 3 chemicals and mixtures identified in 1C350.c from a State not Party to the CWC to any other State not Party to the CWC. (See § 742.18 of the EAR for license requirements and policies for toxic and precursor chemicals controlled for CW reasons. See § 745.2 of the EAR for End-Use Certificate requirements that apply to exports of Schedule 3 chemicals to countries not listed in Supplement No. 2 to part 745 of the EAR.)

AT applies to entire entry. The Commerce Country Chart is not designed to determine licensing requirements for items controlled for AT reasons in 1C350. A license is required, for AT reasons, to export or reexport items controlled by 1C350 to Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. (See part 742 of the EAR for additional information on the AT controls that apply to Iran, North Korea, Sudan, and Libya. See part 746 of the EAR for additional information on the comprehensive trade sanctions that apply to Cuba, Iran, and Iraq. (See Supplement No. 1 to part 736 of the EAR for export controls on Syria.)

License Requirement Notes:

1. *SAMPLE SHIPMENTS:* Subject to the following requirements and restrictions, a license is not required for sample shipments when the cumulative total of these shipments does not exceed a 55-gallon container or 200 kg of a single chemical to any one consignee during a calendar year. A consignee that receives a sample shipment under this exclusion may not resell, transfer, or reexport the sample shipment, but may use the sample shipment for any other legal purpose unrelated to chemical weapons.

a. *Chemicals Not Eligible:*

A. [RESERVED]

B. *CWC Schedule 2 chemicals (States not Party to the CWC).* No CWC Schedule 2 chemical or mixture identified in 1C350.b is eligible for sample shipment to States not Party to the CWC (destinations not listed in Supplement No. 2 to part 745 of the EAR) without a license.

b. *Countries Not Eligible:* The following countries are *not* eligible to receive sample shipments of any chemicals controlled by this ECCN without a license: Cuba, Iran, Iraq, Libya, North Korea, Sudan, Syria.

c. *Sample shipments that require an End-Use Certificate for CW reasons:* No CWC Schedule 3 chemical or mixture identified in 1C350.c is eligible for sample shipment to States not Party to the CWC (destinations not listed in Supplement No. 2 to part 745 of the EAR) without a license, unless an End-Use Certificate issued by the government of the importing country is obtained by the exporter prior to export (see § 745.2 of the EAR for End-Use Certificate requirements).

d. *Sample shipments that require a license for reasons set forth elsewhere in the EAR:* Sample shipments, as described in this Note 1, may require a license for reasons set forth elsewhere in the EAR. See, in particular, the end-use/end-user restrictions in part 744 of the EAR, and the restrictions that apply to embargoed countries in part 746 of the EAR.

e. Quarterly report requirement. The exporter is required to submit a quarterly written report for shipments of samples made under this Note 1. The report must be on company letterhead stationery (titled ''Report of Sample Shipments of Chemical Precursors'' at the top of the first page) and identify the chemical(s), Chemical Abstract Service Registry (C.A.S.) number(s), quantity(ies), the ultimate consignee's name and address, and the date exported. The report must be sent to the U.S. Department of Commerce, Bureau of Industry and Security, P.O. Box 273, Washington, DC 20044, Attn: ''Report of Sample Shipments of Chemical Precursors''.

2. *MIXTURES:*

a. Mixtures that contain precursor chemicals identified in ECCN 1C350, in concentrations that are below the levels indicated in 1C350.b through .d, are controlled by ECCN 1C395 or 1C995 and are subject to the licensing requirements specified in those ECCNs.

b. A license is not required for mixtures controlled under this ECCN when the controlled chemical in the mixture is a normal ingredient in consumer goods packaged for retail sale for personal use. Such consumer goods are classified as EAR99.

Note to Mixtures: Calculation of concentrations of AG-controlled chemicals:

a. Exclusion. No chemical may be added to the mixture (solution) for the sole purpose of circumventing the Export Administration Regulations;

b. Percent Weight Calculation. When calculating the percentage, by weight, of

components in a chemical mixture, include all components of the mixture, including those that act as solvents.

3. *COMPOUNDS.* Compounds created with any chemicals identified in this ECCN 1C350 may be shipped NLR (No License Required), without obtaining an End-Use Certificate, unless those compounds are also identified in this entry or require a license for reasons set forth elsewhere in the EAR.

4. *TESTING KITS:* Certain medical, analytical, diagnostic, and food testing kits containing small quantities of chemicals identified in this ECCN 1C350, are excluded from the scope of this ECCN and are controlled under ECCN 1C395 or 1C995. (Note that replacement reagents for such kits are controlled by this ECCN 1C350 if the reagents contain one or more of the precursor chemicals identified in 1C350 in concentrations equal to or greater than the control levels for mixtures indicated in 1C350.)

Technical Notes: 1. For purposes of this entry, a ''mixture'' is defined as a solid, liquid or gaseous product made up of two or more components that do not react together under normal storage conditions.

2. The scope of this control applicable to Hydrogen Fluoride (see 1C350.d.7 in the List of Items Controlled) includes its liquid, gaseous, and aqueous phases, and hydrates.

License Exceptions

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: The chemicals 0-Ethyl-2-diisopropylaminoethyl methyl phosphonite (QL) (C.A.S. #57856–11–8); Ethyl phosphonyl difluoride (C.A.S. #753–98–0); and Methyl phosphonyl difluoride.(C.A.S. #676–99–3); methylphosphinyl dichloride (C.A.S. 676–83–5); methylphosphinyl difluoride (C.A.S. #753–59–3); and methylphosphonyl dichloride (C.A.S. # 676–.97–1) are subject to the licensing jurisdiction of the Directorate of Defense Trade Controls, U.S. Department of State.

Related Definitions: * * *

Items:

a. [RESERVED]

b. Australia Group-controlled precursor chemicals also identified as Schedule 2 chemicals under the CWC, as follows, and mixtures in which at least one of the following chemicals constitutes 30 percent or more of the weight of the mixture:

b.1. (C.A.S. #7784–34–1) Arsenic trichloride;

b.2. (C.A.S. #76–93–7) Benzilic acid;

b.3. (C.A.S. #78–38–6) Diethyl ethylphosphonate;

b.4. (C.A.S. #15715–41–0) Diethyl methylphosphonite;

b.5. (C.A.S.#2404–03–7) Diethyl-N,N-dimethylphosphoroamidate;

b.6. (C.A.S. #5842–07–9) N,N-Diisopropyl-beta-aminoethane thiol;

b.7. (C.A.S. #4261–68–1) N,N-Diisopropyl-beta-aminoethyl chloride hydrochloride;

b.8. (C.A.S. #96–80–0) N,N-Diisopropyl-beta-aminoethanol;

b.9. (C.A.S. #96–79–7), N,N-Diisopropyl-beta-aminoethyl chloride;

b.10. (C.A.S. #6163–75–3) Dimethyl ethylphosphonate;

b.11. (C.A.S. #756–79–6) Dimethyl methylphosphonate;

b.12. (C.A.S. #1498–40–4) Ethyl phosphonous dichloride [Ethyl phosphinyl dichloride];

b.13. (C.A.S. #430–78–4) Ethyl phosphonus difluoride [Ethyl phosphinyl difluoride];

b.14. (C.A.S. #1066–50–8) Ethyl phosphonyl dichloride;

b.15. [RESERVED]

b.16. [RESERVED]

b.17. [RESERVED]

b.18. (C.A.S. #464–07–3) Pinacolyl alcohol;

b.19. (C.A.S. #1619–34–7) 3-Quinuclidinol;

b.20. (C.A.S. #111–48–8) Thiodiglycol.

c. Australia Group-controlled precursor chemicals also identified as Schedule 3 chemicals under the CWC, as follows, and mixtures in which at least one of the following chemicals constitutes 30 percent or more of the weight of the mixture:

c.1. (C.A.S. #762–04–9) Diethyl phosphite;

c.2. (C.A.S. #868–85–9) Dimethyl phosphite (dimethyl hydrogen phosphite);

c.3. (C.A.S. #10025–87–3) Phosphorus oxychloride;

c.4. (C.A.S. #10026–13–8) Phosphorus pentachloride;

c.5. (C.A.S. #7719–12–2) Phosphorus trichloride;

c.6. (C.A.S. #10025–67–9) Sulfur monochloride;

c.7. (C.A.S. #10545–99–0) Sulfur dichloride;

c.8. (C.A.S. #7719–09–7) Thionyl chloride;

c.9. (C.A.S. #102–71–6) Triethanolamine;

c.10. (C.A.S. #122–52–1) Triethyl phosphite;

c.11. (C.A.S. #121–45–9) Trimethyl phosphite.

d. Other Australia Group-controlled precursor chemicals not also identified as Schedule 1, 2, or 3 chemicals under the CWC, as follows, and mixtures in which at least one of the following chemicals constitutes 30 percent or more of the weight of the mixture:

d.1. (C.A.S. #1341–49–7) Ammonium hydrogen fluoride;

d.2. (C.A.S. #107–07–3) 2-Chloroethanol;

d.3. (C.A.S. #100–37–8) N,N-Diethylaminoethanol;

d.4. (C.A.S. #108–18–9) Di-isopropylamine;

d.5. (C.A.S. #124–40–3) Dimethylamine;

d.6. (C.A.S. #506–59–2) Dimethylamine hydrochloride;

d.7. (C.A.S. #7664–39–3) Hydrogen fluoride;

d.8. (C.A.S. #3554–74–3) 3-Hydroxyl-1-methylpiperidine;

d.9. (C.A.S. #76–89–1) Methyl benzilate;

d.10. (C.A.S. #1314–80–3) Phosphorus pentasulfide;

d.11. (C.A.S. #75–97–8) Pinacolone;

d.12. (C.A.S. #151–50–8) Potassium cyanide;

d.13. (C.A.S. #7789–23–3) Potassium fluoride;

d.14. (C.A.S. #7789–29–9) Potassium bifluoride;

d.15. (C.A.S. #3731–38–2) 3-Quinuclidone;

d.16. (C.A.S. #1333–83–1) Sodium bifluoride;

d.17. (C.A.S. #143–33–9) Sodium cyanide;

d.18. (C.A.S. #7681–49–4) Sodium fluoride;

d.19. (C.A.S. #1313–82–2) Sodium sulfide;

d.20. (C.A.S. #637–39–8) Triethanolamine hydrochloride;

■ 15. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins—Export Control Classification Number 1C355 revise the Related Controls and Items paragraphs of the List of Items Controlled section to read as follows:

1C355 Chemical Weapons Convention (CWC) Schedule 2 and 3 chemicals and families of chemicals not controlled by ECCN 1C350 or by the Department of State under the ITAR

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: See also ECCNs 1C350, 1C351, 1C395, and 1C995. See §§ 742.18 and 745.2 of the EAR for End-Use Certification requirements.

Related Definitions: * * *

Items:

a. CWC Schedule 2 chemicals and mixtures containing Schedule 2 chemicals:

a.1. Toxic chemicals, as follows, and mixtures containing toxic chemicals:

a.1.a. PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (C.A.S. 382–21–8) and mixtures in which PFIB constitutes more than 1 percent of the weight of the mixture;

a.1.b. [RESERVED]

a.2. Precursor chemicals, as follows, and mixtures in which at least one of the following precursor chemicals constitutes more than 10 percent of the weight of the mixture:

a.2.a. Chemicals except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl, or propyl (normal or iso) group but not further carbon atoms.

Note: 1C355.a.2.a does not control Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (C.A.S. 944–22–9).

a.2.b. FAMILY: N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides;

a.2.c. FAMILY: Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr, or i-Pr)-phosphoramidates;

a.2.d. FAMILY: N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts;

a.2.e. FAMILY: N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts;

Note: 1C355.a.2.e. does not control N,N–Dimethylaminoethanol and corresponding protonated salts (C.A.S. 108–01–0) or N,N–Diethylaminoethanol and corresponding protonated salts (C.A.S. 100–37–8).

a.2.f. FAMILY: N,N–Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts.

b. CWC Schedule 3 chemicals and mixtures containing Schedule 3 chemicals:

b.1. Toxic chemicals, as follows, and mixtures in which at least one of the following toxic chemicals constitutes 30 percent or more of the weight of the mixture:

b.1.a. Phosgene: Carbonyl dichloride (C.A.S. 75–44–5);

b.1.b. Cyanogen chloride (C.A.S. 506–77–4);

b.1.c. Hydrogen cyanide (C.A.S. 74–90–8);

b.1.d. Chloropicrin: Trichloronitromethane (CAS 76–06–2).

b.2. Precursor chemicals, as follows, and mixtures in which at least one of the following precursor chemicals constitutes 30 percent or more of the weight of the mixture:

b.2.a. Ethyldiethanolamine (C.A.S. 139–87–7);

b.2.b. Methyldiethanolamine (C.A.S. 105–59–9).

■ 16. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins—Export Control Classification Number 1C395, revise the Related Controls paragraph in the List of Items Controlled section is to read as follows:

1C395 Mixtures and medical, analytical, diagnostic, and food testing kits not controlled by ECCN 1C350, as follows (See List of Items Controlled)

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: 1. ECCN 1C350 controls mixtures containing 30 percent or higher concentrations, by weight, of any single CWC Schedule 2 chemical identified in ECCN 1C350.b; ECCN 1C995 controls such mixtures containing concentrations of 10 percent or less. 2. ECCN 1C995 controls ''medical, analytical, diagnostic, and food testing kits'' (as defined in the Related Definitions paragraph of this ECCN) that contain precursor chemicals listed in ECCN 1C350.d. ECCN 1C350 controls any such kits in which the amount of any single chemical listed in 1C350.b, .c, or .d exceeds 300 grams by weight.

Related Definitions: * * *

Items: * * *

■ 17. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins—Export Control Classification Number 1C992, revise the heading, and the Related Controls and Items paragraphs of the List of Items Controlled section to read as follows:

1C992 Commercial charges and devices containing energetic materials, n.e.s and nitrogen trifluoride in a gaseous state

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) Commercial charges and devices containing USML controlled energetic materials that exceed the quantities noted or that are not covered by this entry are controlled under 1C018. (2) Nitrogen trifluoride when not in a gaseous state is controlled under 1C018.

Related Definitions: * * *

Items:

a. Shaped charges specially designed for oil well operations, utilizing one charge functioning along a single axis, that upon detonation produce a hole, and

a.1. Contain any formulation of controlled materials;

a.2. Have only a uniform shaped conical liner with an included angle of 90 degrees or less;

a.3. Contain more than 0.010 kg but less than or equal to 0.090 kg of controlled materials; and

a.4. Have a diameter not exceeding 4.5 inches;

b. Shaped charges specially designed for oil well operations containing less than or equal to 0.010 kg of controlled materials;

c. Detonation cord or shock tubes containing less than or equal to 0.064 kg per meter (300 grains per foot) of controlled materials;

d. Cartridge power devices, that contain less than or equal to 0.70 kg of controlled materials in the deflagration material;

e. Detonators (electric or nonelectric) and assemblies thereof, that contain less than or equal to 0.01 kg of controlled materials;

f. Igniters, that contain less than or equal to 0.01 kg of controlled materials;

g. Oil well cartridges, that contain less than or equal to 0.015 kg of controlled energetic materials;

h. Commercial cast or pressed boosters containing less than or equal to 1.0 kg of controlled materials;

i. Commercial prefabricated slurries and emulsions containing less than or equal to 10.0 kg and less than or equal to thirty-five percent by weight of USML controlled materials;

j. Cutters and severing tools containing less than or equal to 3.5 kg of controlled materials;

k. Pyrotechnic devices when designed exclusively for commercial purposes (*e.g.*, theatrical stages, motion picture special effects, and fireworks displays) and containing less than or equal to 3.0 kg of controlled materials; or

l. Other commercial explosive devices and charges not controlled by 1C992.a through .k containing less than or equal to 1.0 kg of controlled materials.

Note: 1C992.l includes automotive safety devices; extinguishing systems; cartridges for riveting guns; explosive charges for agricultural, oil and gas operations, sporting goods, commercial mining, or public works purposes; and delay tubes used in the assembly of commercial explosive devices.

m. Nitrogen trifluoride (NF_3) in a gaseous state.

■ 18. In supplement No. 1 to part 774, Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins—Export Control Classification Number 1C995, revise the Related Controls paragraph of the List of Items Controlled section to read as follows:

1C995 Mixtures not controlled by ECCN 1C350, ECCN 1C355 or ECCN 1C395 that contain chemicals controlled by ECCN 1C350 or ECCN 1C355 and medical, analytical, diagnostic, and food testing kits not controlled by ECCN 1C350 or ECCN 1C395 that contain chemicals controlled by ECCN 1C350.d, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: 1. ECCN 1C350 controls mixtures containing 30 percent or higher concentrations of any single CWC Schedule 2 chemical identified in ECCN 1C350.b. ECCN 1C395 controls mixtures containing concentrations of more than 10 percent, but less than 30 percent, of any single CWC Schedule 2 chemical identified in ECCN 1C350.b. 2. ECCN 1C350 controls mixtures containing chemicals identified in ECCN 1C350.c or .d that exceed the concentration levels indicated in 1C995.a.2. 3. ECCN 1C355 controls mixtures containing chemicals identified in ECCN 1C355 that exceed the concentration levels indicated in 1C995.b. 4. ECCN 1C395 controls ''medical, analytical, diagnostic, and food testing kits'' (as defined in the Related Controls paragraph of this ECCN) that contain CWC Schedule 2 or 3 chemicals listed in 1C350.b or .c. ECCN 1C350 controls any such testing kits in which the amount of any single chemical listed in 1C350.b, .c., or .d exceeds 300 grams by weight.

Related Definitions: * * *

Items: * * *

Dated: July 12, 2004.

Peter Lichtenbaum,

Assistant Secretary for Export Administration.

[FR Doc. 04–16351 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[IL–102–FOR]

Illinois Regulatory Program and Illinois Abandoned Mine Land Reclamation Plan

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

ACTION: Final rule; technical amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are amending our regulations to reflect a change in the address for the Illinois Department of Natural Resources. We are also deleting information which is repetitive in nature. These actions are editorial in nature and are intended to provide accuracy to the agency's regulations.

This rule is being made effective immediately in order to provide the public with up-to-date information.

EFFECTIVE DATE: July 19, 2004.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204. Telephone: (317) 226–6700. Internet address: *IFOMAIL@osmre.gov.*

SUPPLEMENTARY INFORMATION: We are amending our regulations at 30 CFR part 913 to reflect a change in the address for the Illinois Department of Natural Resources, Office of Mines and Minerals' Land Reclamation Division and Abandoned Mine Lands Reclamation Division. Illinois recently moved its offices to One Natural Resources Way, Springfield, Illinois. We are updating the addresses for the location of the publicly available copies of the Illinois regulatory program (Illinois program) and the Illinois Abandoned Mine Land Reclamation (AMLR) plan. These changes will ensure awareness of the current location where the public may inspect the Illinois program and the Illinois AMLR plan.

Technical Change

In this document, we are updating 30 CFR 913.10 and 913.20 to reflect the new location where the public may inspect copies of the Illinois program and the Illinois AMLR plan. We are also revising 30 CFR 913.25 by removing information regarding addresses that is duplicative of the information in 30 CFR 913.20.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 2, 2004.

Charles E. Sandberg,

Regional Director, Mid-Continent Regional Coordinating Center.

■ For the reasons set out in the preamble, 30 CFR part 913 is amended as set forth below:

PART 913—ILLINOIS

■ 1. The authority citation for part 913 continues to read as follows:

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

■ 2. Section 913.10 is amended by revising paragraph (a) to read as follows:

§ 913.10 State regulatory program approval.

* * * * *

(a) Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division, One Natural Resources Way, Springfield, Illinois 62701–1787.

* * * * *

■ 3. Section 913.20 is amended by revising paragraph (a) to read as follows:

§ 913.20 Approval of Illinois abandoned mine land reclamation plan.

* * * * *

(a) Illinois Department of Natural Resources, Office of Mines and Minerals, Abandoned Mine Land Reclamation Division, One Natural Resources Way, Springfield, Illinois 62701–1787.

* * * * *

§ 913.25 [Amended]

■ 4. Section 913.25 is amended by removing paragraph (a) and the designation ''(b)'' from paragraph (b).

[FR Doc. 04–16291 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–04–129]

RIN 1625–AA08

Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for the OPA Atlantic City Grand Prix, a marine event to be held on the waters of the Atlantic Ocean adjacent to Atlantic City, New Jersey. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Atlantic Ocean adjacent to Atlantic City, New Jersey during the event.

DATES: This rule is effective from 9:30 a.m. to 3:30 p.m. on July 18, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the

docket, are part of docket CGD05–04–129 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Section, at (757) 398–6204.

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. The event will take place on July 18, 2004. There is not sufficient time to allow for a notice and comment period, prior to the event. Because of the danger posed by high-speed powerboats racing in a closed circuit, special local regulations are necessary to provide for the safety of event participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

Background and Purpose

On July 18, 2004, the Offshore Performance Association will sponsor the OPA Atlantic City Grand Prix. The event will consist of approximately 50 offshore powerboats conducting high-speed competitive races on the waters of the Atlantic Ocean adjacent to Atlantic City, New Jersey. A fleet of approximately 200 spectator vessels is expected to gather nearby to view the event. Due to the need for vessel control during the races, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Atlantic Ocean adjacent to Atlantic City, New Jersey. The regulated area includes a 3-mile long section of the Atlantic Ocean south of Absecon Inlet, extending approximately 300 yards out from the shoreline. The temporary special local regulations will be enforced from 9:30 a.m. to 3:30 p.m. on July 18, 2004, and will restrict general navigation in the regulated area during the races. Except for participants in the OPA Atlantic City Grand Prix and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 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 temporary rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation prevents traffic from transiting a portion of the Atlantic Ocean adjacent to Atlantic City, New Jersey during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts and area newspapers so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612.), we 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 may be small entities: the owners or operators of vessels intending to transit this section of the Atlantic Ocean during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a short period, from 9:30 a.m. to 3:30 pm. on July 18, 2004. Affected waterway users can pass safely around the regulated area. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule so that they can 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 would call 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 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 rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial and 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 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)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections. Under figure 2–1, paragraph (34)(h), 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 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1

■ 2. Add a temporary section, § 100.35-T05–129 to read as follows:

§ 100.35–T05–129, Atlantic Ocean, Atlantic City, NJ.

(a) *Regulated area.* The regulated area is established for the waters of the Atlantic Ocean, adjacent to Atlantic City, New Jersey, bounded by a line drawn between the following points: southeasterly from a point along the shoreline at latitude 39°21′50″ N, longitude 074°24′37″ W, to latitude 39°20′40″ N, longitude 74°23′50″ W, thence southwesterly to latitude 39°19′33″ N, longitude 074°26′52″ W, thence northwesterly to a point along the shoreline at latitude 39°20′43″ N, longitude 74°27′40″ W, thence northeasterly along the shoreline to latitude 39°21′50″ N, longitude 074°24′37″ W. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Atlantic City.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Group Atlantic City with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participating Vessels* include all vessels participating in the OPA Atlantic City Grand Prix under the auspices of the Marine Event Application submitted by the Offshore Performance Association, and approved by the Commander, Coast Guard Group Atlantic City.

(c) *Special local regulations:*

(1) Except for participating vessels and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(d) *Effective period.* This section is effective from 9:30 a.m. to 3:30 p.m. on July 18, 2004.

Dated: July 2, 2004.

Sally Brice-O'Hara,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 04–16380 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07–04–015]

RIN 1625–AA09

Drawbridge Operation Regulations; CSX Railroad, Manatee River Mile 4.5, Bradenton, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating regulations of the CSX Railroad Bridge across the Manatee River, mile 4.5, Bradenton, Florida. This rule allows the bridge to operate using an automated system, without an onsite bridge tender.

DATES: This rule is effective August 18, 2004.

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 [CGD07–04–015] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131, between 7:30 a.m. and 4 p.m., Monday through Friday, except

Federal holidays. Bridge Branch (obr), Seventh Coast Guard District, maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Manager, Seventh Coast Guard District, Bridge Branch, (305) 415–6743.

SUPPLEMENTARY INFORMATION:

Regulatory History

On March 4, 2004, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; CSX Railroad, Manatee River, Mile 4.5, Bradenton, Florida, in the **Federal Register** (69 FR 10183). We received 1 comment on this proposed rule. No public hearing was requested, and none was held.

Background and Purpose

The CSX Railroad owner requested the Coast Guard change the existing operation of the CSX Railroad Bridge over the Manatee River and allow the bridge to operate utilizing an automated system. The request is made because there are only four short train transits per day. Under the rule, the bridge would remain in the open to vessel traffic position at all other times.

The CSX Railroad Bridge is located on the Manatee River, mile 4.5, Bradenton, Florida. The current regulation governing the operation of the CSX Railroad is published in 33 CFR 117.5 and requires the bridge to open on signal.

Discussion of Comments and Changes

The Coast Guard is changing the operating regulations of the CSX Railroad Bridge so that the bridge can operate automatically. There are only four train transits per day across the bridge. The action would remove the requirement that a bridge tender be present to open the bridge on signal for vessel traffic. The bridge will remain in the open to vessel traffic position until a train approaches to cross the bridge. When a train approaches, the CSX signal department will send an electronic signal to the bridge to order the closure sequence to begin. The bridge control system will activate a series of scanners along the water level to detect any marine traffic within the bridge closure area. The bridge control system will turn off the green channel markers, turn on the red bridge warning strobe lights, and simultaneously sound a signal, which will last throughout the entire closing period. The bridge shall remain in the closed position to vessel traffic until the train has sufficiently cleared the bridge area. When the train has cleared, the bridge control system will again sound a signal for the entire period the bridge is opening. When the bridge is in the fully open position, the red bridge warning strobe lights will turn off, and the green channel marker lights will relight. The bridge will remain in the open to vessel traffic position until the next train crossing.

If at any time during the opening or closing sequence, the scanners detect a vessel within the bridge structure, the opening or closing sequence will automatically be halted until the vessel clears the structure. Additional strobe lighting will be placed on the structure to warn vessels of impending closures.

Signs will be posted on both sides of the navigation channel indicating, ''Caution; this bridge operates by remote control.'' A toll-free, CSX contact telephone number will be posted on the signs for emergencies.

We received one comment on the NPRM. The commentor recommends a horn not to be sounded during opening and closing situations and that the CSX should announce bridge openings on marine band radios. We determined that removing the horn requirement would be detrimental to vessel safety. It would be impractical to add broadcast openings on marine band radios, as there is a notification process in place at the bridge: lights, horns and signage.

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 is unnecessary. The rule improves vessel traffic through the bridge, as it is in the open to vessel traffic position except during the approximately four times a day when a train passes.

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. The rule improves vessel traffic through the bridge.

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. The Coast Guard offered small businesses, organizations, or governmental jurisdictions that believed the rule would affect them, or that had questions concerning its provisions or options for compliance, to contact the person listed in **FOR FURTHER INFORMATION CONTACT.**

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 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 will 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, 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.

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 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. Under figure 2–1, paragraph (32)(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.

■ For the reasons discussed 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 authority of Pub. L. 102–587, 106 Stat. 5039.

§ 117.300 [Redesignated]

■ 2. Redesignate § 117.300 as § 117.299.

■ 3. Add a new § 117.300 to read as follows:

§ 117.300 Manatee River.

The draw of the CSX Railroad Bridge across the Manatee River, mile 4.5 Bradenton, operates as follows:

(a) The bridge is not tended.

(b) The draw is normally in the fully open position, displaying green lights to indicate that vessels may pass.

(c) As a train approaches, provided the scanners do not detect a vessel under the draw, the lights change to flashing red and a horn continuously sounds while the draw closes. The draw remains closed until the train passes.

(d) After the train clears the bridge, the lights continue to flash red and the horn again continuously sounds while the draw opens, until the draw is fully open and the lights return to green.

Dated: July 8, 2004.

W.E. Justice,

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

[FR Doc. 04–16246 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07–04–014]

RIN 1625–AA09

Drawbridge Operation Regulations; Socastee River (SR 544), Atlantic Intracoastal Waterway, Mile 371, Horry County, SC

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the regulations governing the operation of the Socastee (SR 544) Swing Bridge across the Atlantic Intracoastal Waterway, mile 371, Horry County, SC. This rule will require the bridge to open on signal.

DATES: This rule is effective August 18, 2004.

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 [CGD07–04–014] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Bridge Branch (obr), Seventh Coast Guard District, maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Manager, Seventh Coast Guard District, Bridge Branch, (305) 415–6743.

SUPPLEMENTARY INFORMATION:

Regulatory History

On March 4, 2004, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Socastee River (SR 544), Atlantic Intracoastal Waterway, Mile 371, Horry County, SC, in the **Federal Register** (69 FR 10182). We received no comments on the proposed rule. No

public meeting was requested and none was held.

Background and Purpose

The South Carolina Department of Transportation requested that the Coast Guard remove the existing regulations governing the operation of the Socastee (SR 544) Swing Bridge and allow the bridge to open on signal. The request was made due to the close proximity of a new high-level fixed bridge. The majority of vehicular traffic in the area currently utilizes the high-level fixed bridge.

The Socastee (SR 544) Swing Bridge is located on the Atlantic Intracoastal Waterway, mile 371, Horry County, SC. The current regulation governing the operation of the Socastee (SR 544) Swing Bridge is published in 33 CFR 117.911(b) and requires the bridge to open on signal; except that, from April 1 through June 30 and October 1 through November 30 from 7 a.m. to 10 a.m. and 2 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need open only on the quarter and three-quarter hour. From May 1 through June 30 and October 1 through October 31 from 10 a.m. to 2 p.m., Saturdays, Sundays and Federal holidays, the draw need open only on the quarter and three-quarter hour.

Discussion of Comments and Changes

We received no comments on the NPRM. This change will allow vessels to pass through the bridge on signal. The majority of vehicular traffic that utilized this bridge now utilizes the new high-level fixed bridge, which is adjacent to the swing bridge.

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 is unnecessary. The rule improves vessel traffic through the bridge; while vehicular traffic is utilizing a newly constructed high-level fixed bridge nearby.

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.

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. The Coast Guard offered small businesses, organizations, or governmental jurisdictions that believed the rule would affect them, or that had questions concerning its provisions or options for compliance, to contact the person listed in **FOR FURTHER INFORMATION CONTACT.**

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 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 will 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, 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.

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 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. Under figure 2–1, paragraph (32)(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.

■ For the reasons discussed 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 authority of Pub. L. 102–587, 106 Stat. 5039.

§ 117.911 [Amended]

■ 2. In § 117.911 remove and reserve paragraph (b).

Dated: July 8, 2004.

W.E. Justice,

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

[FR Doc. 04–16245 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–04–076]

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 July 26 to July 31, August 2 to August 7, and August 9 to August 14, 2004, to facilitate necessary bridge maintenance.

DATES: This deviation is effective from July 26, 2004 through August 14, 2004.

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

SUPPLEMENTARY INFORMATION: The 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).

The owner of the bridge, New York City Department of Transportation (NYCDOT), requested a temporary deviation from the drawbridge operation regulations to facilitate rehabilitation repairs 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 July 26 to July 31, August 2 to August 7, and August 9 to August 14, 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: July 7, 2004.

David P. Pekoske,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 04–16244 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–04–116]

RIN 1625–AA87

Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone at the North Carolina State Port Authority (NCSPA), Wilmington, to include the Cape Fear River and Eagle Island. Entry into or movement within the security zone will be prohibited without authorization from the COTP. This action is necessary to safeguard the vessels and the facility from sabotage, subversive acts, or other threats.

DATES: This rule is effective from June 13, 2004, until November 7, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05–04–116 and are available for inspection or copying at the Marine Safety Office, 721 Medical Center Drive, Suite 100, Wilmington, North Carolina 28401 between 7:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Charles A. Roskam II, Chief Port Operations (910) 772–2200 or toll free (877) 229–0770.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this rule. The Coast Guard is promulgating this security zone regulation to protect NCSPA Wilmington and the surrounding vicinity from threats to national security. Accordingly, based on the military function exception set forth in the Administrative Procedure Act, 5 U.S.C. 553(a)(1), notice-and-comment rulemaking and publication at least 30 days before the effective date of the rule are not required for this regulation.

Background and Purpose

Vessels frequenting the North Carolina State Port Authority (NCSPA) Wilmington facility serve as a vital link in the transportation of military munitions, explosives, equipment, and personnel in support of Department of Defense missions at home and abroad. This vital transportation link is

potentially at risk to acts of terrorism, sabotage and other criminal acts. Munitions and explosives laden vessels also pose a unique threat to the safety and security of the NCSPA Wilmington, vessel crews, and others in the maritime community and the surrounding community should the vessels be subject to acts of terrorism or sabotage, or other criminal acts. The ability to control waterside access to vessels laden with munitions and explosives, as well as those used to transport military equipment and personnel, moored at the NCSPA Wilmington is critical to national defense and security, as well as to the safety and security of the NCSPA Wilmington, vessel crews, and others in the maritime community and the surrounding community. Therefore, the Coast Guard is establishing this security zone to safeguard human life, vessels and facilities from sabotage, terrorist acts or other criminal acts.

Discussion of Rule

The security zone is necessary to provide security for, and prevent acts of terrorism against vessels loading or offloading and the NCSPA Wilmington facility during a military operation. It will include an area from 800 yards south of the Cape Fear River Bridge encompassing the southern end of Eagle Island, the Cape Fear River, and the grounds of the State Port Authority Terminal south to South Wilmington Terminal. The security zone will prevent access to unauthorized persons who may attempt to enter the secure area via the Cape Fear River, the North Carolina State Port Authority terminal, or use Eagle Island as vantage point for surveillance of the secure area. The security zone will protect vessels moored at the facility, their crews, others in the maritime community and the surrounding communities from subversive or terrorist attack that could cause serious negative impact to vessels, the port, or the environment, and result in numerous casualties.

No person or vessel may enter or remain in the security zone at any time without the permission of the Captain of the Port, Wilmington. Each person or vessel operating within the security zone will 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 this 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).

Although this regulation restricts access to the security zone, the effect of this regulation will not be significant because: (i) the COTP or his or her representative may authorize access to the security zone; (ii) the security zone will be enforced for limited duration; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

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 may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Cape Fear River that is within the security zone.

This security zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Although the security zone will apply to the entire width of the river, traffic will be allowed to pass through the zone with the permission of the COTP or his or her designated representative. Before the effective period, we will issue maritime advisories widely available to users of the river.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **ADDRESSES.**

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.

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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

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. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping 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. Add temporary § 165.T05–116 to read as follow:

§ 165.T05–116 Security Zone: Cape Fear River, Eagle Island and North Carolina State Port Authority Terminal, Wilmington, NC.

(a) *Location.* The following area is a security zone: The grounds of the North Carolina State Port Authority, Wilmington Terminal and the southern portion of Eagle Island; and an area encompassed from South Wilmington Terminal at 34°10′38.394″ N, 077°57′16.248″ W (Point 1); across Cape Fear River to Southern most entrance of Brunswick River on the West Bank at 34°10′38.052″ N, 077°57′43.143″ W (Point 2); extending along the West bank of the Brunswick River for approximately 750 yards to 34°10′57.062″ N, 077°58′01.342″ W (Point 3); proceeding North across the Brunswick River to the east bank at 34°11′04.846″ N, 077°58′02.861″ W (Point 4) and continuing north on the east bank for approximately 5000 yards along Eagle Island to 34°13′17.815″ N, 077°58′30.671″ W (Point 5); proceeding East to 34°13′19.488″ N, 077°58′24.414″ W (Point 6); and then approximately 1700 yards to 34°13′27.169″ N, 077°57′51.753″ W (Point 7); proceeding East to 34°13′21.226″ N, 077°57′19.264″ W (Point 8); then across Cape Fear River to the Northeast corner of the Colonial Terminal Pier at 34°13′18.724″ N, 077°57′07.401″ W (Point 9), 800 yards South of Cape Fear Memorial Bridge; Proceeding South along shoreline (east bank) of Cape Fear River for approximately 500 yards; Proceeding east inland to Wilmington State Port property line at 34°13′03.196″ N, 077°56′52.211″ W (Point 10); extending South along Wilmington State Port property line to 34°12′43.409″ N, 077°56′50.815″ W (Point 11); Proceeding to the North entrance of Wilmington State Port at 34°12′28.854″ N, 077°57′01.017″ W (Point 12); Proceeding South along Wilmington State Port property line to 34°12′20.819″ N, 077°57′08.871″ W (Point 13); Continuing South along the Wilmington State Port property line to 34°12′08.164″ N, 077°57′08.530″ W (Point 14); Continuing along State Port property to 34°11′44.426″ N, 077°56′55.003″ W (Point 15); Proceeding South to the main gate of the Wilmington State Port at 34°11′29.578″ N, 077°56′55.240″ W (Point 16); Proceeding South approximately 750 yards to the Southeast property corner of the Apex facility at 34°11′10.936″ N, 077°57′04.798″ W (Point 17); Proceeding West to East bank of Cape Fear River at 34°11′11.092″ N, 077°57′17.146″ W (Point 18); Proceeding South along East bank of Cape Fear River to Original point of origin at 34°10′38.394″ N, 077°57′16.248″ W (Point 1). (NAD 1983)

(b) *Captain of the Port.* As used in this section, *Captain of the Port* means the Commanding Officer of the Marine Safety Office Wilmington, NC, or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on her behalf.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in 33 CFR 165.33.

(2) Persons or vessels with a need to enter or get passage within the security zone, must first request authorization from the Captain of the Port. The Captain of the Port's representative enforcing the zone can be contacted on VHF marine band radio, channel 16. The Captain of the Port can be contacted at (910) 772–2200 or toll free (877) 229–0770.

(3) The operator of any vessel within this security zone must:

(i) Stop the vessel immediately upon being directed to do so by the Captain of the Port or his or her designated representative.

(ii) Proceed as directed by the Captain of the Port or his or her designated representative.

(d) *Effective period.* This rule is effective from June 13, 2004, until November 7, 2004.

Dated: June 13, 2004.

Byron L. Black,

Commander, U.S. Coast Guard, Acting Captain of the Port, Wilmington, North Carolina.

[FR Doc. 04–16381 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AL12

Exceptions to Definition of Date of Receipt Based on Natural or Man-made Disruption of Normal Business Practices

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule and request for comments.

SUMMARY: The Department of Veterans Affairs (VA) is issuing this interim final rule to amend the Veterans Benefits Administration's (VBA) adjudication regulations concerning the definition of ''date of receipt'' by authorizing the Under Secretary for Benefits to establish exceptions to the general rule when a natural or man-made event interferes with the channels through which VBA ordinarily receives correspondence, resulting in extended delays in receipt of claims, information or evidence from claimants served by VBA. Currently, VBA receives correspondence through its 57 Regional Offices (RO) and through the Appeals Management Center (AMC), which develops claims on appeal to the Board of Veterans Appeals. The intended effect is to ensure that claimants served by the affected VBA office or offices are not deprived of potential entitlement to benefits because of unexpected delays or impediments not caused by the claimants.

DATES: *Effective Date:* This interim rule is effective July 19, 2004. Comments must be received by September 17, 2004.

ADDRESSES: Written comments may be submitted by: mail or hand-delivery to Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1068, Washington, DC 20420; fax to (202) 273–9026; e-mail to *VAregulations@mail.va.gov*; or, through *www.Regulations.gov.* Comments should indicate that they are submitted in response to ''RIN 2900–AL12.'' All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 273–9515 for an appointment.

FOR FURTHER INFORMATION CONTACT: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, at 273–7210.

SUPPLEMENTARY INFORMATION: Pursuant to section 5110 of title 38, United States Code, the date of receipt of application generally governs the effective date of a VA benefit award by VBA. VA implemented the provisions of section 5110 at 38 CFR 3.1(r), which defines ''date of receipt'' for purposes of benefit entitlement as the date on which a claim, information, or evidence was received in a VBA office, except as to specific provisions for claims or evidence received in the State Department, Social Security Administration, or Department of Defense.

A delay in date of receipt of correspondence in VBA could deprive a veteran or beneficiary of one or more months of benefits potentially amounting to thousands of dollars. For example, under normal conditions a claimant could expect VBA to receive his or her application for benefits within days of mailing. However, an extended delay in mail delivery, such as that resulting from the introduction of anthrax into the U.S. postal system in October 2001, could add weeks or months to the time it takes VBA to actually receive that application, resulting in a later date of entitlement to benefits. Furthermore, such extended delay in mail delivery could result in a claimant being barred from further pursuing a claim or an appeal even though the claimant mails evidence in an otherwise timely manner to comply with a certain limitations period.

Although the regulations allow VBA to grant extensions on time limits in individual cases for good cause shown as under 38 CFR 3.109(b), the regulations currently do not provide any exception for widespread delays in receipt of claims or evidence, such as that experienced primarily by three VBA Regional Offices—Newark RO, New York RO and Washington (DC) RO—following the anthrax postal contamination in October 2001. Delays in receipt of claims or evidence due to events of natural or man-made origin threaten impairment or loss of benefits for VA claimants through no fault of their own.

VA wishes to protect the interests of claimants who send correspondence to VBA through the normal channels of communication from being deprived of benefits to which they are entitled solely because those channels of communication have been disrupted due to events outside of the claimants' control.

Accordingly, through this interim final rule, we are amending § 3.1(r) to give the Under Secretary for Benefits authority to establish exceptions to the rule governing date of receipt when he or she determines that natural or man-made disruption of the normal channels of communication results in one or more VBA offices experiencing extended delays in the receipt of correspondence, including claims, information, and evidence. This permits the Under Secretary to immediately address emergency situations, such as an event delaying mail delivery or a disaster at a VBA office location that bars access to the building, and to avoid adverse consequences to claimants who otherwise have followed a normal course of seeking entitlement to VA benefits. It also permits a centralized and coordinated response to emergency situations, thereby avoiding possible inconsistent responses to such crises within and among regions. To determine the date of receipt, the Under Secretary alternatively would use factors such as the postmark or the date that the claimant signs his or her correspondence. The scope of the Under Secretary's action would depend on the scope of the crisis that prevents the timely delivery or receipt of correspondence. If the crisis were national, the Under Secretary would have the authority to declare a nationwide exception to the definition. If the crisis were merely regional, however, or were confined to a particular RO or the AMC, the Under Secretary's declaration of an exception would apply to that region or office only.

Under section 501(a)(1) of title 38, United States Code, the Secretary of Veterans Affairs has the authority to prescribe regulations respecting ''the nature and extent of proof and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws.'' Regulations defining when a claim for benefits, or evidence or information, is ''received'' by VBA fall within this category. Further, under section 512(a) of the same title, the Secretary may delegate his or her authority to carry out certain functions and duties to subordinate officials as he or she finds necessary. In this case, we designate the Under Secretary for Benefits as the official authorized to establish and implement

the necessary exceptions to the rule governing date of receipt because he or she provides technical expertise and advice to the Secretary of Veterans Affairs on veterans benefits issues and is well qualified to exercise this authority in an expeditious, objective, and impartial manner. Further, there is no need to elevate these determinations to the Secretary of Veterans Affairs.

We are publishing this amendment as an interim final rule. We do not believe that it is necessary to issue a Notice of Proposed Rulemaking (NPRM) as a prelude because there is ''good cause'' for dispensing with the customary procedure of notice and comment in this case under section 553(b)(B) of title 5, United States Code. This rule is designed to address emergency situations by compensating for delays in the delivery of important information that those situations could create. It applies to unforeseen situations that may arise at any time in the future and can only redound to the public's benefit in its operation. It would therefore be contrary to the public interest to delay the publication and operation of this rule because an emergency situation requiring its operation could arise at any time, including the time that it would take to publish this rule by conventional means. It would be contrary to the public interest to delay the publication of this rule when it so clearly benefits the public in an emergency that could happen at any time. Further, this rule does not impose any additional obligations or have any adverse effects on claimants, as it insures that claimants may establish entitlement to benefits they otherwise would have had but for the occurrence of a special or unforeseen circumstance.

Because it would permit VA to respond to an emergency situation that could arise at any time, and because it imposes no additional obligations, we find that publication of this rule as an interim rule serves the public interest. VA will consider comments received during the comment period for this interim rule (see **DATES** section). After the comment period closes, VA will publish another document in the **Federal Register** to discuss any comments received in response to this interim rule and any amendments made as a result of those comments.

For the reasons stated above in connection with our discussion of section 553(b)(B), we find that there is ''good cause'' under 5 U.S.C. 553(d)(3) for making this rule effective on the date of its publication in the **Federal Register**. Our intent is that the rule shall apply to claims filed on or after the date of publication. We see no reason to give this rule retroactive effect because we do not believe that there is any mail affected by the anthrax incident that is still outstanding, and we are not aware of any man-made or natural disruption other than the anthrax incident that precipitated delays in the receipt of correspondence. In addition, this rule certainly ''grants or recognizes an exemption or relieves a restriction'' under section 553(d)(1).

Regulatory Flexibility Act

Because no notice of proposed rule making was required in connection with the adoption of this interim final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601–612). Even so, the Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any given year. This rule would have no such effect on State, local, or tribal governments, or the private sector.

Executive Order 12866

This rule has been reviewed by the Office of Management and Budget under Executive Order 12866.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

The Catalog of Federal Domestic Assistance program numbers are 64.100 through 64.110 and 64.127.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: April 9, 2004.

Anthony J. Principi,

Secretary of Veterans Affairs.

■ For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for Part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

■ 2. In § 3.1, paragraph (r) is amended by adding at the end of the paragraph the following:

§ 3.1 Definitions.

* * * * *

(r) * * * However, the Under Secretary for Benefits may establish, by notice published in the **Federal Register**, exceptions to this rule, using factors such as postmark or the date the claimant signed the correspondence, when he or she determines that a natural or man-made interference with the normal channels through which the Veterans Benefits Administration ordinarily receives correspondence has resulted in one or more Veterans Benefits Administration offices experiencing extended delays in receipt of claims, information, or evidence from claimants served by the affected office or offices to an extent that, if not addressed, would adversely affect such claimants through no fault of their own.

(Authority: 38 U.S.C. 501(a), 512(a), 5110)

* * * * *

[FR Doc. 04–16308 Filed 7–16–04; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R04–OAR–2004–GA–0001–200420; FRL–7788–3]

Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is finalizing the approval of a revision to the Georgia State Implementation Plan (SIP) submitted by the Georgia Environmental

Protection Division (GAEPD) on December 24, 2003. The revision pertains to the Post-1999 Rate-of-Progress Plan (Post-1999 ROP Plan). This submittal was made to meet the reasonable further progress requirements of section 182 of the Clean Air Act, as amended in 1990 (CAA). The SIP revision also establishes a motor vehicle emissions budget (MVEB) for transportation conformity purposes. EPA is approving Georgia's Post-1999 ROP plan, including the 2004 MVEB adequacy determination and addressing comments submitted in response to EPA's proposed rule/notification of adequacy process published/posted previously for this action.

DATES: This rule will be effective August 18, 2004.

ADDRESSES: EPA has established a docket for this action under Docket ID No. R04–OAR–2004–GA–0001. All documents in the docket are listed in the index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Publicly available docket materials are available in hard copy at: Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Martin, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9036. Mr. Martin can also be reached via electronic mail at *martin.scott@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background
II. Today's Action
III. Response to Comments
IV. Final Action
V. Statutory and Executive Order Reviews

I. Background

Section 182 of the CAA requires ozone nonattainment areas with air quality classified as ''moderate'' or worse to submit plans showing reasonable further progress towards attainment of the national ambient air quality standards (NAAQS). Because Atlanta was classified as a ''serious'' nonattainment area for ozone, the CAA required Georgia to develop a SIP to reduce emissions of VOCs in the 13-county Atlanta 1-hour ozone nonattainment area by 15 percent from 1990 to 1996. The most recent revision to Georgia's 15% ROP SIP (*i.e.*, the 15% Plan) was submitted by the GAEPD on June 17, 1996, and was approved by the EPA effective May 26, 1999, (64 FR 20186).

The CAA also requires Post-1996 emission reductions of VOCs and/or NO_X totaling 3 percent per year, averaged over each consecutive three-year period beginning in 1996 and continuing through the attainment date. Georgia chose to rely solely on NO_X emission reductions in its Post-1996 ROP SIP (*i.e.*, the 9% Plan). This plan was required to describe how Georgia would achieve reasonable further progress towards attaining the ozone NAAQS between 1996 and 1999, the attainment deadline for serious nonattainment areas. The most recent revision to Georgia's 9% Plan was submitted June 17, 1996, and was approved by EPA effective April 19, 1999, (64 FR 13348).

On July 17, 2001, GAEPD submitted the Atlanta 1-hour ozone attainment SIP to EPA which included a demonstration that Atlanta would attain the 1-hour ozone NAAQS by November 15, 2004. That attainment demonstration, including the extension of the attainment date, was approved by the EPA in a notice published in the **Federal Register** on May 7, 2002, (67 FR 30574), which cited EPA's policy to grant attainment date extensions for areas dependent upon upwind states' emission reductions mandated by the regional NO_X SIP Call as a basis for approval. On June 25, 2002, a challenge to EPA's approval of the attainment demonstration was filed in the 11th Circuit Court of Appeals. Subsequently, in challenges to other attainment date extensions, several federal appeals courts ruled that EPA lacked the authority to grant such attainment date extensions. On February 20, 2003, EPA filed a motion for voluntary vacatur of Atlanta's attainment date extension and approval of Atlanta's ozone attainment demonstration. On June 16, 2003, the United States Court of Appeals for the Eleventh Circuit issued an order granting EPA's motion, thereby vacating approval of the July 17, 2001, attainment demonstration.

In response to these court rulings, EPA issued a final rulemaking action in the September 26, 2003, **Federal Register** (68 FR 55469). It included a determination that the Atlanta area had failed to attain the 1-hour ozone standard by the statutory deadline of November 1, 1999, and that by operation of law, the Atlanta area was being reclassified to a ''severe'' ozone nonattainment area effective January 1, 2004. Under section 181(a)(1) of the CAA, the attainment deadline for Atlanta as a new ''severe'' nonattainment area is ''as expeditiously as practicable,'' but not later than November 15, 2005.

GAEPD has recently conducted an Early Attainment Assessment to review the progress made to date in implementing the July 17, 2001, ozone attainment SIP. The Early Attainment Assessment indicates that the emission reductions achieved to date from the 1-hour ozone attainment SIP control measures have been effective in reducing monitored levels of ozone and that the area appears to be on track to attain by the end of the 2004 ozone season.

EPA's September 26, 2003, action requires submission of a severe area Post-1999 ROP SIP. The severe area Post-1999 ROP SIP must describe how at least a 3 percent per year reduction in emissions of ozone precursors (VOCs or NO_X) will be achieved, from the time of failure to meet the ''serious'' area attainment date (November 15, 1999) until the ''severe'' area attainment date.

This Atlanta severe area Post-1999 ROP SIP contains a description of how the 3 percent per year reductions in ozone precursor emissions, required over the period from November 15, 1999, through November 15, 2004, will be achieved. It also contains MVEBs for the Atlanta 1-hour ozone nonattainment area. Submission only through 2004 is based on the State's Early Attainment Assessment discussed above.

On January 6, 2004, EPA provided the public with an opportunity to review and comment on the adequacy of new VOC and NO_X MVEBs for the year 2004 for purposes of determining transportation conformity. The adequacy comment period ended on February 5, 2004. On May 6, 2004, (69 FR 25348) EPA published a notice of proposed rulemaking (NPR) proposing to approve the Post-1999 ROP Plan. The May 6, 2004, NPR provides a detailed description of each of these matters and the rationale for each of EPA's proposed actions, together with a discussion of the opportunity to comment on the adequacy of the 2004 MVEB. The public comment period for the NPR ended on June 7, 2004. EPA received adverse comments during both these comment periods.

II. Today's Action

In this final rulemaking, EPA is responding to comments made on EPA's proposed rulemaking published May 6,

2004 (69 FR 25348) and during the adequacy comment period which ran from January 6, 2004, through February 5, 2004. EPA is approving the Georgia Post-1999 Rate-of-Progress Plan and providing notice that it has determined the 2004 VOC and NO_X MVEBs to be adequate under the requirements of 40 CFR 93.118(e)(4). Additionally, through this action, EPA is approving the 2004 MVEBs.

On December 24, 2003, Georgia submitted a revision to its SIP pertaining to the Post-1999 ROP Plan. Today, EPA is addressing comments received on the May 6, 2004, NPR and approving the Post-1999 ROP Plan. Additionally, through this rulemaking, EPA is providing notice that it has determined that the 2004 MVEBs for VOC and NO_X, as discussed above, meet the substantive criteria for ''adequacy'' as set out in 40 CFR 93.118(e)(4), and are adequate for purposes of transportation conformity.

EPA's adequacy determination for the 2004 MVEBs is also being announced on EPA's conformity Web site: *BM_1_ http:// www.epa.gov/otaq/transp.htm,* (once there, click on the ''Transportation Conformity'' text icon, then look for ''Adequacy Review of State Implementation Plan (SIP) Submissions for Conformity''). The new budget for VOCs is 160.68 tons per day (tpd) and 318.24 tpd of NO_X.

III. Response to Comments

1. The Rate of Progress State Implementation Plan Fails To Demonstrate Adequate Reductions of NO_X in the Nonattainment Area

Comment: The commentor states that the proposed ROP SIP is flawed because the EPD takes credit for reductions at five coal fired electric power plants located outside the 13 county ozone nonattainment area in order to demonstrate the required three percent per year reduction in emissions and that these reductions are inconsistent with CAA requirements.

Response: EPA refers the commentor to a December 23, 1997, memo from Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, entitled ''Guidance for Implementing the 1-Hour Ozone and Pre-existing PM_{10} NAAQS.'' This document outlines EPA policy relating to allowing states flexibility to expand the geographic size of the area from which they can obtain emission reductions to meet their annual average 3 percent per year ROP requirements. Specifically, EPA states that an area in nonattainment for the 1-hour NAAQS should be allowed to take credit for emissions reductions obtained from sources outside the designated nonattainment area for the post-1999 ROP requirement as long as the sources are no farther than 100 km (for VOC sources) or 200 km (for NO_X sources) away from the nonattainment area. Because the ROP requirement is a general ROP requirement for at least 3 percent-per-year and not a requirement for specific programs or measures such as vehicle inspection and maintenance, this flexibility would continue to provide the same ROP in terms of reducing emissions. EPA believes that this additional flexibility for crediting reductions outside nonattainment areas is consistent with the CAA.

EPA believes that emissions from the source(s) outside the nonattainment area that are involved in the substitution must be included in the baseline ROP emissions and target ROP reduction calculation. Emissions from source(s) outside the nonattainment area that are not involved in the substitution would not have to be inventoried or included in the baseline ROP emissions and target ROP calculation. Under this approach, States will need to track and record emission reductions and certify to EPA the amount of emission reductions achieved for ROP.

In order to develop the Post-1999 ROP Plan in accordance with EPA guidance, EPD updated the 1990 NO_X emissions inventory and adjusted the inventory by removing NO_X already scheduled for control by previous federal regulations on motor vehicles and gasoline volatility. The required NO_X reductions and the resulting target levels of future NO_X emissions were calculated, growth in NO_X emissions was estimated, and the effects on projected emissions of various emissions control rules already adopted and implemented, or scheduled for implementation prior to the end of 2004, were calculated.

EPD is including reductions of NO_X emissions at five coal-fired electrical power plants. These Georgia Power Company plants impact the nonattainment area but are located in neighboring counties designated as attainment for the 1-hour ozone standard. As a control strategy to attain the 1-hour ozone standard in Atlanta, stricter controls have been placed on these power plants. All five of these power plants are located within 200 kilometers of the Atlanta 1-hour ozone nonattainment area.

EPD has recently conducted an Early Attainment Assessment to review the progress made to date in implementing the July 17, 2001, ozone attainment SIP. The Early Attainment Assessment indicates that the emission reductions achieved to date from the 1-hour ozone attainment SIP control measures have been effective in reducing monitored levels of ozone and that the area appears to be on track to attain in 2004.

2. The Early Attainment Demonstration Is Flawed

Comment: This commentor stated that the early attainment demonstration performed by the state is flawed and does not demonstrate attainment since it was not based on photochemical grid modeling.

Response: As explained in the Proposal Notice, the purpose of the ROP SIP is to demonstrate a percentage of emission reductions from the baseline emissions and is not an attainment demonstration SIP. Thus these comments are not applicable to the ROP SIP or the adequacy of MVEBs established in the ROP SIP. EPA will take comments regarding the adequacy and approvability of the MVEBs established in the attainment demonstration when it takes action on the attainment SIP.

3. Proposed Early Adequacy Determination for Motor Vehicle Emissions Budgets

Comment: EPA may not approve the revised, higher MVEBs for 2004 absent a showing that they will be adequate to attain the NAAQS. Since no demonstration has been submitted to demonstrate that the SIP as a whole, including the higher motor vehicle emissions budgets, will provide for attainment, there is no basis for EPA to approve or find these proposed budgets adequate pursuant to 40 CFR 93.118(e)(4).

Response: The comment refers to the budgets providing for attainment. However, the purpose of the implementation plan is to demonstrate reasonable further progress toward attainment. To quote 40 CFR 93.118 (e)(4)(iv) in full—''the motor vehicle emissions budget(s) when considered together with all other emissions sources, is consistent with the applicable requirements for reasonable further progress, attainment or maintenance (whichever is relevant to the given implementation plan submission).'' Since the purpose of the relevant implementation plan is to demonstrate reasonable further progress, commonly referred to as a ROP demonstration, the budgets do not need to provide for attainment as suggested by the commentors.

Furthermore, EPA believes that it is correct that the inventory of mobile emissions is higher than the past SIP mobile emissions because they are based upon use of updated planning assumptions and emissions models.

Since the time of last rate of progress SIP submittal and approval a new emission model has been approved by EPA—MOBILE 6. EPA requires that the latest emissions model approved by EPA be used for the development of implementation plans (Section 110 of the CAA). The previously submitted implementation plan referenced by the commentors was based on version 5 of the MOBILE model applicable at the time of its development. Therefore, comparisons between inventories developed using different models and updated planning assumptions, models, and methodologies are not valid. In accordance with EPA's MOBILE6 policy guidance *(http ://www.epa.govlotaqlmodelslmobile6/m6policy),* base year and future year motor vehicle emission inventories for this Post-1999 ROP plan were recalculated with the latest available planning assumptions. As stated in section 6.2 of the Post-1999 ROP plan, ''These mobile source inventories reflect the most up-to-date mobile modeling assumptions, including * * * VMT projected from a state-of-the-art travel demand model for the 13 counties and emission factors from EPA's latest mobile source emission factor model, MOBILE6.2.''

Other updated planning assumptions and methodologies reflected in the Post-1999 ROP plan's projected mobile source emissions inventories include revised speeds and fleet age distributions, and the use of a travel demand model link-based emissions estimation procedure.

Comment: Compliance with the ROP requirements requires that total NO_X be reduced in 2004 to 392.2 tpd, even conceding EPD's new flawed baseline methodology or 376.7 tpd under the proper baseline methodology employed by the agency in 1997. The SIP does not contain measures that will achieve this level of NO_X emissions if the MVEB are 318 tpd. All other emissions of NO_X must be reduced to 58 tpd in order to allow an MVEB at 318 tpd in 2004.

Response: This comment is based in part on the position that emissions for the five power plants within 200 kilometers of the nonattainment area cannot be included in the ROP calculation. As explained by EPD in the State's responses to the commentor issues 1 and 2 on pages 2 and 3 of the December 24, 2003, comments response memo from EPD, EPD followed EPA's guidance, which allows states the flexibility to expand the geographic size of the area from which the state can obtain emission reductions. EPA has explained its position on this issue in the first response to comment.

In accordance with EPA policy, EPD did account for the required 9% reduction in NO_X emissions for the period 1996–1999 in calculating the 2002 and 2004 target levels of emissions. The state explains this in the response to commentor Issue 3 on page 3 of the December 24, 2003, State's comments response memo. This memo explained how EPD used the correct methodology for calculating ROP target levels of emissions, Georgia's 9% Plan, and how the emissions reductions required between 1996 and 1999 would be achieved. For the Post-1999 ROP plan, EPD followed EPA guidance in updating the 1999 NO_X target level of emissions, in calculating the post-1999 target levels, and in projecting 2002 and 2004 emissions for all source sectors. In accordance with EPA guidance, EPD modeled the mobile and nonroad source sectors for 2002 and 2004, and grew (with an EPA computer model entitled: Economic Growth and Analysis System) all other emissions from those compiled in Georgia's 1999 Periodic Emissions Inventory. This methodology correctly accounts for all growth as well as reductions in emissions that occurred up to 1999, and results in a NO_X emissions target for 2004 of 854.7 tpd.

Comment: MVEB in a submitted SIP may not be approved unless the SIP ''is consistent with applicable requirements for reasonable further progress, attainment or maintenance.'' 40 CFR 93.118 (e)(4) (iv).

Response: As stated above the commentors's citation is incomplete and the quotation omits the key contextual phrase, ''whichever is relevant to the given implementation plan or submission.'' The regulatory text to which the commentor refers is 40 CFR 93.118(e)(4)(iv). That section states: ''(4) EPA will not find a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan to be adequate for transportation conformity purposes unless the following minimum criteria are satisfied: [subparagraphs i through iii omitted] (iv) The motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given implementation plan submission);''

The SIP now under consideration is not an attainment demonstration, but a ''reasonable further progress'' SIP within the context of 40 CFR 93.1 18(e)(4)(iv). Accordingly, the relevant criterion for MVEB adequacy is that the MVEB, when considered together with all other emissions sources, is consistent with the requirement to show an average 3% per year reduction in ozone precursors from 1999 to the anticipated attainment date of 2004. The Post-1999 ROP SIP does show this required reduction, in full accordance with guidance issued by EPA.

Comment: With regard to the State's draft Vehicle Miles Traveled (VMT) SIP, currently under internal review prior to submission to EPA, concern is raised regarding the lack of controls, coupled with the proposed elevated MVEB and a regional transportation plan, that, while still in draft form, demonstrates an almost overwhelming preference for road-building projects, will place Atlanta at a disadvantage in the long run as it struggles to meet the more stringent 8-hour standard that will be in place as of April 15, 2005.

Response: The VMT requirement is separate from the ROP SIP requirement. The purpose of the ROP SIP is to demonstrate a percentage of emission reductions. Its purpose is not to meet the VMT requirement in the severe classification attainment SIP pursuant to section 182 of the CAA. EPA will take comments regarding the VMT requirement in the attainment demonstration when that SIP is submitted and EPA takes action on that SIP. Furthermore, EPA continues to consult and work closely with the state transportation and air quality stakeholders in the development of the 2030 regional transportation plan and the air quality motor vehicle emissions analysis of that plan to ensure that it does not create new violations of the Federal air quality standards, increase the frequency or severity of existing violations of the standard or delay attainment of the standards in Atlanta.

IV. Final Action

EPA is approving the Georgia Post-1999 Rate-of-Progress Plan and providing notice that it has determined the 2004 VOC and NO_X MVEBs to be adequate under the requirements of 40 CFR 93.118(e)(4). Additionally, through this action, EPA is approving the 2004 MVEBs.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves

state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 17, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 9, 2004.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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

PART 52—[AMENDED]

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

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

Subpart L—Georgia

■ 2. Section 52.570(e), is amended by adding a new entry at the end of the table for ''Post-1999 Rate of Progress Plan'' to read as follows:

§ 52.570 Identification of plan.

* * * * *

(e) * * *

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date
* *	* * *	*	*
19. Post-1999 Rate of Progress Plan	Atlanta Metropolitan Area	December 24, 2003 ...	July 19, 2004 [Insert citation of publication]

[FR Doc. 04–16203 Filed 7–16–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[OAR–2002–0010, FRL–7786–9]

RIN 2060–AH69

National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendments.

SUMMARY: On January 25, 1995, the EPA promulgated national emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks under section 112 of the Clean Air Act (CAA). On June 5, 2002, we proposed amendments to the rule. This action promulgates amendments to the emission limits, definitions, compliance provisions and performance test requirements in the standards for chromium emissions from hard and decorative chromium electroplating and anodizing tanks.

DATES: Effective July 19, 2004.

ADDRESSES: EPA has established a docket for this action under Docket ID Nos. OAR–2002–0010 and A–88–02. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Mulrine, U.S. EPA, Office of Air Quality Planning and Standards, Emission Standards Division, Metals Group, (C439–02), Research Triangle Park, NC 27711, telephone number (919) 541–5289, electronic mail address: *mulrine.phil@epa.gov.*

SUPPLEMENTARY INFORMATION: *Regulated Entities.* Entities potentially regulated by this action include facilities engaged in hard chromium electroplating, decorative chromium electroplating, and chromium anodizing of metal or plastic parts either as a primary activity or as an activity incidental to a larger fabricating or manufacturing establishment. Regulated categories and entities include sources listed under the North American Information Classification System (NAICS) U.S. Industries code 332813, as well as sources listed under numerous industry codes within industry subsector 332, titled ''Fabricated Metal Product Manufacturing.''

Category	NAICS	Examples of regulated entities
Manufacturing	332813	Electroplating and anodizing facilities.
Manufacturing	332	Establishments primarily engaged in both fabricating and electroplating or anodizing products are classified in the Manufacturing sector according to the product made.

Docket. The EPA has established an official public docket for this action including both Docket ID No. OAR–2002–0010 and Docket ID No. A–88–02. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. All items may not be listed under both docket numbers, so interested parties should inspect both docket numbers to obtain all materials relevant to the final rule amendments. Although a part of the official public docket, the public docket does not include Confidential Business Information or other information the disclosure of which is restricted by statute. The official public docket is available for public viewing at the EPA Docket Center (Air Docket), EPA West, Room B–102, 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 Air Docket is (202) 566–1742.

Electronic Access. Electronic versions of the documents filed under Docket No. OAR–2002–0010 are 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 of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, select ''search'' and key in the appropriate docket identification number.

The 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. 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 this document.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of today's document also will be available on the WWW. Following the Administrator's signature, a copy of this action will be posted at *www.epa.gov/ttn/oarpg* on EPA's Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Judicial Review. Under section 307(b)(1) of the CAA, judicial review of the final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by September 17, 2004. Under section 307(d)(7)(B) of the CAA, only an objection to the final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements established by the final rule amendments may not be challenged separately in any civil or criminal proceedings brought by EPA to enforce the requirements.

Outline. The information presented in this preamble is organized as follows:

I. Background
II. Response to Comments
A. Use of Fume Suppressants for Controlling Chromium Emissions from Hard Chromium Electroplating Tanks
B. Revised Surface Tension Limit When Measuring Surface Tension with a Tensiometer
C. Emission Limit for Hard Chromium Electroplating Tanks Equipped with Enclosing Hoods
D. Chromium Electroplating and Chromium Anodizing Tank Definitions
E. Pressure Drop Monitoring Requirement for Composite Mesh Pads
III. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Congressional Review Act

I. Background

On January 25, 1995, we promulgated national emission standards for hazardous air pollutants (NESHAP) for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks (60 FR 4963) under the authority of section 112 of the CAA. Due to recent changes in control technology, additional information related to the monitoring required by the NESHAP, and problems with implementing some of the requirements of the NESHAP, we proposed amendments to the NESHAP on June 5, 2002 (67 FR 38810). The proposed amendments to the NESHAP addressed five technical areas: (1) The use of fume suppressants for controlling chromium emissions from hard chromium electroplating tanks; (2) a revised surface tension limit for decorative chromium electroplating tanks when measuring surface tension with a tensiometer; (3) an alternate emission limit for hard chromium electroplating tanks equipped with enclosing hoods; (4) revised definitions for chromium electroplating and chromium anodizing tanks; and (5) the pressure drop monitoring requirement for composite mesh pad (CMP) control systems.

Based on recommendations made by the Common Sense Initiative (CSI) Metal Finishing Subcommittee and research conducted by our Office and Research and Development (ORD), we proposed allowing owners and operators of hard chromium electroplating sources to meet a surface tension limit as an alternative to the chromium emissions concentration limit specified in the NESHAP. The data from recent emission tests conducted on hard chromium electroplating tanks indicates that compliance with the 0.015 milligram per dry standard cubic meter (mg/dscm) emission limit can be achieved when the surface tension of the electroplating tank bath is maintained below certain levels. Based on those data, we proposed surface tension limits of 45 dynes per centimeter (dynes/cm), when measured using a stalagmometer, and 35 dynes/cm, when measured using a tensiometer, for hard chromium electroplating tanks.

The research performed by ORD and other data show that, when used to measure the surface tension of chromium electroplating baths, tensiometers typically read about 20 percent lower than surface tension measurements of the same bath made using a stalagmometer. Because the 45 dynes/cm surface tension limit specified in the NESHAP for decorative chromium electroplating tanks is based on measurements using a stalagmometer, we proposed adding a separate surface tension limit of 35 dynes/cm when using a tensiometer to measure decorative chromium electroplating bath surface tension.

Since the promulgation of the NESHAP, several chromium electroplating facilities have installed state-of-the-art electroplating tanks equipped with enclosing hoods. Because the ventilation rates for these enclosed tanks are considerably lower than ventilation rates for conventional hooding, some facilities with enclosed tanks have had difficulty meeting the chromium emission concentration limit specified in the NESHAP, even when emissions from those tanks are well controlled. To rectify this situation, we proposed an alternative mass emission rate limit for chromium electroplating tanks equipped with enclosing hoods.

The NESHAP defined affected source as any chromium electroplating tank or chromium anodizing tank located at a facility that performs hard chromium electroplating, decorative chromium electroplating, or chromium anodizing. We have become aware that, in at least one case, this definition of affected source has resulted in the replacement of an existing electroplating tank being treated as a reconstruction, thereby triggering the emission limits for new sources. Because tank replacement is considered routine maintenance, it was not our intent to require more stringent emission limits when a facility replaced an existing chromium electroplating tank. Therefore, we proposed an amended definition of affected source that includes the peripheral equipment, such as rectifiers and anodes, that is essential for the chromium electroplating process.

Finally, we proposed an amendment to the requirement for establishing the operating limit for any source controlled with a CMP. In the promulgated NESHAP, owners and operators of affected sources controlled with a CMP are required to maintain the pressure drop across the CMP within 1 inch of water column (in. w.c.) of the pressure drop established during the initial performance test. However, we have recently become aware that the pressure drop across a CMP often exceeds the pressure drop operating limit by more than 1 in. w.c. immediately following the cleaning or replacement of pads. Consequently, we proposed increasing the allowable range of pressure drops from ±1 in. w.c. to ±2 in. w.c.

We received a total of 16 public comments on the proposed amendments to the NESHAP. Two of the 16 comments requested an extension of the public comment period, 2 comments expressed general opposition to the amendments, and the other 12 comments addressed the technical issues associated with the proposed amendments. In addition, some commenters suggested changes to other requirements of the NESHAP not specifically addressed by the proposed amendments. Comments were submitted by five State and local air pollution control agencies, one environmental justice organization, four companies that perform chromium electroplating, and one Federal agency. Three industry trade associations submitted a joint set of comments, and two concerned citizens also submitted comments.

After full and careful consideration of the comments, we are promulgating the amendments as proposed with two minor clarifications. Both clarifications pertain to the requirement for establishing operating limits for the pressure drop across a CMP system. We have added paragraph (iii) to § 343(c)(1) of the final rule to indicate that an owner or operator can establish a new operating limit for the pressure drop across a CMP system by repeating the performance test. In such cases, the new operating limit will be based on the pressure drop established during the repeat performance test ±2 in. w.c. We also have added paragraph (iv) to § 343(c)(1) to indicate that the ±2 in.

w.c. requirement for the pressure drop across a CMP system does not apply during automatic washdown cycles of the CMP system.

II. Response to Comments

A. Use of Fume Suppressants for Controlling Chromium Emissions From Hard Chromium Electroplating Tanks

Comment: One commenter stated that the proposed change is based on a single emissions test, and that there are other data available, collected from the same facility and from other facilities, that contradict the findings of that test. To support that argument, the commenter summarized the results from three studies of the effectiveness of fume suppressants in controlling emissions from chromium electroplating tanks that were performed under EPA's CSI. The 2000 CSI report included the results of three emission tests conducted at a hard chromium electroplating facility. The results of the first test were used as the basis for the proposed amendment. In the second test, emissions were measured at higher surface tensions (32 to 34 dynes/cm) and higher process loading (3,973 to 5,652 ampere-hours (amp-hr)); emissions of total chromium exceeded the NESHAP limit of 0.015 mg/dscm, but hexavalent chromium concentrations were within the 0.015 mg/dscm limit. In the third test, emissions were measured at similar loading levels (4,700 to 5,000 amp-hr), but at even higher surface tensions (32 to 36 dynes/cm). Although there were problems with the test, the results indicated exceedances of the emission limit in two of three runs. During a 1998 CSI study, emissions from a hard chromium electroplating tank were below the 0.015 mg/dscm limit when surface tensions were maintained between 24 and 29 dynes/cm using a fluorinated chemical fume suppressant, which is referred to as a ''third generation'' fume suppressant. In the other study, six tests were performed on hard chromium electroplating tanks that contained fume suppressants. For the five valid tests, the results of two tests indicated compliance with the emission limit when surface tensions were 23 and 28 dynes/cm, respectively; for the other three tests, chromium emissions exceeded the 0.015 mg/dscm limit when surface tensions were maintained at 22, 32, and 41 dynes/cm, respectively.

Response: We have reviewed the additional test data referenced by the commenter, and we disagree with the commenter that other available data contradict the results of the test that we used as the basis for the proposed amendment. The additional studies that the commenter references present the results of 17 emission tests on hard chromium electroplating tanks. Two emission tests were conducted in May 1996 at the Diamond Chrome Plating, Incorporated, (Diamond) facility in Howell, Michigan. The tests were performed on five hard chromium electroplating tanks that were exhausted to a common duct. Each test consisted of three 2-hour runs using Method 306. During the first test, the surface tensions of the electroplating solutions in the five tanks ranged from 38 to 44 dynes/cm and averaged 41 dynes/cm. The total chromium emission concentration for that test was 0.0062 mg/dscm, and the hexavalent chromium concentration for the test was 0.0048 mg/dscm, both of which are far below the emission limit of 0.015 mg/dscm. During the other test, foam was discovered in the exhaust hood. Therefore, the results of that test are not valid.

Six emission tests were conducted during July and August 1997 at the Modern Hard Chrome Company (Modern) facility in Warren, Michigan. Three tests were performed on each of two hard chromium electroplating tanks. Each test consisted of three 2-hour Method 306 runs. For each tank, one of the tests was conducted without the addition of a fume suppressant to the electroplating bath. For the other four tests, a wetting agent fume suppressant was added to the electroplating bath, and the average surface tensions of the electroplating solutions ranged from 22 to 41 dynes/cm. The testing demonstrated compliance with the 0.015 mg/dscm emission limit in only one of the four controlled tests. However, the concentrations of total chromium varied considerably over the four tests, and the results were inconsistent with the other available data on the effectiveness of fume suppressants in controlling emissions from hard chromium electroplating tanks. Whereas one test indicated total chromium emissions to be 0.17 mg/dscm at a surface tension of 32 dynes/cm, another test conducted at a significantly higher surface tension of 41 dynes/cm indicated a much lower total chromium concentration of 0.050 mg/dscm. The other two tests were conducted at surface tensions of 22 to 23 dynes/cm. In one test, the total chromium concentration was 0.011 mg/dscm, but for the other test, the total chromium concentration was determined to be 0.028 mg/dscm. These variations are a strong indication of problems with the testing and/or source operation. However, we have been unable to obtain a complete copy of the report for this test to corroborate the test results and ensure that there were no problems with process operations or test procedures that could bias the results of the tests. Consequently, we do not consider the results for the tests at Modern to be valid.

Between September 1997 and January 1998, six emission tests were conducted at the Hohman Plating and Manufacturing (Hohman) facility in Dayton, Ohio. The tests were all conducted on the same hard chromium electroplating tank. Five of the tests consisted of six 2-hour test runs using Method 306; the other test consisted of four 2-hour Method 306 runs. One of the tests was conducted under baseline conditions, without the addition of a fume suppressant to the electroplating solution. For the other five tests, a wetting agent fume suppressant was added to the tank, and the electroplating bath surface tensions were maintained between 24.5 and 29.0 dynes/cm. The total chromium concentrations in the exhaust for the five controlled tests ranged from 0.0017 to 0.0050 mg/dscm and were all well below the emission limit of 0.015 mg/dscm.

Three emission tests were conducted at the Acme Hard Chrome, Incorporated, (Acme) facility in Alliance, Ohio. The tests took place in August 1998, October 1998, and January 1999 and were conducted on three hard chromium electroplating tanks that are exhausted to a common control system. Each test consisted of three 2-hour test runs using Method 306. The results of the first test were used as the basis for the proposed amendment. The surface tensions in the tanks during the first test ranged from 28 to 30 dynes/cm, and the total and hexavalent chromium emission concentrations for the test were 0.0034 mg/dscm and 0.0030 mg/dscm, respectively. In the second test, the surface tensions in the tanks ranged from 32 to 34 dynes/cm. An error in the test report indicated the total chromium concentration to be 0.018 mg/dscm. However, the corrected concentration of total chromium was actually 0.0092 mg/dscm, which is well below the 0.015 mg/dscm emission limit. The hexavalent chromium concentration for the second test was 0.0079 mg/dscm. In the third test, foam was discovered in the exhaust hood, so the results of that test are not considered to be valid.

To summarize, we were able to obtain the results of 14 emission tests on hard chromium electroplating tanks controlled with wetting agent fume suppressants. Eight of the 14 tests provided valid results of fume suppressant performance. In all eight valid emission tests, the total chromium

concentration was determined to be less than the 0.015 mg/dscm emission limit for hard chromium electroplating tanks. Therefore, we have concluded that the available data do support the proposed amendment to allow hard chromium electroplating sources to comply with a surface tension limit as an alternative to the chromium emission concentration of 0.015 mg/dscm.

Comment: One commenter disagreed that the data, which were used as the basis for the proposed change, are conclusive. The commenter pointed out that the emission test was conducted at low production levels (227 to 1,405 amp-hr). Therefore, he believes that the test data are not representative of normal hard chromium electroplating operations.

Response: We agree with the commenter that the emission test that was used as the basis for the proposed amendment was conducted under relatively low process loads. However, the results from other tests on hard chromium electroplating tanks demonstrate that wetting agent fume suppressants are effective in controlling chromium emissions at higher process loads. For example, in the tests conducted at Acme, compliance was demonstrated at a process load of 5,000 amp-hr, and compliance was demonstrated at a process rate of 13,480 amp-hr for the tests at Diamond. These process loads are more typical of the hard chromium electroplating industry than the process load for the test that was used as the basis for the proposed amendment.

Comment: One commenter pointed out that the proposed amendment is based on tests using a ''new generation'' of fume suppressants, implying that other fume suppressants on the market may not perform as well. A second commenter concurred with this comment. The commenter pointed out that the 1998 CSI study indicates that some fume suppressants may be more effective than others in controlling emissions. However, the proposed amendment does not specify the type of fume suppressants that can be used in hard chromium electroplating tanks. The two commenters requested that the final rule specify the types of fume suppressants acceptable for use on hard chromium electroplating tanks that would comply with the proposed surface tension limits.

Response: Based on the available data, we have concluded that chromium emission concentrations from hard chromium electroplating tanks are primarily a function of the electroplating solution surface tension when wetting agent fume suppressants are used as the only emission control. If the surface tension is maintained below the proposed levels (*i.e.*, 35 dynes/cm when measured by tensiometer and 45 dynes/cm when measured by stalagmometer), the concentration of total chromium in the exhaust will be no greater than the 0.015 mg/dscm emission limit for hard chromium electroplating tanks. Furthermore, the available data do not indicate that emission control levels are a function of the type of fume suppressant used in the tank solution, as suggested by the commenters. We did indicate in the preamble to the June 5, 2002 proposal that the amendment was based on a test conducted using a new generation of fume suppressants. However, the term ''new generation'' actually was meant to apply to the performance of fume suppressants with respect to product quality (*e.g.*, the relative degree of pitting in the finished plate) and not to the effectiveness of those fume suppressants in reducing emissions from chromium electroplating tanks. Sources will be in compliance with the emission limits provided the surface tension is maintained at or below the proposed limits, regardless of the type of fume suppressant used.

Comment: One commenter stated that numerous factors affect emissions from chromium electroplating tanks, such as temperature, chromium concentration, and amperage applied, and it is not possible to account for all of those factors in a single emissions test. Another commenter stated that other factors that affect emissions from chromium electroplating tanks should be evaluated, including the degree of air agitation, bath temperature, collection efficiency, mist particle size, tank freeboard, and chromium dust levels in the ductwork and around the facility. The first commenter requested that we consider all of the available data and proceed with the amendment as proposed only if the data are conclusive. If the data are not conclusive, additional testing should be performed before a final decision is made to promulgate the amendments. Another commenter agreed that the data that we considered in proposing the amendment are not conclusive, and additional testing is warranted before allowing the use of fume suppressants as the only means of emissions control on hard chromium electroplating tanks.

Response: Since proposing the amendments, we have evaluated the results of several other emission tests that demonstrate the performance of wetting agent fume suppressants in controlling chromium emissions from hard chromium electroplating tanks. Those tests were conducted under a range of design and operating conditions, including type of fume suppressant, process load, and tank size and configuration. Although measurements of the other parameters listed by the commenters (*e.g.*, bath temperature, tank freeboard, degree of agitation) are not available for comparison, we expect that there were variations in those parameters for the electroplating tanks tested. Despite those variations, the data from all eight of the valid emission tests clearly demonstrate a strong relationship between surface tension and chromium emissions. When the surface tension is maintained at relatively low levels (below 35 dynes/cm), chromium emissions are below 0.015 mg/dscm. Therefore, we have concluded that the effects of those other design and operating parameters on chromium emissions are secondary to surface tension. Furthermore, an industry expert concurred with this conclusion that surface tension is the primary factor in determining chromium emissions from hard chromium electroplating baths.

Comment: Three commenters opposed the amendment because it would allow existing add-on emission controls to be removed from hard chromium electroplating tanks. The commenters believe that existing controls are necessary to protect public health given the toxicity of hexavalent chromium and the proximity of many hard chromium electroplating shops to residences. One of the commenters pointed out that most hard chromium electroplaters already have purchased and installed add-on emission controls, so continuing to require add-on controls would not result in additional control costs for existing sources.

Response: We recognize that, under the proposed amendment, owners and operators of hard chromium electroplating tanks that choose to comply with the proposed surface tension limit could remove existing add-on emission controls. However, the available data on the performance of wetting agent fume suppressants demonstrate that control of chromium emissions equivalent to the level achieved by add-on emission controls can be achieved by maintaining the electroplating bath surface tension below the limits specified in today's amendments. With respect to the public health risks associated with emissions of hexavalent chromium emissions, we have begun evaluating the residual risk for the chromium electroplating and chromium anodizing source category, as required under section 112(f)(2) of the

CAA. If our assessment indicates that the risk due to emissions from the facilities within this source category is unacceptable, we will consider additional measures for mitigating that risk. We agree with the commenter that most hard chromium electroplating facilities have purchased and installed add-on emission controls to comply with the NESHAP. However, we do not feel compelled to require facilities to continue to operate those controls because maintaining electroplating tank solution surface tensions below the proposed limits will ensure adequate control of chromium emissions from those sources.

Comment: One commenter pointed out that the proposed amendment would eliminate the requirement for hard chromium electroplating operations to conduct emission tests to demonstrate compliance with emission limits. The commenter believes that emission tests are necessary for determining compliance with the NESHAP.

Response: We agree that hard chromium electroplating facilities would not be required to conduct performance tests under the proposed amendment if the facility owner or operator decided to comply with the proposed surface tension limits. However, the data on the performance of wetting agent fume suppressants demonstrate that compliance with the 0.015 mg/dscm chromium emission limit will be ensured if surface tension is maintained at or below 35 dynes/cm as measured by a tensiometer, or 45 dynes/cm as measured using a stalagmometer. Consequently, performance tests are not necessary when wetting agent type fume suppressants are maintained below the proposed limits. Furthermore, not requiring performance tests helps to ease the burden on small businesses that are subject to the final rule.

Comment: Two commenters summarized the results of a study performed by the San Diego Air Pollution Control District and the California Air Resources Board in the Barrio Logan community of San Diego County (Barrio Logan Study) from December 3, 2001, to May 12, 2002. During the study, a total of 431 ambient samples were collected at six locations in the vicinity of two electroplating facilities: a decorative chromium electroplating facility and a hard chromium electroplating facility. The study indicated that chromium emissions from the decorative chromium electroplating shop, which used fume suppressants for emission control, resulted in high levels of ambient hexavalent chromium concentrations. The same study also showed that emissions from the adjacent hard chromium electroplating shop, which used an add-on control, were much lower and did not contribute significantly to ambient hexavalent chromium concentrations. The study included estimates of cancer risk, based on 70-year exposures to the average hexavalent chromium concentrations measured during the 5-month study period. The risk assessment indicated that the average cancer risk ranged from 23 to 114 per million, depending on the location, and the overall average risk for all locations was 63 per million. The commenters stated that we should consider the results and implications of that study before proceeding with an amendment that would allow fume suppressants as the only means of emission control for hard chromium electroplating tanks. One of the commenters also requested that the study reports be included in the docket for the final rule.

Response: We have begun evaluating the residual risk associated with the chromium electroplating and chromium anodizing source category, as required under section 112(f)(2) of the CAA. The implications of the Barrio Logan Study would best be addressed within the context of residual risk, and we intend to give the data and results from that study full consideration as we evaluate the residual risk for the chromium electroplating and chromium anodizing source category. We cannot argue with the conclusion of the Barrio Logan Study that emissions from the decorative chromium electroplating shop were the main contributor to high ambient concentrations of chromium. However, the data do not support the conclusion that emissions from the decorative electroplating shop were higher simply because the facility used a fume suppressant and did not have add-on emission controls. Wetting agent fume suppressants are an effective means of emission control when they are used properly, but there are indications that the decorative chromium facility that was the focus of the Barrio Logan Study was not using their fume suppressant properly. Measurements made by the local air pollution control agency indicate that the decorative chromium electroplating facility was not in compliance with the surface tension limit of 45 dynes/cm during at least part of 40 of the 45 days surface tensions were recorded. This lack of adequate control of surface tension certainly contributed to the high ambient concentrations of chromium. In addition, there are indications that other factors, such as poor housekeeping practices, may also have contributed significantly to the ambient chromium concentrations.

B. Revised Surface Tension Limit When Measuring Surface Tension With a Tensiometer

Comment: Five commenters opposed the proposed amendment that would specify a lower maximum surface tension when the surface tension is measured using a tensiometer. One commenter noted that the proposed limit for tensiometer-measured surface tension is based on a single emission test, and the data from that test do not support the proposed surface tension limit of 35 dynes/cm. The commenter stated that surface tensions ranged from 28 to 30 dynes/cm during the test. Although the data demonstrated that the chromium emission limit was achieved at surface tensions below 30 dynes/cm, the data cannot be extrapolated to 35 dynes/cm. At the proposed surface tension limit of 35 dynes/cm, emission concentrations are very likely to be higher than the concentrations measured during the emission test in question. There are no data that demonstrate that emission concentrations will be below the chromium concentration limit of 0.015 mg/dscm when surface tensions are 35 dynes/cm, as measured using a tensiometer.

Response: We have obtained data from eight emission tests that measured chromium emissions from hard chromium electroplating tanks that were controlled only with wetting agent fume suppressants. In two of those tests, emissions were quantified at bath surface tensions of 32 dynes/cm or higher. The second Acme test was conducted at surface tensions of 32 to 34 dynes/cm, and the resulting concentrations of total chromium (0.0092 mg/dscm) and hexavalent chromium (0.0079 mg/dscm) were well under the 0.015 mg/dscm emission limit. Although we would expect the emission concentrations to be slightly higher if the test had been conducted at a surface tension of 35 dynes/cm, it is very unlikely the concentrations would have exceeded 0.015 mg/dscm (*i.e.*, would have been more than 50 percent higher) at the marginally higher surface tension. In the emission test performed at Diamond, the electroplating tank solution surface tension was 41 dynes/cm, and the concentrations in the tank exhaust were 0.0061 mg/dscm for total chromium and 0.0048 mg/dscm for hexavalent chromium, both of which also are well below the 0.015 mg/dscm

emission limit. This test demonstrated that, in some cases, the emission limit can be met even with a surface tension in excess of 35 dynes/cm. In the other six emission tests, surface tensions were below 30 dynes/cm and the measured emissions of chromium were well below the 0.015 mg/dscm emission limit. The results of all eight tests, and the two with the higher surface tensions in particular, demonstrate that compliance with the hard chromium electroplating tank emission limit will be achieved when surface tensions are maintained at or below the proposed limit of 35 dynes/cm.

Comment: One commenter stated that there are no data that demonstrate that chromium emissions from hard chromium electroplating operations will be below the chromium concentration limit of 0.015 mg/dscm when a stalagmometer indicates the surface tension is 45 dynes/cm. The commenter stated that additional testing should be performed before establishing a surface tension limit to ensure that chromium emission concentrations are achieved on a consistent basis when surface tensions are maintained below the limits of 35 and 45 dynes/cm for tensiometers and stalagmometers, respectively.

Response: Although the proposed surface tension limit for hard chromium electroplating tanks was based on measurements made using a tensiometer and not a stalagmometer, the data support a 45 dynes/cm limit for stalagmometer-based surface tension measurements. The test data clearly show that when surface tension, as measured using a tensiometer, is no more than 35 dynes/cm, the chromium emission concentration is no more than 0.015 mg/dscm. When simultaneous surface tension measurements of the same electroplating solution using both types of instruments are compared, the data indicate that the measurement differential is at least 10 dynes/cm when a stalagmometer indicates the surface tension to be 45 dynes/cm. In other words, if a stalagmometer measures the surface tension to be 45 dynes/cm, a tensiometer would measure the surface tension of the same electroplating bath to be no more than 35 dynes/cm. Therefore, when a tensiometer measures a surface tension of 35 dynes/cm or less, the chromium emission concentration meets the emission limit of 0.015 mg/dscm. We have concluded that the data also support the 45 dynes/cm limit for surface tensions measured using a stalagmometer.

Comment: One commenter stated that if hard chromium electroplating facilities are allowed to comply with the NESHAP by maintaining surface tensions below the limits of 35 dynes/cm and 45 dynes/cm, those facilities should be required to conduct an emission test to demonstrate compliance with the emission limits. Regardless of the instrument used to measure surface tension, the emission tests should be conducted over a range of operating conditions. Another commenter stated that when a fume suppressant is used with an add-on control device, the facility should be required to conduct an emissions test and establish an operating limit for surface tension.

Response: We disagree with the commenters that an emission test should be required when a hard chromium electroplating facility chooses to comply with the surface tension limits of 35 dynes/cm by tensiometer or 45 dynes/cm by stalagmometer. The test data clearly show that when the surface tension is maintained below these surface tension limits, chromium emission concentrations are no more than 0.015 mg/dscm. Therefore, emission tests are unnecessary in such cases. We also recognize that chromium electroplating tank operating parameters differ from facility to facility. However, surface tension has a more significant impact on chromium emissions than any of other chromium electroplating tank operating parameters because surface tension directly impacts the specific mechanism by which chromium is emitted; that is, the bursting of bubbles at the surface of the electroplating tank solution. The other operating parameters may affect how much fume suppressant is needed to reduce the surface tension to a level at or below 35 dynes/cm, but surface tension has the greatest impact on emission levels. An industry expert also has concurred with this conclusion that surface tension is the primary factor in determining chromium emissions from hard chromium electroplating baths. Therefore, we have concluded that there is no need to measure emissions over a range of operating parameters, as suggested by the commenter, provided the surface tension is maintained below the proposed limits.

Regarding the comment about establishing an operating limit for surface tension when an add-on control device is used with a fume suppressant, § 343(c)(5) of the NESHAP specifies a provision for allowing an affected facility to establish an operating limit for surface tension and subsequently monitor surface tension to demonstrate continuing compliance. This provision addresses the commenter's concern. However, as stated previously in this response, an emission test is not necessary to show initial compliance with the emission limit provided the surface tension is maintained below the 35 dynes/cm and 45 dynes/cm limits for tensiometer and stalagmometer measurements, respectively.

Comment: One commenter stated that the differences in surface tension observed by ORD when comparing measurements made using a tensiometer and a stalagmometer indicate that there is a serious measurement error associated with one or both of the analytical methods used in those instruments. Therefore, it is inappropriate for EPA to establish limits on surface tension using those data. The commenter recommended that we either determine the nature of the flaws in the two analytical methods or obtain additional data that demonstrate the relationship between surface tension and emission concentrations.

Response: Neither tensiometers nor stalagmometers measure surface tension directly. Tensiometers measure the force on a plate or ring as it is pulled from the surface of the liquid, and stalagmometers use a drop weight method, in which the number and weight of drops of the liquid are compared to those of a reference liquid. Both instruments measure *indicators* of surface tension. Because the indicators measured (force and drop weight) are different, stalagmometers and tensiometers may produce different values for the surface tension of a solution. We disagree that this measurement differential indicates a measurement error. We acknowledge that there is a difference in how the two instruments characterize surface tension, and we have addressed that difference in today's final rule by specifying a different surface tension limit for stalagmometers and for tensiometers. We are confident that the emission limit of 0.015 mg/dscm is being met when the surface tension is below 35 dynes/cm, as measured with a tensiometer, or 45 dynes/cm, as measured with a stalagmometer.

Comment: Two commenters disagreed with our conclusion that the available data support a 10 dynes/cm differential between surface tensions measured with a tensiometer and with a stalagmometer. One commenter pointed out that the study, which was the basis for the proposed amendment, shows that surface tension measurements using the two instruments varied by as much as 33 dynes/cm when measuring a known surface tension of approximately 40 dynes/cm. The commenter also stated that the same study shows that other factors, such as temperature and stalagmometer drop rate, can affect

surface tension measurements significantly. One commenter stated that the measurement difference between the two instruments is not linear but highly variable, with the greatest variations in the range of 30 to 50 dynes/cm. The commenter noted that, within this range, the measurement differences for the two instruments is much greater than 10 dynes/cm. The commenter also stated that the available data indicate that a reduction in surface tension from 45 dynes/cm to approximately 30 dynes/cm can affect emission rates by an order of magnitude. The commenter stated that, in view of the uncertainties in the data, the NESHAP should require the use of only one type of instrument, a stalagmometer, for monitoring surface tension in plating tanks. Both commenters believe that additional data must be collected and evaluated to determine how measurements made by tensiometers and stalagmometers differ. One of the commenters also stated that his agency is collecting additional data and can provide the data to us.

Response: We agree with the commenters that the available data indicate that the difference in surface tension measurements between tensiometers and stalagmometers is not 10 dynes/cm under all conditions, but varies depending on the surface tension of the liquid, the type of fume suppressant used, and possibly other factors. The data indicate that within the range of surface tensions characteristic of chromium electroplating baths that include wetting agents, stalagmometer measurements of surface tension are higher than measurements made using a tensiometer. For surface tensions in the range of the proposed surface tension limit of 35 dynes/cm for tensiometer measurements, stalagmometers can indicate surface tensions that are 20 to 30 dynes/cm higher. For surface tensions of 25 to 30 dynes/cm, which represents the lower end of the range of surface tensions typically found in chromium electroplating tanks, the difference in measurements between tensiometers and stalagmometers is closer to 10 dynes/cm. In addition, other data that we have obtained since proposing the amendments to the NESHAP also support the 10 dynes/cm differential between tensiometers and stalagmometers.

For the proposed amendment, we selected the surface tension limit of 35 dynes/cm for tensiometer measurements because the limit is based on measurements made using a tensiometer, and the data support that surface tension limit. On the other hand, the surface tension limit of 45 dynes/cm, which is specified in the NESHAP for decorative chromium electroplating tanks, is based on measurements of surface tensions using a stalagmometer. Thus, we based the surface tension limits for tensiometers and stalagmometers on two different sets of data.

We agree that the data from direct comparisons of measurements using the two types of instruments show a larger differential at surface tensions greater than 30 dynes/cm. However, if a stalagmometer indicates the surface tension is in compliance (*i.e.*, no greater than 45 dynes/cm), the surface tension measured using a tensiometer would certainly be no greater than 35 dynes/cm. Consequently, the 10 dynes/cm differential is appropriate.

We disagree with the suggestion by one of the commenters that the NESHAP should allow the use only of stalagmometers for demonstrating compliance with the surface tension limit. Many chromium electroplating facilities currently use tensiometers to monitor surface tension. Furthermore, the proposed amendment to allow owners and operators of affected hard chromium electroplating tanks to meet a surface tension limit rather than an emission limit is based on surface tension measurements using a tensiometer. Therefore, we do not want to prohibit the use of tensiometers for surface tension measurements.

C. Emission Limit for Hard Chromium Electroplating Tanks Equipped With Enclosing Hoods

Comment: One commenter supported the proposed mass emission limit as an alternative to the emission concentration limit for enclosed hard chromium electroplating tanks. However, the commenter believes emission rates increase when enclosing hoods are used because the hoods increase capture efficiency. He also pointed out that the use of enclosing hoods is recommended for worker safety.

Response: We appreciate the commenter's support for the proposed amendment. We also agree with the commenter's statement that enclosing hoods increase capture efficiency, and we concur with the commenter's statement that enclosing hoods provide an added benefit by reducing worker exposure to electroplating tank emissions. However, we disagree with the commenter's statement that overall emissions are greater when an enclosed hard chromium electroplating tank is used. It is true that the lower ventilation rates that are characteristic of electroplating tanks with enclosing hoods may result in increases in emission concentrations due to the introduction of less dilution air into the exhaust stream. However, when an enclosing hood is used, actual mass emission rates (*e.g.*, pounds per hour) typically are no more than 50 percent of the mass emission rate for a comparable electroplating tank with conventional hooding and ventilation rates. Therefore, enclosing hoods actually achieve a net decrease in electroplating tank emissions.

D. Chromium Electroplating and Chromium Anodizing Tank Definitions

Comment: One commenter supported the proposed change to the definition of affected source. However, the commenter suggested that the definition of affected source be expanded to include ventilation equipment.

Response: As indicated in § 63.2 of the general provisions to 40 CFR part 63, we have defined stationary source in terms of emissions. Any equipment, peripheral device, or facility that is to be considered either a source or part of a source must contribute to the generation of emissions of a regulated pollutant. In most installations, ventilation systems do not themselves contribute to emissions. In the case of chromium electroplating, ventilation systems do not generate emissions but capture and collect emissions from the source and direct the emissions to a control system or to a stack for release to the atmosphere. Therefore, we do not agree with the commenter that the definition of affected source should be expanded to include ventilation equipment.

Comment: One commenter supported the proposed change to the definition of affected source but stated that the proposed definition is still too vague and may be interpreted to include processes immediately prior to and after the plating operation. Therefore, the final rule should list examples of what is and is not ancillary equipment. The commenter suggested that the ancillary equipment that should be included in cost analyses should consist only of the equipment necessary for the electroplating process to function, or, in other words, equipment required for electroplating while the rectifier is supplying energy to the anode. In addition, the commenter requested that the final rule also clarify that tanks, which qualify neither as anodizing tanks nor as electroplating tanks, are not subject to the NESHAP.

Response: We agree with the commenter's remark that the summary of the amendments in the preamble to the proposal could be misleading because the summary did not

adequately define what constitutes an affected source. However, the intent of the summary is to provide an overview of the amendments, not to provide all of the details. The language presented in the final rule is the basis for determining compliance, and clearly defines what we consider to be part of an affected source. For chromium electroplating, the proposed amendment would expand the definition of affected source to include rectifiers, anodes, heat exchanger equipment, circulation pumps, and air agitation systems. It would be difficult to develop a comprehensive list that includes all of the equipment that could be interpreted to be part of the electroplating process, and such a list might complicate the final rule unnecessarily. Therefore, we have decided against expanding the definition of affected source further, as suggested by the commenter.

Concerning the commenter's request that we clarify that process tanks, other than electroplating and anodizing tanks, are not subject to the final rule, we point out that § 63.340, which addresses the applicability of the NESHAP, lists several types of process tanks associated with chromium electroplating that are not subject to the NESHAP. Section 63.340(c) of the final rule already addresses the commenter's concern.

E. Pressure Drop Monitoring Requirement for Composite Mesh Pads

Comment: Five commenters supported the proposed change to the operating limit for the pressure drop across a CMP system from ± 1 in. w.c. to ± 2 in. w.c. However, one commenter does not believe that the pressure drop requirement for CMP systems applies ''* * * at all times * * *,'' as stated in the preamble to the proposed amendments. The commenter explained that during automatic washdown cycles currently required by the rule as proposed and recommended by CMP manufacturers, the pressure drop across a CMP system may exceed the ±2 in. w.c. operating limit for a brief time. The commenter believes the proposed amendment was intended to apply to changes in pressure drop following comprehensive cleaning of mesh pads and not to short-term changes in pressure drop associated with automatic washdown cycles. The commenter believes the final rule should clarify that the pressure drop requirement does not apply to these automatic washdown cycles. The commenter also provided suggested rule language to that effect.

Response: We agree with the commenter that the proposed change was not meant to apply during the automatic washdown cycles of a CMP system. We consider automatic washdowns to be part of the normal operation of such control systems, whereas the proposed amendment was intended to apply to periodic maintenance that entails removing mesh pads and cleaning or replacing the pads. Although we stated in the preamble to the proposal that the pressure drop requirement applies ''* * * at all times * * *,'' the final rule clearly specifies that compliance is determined through a daily measurement of pressure drop across the CMP system. Owners or operators of affected sources that are controlled with a CMP system can determine when to measure the pressure drop and, presumably, they would choose to take pressure drop measurements outside of automatic washdown cycles. However, to avoid any further misunderstanding of this requirement, we have indicated in the final rule that the pressure drop requirement does not apply during automatic washdown cycles.

Comment: One commenter stated that the proposed amendment specifies that the ±2 in. w.c. pressure drop requirement would apply during the initial performance test, but does not address the retesting of an affected source. The commenter believes that if a source is retested and shown to be in compliance, the affected facility should be allowed to establish a new operating limit at ±2 in. w.c. of the pressure drop measured during that subsequent performance test.

Response: We agree with the commenter and have written the final rule amendments to reflect this change. The final rule indicates that the affected facilities may establish a new operating limit at ±2 in. w.c. of the pressure drop measured during subsequent performance tests.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and, therefore, subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

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

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

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

Pursuant to the terms of Executive Order 12866, it has been determined that the final rule amendments do not constitute a ''significant regulatory action'' because none of the listed criteria applies to this action. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The final rule amendments provide to owners and operators of affected sources alternatives to existing requirements. The existing alternatives will still be available for those owners and operators who choose to use them. The final rule amendments will increase the flexibility of compliance with the current regulations without imposing any additional recordkeeping requirements. The OMB has previously approved the information collection requirements specified in the final NESHAP under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* and assigned the OMB control number 2060–0327.

A copy of the information collection request (ICR) support document prepared by EPA for the approved information collection requirements (ICR No. 1611.02) may be obtained from Susan Auby by mail at U.S. EPA, Office of Environmental Information, Collection Strategies Division (MD–2822T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by e-mail at *auby.susan@epa.gov*; or by calling (202) 566–1672. You may also download a copy from the Internet at *http://www.epa.gov/icr.* Include the ICR and/or OMB control number in any correspondence.

The recordkeeping and reporting requirements are specifically authorized by section 112 of the CAA (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency procedures set forth in 40 CFR part 2, subpart B.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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

C. Regulatory Flexibility Act (RFA)

The RFA generally requires an agency to prepare a regulatory flexibility analysis for any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act, or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administrations' regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, EPA has concluded that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities.'' 5 U.S.C. Sections 603 and 604. Thus, an agency may conclude that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. The final rule amendments will not have a significant economic impact on a substantial number of small entities because the amendments only provide options that are designed to provide increased flexibility to affected facilities. The final rule amendments will not impose any additional requirements on any small entities and are expected to relieve the burden for some small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA's regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that today's final rule amendments do not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Thus, the final rule amendments are not subject to the requirements of sections 202 and 205 of the UMRA. In addition, EPA has determined that today's final rule amendments contain no regulatory requirements that might significantly or uniquely affect small governments because the amendments contain no requirements that apply to such governments or impose obligations upon them. Therefore, today's final rule amendments are not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

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

The final rule amendments do not have federalism implications. The amendments 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. None of the affected facilities is owned or operated by State governments, and the final rule amendments will not supersede State regulations that are more stringent. Thus, Executive Order 13132 does not apply to the final rule amendments.

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

Executive Order 13175 (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.'' The final rule

amendments do not have tribal implications, as specified in Executive Order 13175. The amendments will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to the final rule amendments.

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

Executive Order 13045 (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, EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned rule is preferable to other potentially effective and reasonably feasible alternatives that EPA considered.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. Today's final rule amendments are not subject to Executive Order 13045 because the amendments are based on technology performance and not on health or safety risks. No children's risk analysis was performed because no alternative technologies exist that would provide greater stringency at a reasonable cost. Furthermore, the final rule amendments have been determined not to be ''economically significant'' as defined under Executive Order 12866.

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

Today's final rule amendments are not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because the amendments are not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113; 15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in their regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, business practices) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through annual reports to the OMB, with explanations when an agency does not use available and applicable voluntary consensus standards.

Today's final rule amendments do not involve technical standards other than those standards already specified in the final rule. Therefore, EPA is not considering the use of any voluntary consensus standards in connection with the final rule amendments.

J. Congressional Review Act

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

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 8, 2004.

Michael O. Leavitt,

Administrator.

■ For reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart N—[Amended]

■ 2. Section 63.341(a) is amended as follows:

■ a. Removing the definition ''Chromium electroplating or chromium anodizing tank''.

■ b. Revising the definitions ''Stalagmometer'' and ''Tensiometer''.

■ c. Adding in alphabetical order definitions ''Chromium anodizing tank'', ''Chromium electroplating tank'', ''Enclosed hard chromium electroplating tank''; and ''Open surface hard chromium electroplating tank''.

§ 63.341 Definitions and nomenclature.

(a) * * *

Chromium anodizing tank means the receptacle or container along with the following accompanying internal and external components needed for chromium anodizing: rectifiers fitted with controls to allow for voltage adjustments, heat exchanger equipment, circulation pumps, and air agitation systems.

Chromium electroplating tank means the receptacle or container along with the following internal and external components needed for chromium electroplating: Rectifiers, anodes, heat exchanger equipment, circulation pumps, and air agitation systems.

* * * * *

Enclosed hard chromium electroplating tank means a chromium electroplating tank that is equipped with an enclosing hood and ventilated at half the rate or less that of an open surface tank of the same surface area.

* * * * *

Open surface hard chromium electroplating tank means a chromium electroplating tank that is ventilated at a rate consistent with good ventilation practices for open tanks.

* * * * *

Stalagmometer means an instrument used to measure the surface tension of a solution by determining the mass of a drop of liquid by weighing a known number of drops or by counting the number of drops obtained from a given volume of liquid.

* * * * *

Tensiometer means an instrument used to measure the surface tension of a solution by determining the amount of force needed to pull a ring from the liquid surface. The amount of force is proportional to the surface tension.

* * * * *

■ 3. Section 63.342 is amended by:

■ a. Revising paragraph (b)(1),

■ b. Revising paragraph (c),

■ c. Revising paragraph (d)(2), and

■ d. Revising paragraph (f)(2)(ii)(B).

The revisions and additions read as follows:

§ 63.342 Standards.

* * * * *

(b) *Applicability of emission limitations.* (1) The emission limitations in this section apply during tank operation as defined in § 63.341, and during periods of startup and shutdown as these are routine occurrences for affected sources subject to this subpart. The emission limitations do not apply during periods of malfunction, but the work practice standards that address operation and maintenance and that are required by paragraph (f) of this section must be followed during malfunctions.

* * * * *

(c)(1) *Standards for open surface hard chromium electroplating tanks.* During tank operation, each owner or operator of an existing, new, or reconstructed affected source shall control chromium emissions discharged to the atmosphere from that affected source by either:

(i) Not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.015 milligrams of total chromium per dry standard cubic meter (mg/dscm) of ventilation air (6.6×10^{-6} grains per dry standard cubic foot (gr/dscf)) for all open surface hard chromium electroplating tanks that are affected sources other than those that are existing affected sources located at small hard chromium electroplating facilities; or

(ii) Not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.03 mg/dscm (1.3×10^{-5} gr/dscf) if the open surface hard chromium electroplating tank is an existing affected source and is located at a small, hard chromium electroplating facility; or

(iii) If a chemical fume suppressant containing a wetting agent is used, by not allowing the surface tension of the electroplating or anodizing bath contained within the affected tank to exceed 45 dynes per centimeter (dynes/cm) (3.1×10^{-3} pound-force per foot (lb_f/ft)) as measured by a stalagmometer or 35 dynes/cm (2.4×10^{-3} lb_f/ft) as measured by a tensiometer at any time during tank operation.

(2) *Standards for enclosed hard chromium electroplating tanks.* During tank operation, each owner or operator of an existing, new, or reconstructed affected source shall control chromium emissions discharged to the atmosphere from that affected source by either:

(i) Not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.015 mg/dscm (6.6×10^{-6} gr/dscf) for all enclosed hard chromium electroplating tanks that are affected sources other than those that are existing affected sources located at small, hard chromium electroplating facilities; or

(ii) Not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.03 mg/dscm (1.3×10^{-5} gr/dscf) if the enclosed hard chromium electroplating tank is an existing affected source and is located at a small, hard chromium electroplating facility; or

(iii) If a chemical fume suppressant containing a wetting agent is used, by not allowing the surface tension of the electroplating or anodizing bath contained within the affected tank to exceed 45 dynes/cm (3.1×10^{-3} lb_f/ft) as measured by a stalagmometer or 35 dynes/cm (2.4×10^{-3} lb_f/ft) as measured by a tensiometer at any time during tank operation; or

(iv) Not allowing the mass rate of total chromium in the exhaust gas stream discharged to the atmosphere to exceed the maximum allowable mass emission rate determined by using the calculation procedure in § 63.344(f)(1)(i) for all enclosed hard chromium electroplating tanks that are affected sources other than those that are existing affected sources located at small, hard chromium electroplating facilities; or

(v) Not allowing the mass rate of total chromium in the exhaust gas stream discharged to the atmosphere to exceed the maximum allowable mass emission rate determined by using the calculation procedure in § 63.344(f)(1)(ii) if the enclosed hard chromium electroplating tank is an existing affected source and is located at a small, hard chromium electroplating facility.

(3)(i) An owner or operator may demonstrate the size of a hard chromium electroplating facility through the definitions in § 63.341(a). Alternatively, an owner or operator of a facility with a maximum cumulative potential rectifier capacity of 60 million amp-hr/yr or more may be considered small if the actual cumulative rectifier capacity is less than 60 million amp-hr/yr as demonstrated using the following procedures:

(A) If records show that the facility's previous annual actual rectifier capacity was less than 60 million amp-hr/yr, by using nonresettable ampere-hr meters and keeping monthly records of actual ampere-hr usage for each 12-month rolling period following the compliance date in accordance with § 63.346(b)(12). The actual cumulative rectifier capacity for the previous 12-month rolling period shall be tabulated monthly by adding the capacity for the current month to the capacities for the previous 11 months; or

(B) By accepting a federally-enforceable limit on the maximum cumulative potential rectifier capacity of a hard chromium electroplating facility and by maintaining monthly records in accordance with § 63.346(b)(12) to demonstrate that the limit has not been exceeded. The actual cumulative rectifier capacity for the previous 12-month rolling period shall be tabulated monthly by adding the capacity for the current month to the capacities for the previous 11 months.

(ii) Once the monthly records required to be kept by § 63.346(b)(12) and by this paragraph (c)(3)(ii) show that the actual cumulative rectifier capacity over the previous 12-month rolling period corresponds to the large designation, the owner or operator is subject to the emission limitation identified in paragraph (c)(1)(i), (iii), (c)(2)(i), (iii), or (iv) of this section, in accordance with the compliance schedule of § 63.343(a)(5).

(d) * * *

(2) If a chemical fume suppressant containing a wetting agent is used, by not allowing the surface tension of the electroplating or anodizing bath contained within the affected source to exceed 45 dynes/cm (3.1×10^{-3} lb_f/ft) as measured by a stalagmometer or 35 dynes/cm (2.4×10^{-3} lb_f/ft) as measured by a tensiometer at any time during operation of the tank.

* * * * *

(f) * * *

(2) * * *

(ii) * * *

(B) Fails to provide for the proper operation of the affected source, the air pollution control techniques, or the control system and process monitoring equipment during a malfunction in a manner consistent with good air pollution control practices; or

* * * * *

■ 4. Section 63.343 is amended by:

■ a. Revising paragraphs (b)(2)(i) and (iii),

■ b. Revising paragraph (c)(1), and

■ c. Revising paragraphs (c)(5)(i) and (ii).

The revisions read as follows:

§ 63.343 Compliance provisions.

* * * * *

(b) * * *

(2) * * *

(i) The affected source is a hard chromium electroplating tank, a decorative chromium electroplating tank or a chromium anodizing tank; and

* * * * *

(iii) The owner or operator complies with the applicable surface tension limit of § 63.342(c)(1)(iii), (c)(2)(iii), or (d)(2) as demonstrated through the continuous compliance monitoring required by paragraph (c)(5)(ii) of this section.

* * * * *

(c) * * *

(1) *Composite mesh-pad systems.* (i) During the initial performance test, the owner or operator of an affected source, or a group of affected sources under common control, complying with the emission limitations in § 63.342 through the use of a composite mesh-pad system shall determine the outlet chromium concentration using the test methods and procedures in § 63.344(c), and shall establish as a site-specific operating parameter the pressure drop across the system, setting the value that corresponds to compliance with the applicable emission limitation, using the procedures in § 63.344(d)(5). An owner or operator may conduct multiple performance tests to establish a range of compliant pressure drop values, or may set as the compliant value the average pressure drop measured over the three test runs of one performance test and accept ±2 inches of water column from this value as the compliant range.

(ii) On and after the date on which the initial performance test is required to be completed under § 63.7, except for hard chromium electroplaters and chromium anodizing operations in California, which have until January 25, 1998, the owner or operator of an affected source, or group of affected sources under common control, shall monitor and record the pressure drop across the composite mesh-pad system once each day that any affected source is operating. To be in compliance with the standards, the composite mesh-pad system shall be operated within ±2 inches of water column of the pressure drop value established during the initial performance test, or shall be operated within the range of compliant values for pressure drop established during multiple performance tests.

(iii) The owner or operator of an affected source complying with the emission limitations in § 63.343 through the use of a composite mesh-pad system may repeat the performance test and establish as a new site-specific operating parameter the pressure drop across the composite mesh-pad system according to the requirements in paragraphs (c)(1)(i) or (ii) of this section. To establish a new site-specific operating parameter for pressure drop, the owner or operator shall satisfy the requirements specified in paragraphs (c)(1)(iii)(A) through (D) of this section.

(A) Determine the outlet chromium concentration using the test methods and procedures in § 63.344(c);

(B) Establish the site-specific operating parameter value using the procedures § 63.344(d)(5);

(C) Satisfy the recordkeeping requirements in § 63.346(b)(6) through (8); and

(D) Satisfy the reporting requirements in § 63.347(d) and (f).

(iv) The requirement to operate a composite mesh-pad system within the range of pressure drop values established under paragraphs (c)(1)(i) through (iii) of this section does not apply during automatic washdown cycles of the composite mesh-pad system.

* * * * *

(5) *Wetting agent-type or combination wetting agent-type/foam blanket fume suppressants.* (i) During the initial performance test, the owner or operator of an affected source complying with the emission limitations in § 63.342 through the use of a wetting agent in the electroplating or anodizing bath shall determine the outlet chromium concentration using the procedures in § 63.344(c). The owner or operator shall establish as the site-specific operating parameter the surface tension of the bath using Method 306B, appendix A of this part, setting the maximum value that corresponds to compliance with the applicable emission limitation. In lieu of establishing the maximum surface tension during the performance test, the owner or operator may accept 45 dynes/cm as measured by a stalagmometer or 35 dynes/cm as measured by a tensiometer as the maximum surface tension value that corresponds to compliance with the applicable emission limitation. However, the owner or operator is exempt from conducting a performance test only if the criteria of paragraph (b)(2) of this section are met.

(ii) On and after the date on which the initial performance test is required to be completed under § 63.7, except for hard chromium electroplaters and chromium anodizing operations in California, which have until January 25, 1998, the owner or operator of an affected source shall monitor the surface tension of the electroplating or anodizing bath. Operation of the affected source at a surface tension greater than the value established during the performance test, or greater than 45 dynes/cm as measured by a stalagmometer or 35 dynes/cm as measured by a tensiometer if the owner or operator is using this value in accordance with paragraph (c)(5)(i) of this section, shall constitute noncompliance with the standards. The surface tension shall be monitored according to the following schedule:

(A) The surface tension shall be measured once every 4 hours during operation of the tank with a stalagmometer or a tensiometer as specified in Method 306B, appendix A of this part.

(B) The time between monitoring can be increased if there have been no exceedances. The surface tension shall be measured once every 4 hours of tank operation for the first 40 hours of tank operation after the compliance date. Once there are no exceedances during 40 hours of tank operation, surface tension measurement may be conducted once every 8 hours of tank operation. Once there are no exceedances during 40 hours of tank operation, surface tension measurement may be conducted once every 40 hours of tank operation on an ongoing basis, until an exceedance occurs. The minimum frequency of monitoring allowed by this subpart is once every 40 hours of tank operation.

(C) Once an exceedance occurs as indicated through surface tension monitoring, the original monitoring schedule of once every 4 hours must be resumed. A subsequent decrease in frequency shall follow the schedule laid out in paragraph (c)(5)(ii)(B) of this section. For example, if an owner or operator had been monitoring an affected source once every 40 hours and an exceedance occurs, subsequent monitoring would take place once every 4 hours of tank operation. Once an exceedance does not occur for 40 hours of tank operation, monitoring can occur once every 8 hours of tank operation. Once an exceedance does not occur for 40 hours of tank operation on this schedule, monitoring can occur once every 40 hours of tank operation.

* * * * *

■ 5. Section 63.344 is amended by adding paragraph (f) to read as follows:

§ 63.344 Performance test requirements and test methods.

* * * * *

(f) *Compliance provisions for the mass rate emission standard for enclosed hard chromium electroplating tanks.* (1) This section identifies procedures for calculating the maximum allowable mass emission rate for owners or operators of affected sources who choose to meet the mass emission rate standard in § 63.342(c)(2)(iv) or (v).

(i)(A) The owner or operator of an enclosed hard chromium electroplating tank that is an affected source other than an existing affected source located at a small hard chromium electroplating

facility who chooses to meet the mass emission rate standard in § 63.342(c)(2)(iv) shall determine compliance by not allowing the mass rate of total chromium in the exhaust gas stream discharged to the atmosphere to exceed the maximum allowable mass emission rate calculated using equation 9:

$$MAMER = ETSA \times K \times 0.015 \text{ mg/dscm} \quad (9)$$

Where:

MAMER = the alternative emission rate for enclosed hard chromium electroplating tanks in mg/hr.

ETSA = the hard chromium electroplating tank surface area in square feet(ft^2).

K = a conversion factor, 425 dscm/($ft^2 \times hr$).

(B) Compliance with the alternative mass emission limit is demonstrated if the three-run average mass emission rate determined from Method 306 testing is less than or equal to the maximum allowable mass emission rate calculated from equation 9.

(ii)(A) The owner or operator of an enclosed hard chromium electroplating tank that is an existing affected source located at a small hard chromium electroplating facility who chooses to meet the mass emission rate standard in § 63.342(c)(2)(v) shall determine compliance by not allowing the mass rate of total chromium in the exhaust gas stream discharged to the atmosphere to exceed the maximum allowable mass emission rate calculated using equation 10:

$$MAMER = ETSA \times K \times 0.03 \text{ mg/dscm.} \quad (10)$$

(B) Compliance with the alternative mass emission limit is demonstrated if the three-run average mass emission rate determined from testing using Method 306 of appendix A to part 63 is less than or equal to the maximum allowable mass emission rate calculated from equation 10.

■ 6. Section 63.347 is amended by revising paragraph (c)(1)(viii) to read as follows:

§ 63.347 Reporting requirements.

* * * * *

(c) * * *

(1) * * *

(viii) For sources performing hard chromium electroplating, a statement of whether the owner or operator of an affected source(s) will limit the maximum potential cumulative rectifier capacity in accordance with § 63.342(c)(2) such that the hard chromium electroplating facility is considered small; and

* * * * *

[FR Doc. 04–16206 Filed 7–16–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1735; MM Docket No. 03–141; RM–10703]

Radio Broadcasting Services; Corona de Tucson and Sierra Vista, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to petition for rule making filed by this document substitutes Channel 267C3 for Channel 269A at Sierra Vista, Arizona, reallots Channel 267C3 to Corona de Tucson, Arizona, and modifies the Station KKYZ license to specify operation on Channel 267C3 at Corona de Tucson. In doing so, it dismissed a counterproposal filed by Christian County Network proposing that Channel 267C3 be reserved for noncommercial educational use. This allotment is also conditioned on concurrence from the Mexican government. *See* 68 FR 42665, July 18, 2003. The reference coordinates for the Channel 267C3 allotment at Corona de Tucson, Arizona, are 31–57–24 and 110–41–38.

DATES: Effective August 9, 2004.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Media Bureau (202) 418–2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Report and Order* in MM Docket No.03–141 adopted June 23, 2004, and released June 25, 2004. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *www.BCPIWEB.com.*

List of Subjects in 47 CFR Part 73

Radio, Radio Broadcasting.

■ Part 73 of the Code of Federal Regulations is amended 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.

§ 73.202(b) [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 269A at Sierra Vista, and by adding Corona de Tucson, Channel 267C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–16367 Filed 7–16–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1730, MB Docket No. 03–258, RM–10833, 10864]

Radio Broadcasting Services; Centennial, WY, Gering, NE, Newcastle, WY, Pine Haven, WY, Scottsbluff, NE, and Warren AFB, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a petition filed by Michael Radio Group, licensee of Station KRKI(FM), Newcastle, Wyoming by substituting Channel 258C0 for Channel 258A at Newcastle and by modifying the license of Station KRKI(FM) accordingly. To accommodate the allotment at Newcastle, this document also substitutes Channel 260A for Channel 259A at Pine Haven, Wyoming. *See* 69 FR 611, published January 6, 2004. Channel 258C0 can be allotted to Newcastle, Wyoming, in compliance with the minimum distance separation requirement of the Commission's rules, provided there is a site restriction 36.5 kilometers (22.7 miles) east of the community. The reference coordinates for Channel 258C0 at Newcastle are 43–52–10 NL and 103–45–04 WL. Channel 260A can be allotted to Pine Haven, in compliance with the minimum distance separation requirement of the Commission's Rules at city reference coordinates. The reference coordinates for Channel 260A at Pine Haven are 44–21–28 NL and 104–48–36 WL. Additionally, this document grants, in part, a counterproposal filed by Tracy Broadcasting Corporation by

substituting Channel 226C1 for Channel 239C3 at Gering, Nebraska and by modifying the license of Station KOZY–FM accordingly. To accommodate, this document also substitutes Channel 225C2 for Channel 225C at Scottsbluff, Nebraska, reallots Channel 225C2 from Scottsbluff, Nebraska to Warren AFB, Wyoming, as its first local service, and modifies the license of Station KMOR(FM) accordingly, which requires the substitution of Channel 248A for vacant Channel 224A at Centennial, Wyoming. *See* **SUPPLEMENTARY INFORMATION**.

DATES: Effective August 9, 2004.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* MB Docket No. 03–258 adopted June 23, 2004, and released June 25, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision 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.*

Channel 226C1 can be allotted to Gering in compliance with the Commission's minimum distance separation requirements provided there is a site restriction of 30.3 kilometers (18.8 miles) east of the community. The reference coordinates for Channel 226C1 at Gering are 41–54–26 North Latitude and 103–18–44 West Longitude. Channel 225C2 can be allotted to Warren AFB in compliance with the Commission's minimum distance separation requirements provided there is a site restriction of 12.5 kilometers (7.7 miles) south of the community. The reference coordinates for Channel 225C2 at Warren AFB are 41–02–38 North Latitude and 104–49–36 West Longitude. Channel 248A can be allotted to Centennial in compliance with the Commission's minimum distance separation requirements provided there is a site restriction of 12.1 kilometers (7.5 miles) east of the community. The reference coordinates for Channel 248A at Centennial are 41–19–03 North Latitude and 105–59–55 West Longitude.

The FM Table of Allotments has not been amended to reflect the grant of a license application for Station KRKI(FM) to specify operation on Channel 258A in lieu of Channel 257A at Newcastle, Wyoming (BLH–20030117AAS). This action constitutes an editorial change in the FM Table of Allotments. Moreover, we find for good cause that a public notice and comment proceeding is unnecessary. *See* 5 U.S.C. 553(b) (A) and (B).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

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.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 239C3 and by adding Channel 226C1 at Gering; and by removing Channel 225C at Scottsbluff.

■ 3. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 224A and by adding Channel 248A at Centennial; by removing Channel 257A and by adding Channel 258C0 at Newcastle; by removing Channel 259A and by adding Channel 260A at Pine Haven; and by adding Warren AFB, Channel 225C2.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–16370 Filed 7–16–04; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 69, No. 137
Monday, July 19, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 924

[Docket No. FV04–924–1 PR]

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the Washington-Oregon Fresh Prune Marketing Committee (Committee) for the 2004–2005 and subsequent fiscal periods from $1.50 to $1.75 per ton of prunes handled. The Committee locally administers the marketing order which regulates the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. Authorization to assess prune handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period began April 1 and ends March 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by August 3, 2004.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; E-mail: *moab.docketclerk@usda.gov*; or Internet: *http://www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

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

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 924 (7 CFR 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Washington-Oregon prune handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable prunes beginning April 1, 2004, and continue until amended, suspended, or terminated. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule would increase the assessment rate established for the Committee for the 2004–2005 and subsequent fiscal periods from $1.50 to $1.75 per ton of prunes handled.

The order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers in designated counties in Washington and in Umatilla County, Oregon. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate was formulated and discussed at a public meeting, thus all directly affected persons had an opportunity to participate and provide input.

For the 2003–2004 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate of $1.50 per ton of fresh prunes handled. This assessment rate continues in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on May 25, 2004, and unanimously recommended 2004–2005 expenditures of $7,454 and an increased assessment rate of $1.75 per ton of prunes. In comparison, last year's budgeted expenditures were $7,411. The assessment rate of $1.75 is $0.25 higher than the rate currently in effect. The Committee recommended the higher assessment rate to cover budgeted

expenses and to maintain its monetary reserve at a satisfactory level.

The major expenditures recommended by the Committee for the 2004–2005 fiscal period include $3,928 for employee salaries, $576 for rent and maintenance, $500 for Committee travel, and $475 for the annual financial audit. These budgeted expenses are the same as those approved for the 2003–2004 fiscal period.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Washington-Oregon prunes. Applying the $1.75 per ton assessment rate to the Committee's 4,500 ton crop estimate should provide $7,875 in assessment income. Thus, income derived from handler assessments would be adequate to cover the recommended $7,454 budget for 2004–2005. Funds in the reserve ($4,900 as of March 31, 2004), would be kept within the maximum permitted by the order of approximately one fiscal period's operational expenses (§ 924.42.)

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although the assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate the Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2004–2005 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 215 producers of fresh prunes in the regulated production area and approximately 10 handlers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Based on the total number of producers (215), the most recent three-year average fresh prune production of 4,359 tons (from Committee records) and the most recent three-year average producer price of $303 per ton as reported by the National Agricultural Statistics Service, the average annual revenue from the sale of fresh prunes is approximately $6,143 per producer. In addition, based on Committee records and 2003 f.o.b. prices ranging from $8.50 to $9.50 per 30-pound container as reported by the AMS Market News Service, the entire Washington-Oregon fresh prune industry handles less than $5,000,000 worth of prunes. In view of the foregoing, the majority of Washington-Oregon fresh prune producers and handlers may be classified as small entities.

This rule would increase the assessment rate established for the Committee and collected from handlers for the 2004–2005 and subsequent fiscal periods from $1.50 to $1.75 per ton for prunes. The Committee unanimously recommended 2004–2005 expenditures of $7,454 and the $1.75 per ton assessment rate. The proposed assessment rate of $1.75 is $0.25 higher than the 2003–2004 rate. With an estimated 2004–2005 prune crop of 4,500 tons, the $1.75 rate should provide the Committee with $7,875 in assessment income, which would be adequate to cover budgeted expenses. The Committee recommended the higher assessment rate to help ensure that budgeted expenses are covered and that its monetary reserve would not have to be used. Funds in the reserve ($4,900 as of March 31, 2004), would be kept within the maximum permitted by the order of approximately one fiscal period's operational expenses (§ 924.42).

The major expenditures recommended by the Committee for the 2004–2005 fiscal period include $3,928 for employee salaries, $576 for rent and maintenance, $500 for Committee travel, and $475 for the annual financial audit. These budgeted expenses are the same as those approved for the 2003–2004 fiscal period.

The Committee discussed alternatives to this rule, including alternative expenditure levels. Lower assessment rates were considered, but not recommended because they would not generate the income necessary to administer the program with an adequate reserve.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the producer price for the 2004–2005 season could range from about $273 per ton and about $351 per ton. Therefore, the estimated assessment revenue for the 2004–2005 fiscal period as a percentage of total producer revenue could range between 0.50 and 0.64 percent.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order. In addition, the Committee's meeting was widely publicized throughout the Washington-Oregon fresh prune industry and all interested persons were invited to attend and participate in the Committee's deliberations on all issues. Like all Committee meetings, the May 25, 2004, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large Washington-Oregon fresh prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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

address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposed rule. Fifteen days is deemed appropriate because: (1) The 2004–2005 fiscal period began on April 1, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable Washington-Oregon fresh prunes handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay for expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 924

Plums, Prunes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 924 is proposed to be amended as follows:

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

1. The authority citation for 7 CFR part 924 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 924.236 is revised to read as follows:

§ 924.236 Assessment rate.

On or after April 1, 2004, an assessment rate of $1.75 per ton is established for the Washington-Oregon Fresh Prune Marketing Committee.

Dated: July 13, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04–16272 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 236 and 241

[ICE No. 2317–04]

RIN 1653–AA41

DEPARTMENT OF JUSTICE

8 CFR Parts 1236, 1240 and 1241

[EOIR No. 146P; AG Order No. 2726–2004]

RIN 1125–AA50

Execution of Removal Orders; Countries to Which Aliens May Be Removed

AGENCY: United States Immigration and Customs Enforcement, Department of Homeland Security; Executive Office for Immigration Review, Department of Justice.

ACTION: Joint notice of proposed rulemaking.

SUMMARY: The Secretary of Homeland Security and the Attorney General publish this joint notice of proposed rulemaking to amend their respective agencies' regulations pertaining to removal of aliens.

The Department of Homeland Security proposes to amend its rules to establish that acceptance by a country is not required under specific provisions of section 241(b) of the Immigration and Nationality Act (Act) in order to remove an alien to that country, and that a ''country'' for the purpose of removal is not premised on the existence or functionality of a government in that country. This rule clarifies the countries to which an alien may be removed and the situations in which the Secretary of Homeland Security will remove an alien to an alternative or additional country. The Department of Homeland Security proposed rule also makes technical changes as a result of amendments to the Act by the Homeland Security Act of 2002 (HSA).

The Department of Justice proposed rule clarifies the procedure for an alien to designate the country to which he would prefer to be removed, provides that the immigration judge shall inform any alien making such a designation that the alien may be removed to another country under section 241(b) of the Act in the discretion of the Secretary of Homeland Security in effecting the foreign policy of the United States, and clarifies the effect of an identification of a country for removal in an immigration judge's order of removal from the United States. The rule clarifies that acceptance by a country is not a factor to be considered by the immigration judge in identifying a country or countries of removal in the administrative order of removal. The Department of Justice proposed rule also makes technical changes to eliminate unnecessary provisions and update references to reflect the enactment of the HSA.

DATES: Written comments must be submitted to the appropriate agency on or before August 18, 2004.

ADDRESSES: Please submit written comments pertaining to the Department of Homeland Security proposed rule to Director, Regulations and Forms Services Division, Department of Homeland Security, 425 I Street, NW., Room 4034, Washington, DC 20536. To ensure proper handling, please reference ICE No. 2317–04 on your correspondence. Comments may also be submitted electronically to the Department of Homeland Security at *rfs.regs@dhs.gov.* Comments submitted electronically must include the ICE No. 2317–04 in the subject heading to ensure that the comments can be transmitted electronically to the appropriate program office. Comments are available for public inspection at the above address by calling (202) 514–3048 (not a toll-free call) to arrange for an appointment.

Please submit written comments pertaining to the Department of Justice proposed rule to Kevin Chapman, Acting General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041. To ensure proper handling, please reference RIN No. 1125–AA50 on your correspondence. You may view an electronic version of this proposed rule at *www.regulations.gov.* You may also comment via the Internet to the Executive Office for Immigration Review (EOIR) at *eoir.regs@usdoj.gov* or by using the *www.regulations.gov* comment form for this regulation. When submitting comments electronically, you must include RIN No. 1125–AA50 in the subject box.

FOR FURTHER INFORMATION CONTACT: Regarding the Department of Homeland Security proposed rule: Mark Lenox, U.S. Immigration and Customs Enforcement, Department of Homeland Security, 801 I Street, NW., Suite 800, Washington, DC 20536, telephone (202) 616–9166 (not a toll-free call).

Regarding the Department of Justice proposed rule: Kevin Chapman, Acting General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia

22041, telephone (703) 305–0470 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

A. The Purpose of the Proposed Regulations
B. The Statutory Requirements for Removing Aliens to a Country
C. Effectuation of Orders and Warrants of Removal
D. The Act and Legislative Policy concerning ''Acceptance''
E. Removal to a Country and the Foreign Relations of the United States
F. Administrative and Judicial Interpretations
G. Clarifying the Immigration Judge's Order of Removal from the United States
H. Joint and Independent Notice of Proposed Rulemaking
I. Conforming Revisions

Department of Homeland Security

PART 236—APPREHENSION AND DETENTION OF INADMISSIBLE AND DEPORTABLE ALIENS; REMOVAL OF ALIENS ORDERED REMOVED
PART 241—APPREHENSION AND DETENTION OF ALIENS ORDERED REMOVED

Department of Justice

PART 1236—APPREHENSION AND DETENTION OF INADMISSIBLE AND DEPORTABLE ALIENS; REMOVAL OF ALIENS ORDERED REMOVED
PART 1240—PROCEEDINGS TO DETERMINE REMOVABILITY OF ALIENS IN THE UNITED STATES
PART 1241—APPREHENSION AND DETENTION OF ALIENS ORDERED REMOVED

A. The Purpose of the Proposed Regulations

Section 241(b)(1) and (2) of the Immigration and Nationality Act (Act) (8 U.S.C. 1231(b)(1) and (2)) provide the process for determining the countries to which an alien [1] may be removed after a hearing before an immigration judge, the issuance of a final order finding that the alien is removable from the United States and not eligible for relief from removal, and disposition of any administrative and judicial appeals.

Section 241(b)(1) of the Act relates to arriving aliens whom the Department of Homeland Security (DHS) has placed in removal proceedings, a relatively small category because most arriving aliens are subject to expedited removal under section 235 of the Act (8 U.S.C. 1225). Section 241(b)(1) provides a two-step process to determine the country of removal for an arriving alien: (1) to the country from which the alien boarded a conveyance to the United States; or (2) to an alternative country, such as the country of citizenship or birth.

Section 241(b)(2) of the Act applies in the far more common circumstance of the removal of other (*i.e.*, non-arriving) aliens. Section 241(b)(2) provides a three-step process to determine the country of removal for these aliens: (1) the country designated by the alien; (2) an alternative country of which the alien is a subject, national or citizen, with certain conditions; and (3) an additional country, such as the country from which the alien boarded a conveyance to the United States or of the alien's residence or birth.

Sections 241(b)(1) and (2) of the Act use the terms ''country'' and ''accept'' without any statutory definition. Some subparagraphs of paragraph (b)(2) state that the alien is to be removed to a ''country'' that will ''accept'' the alien, while other provisions do not state that a ''country'' must ''accept'' the alien. The United States courts of appeals have differed on the meaning and effect of these terms. *Compare Jama* v. *INS,* 329 F.3d 630 (8th Cir. 2003), *cert. granted,* 124 S.Ct. 1407 (2004) (No. 03–674), *with Ali* v. *Ashcroft,* 346 F.3d 873 (9th Cir. 2003), *petition for reh'g pending* (No. 03–35096, 9th Cir.). These rules propose to implement the provisions of the Act and amend the regulations of the Department of Homeland Security and the Department of Justice in response to this intercircuit conflict.

B. The Statutory Requirements for Removing Aliens to a Country

When an alien is charged with being removable from the United States, he or she is provided with a hearing before an immigration judge and asked whether he or she admits or denies the allegations of fact and concedes or disputes the charges in the Notice to Appear. Except for arriving aliens covered by section 241(b)(1) of the Act, the immigration judge then inquires if the alien wishes to designate a country to which he prefers to be removed if removal from the United States is required. Upon such designation by the alien, or refusal to designate, the immigration judge will specify a country, or countries in the alternative, on the record. If the immigration judge finds the respondent to be removable and ineligible for relief from removal, the immigration judge will enter an order of removal from the United States. That order may be appealed to the Board of Immigration Appeals (Board) and the courts. When an order of removal from the United States becomes final, the Department of Homeland Security is responsible for executing the order and will issue a Warrant of Removal.

Section 241(b)(1) of the Act provides that the Secretary shall ordinarily remove the alien to the country in which the respondent boarded the vessel or aircraft on which the alien arrived in the United States. If removal to that country is not possible because its government is ''unwilling to accept the alien into that country's territory, removal shall be to any of the following countries'':

(i) The country of which the alien is a citizen, subject, or national.

(ii) The country in which the alien was born.

(iii) The country in which the alien has a residence.

(iv) A country with a government that will accept the alien into the country's territory if removal to each country described in a previous clause of this subparagraph is impracticable, inadvisable, or impossible.

Section 241(b)(1)(C) of the Act.

For all other aliens, section 241(b)(2) of the Act sets out the order, or sequence, of countries and territories to which the Secretary shall remove the alien. Generally, an alien in removal proceedings will be removed to the country he or she designates before the immigration judge. However, there are a number of exceptions to this requirement. For example, the alien's designation may be disregarded if the government of the country is not willing to accept the alien into the country.

If one of the exceptions applies, the Secretary shall remove the alien to an alternative country. Section 241(b)(2)(D) of the Act provides that, if an alien is not removed to the country designated by the alien, the Secretary shall remove the alien to a country of which the alien is a subject, national, or citizen unless the government of that country—(i) does not inform the Secretary or the alien finally, within 30 days after the date the Secretary first inquires or within another period of time the Secretary decides is reasonable, whether the government will accept the alien into the country; or (ii) is not willing to accept the alien into the country.

Finally, if removal to an alternative country cannot be made under section 241(b)(2)(D) of the Act, subsection (E) provides that the Secretary shall remove the alien to any of the following countries:

(i) The country from which the alien was admitted to the United States.

[1] The proposed regulations and this Supplementary Information use two distinct terms: the term ''alien'' is broader than the term ''respondent,'' which includes only aliens while they are in removal proceedings. Accordingly, the Department of Homeland Security rule uses the term ''alien,'' the Department of Justice rule uses the term ''respondent,'' and the Supplementary Information uses the term that is applicable in the specific context. The Immigration and Nationality Act generally uses the term alien and is not as discrete as the regulations.

(ii) The country in which is located the foreign port from which the alien left for the United States or for a foreign territory contiguous to the United States.

(iii) A country in which the alien resided before the alien entered the country from which the alien entered the United States.

(iv) The country in which the alien was born.

(v) The country that had sovereignty over the alien's birthplace when the alien was born.

(vi) The country in which the alien's birthplace is located when the alien is ordered removed.

(vii) If impracticable, inadvisable, or impossible to remove the alien to each country described in a previous clause of this subparagraph, another country whose government will accept the alien into that country.

The determination of the country to which the alien is removed under section 241(b)(2)(D) and (E) is exclusively within the discretion of the Secretary.

The structure of the sequence of countries for removal is clear. However, one circuit court has interpreted the final clause of subparagraph (E)(vii), which restricts removal to countries where governments will accept the alien, as modifying the entire subparagraph. As explained in Part D, the Secretary and the Attorney General find that the better reading of the statute is that this language modifies only clause (vii). Accordingly, if the Secretary is unable to remove an alien to a country of designation or an alternative country in subparagraph (D), the Secretary may, in his discretion, remove the alien to any country listed in subparagraphs (E)(i) through (E)(vi), whether or not those countries will accept the alien. The proposed regulations implement this interpretation and eliminate provisions that could be confusing.

C. Effectuation of Orders and Warrants of Removal

Once an alien receives a final order of removal, the Department of Homeland Security issues a Warrant of Removal, and the process of returning that alien begins. Generally, the first step in the removal process is to ensure that the alien has a valid travel document from the country to which he is to be returned. A valid travel document may consist of a passport from that country (and even an expired passport in certain cases), a laissez passer, or other evidence that the Department of State and DHS believe is sufficient to authorize the alien's international travel, depending on the country involved and the specific relations with that country and any intervening transit countries. In some cases, no travel document is used in the repatriation.

For example, thousands of Mexican nationals are returned across the border to Mexico each year without notification to the government of Mexico and without the requirement of a travel document. Additionally, the United States routinely repatriates aliens without requesting separate travel documents where aliens are apprehended with or provide DHS Immigration and Customs Enforcement (ICE) with valid travel documents. In many cases, repatriations using existing travel documents do not involve specific notification to the alien's home country.

In those cases where a valid travel document does not exist, the DHS Detention and Removal program contacts the foreign government's embassy or consulate in the United States and attempts to obtain a travel document valid for the return of the alien. The local field office of Detention and Removal sends to the embassy or consulate a travel document request that consists of biographical forms, documents that establish nationality, and other documents that may be requested by the embassy or consulate. Contact with the foreign government may also include specific contacts through the Chief of Mission of the United States Embassy in that country with the Foreign Minister of that country and between other officers of the United States Department of State and the foreign country's appropriate Ministry. Once the travel document has been secured, travel arrangements are made, the alien is returned and the Warrant of Removal is executed. The negotiation of travel documents for an alien to a foreign country may be routine and accomplished at the staff level, or may require negotiation by ambassadors, depending on the specific country, the international relations with that country, specific events and other negotiations with that country, and even the specific alien's identity, at the time the travel documents are negotiated.

Depending upon the country, this travel document issuance process can take from days to months. The question of how long the process takes in many instances reflects the general relationship the United States has with a given country. There are certain countries that have historically steadfastly refused to issue documents, even though they know that a given alien is a national of their country. ICE and the Department of State have attempted to reach an accord or agreement with these countries and will continue to do so.

As a matter of historical practice, ICE has not attempted with any frequency to remove aliens to a particular foreign country if the country has a functioning central government and that government objects to the alien's entry. As a practical matter, removal to a country with a functioning central government is very unlikely to occur unless that government at least implicitly ''accepts'' the alien.

Also, there are a variety of ways in which foreign governments have manifested their willingness to ''accept'' a removed alien. Acceptance has not always been expressed through any formal declaration or documentation, and it has not always been specific to an individual alien—an established, agreed-upon practice for dealing with a particular class of aliens has been sufficient. Removal practices vary from country to country. In fact, ICE uses several methods to accomplish the physical removal of aliens from the United States. For example, ICE officers may escort an alien to the United States border, and watch the alien cross the border into a foreign country such as Mexico without more than a determination that the individual is of Mexican nationality or citizenship.

ICE officers may place an alien on a commercial or charter carrier without further escort by ICE, and ensure that the alien is on the commercial or charter carrier and that the carrier departs from the territory of the United States, such as routine returns to most countries of the world, even though intervening transit countries may have only an implicit or tacit agreement to permit the transit of the alien. This is the most common scenario for non-contiguous countries and their citizens or natives and is used routinely for thousands of aliens to most of the nearly 200 countries of the world. For any transit that involves an intervening layover before reaching the final ticketed destination, DHS recognizes that under this scenario, the alien's actual return to a specific country of nativity or citizenship (though paid for by the United States) is entirely dependent on that alien's continuation of through transit ticketing and whether any through transit country will permit the alien to deviate from the existing ticketing.

ICE officers alternatively may accompany an alien when he or she is placed on a commercial or charter carrier through transit to a final destination. This extensive escort service is generally only employed

when removing an alien from the United States where there is a risk of flight or concern about the public safety, such as in the case of certain criminal aliens. These cases require greater cooperation of any transit countries and may entail specific routing of the alien and his or her escort through specific cooperating countries, even though more costly and indirect. For example, while DHS routinely utilizes the Kingdom of the Netherlands as a transit country, it is unable to transit nationals of Burundi through the Netherlands, based upon the latter country's request.

Except for the first method of removal, each of these scenarios may involve the alien stopping in a country of transit prior to his or her final destination. In addition, ICE officers who escort aliens may stop accompanying the alien once the alien stops at and passes through a country of transit on to his or her final destination. For example, an alien being removed to India on a flight transiting through the Netherlands may only be accompanied to the door of the plane in the Netherlands, rather than being accompanied by an ICE officer all the way to India.

The role of ICE officers in each of these scenarios is not to obtain the acceptance of the country of removal, but to ensure that the removal order has been carried out through witnessing the alien's crossing of a border, the alien's departure on a commercial or charter carrier, or the alien's passage into or through a transiting country on to his or her final destination. ICE officers are utilized to ensure that aliens being removed are placed at a point of no return to the United States. Accordingly, even though the rules distinguish between the immigration judge's order of removal from the United States and the actual removal of the alien to a different country, the actual removal of the alien by DHS is generally not predicated on any acceptance of the alien into any specific country.

The proposed rules also address whether an alien may be removed to a country where there is no functioning ''government.'' With respect to the countries determined pursuant to sections 241(b)(1)(C)(i)–(iii) and (2)(E)(i)–(vi) of the Act, the proposed rules each provide that the absence of a ''government'' in the receiving country does not preclude the Secretary from removing the alien to that country. This situation is not entirely uncommon. In a number of transitory periods, a specific ''country'' may not have a ''government'' or its government may not be recognized by the United States Government, the United Nations, or other foreign states or international bodies. Whether a country has a government is not a question that can be defined by statute or regulation. It does not follow, however, that the removal of aliens to the territory of such a receiving country must cease until a ''government'' is organized, or until that government is recognized. Likewise, it is unnecessary to obtain a commitment of acceptance by the receiving country before travel arrangements are made and the alien is transported. Such a commitment is desirable, but national security concerns, including foreign policy concerns, as well as other Executive Branch interests might deem removal appropriate even in the absence of acceptance. Thus, where it is not possible for the United States Government to request the government of a receiving country to accept these aliens through the normal diplomatic channels, the DHS proposed rule provides that the Secretary can designate a country previously identified in section 241(b)(2)(A)–(D) of the Act when selecting an additional removal country pursuant to clause (E)(i)–(vi), if the Secretary determines the designation is in the best interests of the United States.

The discussion in these proposed rules relates only to the determination of the country of removal for purposes of section 241(b) of the Immigration and Nationality Act, and does not address the broader issues relating to what constitutes a government and when a government is recognized by the United States, the latter being a foreign policy responsibility carried out by the Secretary of State.

D. The Act and Legislative Policy Concerning ''Acceptance''

The first reason that the Secretary and the Attorney General conclude that acceptance is not required in sections 241(b)(2)(E)(i) through (vi) of the Act is that the statute does not require acceptance. In construing the Act, as with other Congressional enactments, the Supreme Court repeatedly has held itself ''bound to 'assume that the legislative purpose is expressed by the meaning of the words used.' '' *INS* v. *Cardozo-Fonseca,* 480 U.S. 421, 431 (1987) (quoting *INS* v. *Phinpathya,* 464 U.S. 183, 189 (1984)) (internal quotations omitted). That approach is consistent with the Court's more general admonition that ''[t]he plain meaning of legislation should be conclusive, except in the 'rare cases [in which] the literal application of a statute will produce a result demonstrably at odds with the intentions of its drafters.' '' *United States* v. *Ron Pair Enters., Inc.,* 489 U.S. 235, 242 (1989) (alteration in original); *see also Connecticut Nat'l Bank* v. *Germain,* 503 U.S. 249, 253–54 (1992) (''We have stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there.''). The Secretary and the Attorney General follow this guidance in the promulgation of the proposed rules, as illustrated more fully below.

The question whether ''acceptance'' is a legal prerequisite to removal of an alien to a particular country is likely to have practical significance only in situations where the reason that acceptance cannot be obtained is that the relevant country lacks a functioning central government. As a theoretical matter, the same question might arise if the Secretary attempted to remove an alien to a specific country over the objection of that country's government. As previously explained, however, the general practice of the Executive Branch is not to attempt to remove an individual under the Act to a country whose government refuses to accept him.

The text of sections 241(b)(1)(C)(i)–(iii) and 241(b)(2)(E)(i)–(vi) of the Act (8 U.S.C. 1231(b)(1)(C)(i)–(iii) and 1231(b)(2)(E)(i)–(vi)) contains no requirement for acceptance in order to effectuate removal. To the contrary, the Act is plainly designed to give the Executive Branch a wide range of grounds and countries for effecting removal either with or without acceptance. Moreover, although the Act demonstrates a clear and sensible preference for effecting removal with acceptance under sections 241(b)(1)(A), (B) and 241(b)(2)(A)–(D) of the Act, it carefully preserves the discretion of the Executive Branch to effect removal without acceptance—except in the circumstance where the acceptance itself provides the only connection between the alien and the removal country at issue. See sections 241(b)(1)(C)(iv) and 241(b)(2)(E)(vii) of the Act.

As previously set out, sections 241(b)(2)(A) through (C) of the Act address removal to a country designated by the alien. In pertinent part, those provisions state that the Secretary ''shall remove'' an alien to the country designated by the alien (section 241(b)(2)(A)(ii)), but that the Secretary ''may disregard a designation'' if, among other things, ''the government of the country is not willing to accept the alien into the country'' (section 241(b)(2)(C)(iii)) or the Secretary ''decides that removing the alien to the country is prejudicial to the United States' (section 241(b)(2)(C)(iv)). These

provisions do not prohibit removal without acceptance: If acceptance is provided, they require removal to the country designated by the alien (unless the Secretary makes a highly discretionary determination that such removal is against the national interest), and if acceptance is not provided, they permit the Secretary not to remove the alien to the country designated by the alien. In no circumstances do these provisions affirmatively prohibit removal without acceptance to the designated country.

Section 241(b)(2)(D) of the Act addresses removal to a country of which the alien is a subject, national, or citizen. In pertinent part, it states that the Secretary ''shall remove'' the alien to such a country, unless the country ''is not willing to accept the alien.'' However, that provision also does not affirmatively prohibit removal to such countries without acceptance. Instead, it states a general rule requiring removal with acceptance to any country of which the alien is a national or citizen; and it contains an exception, which permits the Secretary not to remove the alien to such countries without acceptance.

Finally, section 241(b)(2)(E) of the Act specifies ''[a]dditional'' removal countries if an alien is ''not removed to a country'' under the prior subsections. The Secretary ''shall remove'' the alien to any of seven specified countries or categories of countries. The first six of these countries or categories of countries, defined without reference to acceptance, describe countries with some preexisting connection to the alien, *e.g.*, ''[t]he country in which the alien was born,'' in section 241(b)(2)(E)(iv). The final provision, section 241(b)(2)(E)(vii), states: ''If impracticable, inadvisable, or impossible to remove the alien to each country described in a previous clause of this subparagraph, another country whose government will accept the alien into that country.'' The ''acceptance clause'' of this final provision expands the countries to which the Secretary may physically remove the alien to include any country that will accept the alien. This ''acceptance clause'' is discrete to the final clause (vii) of subparagraph (E) and does not apply to the previous clauses (i) through (vi) of subparagraph (E).

Various structural considerations reinforce the conclusion that acceptance is not required. To begin with, section 241(b)(2) of the Act specifically imposes an acceptance requirement in subparagraph (E)(vii), and specifically addresses the role of acceptance in determining removal under subparagraphs (A) through (D). Those express acceptance provisions foreclose any reasonable inference that the other pertinent provisions, subparagraphs (E)(i) to (E)(vi), somehow incorporate an implied acceptance requirement. Similarly, section 241(b)(1)(C)(iv) of the Act imposes an acceptance requirement that is absent from subparagraphs (C)(i) to (C)(iii). As the Supreme Court has repeatedly emphasized, '' '[w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.' '' *Cardozo-Fonseca, supra,* 480 U.S. at 432 (quoting *Russello* v. *United States,* 464 U.S. 16, 23 (1983) (in turn quoting *United States* v. *Wong Kim Bo,* 472 F.2d 720, 722 (5th Cir. 1972))). Respecting such inclusions and omissions is even more important where they appear not only within the same statute, but also within the same section of the same statute. And it is yet more important when the provisions at issue are as ''comprehensive and reticulated'' as section 241(b)(2). *See, e.g., Great Western Life & Annuity Ins. Co.* v. *Knudson,* 534 U.S. 204, 209 (2002). *Cf. U.S. Term Limits, Inc.* v. *Thornton,* 514 U.S. 779 (1995) (specific qualifications for service in Congress set forth in the text of the Constitution may not be supplemented by Congress or the States).

Extending the narrow acceptance requirement of section 241(b)(2)(E)(vii) of the Act to all of the provisions of subparagraph (E), or the narrow acceptance requirement of section 241(b)(1)(C)(iv) of the Act to all of the provisions of subparagraph (C), would be a particularly egregious violation of these general principles. Subparagraph (E) states six possible removal countries without reference to acceptance, each of which has some past connection to the alien, and it then creates a residual removal provision that does require acceptance; in turn, that residual provision is triggered when it is ''impracticable, inadvisable, or impossible to remove the alien'' to those countries—not whenever the previously specified countries fail to provide acceptance. To be sure, the Secretary may (but need not) consider it ''impracticable, inadvisable, or impossible'' to effect removal where a foreign power has affirmatively refused acceptance. But where there is no relevant government capable of providing acceptance, concerns of comity between sovereigns are far diminished. Absent impracticability, acceptance under sections 241(b)(1)(C)(iv) or 241(b)(2)(E)(vii) of the Act is not even an available option, much less a compelled one.

A construction of the Act that maximizes the government's removal options is consistent with the dominant goals and objectives of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104–208, section 305(a)(3), 110 Stat. 3009–597 (1996) (''IIRIRA''). As the Supreme Court has explained, ''many provisions of IIRIRA are aimed at protecting the Executive's discretion from the courts—indeed, that can fairly be said to be the theme of the legislation.'' *Reno* v. *American-Arab Anti-Discrimination Committee,* 525 U.S. 471, 486 (1999) (emphasis in original). IIRIRA also sought to facilitate the removal of aliens, *see Reno* v. *American-Arab Anti-Discrimination Committee,* 525 U.S. at 481–87, and to enact ''wholesale reform[s]'' to protect the public against rapidly ''increasing rates of criminal activity by aliens,'' *Demore* v. *Kim,* 538 U.S. 510, 518, 123 S. Ct. 1708, 1714–16 (2003).

An interpretation of the current statutory and regulatory environment contrary to that set forth in these rules would erect a *de facto* amnesty program for aliens from countries that lack an effective ''functioning government.'' Such a regime would effectively apply to all such aliens who cannot practicably be removed to an alternative removal country. For example, in the case of Somalia alone, where there is no functioning government recognized by the United States, the Department of Homeland Security estimates that this includes approximately 8,000 Somali nationals currently subject either to final orders of removal or to pending removal proceedings. Moreover, countries without an effective government are likely to present terrorism concerns, as demonstrated by the present situation in Somalia. *See, e.g., United Nations, Report of the Panel of Experts in Somalia Pursuant to Security Council Resolution 1474* (Oct. 29, 2003) (describing activities of international terrorists in Somalia); U.S. Department of State, Patterns of Global Terrorism—2002, Africa Overview at 6 (same) (April 20, 2003) (available at *http://www.state.gov/s/ct/rls/pgtrpt/2002/pdf/*) (last accessed on May 4, 2004); Congressional Research Service, Report For Congress, Africa and the War on Terrorism, at 16–17 (same) (Jan. 17, 2002). The consequence of a theory that the Executive Branch cannot remove aliens who fail to qualify for asylum, withholding of removal, or temporary protected status, and whom no other

country is willing to accept, is not only that such aliens may remain in the United States for the indefinite future, but also that they must be released wholesale from immigration detention absent special circumstances. *See Zadvydas* v. *Davis,* 533 U.S. 678 (2001). This is clearly not the intent of Congress in enacting IIRIRA, and that approach would impair implementation of the foreign policy of the United States.

The absence of a categorical prohibition against removal without acceptance does not render the Act's provisions to be inexplicable. Rather, the Act's provisions must be understood as a step-wise progression of determinations from the country designated by the alien to a country that has minimal contacts with the alien, even one that will not, or has not the capacity to, accept the alien.

Section 243(d) of the Act (8 U.S.C. 1253(d)), which provides for the termination of visa processing in countries that do not accept repatriation of citizens within a reasonable time, is effectively a penalty for forcing the United States to reach the more complicated issues of acceptance on an operational basis, not a limitation on the authority to remove an alien. The alien terrorist removal provisions at section 507(c) of the Act (8 U.S.C. 1537(c)) provide an authorization to the Secretary to maintain custody of an alien terrorist indefinitely if no other country will accept the alien terrorist.

Accordingly, the Secretary and the Attorney General find that the acceptance by a country is not required by the Act's language, structure, purpose, or intent. *See INS* v. *Aguirre-Aguirre,* 526 U.S. 415 (1999) (according deference to Attorney General's interpretation of Act). Moreover, intervening Congressional action, specifically in passage of the Homeland Security Act, and the creation of an intercircuit conflict warrant a fresh consideration of the elements contained in these provisions and correction of prior interpretations of the law.

E. Removal to a Country and the Foreign Relations of the United States

Foreign policy considerations confirm that the provisions of the Act at issue here should not be read to require acceptance. As the Supreme Court has stressed repeatedly, the right of the Executive Branch to remove aliens ''stems not alone from legislative power but is inherent in the executive power to control the foreign affairs of the nation.'' *United States ex rel. Knauff* v. *Shaughnessy,* 338 U.S. 537, 542 (1950). *See, e.g., Fiallo* v. *Bell,* 430 U.S. 787, 792 (1977) (''power to expel or exclude aliens'' is ''a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control'') (quoting *Shaughnessy* v. *United States ex rel. Mezei,* 345 U.S. 206, 210 (1953)). These considerations apply with special force to immigration issues arising under the Act involving foreign countries that are either hostile, dysfunctional, or lack the capacity to exercise their sovereign authority. In particular, in exercising authority to remove aliens under the Act, the Executive Branch has the responsibility to assess the foreign policy considerations that are presented by a foreign country that has no functioning government to accept its nationals. The Secretary, after consultation with the Secretary of State and other appropriate agencies, may assess such foreign policy considerations on a country-by-country basis.

The actual removal of an alien, even more than the designation of a country of removal by the alien or the identification of a country of removal in an immigration judge's order, ''is vitally and intricately interwoven with contemporaneous policies in regard to the conduct of foreign relations, the war power, and the maintenance of a republican form of government.'' *Harisiades* v. *Shaughnessy,* 342 U.S. 580, 588–589 (1952). Accordingly, while there may be judicial inquiry into the legal efficacy of the immigration judge's order, and *habeas corpus* may be sought to challenge the lawfulness of detention or restraint, the actual issues of to what ''country'' an alien may be removed and whether that country ''accepts'' the alien necessarily raise concerns for the separation of powers in trenching on matters committed to the Executive Branch. *See Department of Navy* v. *Egan,* 484 U.S. 518, 529 (1988) (''[F]oreign policy [is] the province and responsibility of the Executive'') (citation and quotation omitted); *Chicago & Southern Air Lines, Inc.* v. *Waterman S.S. Corp.,* 333 U.S. 103, 111 (1948) (''[T]he very nature of executive decisions as to foreign policy is political, not judicial'').

The proposed rule of the Department of Justice amends 8 CFR 1240.10(f) and 1240.12 to clarify the distinction between the administrative adjudication and the effectuation of the alien's removal, which implicates the foreign relations of the United States. The designation by the alien, under section 241(b)(2)(A)(ii) of the Act, and the identification in the immigration judge's order of removal are subject to judicial review. However, the actual removal of the alien to a foreign state pursuant to the Act is an exercise of the Executive Branch's foreign policy function. The Secretary will consult as appropriate with the Secretary of State in carrying out these functions.

Finally, the provisions relating to the removal of an alien to a foreign country (in contrast to orders of removal from the United States) are not for the benefit of the alien, but as a protection for the lawful foreign policy prerogatives of the United States. This is exemplified in section 241(h) of the Act (8 U.S.C. 1231(h)), which provides a rule of construction that ''[n]othing in this section shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States. * * *'' (emphasis added). This provision has rarely been construed, and there is no legislative history explicating Congressional purpose or intent. As the Supreme Court has noted, this provision is one of several statutory provisions that limit the circumstances in which judicial review of deportation decisions is available. *Zadvydas* v. *Davis*, 533 U.S. 678, 687–88 (2001).

A similar provision barred an alien's claim to compel initiation of deportation or removal proceedings, or provide damages for failure to initiate proceedings and effect removal in a timely fashion. Of particular note is that after an intercircuit conflict had developed in the early 1990s over whether mandamus would lie to compel the former INS to commence deportation proceedings, Congress intervened by enacting the same ''no substantive or procedural rights'' provision in 1994, and the courts conceded that aliens were no longer within the ''zone of interest'' of the statute.[2]

[2] In a line of cases, the Ninth Circuit found that incarcerated aliens could seek mandamus to compel immediate deportation proceedings in light of former section 242(i) of the Act (8 U.S.C. 1252(i) (1988)), which provided: ''In the case of an alien who is convicted of an offense which makes the alien subject to deportation, the Attorney General shall begin any deportation proceeding as expeditiously as possible after the date of the conviction.'' *See Silveyra* v. *Moschorack,* 989 F.2d 1012, 1014 n. 1 (9th Cir. 1993); cf. *Soler* v. *Scott,* 942 F.2d 597, 605 (9th Cir. 1991), vacated as moot sub nom. *Sivley* v. *Soler,* 506 U.S. 969 (1992); *Garcia* v. *Taylor,* 40 F.3d 299, 301 (9th Cir. 1994) (recognizing it is ''settled'' that ''prisoner aliens who seek mandamus to force the INS to start deportation proceedings do have standing''). *But see Giddings* v. *Chandler,* 979 F.2d 1104, 1108–10 (5th Cir. 1992) (holding that an incarcerated alien lacked standing to invoke the Mandamus Act to compel the institution of deportation proceedings). On the other hand, courts had also held that no private right of action existed under the statute. *See Urbina-Mauricio* v. *INS,* 989 F.2d 1085 (9th Cir. 1993) (no private cause of action); *Aguirre* v. *Meese,* 930 F.2d 1292, 1293 (7th Cir. 1991) (same); *Prieto* v. *Gluch,* 913 F.2d 1159, 1166 (6th Cir. 1990)

Accordingly, Congress has acted to limit the zone of interest in determination of the country to which an alien may be removed and the alien is outside that zone of interest. Cf., *Channer* v. *Hall,* 112 F.3d 214 (5th Cir. 1997) (damage action for delay in effecting deportation, resulting in State detainer to serve sentence being implemented, failed to state claim under statute); *DiPeppe* v. *Quarantillo,* 337 F.3d 326, 333–34 (3rd Cir. 2003) (same language in section 239(d)(2) of the Act (8 U.S.C. 1229(d)(2)) relating to prompt initiation of removal proceedings).

Similarly, section 241(a)(6) of the Act does not create a right to parole; section 241(h) of the Act expressly limits construction of the provision so that it does not create substantive or procedural rights. *Benitez* v. *Wallis,* 337 F.3d 1289, 1300 (11th Cir. 2003), cert. granted, 124 S. Ct. 1143 (2004) (No. 03–7434). Congress has also utilized this construction in other circumstances to limit the zone of interest. *See, e.g.*, sections 208(d)(5)(B)(7) and 238(a)(1) of the Act (8 U.S.C. 1158(d)(5)(B)(7), 1228(a)(1)); 18 U.S.C. 1092, 2340B.

Where the Executive Branch determines not to create rights in specific administrative actions, the courts have deferred to that determination. Cf. *United States* v. *Caceres,* 440 U.S. 741 (1979). When Congress itself makes this determination—as it has in section 241 of the Act—the Executive and Judicial Branches both must respect that determination. Here, Congress has determined that the zone of interest does not include the alien, but is limited to the implementation, within Congress' own limited realm, of the foreign policy of the United States.

(same), cert. denied, 498 U.S. 1092 (1991); *Orozco* v. *INS,* 911 F.2d 539, 541 (11th Cir. 1990) (same); cf. *Gonzalez* v. *INS,* 867 F.2d 1108, 1109–10 (8th Cir. 1989) (no private right of action under section 242(i), therefore mandamus not available). However, in 1994, Congress enacted a specific provision that ''nothing in § 242(i) of the * * * Act * * * shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.'' Immigration and Nationality Technical Corrections Act of 1994, Pub. L. No. 103–416, § 225, 108 Stat. 4305 (1994) (citations omitted). With admirable candor, the Ninth Circuit conceded the application of the provision as the demise of this line of cases: ''Congress took the opportunity in section 225 of the INTCA to clarify for our benefit that section [242](i) does not create an obligation on the part of the government toward individual incarcerated aliens and that such aliens lack standing to sue for any relief under section [242] because they are outside the 'zone of interests' of the statute. * * * By enacting section 225, Congress made clear that the sole purposes of section [242](i) are economic, not humanitarian.'' *Campos* v. *INS,* 62 F.3d 311, 314 (9th Cir. 1995). *See also Hernandez-Avalos* v. *INS,* 50 F.3d 842, 844 (10th Cir. 1995), cert. denied, 516 U.S. 826 (1995) (consistent).

F. Administrative and Judicial Interpretations

The Board of Immigration Appeals and the courts have touched upon the subject of the removal of an alien to a specific country in the past. Certain cases warrant further comment because their precedential value will be affected by the interpretation of section 241 of the Act reflected in these proposed rules.

In *Matter of Linnas,!* 19 I&N Dec. 302 (BIA 1985), *aff'd on other grounds, Linnas* v. *INS,* 790 F.2d 1024 (2nd Cir. 1986), the Board held that a deportation order could not designate the New York offices maintained on behalf of the ''Republic of Estonia'' as a country because the term ''country'' in former section 243 of the Act (8 U.S.C. 1253 (1982)) meant, at a minimum, a foreign place with ''territory'' in a geographical sense and a ''government'' in the sense of a political organization that exercises power on behalf of the people subject to its jurisdiction.

However, the only issue before the Board in *Linnas* was whether the offices maintained in New York could be a ''country'' for the purposes of deportation. The offices of the ''Republic of Estonia'' contained none of the attributes of a sovereign country. As noted by the Board, the Republic of Estonia possessed no land over which it asserted sovereignty. The New York offices were neither an embassy nor a chancery within the United States. These offices were not ''outside'' the United States and therefore were not minimally eligible as a place for deportation. Thus, such ''offices'' do not constitute a country in any use of the term. Although that was enough to decide the question posed by *Linnas,* the Board went further to describe what constitutes a country under the Act. In essence, this description of what constitutes a country is no more than dictum.[3]

[3] To place the Linnas decision in the proper context, the Department of Justice notes that Linnas had been tried in absentia and found guilty of war crimes in the Union of Soviet Socialist Republics (USSR), which had forcibly absorbed the Republic of Estonia at the conclusion of World War II. Linnas's entry into the United States from a displaced persons administration and subsequent naturalization was based on fraudulent denial of past war crimes, and Linnas was denaturalized. *See United States* v. *Linnas,* 527 F. Supp. 426 (E.D.N.Y. 1981), aff'd, 685 F.2d 427 (2nd Cir.), cert. denied, 459 U.S. 883 (1982) (denaturalization of Nazi war criminal ordered). Accordingly, Linnas attempted to avoid deportation to the USSR and the imposition of a sentence for war crimes. However, Linnas abandoned the issue raised and considered by the Board regarding the ''offices'' in New York and the definition of a country, and did not pursue it before the court of appeals.

Section 241 of the Act (like former section 243 of the Act), however, does not mandate the result in the Board's decision. In order to give proper deference to the role of the Secretary of State in recognizing foreign governments, conducting international relations, and carrying out the foreign policy of the United States, and the role of the Secretary of Homeland Security in removing aliens under the Act, the Attorney General departs from the interpretation of the term ''country'' adopted by the Board in Linnas. This rule adopts the view that the Department of Homeland Security is authorized to effectuate orders of removal of aliens from the United States under section 241(b) of the Act to a country as determined by the Secretary.

In *Matter of Niesel,* 10 I&N Dec. 57 (BIA 1962), the Board considered a case involving the division of Germany into East Germany and West Germany after World War II. In this case, the former Immigration and Naturalization Service sought to deport a German citizen to West Germany, while she sought deportation to East Germany (a country that the United States did not recognize) in order to establish a basis to pursue asylum. The Board decided that, although the physical location of the alien's place of birth, last habitual residence, and citizenship each may have been within ''East Germany,'' the alien was nonetheless deportable to West Germany, making no distinction between the two countries.

Neither of these cases fully establishes a record or detailed legal analysis of the definition of a ''country'' for removal purposes or the requirements for removal to a country.

In *Jama* v. *INS,* 329 F.3d 630 (8th Cir. 2003), *cert. granted,* 124 S. Ct. 1407 (2004), the Eighth Circuit concluded that the plain language of section 241(b)(2)(E) of the Act permits removal to an alien's country of birth and does not require that this country ''accept'' the alien's return. The court explained that ''as [a] matter of simple statutory syntax and geometry, the acceptance requirement [in section 241(b)(2)(E)] is confined to clause (vii), and does not apply to clauses (i) through (vi).'' 329 F.3d at 634. This syntactic and geometric structure distinguished when acceptance is required and when acceptance is not required, but provides no guidance as to what constitutes ''acceptance.'' The court rejected the alien's contention that its interpretation of section 241(b)(2)(E) of the Act ''nullifies'' the provision for acceptance as a condition of removal to the country of which the alien is a subject, national, or citizen, pursuant to section

241(b)(2)(D) of the Act. The court explained that an alien born in the country to which he or she is to be removed under section 241(b)(2)(E)(iv) of the Act ''is not always a subject, national or citizen'' of that country, so section 241(b)(2)(D) of the Act may not apply to the alien at all. *Id.* The court also observed that ''between countries, it is not uncommon behavior to attempt to accomplish a task by asking politely first''—*i.e.*, to attempt consensual removal under section 241(b)(2)(D)—''and then to act anyway if the request is refused.'' *Id.* The court concluded that its interpretation of section 241(b)(2) does not conflict with any ''settled judicial construction'' of former section 243(a) of the Act (8 U.S.C. 1253 (1994)), id., and that the administrative decision cited by petitioner, *Matter of Linnas, supra,* did not overrule the earlier decision in *Matter of Niesel, supra,* that rejected an acceptance requirement. *Id.* at 635. These proposed rules are consistent with the court's decision in *Jama.*

In *Ali* v. *Ashcroft,* 346 F.3d 873 (9th Cir. 2003), *petition for reh'g pending* (No. 03–35096, 9th Cir.), the Ninth Circuit found that the United States cannot remove aliens to a country that does not have a functioning government to accept them. The court of appeals did not provide any analysis of what a ''functioning government'' might be or how that might be determined—which only begs the question of which governments the United States will recognize and treat and which it will not. The Second Circuit addressed the essentially identical provisions of prior law in *Tom Man* v. *Murff,* 264 F.2d 926, 928 (2d Cir. 1959), concluding that deportation under any of the subclauses now found in section 241(b)(2)(E) of the Act was subject to the condition that the country be willing to accept the alien. However, as the statute provides no such definition, the courts in these cases have essentially created their own definition.

The sum of these cases lies in the statutory terms of ''accept'' and ''country,'' neither of which are defined in the Act. What constitutes ''acceptance'' by a ''functioning government'' of a ''country'' clearly lies ''[i]n this vast external realm, with its important, complicated, delicate and manifold problems, [where] the President alone has the power to speak or listen as a representative of the nation.'' *United States* v. *Curtiss-Wright Export Corp.,* 299 U.S. 304, 319 (1936). Accordingly, the Department of Homeland Security proposes to amend its regulations by recognizing that the terms ''acceptance'' and ''country'' are defined, not by the Act or by the courts, but by the Executive Branch, consistent with the foreign policy of the United States.

The proposed rules alter the implementation of section 241 of the Act to ensure that ''acceptance'' by a ''country'' is limited to the specific subsections within section 241 of the Act, in light of intervening legislation and judicial decisions that warrant reconsideration of the regulations. Cf. *Watt* v. *Alaska,* 451 U.S. 259, 273 (1981); *see also General Electric Co.* v. *Gilbert,* 429 U.S. 125, 143 (1976); *INS* v. *Cardozo-Fonseca,* supra, at 446 & n.30. As *Linnas* and *Ali* fail to consider the statutory requirements, the extant legislative policies, long-standing administrative practice, or the foreign relations implications of these provisions, the Attorney General departs from *Linnas* and the Attorney General and the Secretary decline to follow *Ali* outside the jurisdiction of the Ninth Circuit. The statute does not permit the result in *Tom Man* and *Ali,* and because the statute is considered ambiguous, the Executive's interpretation of the statute is due considerable deference. *Jama* and *Niesel* may have reached the correct conclusion, at least in part, but more detailed analysis of, and deference to, the foreign relations implications of removal of aliens from the United States and to a foreign country is warranted.

G. Clarifying the Immigration Judge's Order of Removal From the United States

Immigration judges' orders of removal from the United States have historically included an identification of the country to which the alien is to be removed, consistent with 8 CFR 1240.12(c). The Act, however, requires only that the alien, or the Attorney General, designate a country for the purpose of removal. Section 241(b)(2)(A) of the Act provides that the respondent (other than an arriving alien) ''may designate one country to which the alien wants to be removed.'' [emphasis added].

Furthermore, there is no requirement that this designation must be or is an integral element of the immigration judge's order of removal from the United States. The regulations currently provide:

> The immigration judge shall notify the alien that if he or she is finally ordered removed, the country of removal will in the first instance be directed pursuant to section 241(b) of the Act to the country designated by the alien, unless section 241(b)(2)(C) of the Act applies, and shall afford him or her an opportunity then and there to make such designation. The immigration judge shall then specify and state for the record the country, or countries in the alternative, to which the alien's removal will be directed pursuant to section 241(b) of the Act if the country of his or her designation will not accept him or her into its territory, or fails to furnish timely notice of acceptance, or if the alien declines to designate a country.

8 CFR 1240.10(f). The existing Department of Justice regulations, 8 CFR 1240.10(g), already make clear that the Secretary, in appropriate circumstances, may remove an alien to a country not previously designated.

The rules previously adopted by the Department of Justice do not specify the legal effect of the alien's designation or the immigration judge's order of removal from the United States. Some court decisions have implied that a final order of removal limits the Department of Homeland Security's authority to remove the alien to a country that was not designated, or relied upon the implication of such an interpretation to find error in considering applications for asylum. *See, e.g., Kuhai* v. *INS,* 199 F.3d 909 (7th Cir. 1999) (designation altered without chance to address issues); *Andriasian* v. *INS,* 180 F.3d 1033, 1038–39 (9th Cir. 1999) (designation process adequately explained, but describes immigration judge order as ''ordering that [respondent] be deported to either Azerbaijan or Armenia''); *Kossov* v. *INS,* 132 F.3d 405, 407, 408 (7th Cir. 1998) (''In the alternative, the judge ordered the Kossovs deported to Russia.'' ''Yet the order itself deports the Kossovs to Russia, not Latvia.''). *But see al Najjar* v. *Ashcroft,* 257 F.3d 1262, 1294–96 (11th Cir. 2001) (recognizing factual issue of identifying country of last habitual residence and distinguishing previous cited cases). To the extent that the scope of an application for relief depends on the country to which the alien may be actually removed (*e.g.* asylum, withholding of removal, and the Convention Against Torture), the respondent and the Department of Homeland Security, and to some extent the immigration judge, share responsibility for ensuring that the record illuminates complete consideration of the application as to those countries. However, an implication that the order of removal from the United States itself requires removal only to the countries designated is not supported by the Act or the existing regulations.

Moreover, the identification of a country in an order of removal does not override the prerogatives of the Secretary in effectuating or executing a removal order and warrant of removal under the statute, as is currently

recognized in 8 CFR 1240.10(g). The proposed rule clarifies that identification of a country or countries for removal in the immigration judge's order of removal from the United States does not limit the lawful discretion of the Department of Homeland Security in determining the country to which the alien should be removed, consistent with the requirements of section 241(b) of the Act.

H. Joint and Independent Notice of Proposed Rulemaking

In light of a conflict among the United States courts of appeals over whether a foreign country must commit to accept an alien ordered removed from the United States before the alien may be removed to such a country, the Secretary of Homeland Security and the Attorney General publish this joint notice of proposed rulemaking to amend the regulations of their respective Departments pertaining to removal of aliens from the United States.

The Secretary of Homeland Security proposes to amend regulations of the Department of Homeland Security to clarify the authority for removal of aliens to specific countries in the exercise of discretion under section 241 of the Act. The Secretary is exercising his authority under sections 103 and 241 of the Act (8 U.S.C. 1103, 1231).

The Attorney General proposes to amend the regulations of the Department of Justice to clarify the authority and procedures before immigration judges in designating countries of removal in the record of proceedings, to clarify the scope of immigration judge orders of removal from the United States, and to provide further guidance in interpreting the Act. The Attorney General is exercising his authority under section 103(a)(1) and (g) of the Act, and his authority under 28 U.S.C. 503, 509–510.

The Secretary of Homeland Security and the Attorney General have undertaken to publish these proposed changes in their respective regulations in a single notice of proposed rulemaking as a convenience to the public. The rules of the Department of Homeland Security and of the Department of Justice will continue to implement separately the provisions of the Act within their respective jurisdictions. The Secretary of Homeland Security and the Attorney General are each acting independently and within their respective statutory delegations of authority in separately proposing amendments to the rules of their respective Departments as set forth in the separate proposed rulemakings.

I. Conforming Revisions

Finally, both proposed rules eliminate a number of provisions from the Code of Federal Regulations that are unnecessary and duplicative. The proposed rules of the Department of Justice eliminate unnecessary regulations from Chapter V of title 8 of the Code of Federal Regulations that are within the authority of the Secretary and the proposed rules of the Department of Homeland Security eliminate unnecessary regulations from Chapter I of title 8 of the Code of Federal Regulations that are within the authority of the Attorney General. As previously noted in transitional regulations adopted by the Attorney General at the time the responsibilities of the former INS were transferred to the Department of Homeland Security—68 FR 9824 (Feb. 28, 2003); 68 FR 10349 (March 5, 2003)—many other overlapping regulatory provisions were initially duplicated in Chapter V to ensure continuity. As planned at that time, further revision is now being made to refine the provisions of title 8 of the Code of Federal Regulations and to remove those regulations pertaining to the Department of Homeland Security not appropriate to be duplicated in the Department of Justice regulations, and *vice versa*. These changes are not subject to the notice and comment provisions of the Administrative Procedure Act, but the Departments would welcome comments and further suggestions.

With the exception of certain provisions, the Department of Justice has determined that most of the provisions of part 1241 are properly codified in the regulations of the Department of Homeland Security in 8 CFR part 241, and need not be duplicated in 8 CFR part 1241. Accordingly, this rule proposes to retain only 8 CFR 1241.1, 1241.3, 1241.6(c), 1241.7 (second sentence), and 1241.31, as well as those portions of 8 CFR 1241.14 pertaining to the authority of the immigration judges to conduct hearings relating to the continued detention of aliens pursuant to 8 CFR 241.14. The retained sections deal with finality of orders of removal and deportation and proceedings before the immigration judges in specific cases and issues.

The remainder of 8 CFR part 1241 deals with the execution of removal and deportation orders and warrants, detention after a removal order has been issued, and other matters that are within the authority of officers of the Department of Homeland Security. Those provisions are removed from the Department of Justice regulations, with only appropriate informational cross-references being inserted to the regulations of the Department of Homeland Security.

Administrative Matters

Regulatory Flexibility Act

The Secretary and the Attorney General, in accordance with 5 U.S.C. 605(b), have reviewed their respective proposed rules and, by approving them, certify that these rules do not have a significant economic impact on a substantial number of small entities. The proposed rules affect only individual aliens and government agencies.

Unfunded Mandates Reform Act of 1995

These rules will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

Neither of these rules is a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. Neither rule will result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

These rules have been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Departments have determined that their respective rules are significant regulatory actions under section 3(f) of Executive Order 12866, Regulatory Planning and Review. Accordingly, these rules have been submitted to the Office of Management and Budget for review.

There are no additional costs to the Department of Justice in the implementation of the proposed rules other than the minimal amount of time required for immigration judges to explain the possibility that an alien may be removed to a country other than designated. Similarly, there are no additional costs of the Department of Homeland Security other than in the

small number of cases in which execution of an order of removal will be to a country other than as previously designated, in which officials of DHS will be required to ensure compliance with United States law and international obligations. There are no costs to individuals.

The benefits of the rule lie in the clarification of the law and the elimination of delay in effecting a small number of removal orders, but these benefits are not quantifiable. In some cases, the individual alien will already be in the custody of DHS and, therefore, reducing the time required to execute an order of removal will reduce the costs of detaining that alien.

Executive Order 13132

These rules 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. Therefore, in accordance with section 6 of Executive Order 13132, the respective Departments have determined that these rules do not have sufficient federalism implications to warrant a federalism summary impact statement.

Executive Order 12988

These rules meet the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Paperwork Reduction Act of 1995

These rules do not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write the individuals identified in the **ADDRESSES** section.

List of Subjects

8 CFR Part 236

Administrative practice and procedure, Aliens, Immigration.

8 CFR Part 241

Administrative practice and procedure, Aliens, Immigration.

8 CFR Part 1236

Administrative practice and procedure, Aliens, Immigration.

8 CFR Part 1240

Administrative practice and procedure, Aliens.

8 CFR Part 1241

Administrative practice and procedure, Aliens, Immigration.

DEPARTMENT OF HOMELAND SECURITY

8 CFR Chapter I

Authority and Issuance

Accordingly, for the reasons stated in the joint preamble and pursuant to the authority vested in me as the Secretary of Homeland Security, chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 236—APPREHENSION AND DETENTION OF INADMISSIBLE AND DEPORTABLE ALIENS; REMOVAL OF ALIENS ORDERED REMOVED

1. The authority citation for 8 CFR part 236 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1103, 1182, 1224, 1225, 1226, 1227, 1231, 1362; 18 U.S.C. 4002, 4013(c)(4); 8 CFR part 2.

2. In § 236.1, paragraph (c)(1) is revised to read as follows:

§ 236.1 Apprehension, custody, and detention.

* * * * *

(c) * * *

(1) *In general.* No alien described in section 236(c)(1) of the Act may be released from custody during removal proceedings, except pursuant to section 236(c)(2) of the Act.

* * * * *

PART 241—APPREHENSION AND DETENTION OF ALIENS ORDERED REMOVED

3. The authority citation for 8 CFR part 241 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1103, 1182, 1223, 1224, 1225, 1226, 1227, 1231, 1251, 1253, 1255, 1330, 1362; 18 U.S.C. 4002, 4013(c)(4); 8 CFR part 2.

4. Section 241.1 is revised to read as follows:

§ 241.1 Final order of removal.

An order of removal becomes final in accordance with 8 CFR 1241.1.

* * * * *

5. Section 241.3 is amended by adding a new paragraph (d), to read as follows:

§ 241.3 Detention of aliens during removal period.

* * * * *

(d) *Information regarding detainees.* Disclosure of information relating to detainees shall be governed by the provisions of 8 CFR 236.6.

* * * * *

§ 241.4 [Amended]

6. Section 241.4(k)(1)(i) is amended by removing the phrase ''because no country currently will accept the alien,'' and by removing the phrase ''removal of the alien prior to expiration of the removal period'' in the first sentence.

7. Section 241.5 is amended by revising paragraph (c)(1), to read as follows:

§ 241.5 Conditions of release after removal period.

* * * * *

(c) * * *

(1) The alien cannot be removed in a timely manner; or

* * * * *

§ 241.13 [Amended]

8. Section 241.13 is amended by:

a. Removing the phrase ''to the country to which the alien was ordered removed and there is no third country willing to accept the alien'' in the first sentence of paragraph (d)(1); and by

b. Adding the term ''and'' immediately before the phrase ''the views of the Department of State'' and by removing the phrase '', and the receiving country's willingness to accept the alien into its territory'' in the first sentence of paragraph (f).

9. Section 241.15 is revised to read as follows:

§ 241.15 Countries to which aliens may be removed.

(a) *Country.* For the purposes of section 241(b) of the Act (8 U.S.C. 1231(b)), the Secretary retains discretion to remove an alien to any country described in section 241(b) of the Act (8 U.S.C. 1231(b)), without regard to the nature or existence of a government.

(b) *Acceptance.* For the purposes of section 241(b) of the Act (8 U.S.C. 1231(b)), the Secretary retains discretion to determine the effect, if any, of acceptance or lack thereof, when an acceptance by a country is required, and what constitutes sufficient acceptance.

(c) *Absence or lack of response.* The absence of or lack of response from a *de jure* or functioning government (whether recognized by the United States, or otherwise) or a body acting as a *de jure* or functioning government in the receiving country does not preclude the removal of an alien to a receiving country.

(d) *Prior commitment.* No commitment of acceptance by the receiving country is required prior to designation of the receiving country, before travel arrangements are made, or before the alien is transported to the receiving country.

(e) *Specific provisions regarding acceptance.* Where the Department

cannot remove an alien under section 241(b)(2)(A)–(D) of the Act, acceptance is not required to remove an alien to a receiving country pursuant to section 241(b)(2)(E)(i)–(vi) of the Act. Where the Department cannot remove an arriving alien under section 241(b)(1)(A) or (B) of the Act, acceptance is not required to remove an alien to a receiving country pursuant to section 241(b)(1)(C)(i)–(iii) of the Act.

(f) *Interest of the United States controlling.* The Secretary or his designee may designate a country previously identified in section 241(b)(2)(A)–(D) of the Act when selecting a removal country under section 241(b)(2)(E) of the Act (and may designate a country previously identified in section 241(b)(1)(A) or (B) of the Act when selecting an alternative removal country under subsection 241(b)(1)(C) of the Act) if the Secretary or his designee determines that such designation is in the best interests of the United States.

(g) *Limitation on construction.* Nothing in this section shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

10. Section 241.25(b) is revised to read as follows:

§ 241.25 Deportation.

* * * * *

(b) *Place to which deported.* Any alien (other than an alien crewmember or an alien who boarded an aircraft or vessel in foreign contiguous territory or an adjacent island) who is ordered excluded shall be deported to the country where the alien boarded the vessel or aircraft on which the alien arrived in the United States. Otherwise, the Secretary may, as a matter of discretion, deport the alien to the country of which the alien is a subject, citizen, or national; the country where the alien was born; the country where the alien has a residence; or any other country.

* * * * *

11. Section 241.31 is revised to read as follows:

§ 241.31 Final order of deportation.

An order of deportation becomes final in accordance with 8 CFR 1241.31.

§ 241.33 [Amended]

12. Section 241.33(a) is amended by:

a. Revising the second sentence in the introductory text to read ''An order of deportation becomes final in accordance with 8 CFR 1241.31.''; and

b. Removing paragraphs (a)(1), (2), (3), and (4).

Dated: July 9, 2004.

Tom Ridge,

Secretary, Department of Homeland Security.

DEPARTMENT OF JUSTICE

8 CFR Chapter V

Authority and Issuance

Accordingly, for the reasons stated in the joint preamble and pursuant to the authority vested in me as the Attorney General of the United States, chapter V of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1236—APPREHENSION AND DETENTION OF INADMISSIBLE AND DEPORTABLE ALIENS; REMOVAL OF ALIENS ORDERED REMOVED

1. The authority citation for part 1236 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1103, 1182, 1224, 1225, 1226, 1227, 1231, 1362; 18 U.S.C. 4002, 4013(c)(4).

2. Section 1236.1 is amended as follows:

a. Paragraph (c)(1) is revised to read as set forth below; and

b. Paragraph (f) is amended by revising ''Service'' to read ''Department of Homeland Security'' in each place that it appears.

§ 1236.1 Apprehension, custody, and detention.

* * * * *

(c) * * *

(1) *In general.* No alien described in section 236(c)(1) of the Act may be released from custody during removal proceedings, except pursuant to section 236(c)(2) of the Act.

* * * * *

3. Section 1236.2 is amended:

a. In paragraph (a) by removing the paragraph designation and heading and

b. By removing paragraph (b).

§§ 1236.3, 1236.5, and 1236.6 [Removed]

4. Sections 1236.3, 1236.5 and 1236.6 are removed.

PART 1240—PROCEEDINGS TO DETERMINE REMOVABILITY OF ALIENS IN THE UNITED STATES

5. The authority citation for part 1240 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1229, 1229a, 1229b, 1229c, 1253, 1255, and 1362.

6. Section 1240.10 is amended by revising paragraph (f) and removing paragraph (g), to read as follows:

§ 1240.10 Hearing.

* * * * *

(f) *Country of removal.* With respect to an arriving alien covered by section 241(b)(1) of the Act, the country, or countries in the alternative, to which the alien may be removed will be determined pursuant to section 241(b)(1) of the Act. In any other case, the immigration judge shall notify the respondent that if he or she is finally ordered removed, the country of removal will in the first instance be the country designated by the respondent, except as otherwise provided under section 241(b)(2) of the Act, and shall afford him or her an opportunity then and there to make such designation. The immigration judge shall also identify for the record a country, or countries in the alternative, to which the alien's removal may be made pursuant to section 241(b)(2) of the Act if the country of the alien's designation will not accept him or her into its territory, or fails to furnish timely notice of acceptance, or if the alien declines to designate a country. In considering alternative countries of removal, acceptance or the existence of a functioning government is not required with respect to an alternative country described in section 241(b)(1)(C)(i)–(iii) of the Act or a removal country described in section 241(b)(2)(E)(i)–(iv) of the Act. See 8 CFR 241.15.

7. Section 1240.12 is amended by revising paragraph (c) and adding a new paragraph (d), to read as follows:

§ 1240.12 Decision of the immigration judge.

* * * * *

(c) *Order of the immigration judge.* The order of the immigration judge shall direct the respondent's removal from the United States, or the termination of the proceedings, or other such disposition of the case as may be appropriate. The immigration judge is authorized to issue orders in the alternative or in combination as he or she may deem necessary.

(d) *Removal.* When a respondent is ordered removed from the United States, the immigration judge shall identify a country, or countries in the alternative, to which the alien's removal may in the first instance be made, pursuant to the provisions of section 241(b) of the Act. In the event that the Department of Homeland Security is unable to remove the alien to the specified or alternative country or countries, the order of the immigration judge does not limit the authority of the Department of Homeland Security to remove the alien to any other country as permitted by section 241(b) of the Act.

PART 1241—APPREHENSION AND DETENTION OF ALIENS ORDERED REMOVED

8. The authority citation for Part 1241 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1103, 1182, 1223, 1224, 1225, 1226, 1227, 1231, 1251, 1253, 1255, 1330, 1362; 18 U.S.C. 4002, 4013(c)(4).

§§ 1241.3, 1241.4, 1241.5, 1241.9, 1241.10, 1241.11, 1241.12, and 1241.13 [Removed]

9. Sections 1241.3, 1241.4, 1241.5, 1241.9, 1241.10, 1241.11, 1241.12, and 1241.13 are removed.

10. Section 1241.2 is revised to read as follows:

§ 1241.2 Warrant of removal; detention of aliens during removal period.

For the regulations of the Department of Homeland Security with respect to the detention and removal of aliens who are subject to a final order of removal, see 8 CFR part 241.

11. Section 1241.6 is amended by revising paragraphs (a) and (b), to read as follows:

§ 1241.6 Administrative stay of removal.

(a) An alien under a final order of deportation or removal may seek a stay of deportation or removal from the Department of Homeland Security as provided in 8 CFR 241.6.

(b) A denial of a stay by the Department of Homeland Security shall not preclude an immigration judge or the Board from granting a stay in connection with a previously filed motion to reopen or a motion to reconsider as provided in 8 CFR part 1003.

* * * * *

§ 1241.7 [Amended]

12. Section 1241.7 is amended by removing the first sentence.

13. Section 1241.8 is revised to read as follows:

§ 1241.8 Reinstatement of removal orders.

An alien who illegally reenters the United States after having been removed, or having departed voluntarily, while under an order of exclusion, deportation, or removal may be removed from the United States by reinstating the prior order. *See* 8 CFR 241.8. The alien has no right to a hearing before an immigration judge in such circumstances, except as provided in 8 CFR 1208.2(c)(2)(i).

14. Section 1241.14 is amended by revising paragraph (a), and removing and reserving paragraphs (b), (c), and (d), to read as follows:

§ 1241.14 Continued detention of removable aliens on account of special circumstances.

(a) *Scope.* This section provides for the review of determinations by the Department of Homeland Security to continue the detention of particular removable aliens found to be specially dangerous. *See* 8 CFR 241.14.

(1) *Applicability.* This section applies to the review of the continued detention of removable aliens because the Department of Homeland Security has determined that release of the alien would pose a special danger to the public, where there is no significant likelihood of removal in the reasonably foreseeable future. This section does not apply to aliens who are not subject to the special review provisions under 8 CFR 241.13.

(2) *Jurisdiction.* The immigration judges and the Board have jurisdiction with respect to determinations as to whether release of an alien would pose a special danger to the public, as provided in paragraphs (f) through (k) of this section.

* * * * *

15. Section 1241.15 is revised to read as follows:

§ 1241.15 Lack of jurisdiction to review other country of removal.

The immigration judges and the Board of Immigration Appeals have no jurisdiction to review any determination by officers of the Department of Homeland Security under 8 CFR 241.15.

16. Section 1241.20 is revised to read as follows:

§ 1241.20 Aliens ordered excluded.

For the regulations of the Department of Homeland Security pertaining to the detention and deportation of excluded aliens, *see* 8 CFR 241.20 through 241.25.

§§ 1241.21, 1241.22, 1241.23, 1241.24, and 1241.25 [Removed]

17. Sections 1241.21 through 1241.25 are removed.

18. Section 1241.30 is revised to read as follows:

§ 1241.30 Aliens ordered deported.

For the regulations of the Department of Homeland Security pertaining to the detention and deportation of aliens ordered deported, *see* 8 CFR 241.30 through 241.33.

* * * * *

Dated: July 12, 2004.

John Ashcroft,

Attorney General.

[FR Doc. 04–16193 Filed 7–16–04; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, 402B, 402C, 411, and 411A, and 414A Airplanes; Notice of Public Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: This document announces a public meeting of interest to owners and operators of Cessna Aircraft Company (Cessna) Models 401, 401A, 401B, 402, 402A, 402B, 402C, 411, and 411A, and 414A airplanes. The purpose of the meeting is to discuss technical issues and proposed corrective actions related to the potential of wing spar cap failure due to undetected fatigue cracks.

DATES: The Federal Aviation Administration (FAA) will hold the public meeting on August 18, 2004, starting at 8:30 a.m. at the Kansas City Marriott Downtown, in Kansas City, Missouri. Registration will begin at 8 a.m. on the day of the meeting.

ADDRESSES: We will hold the public meeting at the Kansas City Marriott Downtown, 200 NW 12th Street, Kansas City, Missouri 64105.

If you are unable to attend, you may mail comments and information to FAA, Small Airplane Directorate, Continued Operational Safety Branch, ACE–113, 901 Locust, Room 301, Kansas City, Missouri 64106. You may also send comments electronically to the following addresses: *marvin.nuss@faa.gov* or *larry.werth@faa.gov.* If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII text.

We will give the same consideration to any comments or information mailed to us as those presented at the public meeting.

FOR FURTHER INFORMATION CONTACT:

- *For Requests to Present a Statement at the Meeting:* Contact Marv Nuss, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4117; facsimile: (816) 329–4090; e-mail: *marvin.nuss@faa.gov.*
- *For Questions Regarding the Previously Proposed ADs:* Contact Paul Nguyen, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209;

telephone: (316) 946–4125; facsimile: (316) 946–4107.

• *For Requests for Special Accommodations:* Contact Larry Werth, AD Coordinator, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4147; facsimile: (816) 329–4149.

SUPPLEMENTARY INFORMATION:

Participation at the Public Meeting

What must I do to make a presentation at the meeting? If you would like to make a presentation at the meeting, make your request to FAA no later than 10 days prior to the meeting. Submit these requests to Mr. Marv Nuss as listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. You should include a written summary of your presentation with a time estimate of your presentation.

Will FAA prepare an agenda? We will prepare an agenda for this meeting. To accommodate all presenters, we may allocate less time for your presentation than you requested. If you request to present after the deadline, we will schedule your presentation as time is available. However, your name may not appear on the agenda.

What if I need special equipment? You should include in your presentation request any special audiovisual equipment that you need. We will accommodate reasonable requests.

Background

Why is the FAA conducting this meeting? There have been concerns about fatigue cracking on Cessna 400 series airplanes since the 1970s. In 1979, the FAA issued ADs to require periodic inspection of Cessna 400 series wing spars. The FAA evaluated fatigue and crack growth analysis recently performed by the Cessna Aircraft Company and determined that the wing spars of the Cessna 400 series require modification and periodic inspection to prevent in-flight wing separation. The service history includes a 1999 accident caused by a wing failure and six other incidents where cracks were found before the wing failed. To address this airworthiness concern, the FAA issued two NPRMs in May 2003 (that would supersede two existing ADs on the affected aircraft) to propose incorporating a spar strap modification on each wing spar.

Many owners of the affected aircraft were vehemently opposed to the action due to the high cost. To ensure that the public had the opportunity to fully communicate their concerns, the FAA:

• Extended the comment period an additional 30 days beyond the initial 60-day comment period;

• Reopened the comment period for another 60 days; and

• Held a public meeting on March 3 and 4, 2004, in Herndon, Virginia.

After analyzing all information related to this subject, the FAA decided not to issue the new ADs as proposed. The FAA has determined that the best way to address the unsafe condition is for the FAA, the public, and industry to develop alternative solutions for addressing the unsafe condition. Accordingly, the FAA withdrew the NPRMs on May 18, 2004 (69 FR 29672, May 25, 2004) and is holding this second meeting to continue this effort.

Public Meeting Procedures

What procedures should I follow for this public meeting? If you plan to attend the public meeting, please be aware of the following:

• There is no admission fee or other charge to attend or participate in this meeting. You are responsible for your own transportation and accommodations for the meeting. The meeting is open to all who requested in advance to present or who register on the day of the meeting. This is subject to availability of space in the meeting room.

• FAA representatives will conduct the meeting. We will have a panel of technical experts and managers to discuss information on the subject.

• The public meeting is intended as a forum to seek additional data and supporting methodologies from industry, the general public, and operators. You must limit your presentation and submittals to data of this issue.

• The meeting will allow you to present additional information not currently available to FAA and an opportunity for FAA to explain to you the methodology and technical assumptions that support our conclusions.

• FAA experts, industry, and public participants are expected to hold a full discussion of all technical material presented at the meeting. If you present conclusions on this subject, you must submit data that supports your conclusions.

• We will try and accommodate all speakers. In order to do this, we may need to limit the time for presenters.

• We can make sign and oral interpretation available at the meeting, as well as an assistive listening device. If you need this assistance, make your request to FAA at least 10 days prior to the public meeting.

• A court reporter will record the discussions of the meeting. If you would like to purchase a copy of the transcript, you must contact the court reporter directly. We will provide further information at the meeting.

• We will review and consider all material presented. Position papers or materials may be accepted at the discretion of the presiding officer. The FAA requests that you provide 10 copies of all materials for distribution to the panel members. You have the choice on whether you want to present copies of the material to the audience.

• The meetings are designed to solicit public views and information. Therefore, we will conduct the meeting in an informal and nonadversarial manner.

Issued in Kansas City, Missouri, on July 13, 2004.

Scott L. Sedgwick,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–16349 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 22

[Public Notice 4765]

RIN 1400–AB94

Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates; Proposed Rule

AGENCY: Bureau of Consular Affairs, State.

ACTION: Proposed rule.

SUMMARY: This rule proposes adjustments in current fees for consular services. These adjusted fees would take effect on October 1, 2004. Specifically, the rule makes changes in the Schedule of Fees for Consular Services (''Schedule of Fees'' or ''Schedule''). The primary objective of the adjustments to the Schedule of Fees is to ensure that the costs of consular services are recovered through user fees to the maximum extent appropriate and permitted by law. The Department of State has reviewed its current consular fees in connection with completion of a new cost of services study. As a result of that review, there are nine proposed fee changes on the Schedule, of which seven are increases and two are decreases of existing fees. Most notably, the Schedule increases the Diversity Visa Lottery surcharge for immigrant visa application from $100 to $375 to make this particular surcharge more

consistent with the costs the Department is authorized to recover through the surcharge and with the full-cost recovery basis on which other consular fees are set and collected. In addition, the Schedule incorporates changes in the Department of Homeland Security (DHS) fees that the Department of State collects on behalf of DHS that went into effect on April 30, 2004. Certain consular services performed for no fee are included in the Schedule so that members of the public will be aware of significant consular services provided by the Department that they may request and for which they will not be charged. A minor technical change is also being made in the Schedule by combining the ''no fee'' service of loan processing with the ''no fee'' services relating to the welfare and whereabouts of a U.S. citizen.

DATES: Written comments must be received on or before August 18, 2004.

ADDRESSES: Interested persons are invited to submit written comments to: Office of the Executive Director, Bureau of Consular Affairs, Department of State, Suite H1004, 2401 E Street, NW., Washington, DC 20520. Individuals submitting written comments are requested to identify their comments as ''Comments on Schedule of Fees.'' Comments so addressed may be submitted through the U.S. Postal Service or by electronic mail to *fees@state.gov*. This document may also be viewed and comments submitted by going to the ''regulations.gov'' Web site at *http://www.regulations.gov/index.cfm*.

FOR FURTHER INFORMATION CONTACT: Phillip Min, Office of the Executive Director, Bureau of Consular Affairs, telefax: (202) 663–2499; e-mail: *fees@state.gov*.

SUPPLEMENTARY INFORMATION:

Background

The majority of the Department of State's consular fees are established pursuant to the general user charges statute, 31 U.S.C. 9701, and/or 22 U.S.C. 4219, which, as implemented through Executive Order 10718 of June 27, 1957, authorizes the Secretary of State to establish fees to be charged for official services provided by embassies and consulates. Fees established under these authorities include fees for immigrant and nonimmigrant visa processing, for fingerprints, and for overseas citizens services. In addition, a number of statutes address specific fees. Passport application fees (including the cost of passport issuance and use) are authorized by 22 U.S.C. 214, as are fees for the execution of passport applications. (This provision was amended on November 29, 1999, by Public Law 106–113, to permit collection of a nonrefundable application fee subject to promulgation of implementing regulations, which are at 22 CFR parts 51 and 53.) Section 636 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, 110 Stat. 3009–703–704 (Sept. 30, 1996), authorizes establishment of a diversity visa application fee to recover the full costs of the visa lottery conducted pursuant to Sections 203 and 222 of the Immigration and Nationality Act (INA), 8 U.S.C. 1153, 1202, but to be paid only by those who are selected through the lottery process and apply for a visa (so that those who are selected and apply for a visa pay the costs of participation for those who registered in the lottery but were not selected). Nonimmigrant visa reciprocity fees are authorized and, in fact, generally required, pursuant to Section 281 of the INA, 8 U.S.C. 1351. Notwithstanding the general rule of reciprocity, however, a cost-based, nonimmigrant visa processing fee for the machine readable visa (MRV) and for a combined border crossing and nonimmigrant visa card (BCC) (22 CFR 41.32) is authorized by Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Public Law 103–236 (April 30, 1994). Certain persons are exempted by law or regulation from payment of specific fees. These exemptions are noted in the fee schedule and include the nonimmigrant visa fee exemptions set forth in 22 CFR 41.107 for certain individuals who engage in charitable activities or who qualify for diplomatic visas. In addition, aliens under age 15 are in certain circumstances entitled to a combined MRV/BCC for a statutorily established fee of $13, which is below the full cost of service, pursuant to Section 410 of Title III of the Commerce, Justice, State Appropriations Act enacted as part of the Omnibus FY 1999 Appropriations Act, Public Law 105–277 (Oct. 21, 1998). Various statutes also permit the Department to retain some of the consular fees it collects. These are, at present, the MRV and BCC fees, the passport expedite fee, the fingerprint fee, the J Visa Waiver fee, the Diversity Visa Lottery fee, and the Affidavit of Support fee.

With the exception of nonimmigrant visa reciprocity fees, which are established based on the practices of other countries, all consular fees are established on a basis of cost recovery and in a manner consistent with general user charges principles, regardless of the specific statutory authority under which they are promulgated. As set forth in OMB Circular A–25, the general policy underlying user charges is that a reasonable charge should be made to each identifiable recipient for a measurable unit or amount of government service or property from which the user derives a special benefit. The OMB guidance covers all Federal Government activities that convey special benefits to recipients beyond those that accrue to the general public. The Department of State is required to review consular fees periodically to determine the appropriateness of each fee in light of applicable provisions of OMB Circular A–25. While services of direct benefit to individuals, organizations or groups should be paid for by the users rather than by taxpayers in general, the guidelines state that services performed for the primary benefit of the general public or the U.S. Government should be supported by tax revenues. The changes set forth in the proposed Schedule of Fees reflect these guidelines.

The last major update of the Schedule of Fees was in 2002. Consistent with OMB Circular A–25, the Department conducted a cost-of-service study to determine the current direct and indirect costs associated with each consular service the Department provides, so that the Schedule could be updated. The study was supervised by the Bureau of Consular Affairs and performed with the assistance of an independent contractor. The contractor and Department staff surveyed and visited domestic and overseas consular sites handling a representative sample of all consular services worldwide. This review attempted to identify the fully allocated costs of consular services (direct and indirect).

In situations where services are provided often enough to develop a reliable estimate of the average time involved, the Schedule generally sets a flat service fee. In other situations where services are not provided often enough, the fee was calculated based on the consular hourly rate. In either case, the fee is designed to recover some or all—but not more than—actual fully allocated costs the Department expects to incur over the period that the Schedule will be in effect. When the fee is set below costs, the remaining cost is either recovered through allocation to related services for which fees are charged, or will be covered by taxpayers through appropriations. (Detailed information concerning the methodology of the study is available from the Bureau of Consular Affairs.) Based on this effort and subsequent

analysis, the Department is now proposing adjustments to the Schedule of Fees. Notable changes to the schedule are discussed below.

File Search and Verification of U.S. Citizenship

The fee to search Department of State files to verify an applicant's U.S. citizenship is being increased from $45 to $60. The $60 fee is still well below the actual cost of the service, and the remaining costs will continue to be recovered through the passport fee because this file search is almost always associated with a passport application. The fee is set slightly higher than the $55 adult passport application fee (which remains unchanged in the proposed Schedule) in order to encourage applicants to provide adequate citizenship documentation when applying for a passport rather than to request a costly, time-intensive file search by the Department to verify their U.S. citizenship. The fee remains below cost, however, to mitigate its impact on U.S. citizens who have lost all identification and need to have their citizenship verified by the Department of State so that they may obtain a replacement passport.

Diversity Visa Lottery Surcharge for Immigrant Visa Application

The Schedule increases the Diversity Visa (DV) Lottery surcharge for a diversity immigrant visa application from $100 to $375. The Department has legal authority to collect the surcharge only from persons who are selected through the lottery process and therefore qualify to apply for a DV visa, and to set it at a level sufficient to cover the entire cost of running the lottery. The current $100 DV fee recovers only some of the costs of the program, with remaining costs recovered through appropriations. In order to make the DV surcharge more consistent with the costs the Department is authorized to recover through the surcharge and with the full-cost recovery basis on which other consular fees are set and collected, the proposed increase allows for full recovery of all costs, both direct and indirect, from those who are selected through the lottery process and apply for a DV visa. The fee will continue to be collected from everyone selected in the lottery who pursues an application for DV status.

Affidavit of Support Review

The Affidavit of Support Review fee is charged domestically for all Affidavits of Support reviewed at the National Visa Center to ensure that they are properly completed before they are forwarded to a consular post for adjudication. The fee is being increased from $65 to $70 to reflect the increase in the cost of providing this service to immigrant visa applicants. The actual cost of the service will be recovered in its entirety from the applicant through this increased fee.

Determining Returning Resident Status

The fee for this service has increased from $360 to $400. Even with the increase, the full costs for this service will not be recovered from the applicant. The balance of the costs associated with this service will still be recovered through the Immigrant Visa (IV) fee because immigrant visa applicants themselves may eventually benefit from the service of determining returning resident status. The $40 increase in the fee is based on maintaining this fee at the same percentage of the actual cost of service as the percentage used previously to set this particular fee.

Transportation Letter for Legal Permanent Residents of the U.S.

The proposed Schedule decreases the fee for a transportation letter issued to a Legal Permanent Resident Alien (LPRA) who needs a transportation letter to reenter the U.S. from $300 to $165. The new fee reflects the unit cost for this service as determined by the recent cost-of-service study.

Waiver of 2 Year Residency Requirement

The fee for this service has decreased by $15, from $230 to $215. The fee reflects the actual cost of providing this service to J visa applicants as determined by the recent cost-of-service study.

Processing Letters Rogatory and Foreign Sovereign Immunities Act (FSIA) Judicial Assistance Cases

The fee for these services will increase from $650 to $735. As with the fee for the service of determining returning resident status, this $735 does not recover the full cost of the service. The remaining costs are recovered through appropriations because it is in the interest of the United States Government to support these international legal processes. The $85 increase in the fee is based on recovering the same percentage of the actual cost of service as was recovered by the previous fee.

Consular Time

The Schedule raises from $235 to $265 the fee charged on an hourly basis for consular time. This fee is charged for fee services performed away from the office or after normal working hours. It is also the fee that is used as the basis for fees for other services that are based on consular time calculations, including services related to vessels and seamen, attending or taking depositions, sealing and certifying depositions (increasing the fee from $60 to $70), supervising and swearing in witnesses for telephone depositions, and making arrangements for a deceased non-U.S. citizen family member. The $265 reflects the actual unit cost of this service on a full-cost recovery basis, as determined by the most recent cost-of-service study.

Loan Processing

The current Schedule lists loan processing as item 13 and a separate ''no fee'' service in the category of arrests, welfare and whereabouts, and related services under the heading of Overseas Citizens Services. In the new schedule, this item is being combined with item 12, which is assistance regarding the welfare and whereabouts of a U.S. citizen, including child custody inquiries. This is a purely technical change in the Schedule to shorten it and reflect that the kinds of loans covered by former item 13 are aspects of the Department's no-fee welfare and whereabouts work.

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as a proposed rule with a 30-day provision for public comments.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities as defined in 5 U.S.C. 601(6).

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an

annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

The Department of State does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order. In addition, OMB has been provided with an information copy of the proposed regulation.

Executive Order 12988: Civil Justice Reform

The Department has reviewed this regulation in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13132

This regulation 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements.

List of Subjects in 22 CFR Part 22

Consular services, Fees, Schedule of fees for consular services, Passports and visas.

Accordingly, an amendment to part 22 CFR part 22 is proposed as follows:

PART 22—[AMENDED]

1. The authority citation for part 22 continues to read as follows:

Authority: 8 U.S.C. 1153 note, 1351, 1351 note; 10 U.S.C. 2602(c); 22 U.S.C. 214, 2504(a), 4201, 4206, 4215, 4219; 31 U.S.C. 9701; Pub. L. 105–277, 112 Stat. 2681 *et seq.*; E.O. 10718, 22 FR 4632, 3 CFR, 1954–1958 Comp., p. 382; E.O. 11295, 31 FR 10603, 3 CFR, 1966–1970 Comp., p. 570.

2. Section 22.1 is revised to read as follows:

§ 22.1 Schedule of fees.

The following table sets forth the U.S. Department of State's Schedule of Fees for Consular Services:

SCHEDULE OF FEES FOR CONSULAR SERVICES

Item No.	Fee.
Passport and Citizenship Services	
1. Passport Execution: Required for first-time applicants and others who must apply in person [01—Passport Execution].	$30.
2. Passport Application Services for:	
(a) Applicants age 16 or over (including renewals) [02–Adult Passport]	$55.
(b) Applicants under age 16 [03—Minor Passport]	$40.
(c) Passport amendments (extension of validity, name change, etc.) [04—Amendment]	No fee.
3. Expedited service: Three-day processing and/or in-person service at a U.S. Passport Agency (not applicable abroad) [Expedited Service].	$60.
4. Exemptions: The following applicants are exempted from passport fees:	
(a) Officers or employees of the United States and their immediate family members (22 U.S.C. 214) and Peace Corps Volunteers and Leaders (22 U.S.C. 2504(a)) proceeding abroad or returning to the United States in the discharge of their official duties [05—Passport Exempt].	No fee.
(b) U.S. citizen seamen who require a passport in connection with their duties aboard an American flag vessel (22 U.S.C. 214) [05—Passport Exempt].	No fee.
(c) Widows, children, parents, or siblings of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214) [05–Passport Exempt].	No fee.
(d) Employees of the American National Red Cross proceeding abroad as members of the Armed Forces of the United States (10 U.S.C. 2603) [05—Passport Exempt].	No fee.
5. Travel Letter: Provided as an emergency accommodation to a U.S. citizen returning to the United States when the consular officer is unable to issue a passport book. (Consular time charges, item 75, may apply) [06—U.S.C. Travel Letter].	No fee.
16. File search and verification of U.S. citizenship: When applicant has not presented evidence of citizenship and previous records must be searched (except for an applicant abroad whose passport was stolen or lost abroad or when one of the exemptions is applicable) [07–PPT File Search]	$60.
7. Application for Report of Birth Abroad of a Citizen of the United States [08—Report Birth Abroad]	$65.
(item no. 8 through 10 vacant)	
Overseas Citizens Services	
Arrests, Welfare and Whereabouts, and Related Services	
11. Arrest and prison visits	No fee.
12. Assistance regarding the welfare and whereabouts of a U.S. citizen, including child custody inquiries and processing of repatriation and emergency dietary assistance loans.	No fee.
(item no. 13 vacant)	
Death and Estate Services	
14. Assistance to next-of-kin:	
(a) After the death of a U.S. citizen abroad (providing assistance in disposition of remains, making arrangements for shipping remains, issuing Consular Mortuary Certificate, and providing up to 20 original Consular Reports of Death).	No fee.

SCHEDULE OF FEES FOR CONSULAR SERVICES—Continued

Item No.	Fee.
(b) Making arrangements for a deceased non-U.S. citizen family member (providing assistance in shipping or other disposition of remains of a non-U.S. citizen) [11—Non U.S.C. Death].	Consular time (item 75) plus expenses.
15. Issuance of Consular Mortuary Certificate on behalf of a non-U.S. citizen [12—Non-U.S.C. Mort Cert]	$60.
16. Acting as a provisional conservator of estates of U.S. citizens:	
(a) Taking possession of personal effects; making an inventory under an official seal (unless significant time and/or expenses incurred).	No fee.
(b) Overseeing the appraisal, sale, and final disposition of the estate, including disbursing funds, forwarding securities, etc. (unless significant time and/or expenses incurred).	No fee.
(c) For services listed in 16(a) or (b) when significant time and/or expenses are incurred [13—Estate Costs].	Consular time (item 75) and/or expenses.
(Items no. 17 through 20 vacant)	
Nonimmigrant Visa Services	
21. Nonimmigrant visa application and border crossing card processing fees (per person):	
(a) Nonimmigrant visa [21—MRV Processing]	$100.
(b) Border crossing card—10 year (age 15 and over) [22—BCC 10 Year]	$100.
(c) Border crossing card—5 year (under age 15). For Mexican citizen, if parent or guardian has or is applying for a border crossing card [23—BCC 5 Year].	$13.
22. Exemptions from nonimmigrant visa application processing fee:	
(a) Applicants for A, G, C–3, NATO and diplomatic visas as defined in 22 CFR 41.26 [24—MRV Exempt].	No fee.
(b) Applicants for J visas participating in official U.S. Government-sponsored educational and cultural exchanges [24—MRV Exempt].	No fee.
(c) Replacement machine-readable visa when the original visa was not properly affixed or needs to be reissued through no fault of the applicant [24—MRV Exempt].	No fee.
(d) Applicants exempted by international agreement as determined by the Department, including members and staff of an observer mission to United Nations Headquarters recognized by the UN General Assembly, and their immediate families [24—MRV Exempt].	No fee.
(e) Applicants traveling to provide charitable services as determined by the Department [24—MRV Exempt].	No fee.
(f) U.S. Government employees traveling on official business [24—MRV Exempt]	No fee.
23. Nonimmigrant visa issuance fee, including border-crossing cards [25—NIV Issuance Reciprocal]	Reciprocal.
24. Exemptions from nonimmigrant visa issuance fee:	
(a) An official representative of a foreign government or an international or regional organization of which the U.S. is a member; members and staff of an observer mission to United Nations Headquarters recognized by the UN General Assembly; and applicants for diplomatic visas as defined under item 22(a); and their immediate families [26—NIV Issuance Exempt].	No fee.
(b) An applicant transiting to and from the United Nations Headquarters [26—NIV Issuance Exempt]	No fee.
(c) An applicant participating in a U.S. Government-sponsored program [26—NIV Issuance Exempt]	No fee.
(d) An applicant traveling to provide charitable services as determined by the Department [26—NIV Issuance Exempt].	No fee.
(Items no. 25 through 30 vacant)	
Immigrant and Special Visa Services	
31. Filing immigrant visa petition (collected for the Bureau of U.S. Citizenship and Immigration Services):	
(a) Petition to classify status of alien relative for issuance of immigrant visa [81—USCIS I–130 Petition].	$185.
(b) Petition to classify orphan as an immediate relative [82—USCIS I–600 Petition]	$525.
32. Immigrant visa application processing fee (per person) [31—IV Application]	$335.
33. Diversity Visa Lottery surcharge for lottery participation (per person applying for an immigrant visa as a result of the lottery program) [32—DV Processing].	$375.
34. Affidavit of Support Review (only when AOS is reviewed domestically)	$70.
35. Special visa services:	
(a) Determining Returning Resident Status [33—Returning Resident]	$400.
(b) Transportation letter for Legal Permanent Residents of U.S. [34—LPR Transportation Letter]	$165.
(c) Waiver of 2-year residency requirement [J Waiver]	$215.
(d) Waiver of immigrant visa ineligibility (collected for the Bureau of U.S. Citizenship and Immigration Services) [83—IV Waiver].	$250.
(e) Refugee or significant public benefit parole case processing [35—Refugee/Parole]	No fee.
(f) U.S. visa fingerprinting [36—Fingerprints]	$85.
(Item no. 36 through 40 vacant)	
Documentary Services	
41. Providing notarial service:	
(a) First service (seal) [41—Notarial]	$30.
(b) Each additional seal provided at the same time in connection with the same transaction [42—Additional Notar].	$20.
42. Certification of a true copy or that no record of an official file can be located (by a post abroad):	
(a) First copy [43—Certified Copy]	$30.
(b) Each additional copy provided at the same time [44—Additional Copy]	$20.
43. Provision of documents, certified copies of documents, and other certifications by the Department of State (domestic):	

SCHEDULE OF FEES FOR CONSULAR SERVICES—Continued

Item No.	Fee.
(a) Documents relating to births, marriages, and deaths of U.S. citizens abroad originally issued by a U.S. Embassy or Consulate.	$30.
(b) Issuance of Replacement Report of Birth Abroad	$30.
(c) Certified copies of documents relating to births and deaths within the former Canal Zone of Panama from records maintained by the Canal Zone Government from 1904 to September 30, 1979.	$30.
(d) Certifying a copy of a document or extract from an official passport record	$30.
(e) Certifying that no record of an official file can be located [45—Brth/Mar/Death/No Record]	$30.
(f) Each additional copy provided at same time [46—Additional Cert]	$20.
44. Authentications (by posts abroad):	
(a) Authenticating a foreign notary or other foreign official seal or signature	$30.
(b) Authenticating a U.S. federal, state, or territorial seal	$30.
(c) Certifying to the official status of an officer of the United States Department of State or of a foreign diplomatic or consular officer accredited to or recognized by the United States Government.	$30.
(d) Each authentication [47—Authentication]	$30.
45. Exemptions: Notarial, certification, and authentication fees or passport file search fees will not be charged when the service is performed:	
(a) At the direct request of any federal government agency, any state or local government, the District of Columbia, or any of the territories or possessions of the United States (unless significant costs would be incurred) [48—Documents Exempt].	No fee.
(b) With respect to documents to be presented by claimants, beneficiaries, or their witnesses in connection with obtaining federal, state, or municipal benefits [48—Documents Exempt].	No fee.
(c) For U.S. citizens outside the United States preparing ballots for any public election in the United States or any of its territories [48—Documents Exempt].	No fee.
(d) At the direct request of a foreign government or an international agency of which the United States is a member if the documents are for official noncommercial use [48—Documents Exempt].	No fee.
(e) At the direct request of a foreign government official when appropriate or as a reciprocal courtesy [48—Documents Exempt].	No fee.
(f) At the request of direct hire U.S. Government personnel, Peace Corps volunteers, or their dependents stationed or traveling officially in a foreign country [48—Documents Exempt].	No fee.
(g) With respect to documents whose production is ordered by a court of competent jurisdiction [48—Documents Exempt].	No fee.
(h) With respect to affidavits of support for immigrant visa applications [48—Documents Exempt]	No fee.
(i) With respect to endorsing U.S. Savings Bonds Certificates [48—Documents Exempt]	No fee.
(Item no. 46 through 50 vacant)	
Judicial Assistance Services	
51. Processing letters rogatory and Foreign Sovereign Immunities Act (FSIA) judicial assistance cases, including providing seal and certificate for return of letters rogatory executed by foreign officials: [51—Letters Rogatory]	$735.
[52—FSIA]	$735.
52. Taking depositions or executing commissions to take testimony:	
(a) Scheduling/arranging appointments for depositions, including depositions by video teleconference (per daily appointment) [53—Arrange Depo].	$475.
(b) Attending or taking depositions, or executing commissions to take testimony (per hour or part thereof) [54—Depose/Hourly].	$265 per hour plus expenses.
(c) Swearing in witnesses for telephone depositions [55—Telephone Oath]	$265.
(d) Supervising telephone depositions (per hour or part thereof over the first hour) [56—Supervise Tel Depo].	$265 per hour plus expenses.
(e) Providing seal and certification of depositions [57—Deposition Cert]	$70.
53. Exemptions: Deposition or executing commissions to take testimony. *Fees will not be charged when the service is performed:*	
(a) At the direct request of any federal government agency, any state or local government, the District of Columbia, or any of the territories or possessions of the United States (unless significant time required and/or expenses would be incurred) [58—Judicial Exempt].	No fee.
(b) Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party [59—Indigent Test].	No fee.
(Item no. 54 through 60 vacant)	
Services Relating to Vessels and Seamen	
61. Shipping and Seaman's services: Including but not limited to, recording a bill of sale of a vessel purchased abroad, renewal of a marine radio license, and issuance of certificate of American ownership [61—Shipping Bill of Sale].	Consular time (Item 75) plus expenses.
[62—Shipping Radio Lisc]	Consular time (Item 75) plus expenses.
[63—Shipping Cert AM Own]	Consular time (Item 75) plus expenses.
[64—Shipping Misc]	Consular time (Item 75) plus expenses.
(Item no. 62 through 70 vacant)	
Administrative Services	
71. Non-emergency telephone calls [70—Toll Call Cost]	Long distance charge plus.

SCHEDULE OF FEES FOR CONSULAR SERVICES—Continued

Item No.	Fee.
[71—Toll Cost Surcharge]	$10.
72. Setting up and maintaining a trust account: For one year or less to transfer funds to or for the benefit of a U.S. citizen in need in a foreign country [73—OCS Trust].	$30.
73. Transportation charges incurred in the performance of fee and no-fee services when appropriate and necessary [74—Transportation].	Expenses incurred.
74. Return check processing fee [75—Return Check]	$25.
75. Consular time charges: As required by this schedule and for fee services performed away from the office or during after-duty hours (per hour or part thereof/per consular employee) [76—Consular Time].	$265.
76. Photocopies (per page) [77—Photocopy]	$1.
(Item no. 77 through 80 vacant)	

Dated: July 7, 2004.

Grant S. Green,

Under Secretary of State for Management, Department of State.

[FR Doc. 04–16363 Filed 7–16–04; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106681–02]

RIN 1545–BA59

Modification of Check the Box; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed rulemaking that clarify that qualified REIT subsidiaries, qualified subchapter S subsidiaries, and single owner eligible entities that are disregarded as entities separate from their owners are treated as separate entities for purposes of any Federal tax liability for which the entity is liable.

DATES: The public hearing originally scheduled for Thursday, July 22, 2004, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Treena Garrett of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration), (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Thursday, April 1, 2004, (69 FR 17117), announced that a public hearing was scheduled for Thursday, July 22, 2004, at 10 a.m. in the Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 856 and 1361 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Wednesday, June 30, 2004. Outlines of oral comments were due on Thursday, July 1, 2004.

The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Tuesday, July 13, 2004, no one has requested to speak. Therefore, the public hearing scheduled for Thursday, July 22, 2004, is cancelled.

Cynthia E. Grigsby,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 04–16234 Filed 7–16–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–121475–03]

RIN 1545–BC61

Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed rulemaking relating to qualified zone academy bonds and the obligations of States and political subdivisions.

DATES: The public hearing originally scheduled for Wednesday, July 21, 2004, at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Guy R. Traynor of the Publication & Regulations Branch, Procedures & Administration, Associate Chief Counsel, 202–622–3693 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appearing in the **Federal Register** on Friday, March 26, 2004 (69 FR 15747), announced that a public hearing was scheduled for July 21, 2004 at 10 a.m., in the auditorium of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 1397E, of the Internal Revenue Code. The public comment period for these proposed regulations expired on June 24, 2004.

The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of topics to be addressed by July 12, 2004. As of July 13, 2004, no one has requested to speak. Therefore, the public hearing scheduled for July 21, 2004, is cancelled.

Guy R. Traynor,

Federal Register Liaison, Publications & Regulations Br., Legal Processing Division, Associate Chief Counsel (Procedures & Administration).

[FR Doc. 04–16235 Filed 7–16–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 902

[SATS No. AK–006]

Alaska Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We are announcing receipt of a proposed amendment to the Alaska regulatory program (hereinafter, the ''Alaska program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alaska proposes revisions to and additions of rules about the description of hydrology and geology; protection of fish and wildlife; protection of the hydrologic balance; the requirement that certain plans be designed, constructed, and/or certified by a registered professional engineer; the small operator assistance program; bonding; topsoil protection; the western alkaline mine initiative; design precipitation events; stream channel protection; impoundment design and construction; water monitoring; blasting; coal mine waste, refuse piles and excess spoil; thick and thin overburden; auger mining; inspection of abandoned sites; administrative procedures for civil penalties; individual civil penalties; petitions to designate areas unsuitable for mining; underground mining, subsidence, and replacement of drinking water supplies; extraction of coal incidental to extraction of other minerals; and definitions. Alaska also proposed to demonstrate that a reference to the Alaska Dam Safety rules incorporates the hazard evaluation in accordance with the Natural Resources Conservation Service (NRCS) Technical Release 60 (TR–60); the necessity for an exemption from topsoil removal where permafrost or cold weather conditions exist in the State, that the Commissioner of the Alaska Program (Commissioner) can determine who should approve minimum requirements for shrub stocking and planting arrangements on land where the post-mining land use is designated as fish and wildlife habitat, recreation, shelter belts, and forestry; that no prime farmlands exist in the State; and that notarization of a certified statement in a bond release application is not necessary for the statement to be enforceable. Alaska intends to revise its program to be consistent with the corresponding Federal regulations and SMCRA.

This document gives the times and locations that the Alaska program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., m.d.t. August 18, 2004. If requested, we will hold a public hearing on the amendment on August 13, 2004. We will accept requests to speak until 4 p.m., m.d.t. on August 3, 2004.

ADDRESSES: You may submit comments, identified by AK–006, by any of the following methods:

- *E-mail: jfulton@osmre.gov.* Include AK–006 in the subject line of the message.
- *Mail:* James F. Fulton, Chief, Denver Field Division Office of Surface Mining Reclamation and Enforcement, P.O. Box No. 4666, Denver, CO 80201–6667.
- *Hand Delivery/Courier:* James F. Fulton, Chief Denver Field Division, Office of Surface Mining, Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO 80202–5733.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Alaska program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting Office of Surface Mining Reclamation and Enforcement (OSM's) Denver Field Division. In addition, you may review a copy of the amendment during regular business hours at the following locations:

James F. Fulton, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, P.O. Box No. 4666, 1999 Broadway, Suite 3320, Denver, CO 80201–6667, 303–844–1400 extension 1424, *jfulton@osmre.gov.*

Stan Foo, Mining Chief, Division of Mining, Land and Water, Alaska Department of Natural Resources, 550 W. 7th Avenue, Suite 900D, Anchorage, AK 99501, (907) 269–8503, *stanf@dnr.state.ak.us.*

FOR FURTHER INFORMATION CONTACT: James F. Fulton Telephone: 303–844–1400 ext. 1442. Internet: *Jfulton@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Alaska Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Alaska 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 Alaska program on March 23, 1983. You can find background information on the Alaska program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Alaska program in the March 23, 1983, **Federal Register** (48 FR 12274). You can also find later actions concerning Alaska's program and program amendments at 30 CFR 902.10, 902.15 and 902.16.

II. Description of the Proposed Amendment

By letter dated May 11, 2004, Alaska sent us a proposed amendment to its program, (State Amendment Tracking System (SATS) No. AK–006, administrative record No. AK–9) under SMCRA (30 U.S.C. 1201 *et seq.*). Alaska sent the amendment in response to portions of letters dated May 7, 1986, December 16, 1988, February 7, 1990, June 4, 1996, and June 19, 1997 (administrative record Nos. AK–01, AK–03, AK–06, AK–07 and AK–09), that we sent to Alaska in accordance with 30 CFR 732.17(c). Alaska also submitted the amendment in response to required program amendments codified at 30 CFR 902.16(a) and (b). Alaska submitted one provision at its own initiative. The full text of the program amendment is

available for you to read at the locations listed above under **ADDRESSES.**

Specifically, Alaska proposes to make the following additions or revisions to its rules.

Description of Hydrology and Geology

Revise 11 Alaska Annotated Code (AAC) 90.043(b), concerning hydrology and geology, to require that all water quality analyses performed to meet the requirements of 11 AAC 90.043, 11 AAC 90.047, or 11 AAC 90.049, must be conducted according to the methodology in the most current edition of the Standard Methods for the Examination of Water and Wastewater, or the methodology in 40 CFR 136 and 40 CFR 434.

Revise 11 AAC 90.045(a) by requiring a description of the geology within the permit and adjacent areas to include the deeper of either the stratum immediately below the lowest coal seam to be mined or any aquifer below the lowest coal seam to be mined which may be adversely impacted by mining, and to require that the description shall include the areal and structural geology of the permit and adjacent areas, and other parameters which influence the required reclamation and the occurrence, availability, movement, quantity, and quality of potentially impacted surface and ground waters.

Add 11 AAC 90.045(b) to require that test borings, or core samples from the proposed permit area must be collected and analyzed down to and including the deeper of either the stratum immediately below the lowest coal seam to be mined, or any aquifer below the lowest coal seam to be mined that may be adversely impacted, and to state what the analysis must include.

Add 11 AAC 90.045(c) to allow the Commissioner to require, at his or her discretion, that test borings or core samplings be collected and analyzed to greater depths within the proposed permit area or, for the area outside the proposed permit area, to provide for evaluation of the impact of the proposed activities on the hydrologic balance.

Add 11 AAC 90.045(d) to require that an application for an underground mine include a separate description of the geology of the area proposed to be affected by surface operations and facilities, surface land overlying coal to be mined, and the coal to be mined, and to state what must be included in the description.

Protection of Fish and Wildlife

Add 11 AAC 90.045(e) to provide an opportunity for an applicant to request that the requirements of 11 AAC 90.045(b) and (d) be waived, and require that the Commissioner will, in his or her discretion, grant the request upon a written determination that the requirement is unnecessary because other equivalent information is available.

Revise 11 AAC 90.057, concerning fish and wildlife information, by adding that upon request, the Commissioner shall provide the resource information and the protection and enhancement plan to the U.S. Department of the Interior, Fish and Wildlife Service (Service) regional or field office for their review, and that the information shall be provided within 10 days of receipt of the request from the Service.

Revise 11 AAC 90.457(c)(3) to require, for areas to be developed for fish and wildlife habitat, recreation, shelter belts, or forest products, that minimum stocking and planting arrangements be specified by the Commissioner, or his designee, on the basis of local conditions.

Protection of the Hydrologic Balance

Add 11 AAC 90.085(e), concerning the plan for protection of the hydrologic balance, to tie the cumulative hydrologic impact assessment to the ''cumulative impact area.''

Revise 11 AAC 90.349(l), concerning discharge of water or coal mine waste into an underground mine, to prohibit such discharge unless the operator demonstrates that the discharge will minimize disturbance to the hydrologic balance on the permit area, prevent material damage outside the permit area and otherwise eliminate public hazards resulting from surface mining activities.

Design, Construction and/or Certification By a Registered Professional engineer

Revised 11 AAC 90.089(a)(1) and 90.336(a) to require that the design and construction of a siltation structure, temporary or permanent impoundment, and coal mine waste dam or embankment, be prepared and certified by, or under the direction of, a registered professional engineer who is experienced or trained in the design and construction of impoundments.

Revise 11 AAC 90.337(a) to require that each permanent or temporary impoundment must be inspected by, or under the supervision of, a registered professional engineer or other qualified professional specialist under the direction of a professional engineer, and that the professional engineer or specialist shall be experienced or trained in the construction of impoundments.

Revise 11 AAC 90.491(f)(1) to require that plans and drawings for primary roads be prepared by, or under the direction of, and certified by a qualified registered professional engineer or a qualified registered professional land surveyor, with experience or training in the design and construction of roads.

Small Operator Assistance Program

Revise 11 AAC 90.173(a)(2), to allow eligibility for assistance under the small operator assistance program if the applicant establishes that the probable total, actual, and attributed production for each year of the permit will not exceed 300,000 tons.

Revise 11 AAC 90.173(b)(2) and (3) to determine that production will be attributed to the applicant based upon, respectively, (1) the pro rata share of coal produced by operations in which the applicant owns more than ten percent interest, or (2) all coal produced by persons who own more than ten percent of the applicant or who directly or indirectly control the applicant by reason of stock ownership, direction of the management, or in any other manner.

Revise 11 AAC 90.179(a), concerning data required in an application for small operator assistance, to allow the Commissioner to require, in order for the applicant to determine the probable hydrologic consequences of the operation, drilling and a statement of the results of test borings or core samplings from the proposed permit area.

Add 11 AAC 90.179(b) to require data, in an application for assistance under the small operator program, sufficient for (1) the development of cross-section maps and plans required by 11 AAC 90.065, (2) the collection of archaeological and historic information and related plans required by 11 AAC 90.041 and any other archaeological and historic information required by the Commissioner, (3) pre-blast surveys required by 11 AAC 90.373, (4) the collection of site-specific resources information, (5) the production of protection and enhancement plans for fish and wildlife habitats required by 11 AAC 90.057 and 11 AAC 90.423, and (6) information and plans for any other environmental values required by the Commissioner under the Act.

Add 11 AAC 90.179(c) to require that data collected under the small operator assistance program must be made available to interested persons as provided in Alaska Statutes (AS) 27.21.100.

Revise 11 AAC 90.185(a)(4) and (5) to require that an applicant for assistance under the small operator program shall reimburse the department for the cost of services rendered under 11 AAC 90.179

if the applicant has actual and attributed production of coal exceeding 300,000 tons during any consecutive 12-month period during the term of the permit for which the assistance is provided; or transfers, sells, or assigns the permit to another person whose total actual and attributed production exceeds 300,000 tons during any consecutive 12-month period of the remaining term of the permit (in this case, the applicant and its successor are jointly and severally obligated to reimburse the department).

Bonding

Revise 11 AAC 90.201(d), concerning incremental bonding, to require that the independent increments must be of sufficient size and configuration to provide for efficient reclamation operations should reclamation by the regulatory authority become necessary.

Add 11 AAC 90.201(f), concerning the requirement to file a bond, to require that the operator maintain adequate bond coverage at all times and to state that, except as provided in 11 AAC 90.209(c), operating without a bond is a violation of a condition upon which the permit is issued.

Revise 11 AAC 90.211(a), concerning bond release procedure and criteria, to require the permittee to include in the application for each phase of bond release, a statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of AS 27.21, 11 AAC 90, and the approved reclamation plan.

Topsoil Protection

Revise 11 AAC 90.311(g), concerning the removal of topsoil, to provide an exemption, based on accepted construction and reclamation practices for arctic permafrost or similar cold-weather conditions, from the requirements for removal, stockpiling, and redistribution of topsoil and other materials, if the Commissioner authorizes the handling of the material as part of the backfilling and grading process under 11 AAC 90.441 and 11 AAC 90.443.

Revise 11 AAC 90.443(k)(2), concerning backfilling and grading requirements, to require that all topsoil be removed segregated, stored and redistributed in accordance with 11 AAC 90.311 to 90.315.

Western Alkaline Mine Initiative

Revise 11 AAC 90.323(a), concerning water quality standards, to refer to an exception at 11 AAC 90.323(b) from the requirement that any discharge of water from an underground working to surface water and all surface drainage from the disturbed area, including any disturbed area that has been graded, seeded, or planted, must pass through one or more siltation structures before leaving the permit area, unless the Commissioner finds that conditions such as permafrost or ice-covered ponds will allow the drainage to meet applicable State and Federal water quality laws and regulations without treatment, and until removal is approved by the Commissioner under 11 AAC 90.331(e).

Revise 11 AAC 90.323(b) to state that the Commissioner may allow other sediment control measures for primary sediment control for disturbed areas that have been regraded, respread with topsoil, and stabilized against erosion, if the Commissioner and the Environmental Protection Agency have approved the use of best management practices as the effluent limitation.

Revise 11 AAC 90.323(c) to require that the operator shall meet all applicable Federal and State water quality laws and regulations for the mixed drainage from the permit area when there is mixing of drainage from disturbed, reclaimed, and undisturbed areas.

Revise 11 AAC 90.331(e), concerning siltation structures, to state that unless removal is authorized under 11 AAC 90.232(b), a siltation structure may not be removed before the Commissioner's approval under 11 AAC 90.323(b), the untreated drainage from the disturbed area meets, and is expected to permanently meet, the applicable State and Federal water quality laws and regulations for the receiving stream (after the disturbed area has been stabilized and revegetated), and no earlier than two years after the last augmented seeding.

Design Precipitation Events

Revise 11 AAC 90.325(b) and (c) to require that each temporary and permanent diversion be designed and constructed to pass, respectively, the 2-year, 6-hour, and the 10-year, 6-hour, discharge, or larger event specified by the Commissioner.

Revise 11 AAC 90.327(b)(2) to require that each stream channel diversion be designed and constructed so that the combination of channel, bank, and flood plain configurations will be adequate to pass safely the 10-year, 6-hour, discharge for temporary diversions, the 100-year, 6-hour, discharge for permanent diversions, or larger events specified by the Commissioner based on the period of use and local conditions, and to require that the capacity of the channel itself must be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream from the diversion.

Revise 11 AAC 90.331(d)(1), concerning siltation structures, to require that each sedimentation pond must be designed, constructed, and maintained to contain or treat the 10-year, 24-hour precipitation event (''design event'') unless a lesser design event is approved by the Commissioner based on terrain, climate, other site-specific conditions and on a demonstration by the operator that the effluent limitations of 11 AAC 90.323 will be met.

Add 11 AAC 90.331(h), concerning other treatment facilities, to require (1) other treatment facilities shall be designed to treat the 10-year, 24-hour precipitation event unless a lesser design event is approved by the Commissioner based on terrain, climate, other site-specific conditions and a demonstration by the operator that the effluent limitations of 11 AAC 90.323 will be met; and (2) other treatment facilities shall be designed in accordance with the applicable requirements of this section.

Revise 11 AAC 90.336(b)(1) and (2) to require that impoundments must contain a combination of principal and emergency spillways designed and constructed to pass safely the design peak discharge with the following recurrence interval, or larger event specified by the Commissioner based on the period of use and local conditions, (1) for a temporary impoundment, the 25-year, 6-hour, discharge; or (2) for a permanent impoundment, the 100-year, 6-hour, discharge.

Revise 11 AAC 90.391(n) to require that surface water runoff from the areas adjacent to and above valley fills must be diverted away from the fill, and surface runoff from the fill itself must be diverted into stabilized diversion channels designed to pass safely the 100-year 6-hour discharge or larger event specified by the Commissioner based on local conditions.

Revise 11 AAC 90.407(c) to require that surface runoff that may cause instability or erosion of the coal mine waste dam or embankment must be diverted into stabilized channels designed to pass safely the 100-year 6-hour discharge.

Stream Channel Protection

Revise 11 AAC 90.327(b)(1), concerning stream channel diversions, to clarify the meaning of ''erosion control structures'' by adding that they are features such as channel lining structures, retention basins, and artificial roughness structures used in diversions.

Add 11 AAC 90.491(f)(3) to require that natural stream channels shall not be altered or relocated without the prior approval of the Commissioner in accordance with 11 AAC 90.321 through 11 AAC 90.327 and 11 AAC 90.353.

Add 11 AAC 90.491(f)(4) to require that, except as provided in 11 AAC 90.491(e), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices, and that the Commissioner shall ensure that low-water crossings are designed, constructed, and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to steam flow.

Impoundment Design and Construction

Revise 11 AAC 90.336(f), concerning impoundment design and construction, to correct the reference to the Alaska Dam Safety Program at 11 AAC 93.151—11 AAC 93.201.

Water Monitoring

Revise 11 AAC 90.345(e), concerning surface and ground water monitoring, to require monitoring of each stream, lake, and other surface water body that may be affected by the mining operation or that will receive a discharge, and at upstream locations.

Blasting

Revise 11 AAC 90.375(f) to require the operator to publish a blasting schedule in local newspapers, at least 10 days, but not more than 30 days, before beginning a blasting program.

Revise 11 AAC 90.375(g) to require that an operator must distribute a revised blasting schedule at least 10 days, but not more than 30 days, before blasting when the area covered by the schedule changes or actual time periods for blasting significantly differ from the original schedule.

Coal Mine Waste, Refuse Piles and Excess Spoil

Revise 11 AAC 90.391(b), concerning disposal of excess spoil or coal mine waste, to require that the fill and associated drainage system be designed and certified by a registered professional engineer experienced in the design of similar earth and waste structures.

Revise 11 AAC 90.391(h)(2) to provide for disposal of nontoxic and nonacid forming coal mine waste in excess spoil fills if the operator demonstrates to the Commissioner, before the Commissioner approves of the disposal, that the placement of such material is consistent with the design stability of the fill.

Add 11 AAC 90.391(l), concerning disposal of excess spoil or coal mine waste, to require that the final configuration of the refuse pile shall be suitable for the approved post-mining land use; allow terraces to be constructed on the outslope of the refuse pile if required for stability, control or erosion, conservation of soil moisture, or facilitation of the approved post-mining land use, and require that the grade of the outslope between terrace benches shall not be steeper than 2h:1v (50 percent).

Revise 11 AAC 90.395(a), concerning coal mine waste, to require that (1) all coal mine waste, that will be disposed of in an area other than the mine workings or excavations, must be placed in new or existing disposal areas within a permit area, which are approved for this purpose, and (2) that coal mine waste must be hauled or conveyed and placed for final placement in a controlled manner to prevent mass movement during and after construction.

Revise 11 AAC 90.397(a), concerning inspections of excess spoil, underground development waste, or coal processing waste disposal areas, to require that the inspections be conducted by or under the direction of a registered professional engineer experienced in the construction of similar earth and waste structures.

Revise 11 AAC 90.401(a), concerning coal mine waste and refuse piles, to add the requirement that coal mine waste disposal areas that do not impound water, slurry, or other liquid or semi-liquid material comply with the requirements of 30 CFR 77.214 and 77.215.

Revise 11 AAC 90.401(d), concerning coal mine waste and refuse piles, to make an editorial correction to a referenced rule citation.

Revise 11 AAC 90.401(e), concerning coal mine waste and refuse piles, to allow less than four feet of cover over a regraded coal mine waste disposal area if the operator, based upon a physical and chemical demonstration, ensures that the requirements of 11 AAC 90.451 through 90.457 will be met.

Add 11.AAC 90.407(f), concerning impounding structures constructed of or impounding coal mine waste, to require that at least 90 percent of the water stored during the design precipitation event shall be removed within the 10-day period following the design precipitation event.

Thick and Thin Overburden

Revise 11 AAC 90.443(a) to allow for exceptions to the requirements to return all spoil to the mined out area and regrade to the approximate original contour if the operator demonstrates conditions of thick or thin overburden.

Revise 11 AAC 90.443(i) to state that where thin overburden occurs within the permit area, the permittee at a minimum shall (1) use all spoil and other waste materials available from the entire permit area to attain the lowest practicable grade, but not more than the angle of repose, and (2) meet the requirements of 11 AAC 90.443(a)(2) through (k).

Revise 11 AAC 90.443(m) to require where thick overburden occurs within the permit area, the permittee at a minimum shall (1) restore the approximate original contour and then use the remaining spoil and other waste materials to attain the lowest practicable grade, but not more than the angle of repose, (2) meet the requirements of 11 AAC 90.443(a)(2) through (k), and (3) dispose of any excess spoil in accordance with 11 AAC 90.391.

Auger Mining

Revise 11 AAC 90.447(c)(1) to require that auger holes must be sealed within 72 hours after completion with an impervious and noncombustible material, if the holes are discharging water containing acid- or toxic-forming material, and that, if sealing is not possible within 72 hours, the discharge shall be treated commencing within 72 hours after completion to meet applicable effluent limitations and water-quality standards until the holes are sealed.

Inspections of Abandoned Sites

Revise 11 AAC 90.601 by adding rules at paragraphs (h) and (i) concerning inspections of abandoned sites.

Administrative Procedures for Civil Penalties

Revise 11 AAC 90.629(a) to allow 30 days from the date a proposed assessment or reassessment of a penalty was received by the operator for the operator to submit a written request for review of the assessment.

Revise 11 AAC 90.631(a) to provide that an operator may contest a proposed penalty or fact of a violation by requesting a hearing in accordance with AS 27.21.250(b) or within 30 days of the date of service under 11 AAC 90.629(c), whichever is later.

Individual Civil Penalties

Add 11 AAC 90.635(a) and (b), 90.637(a) and (b), 90.639(a) through (c),

and 90.641(a) through (d), concerning assessments of an individual civil penalty against any corporate director, officer, or agent of a corporate permittee who knowingly and willfully authorized, ordered or carried out a violation, failure or refusal, to (1) identify when an individual civil penalty may be assessed, (2) determine the amount of an individual civil penalty, (3) identify procedures for assessment of an individual civil penalty, and (4) identify when payment of the penalty is due.

Petition To Designate Areas Unsuitable for Mining

Revise 11 AAC 90.701(a) to provide that any person having an interest which is or may be adversely affected to have the right to petition the Commissioner to have an area designated as unsuitable for surface coal mining operations, or to have an existing designation terminated, and to state that for the purpose of this action, a person having an interest which is or may be adversely affected must demonstrate how he or she meets an ''injury in fact'' test by describing the injury to his or her specific affected interests and demonstrate how he or she is among the injured.

Revise 11 AAC 90.701(b) to require that petitions must be filed at the Alaska Department of Natural Resources.

Add 11 AAC 90.701(c)(1) to require that the Commissioner determine what information must be provided by the petitioner to have an area designated as unsuitable for surface coal mining operations and state the minimum requirements for a complete petition.

Add 11 AAC 90.701(c)(2) to state that the Commissioner may request that the petitioner provide other supplementary information which is readily available.

Add 11 AAC 90.701(d)(1) to state that the Commissioner shall determine what information must be provided by the petitioner to terminate designations of lands as unsuitable for surface coal mining operations and to state the minimum requirements for a complete petition for termination.

Add 11 AAC 90.701(d)(2) to state that the Commissioner may request that the petitioner provide other supplementary information which is readily available.

Underground Mining, Subsidence, and Replacement of Water Supplies

Revise 11 AAC 90.085(a)(5), concerning the plan for protection of the hydrologic balance, to add the requirement that the applicant's determination of probable hydrologic consequences include findings on whether the underground mining activities conducted after October 24, 1992, may result in contamination, diminution or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking, or residential purposes within the permit or adjacent areas.

Revise 11 AAC 90.101(a) and (b) concerning an application for underground mining, to require that the application include a survey that identifies protected water supplies and all structures within the applicable angle of draw, a 1:12,000 scale map, identification of the pre-mining condition of all protected structures and water supplies, a narrative discussing potential impacts, and a subsidence control plan.

Add 11 AAC 90.321(e), concerning the hydrologic balance and drinking, domestic or residential water supplies, to (1) require that the permittee must promptly replace any drinking, domestic or residential water supply that is contaminated, diminished or interrupted by underground mining activities conducted after October 24, 1992, if the affected well or spring was in existence before the date the Commissioner received the permit application for the activities causing the loss, contamination or interruption, and (2) state that the baseline hydrologic information required in 11 AAC 90.043–11 AAC 90.051 will be used to determine the impact of mining activities upon the water supply.

Revise 11 AAC 90.461(b), concerning applications for underground mining, to require that the permittee must either (1) adopt measures consistent with known technology that prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands, or (2) adopt mining technology that provides for planned subsidence in a predictable and controlled manner and, in doing so, employ mining technology that provides for planned subsidence in a predictable and controlled manner to minimize material damage to the extent technologically and economically feasible to non-commercial buildings and occupied residential dwellings and structures related thereto, except that measures required to minimize material damage to such structures are not required, if the permittee has the written consent of their owners, or, unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.

Add 11 AAC 90.461(g), concerning subsidence control, to require that, (1) within a schedule approved by the Commissioner, the operator shall submit a detailed plan of the underground workings, and (2) the detailed plan shall include maps and descriptions, as appropriate, of significant features of the underground mine, including the size, configuration, and approximate location of pillars and entries, extraction ratios, measure taken to prevent or minimize subsidence and related damage, areas of full extraction, and other information required by the Commissioner, and to provide that, upon request of the operator, information submitted with the detailed plan may be held as confidential, in accordance with the requirements of AS 27.21.100(c).

Add 11 AAC 90.461(g)(1) and (2), concerning damage caused by subsidence within the angle of draw, to allow, if damage to any non-commercial building or occupied residential dwelling or structure related thereto occurs as a result of earth movement within an area determined by projecting a specified angle of draw from the outermost boundary of any underground mine workings to the surface of the land, a rebuttable presumption that the permittee caused the damage, which will apply to a 30-degree angle of draw unless a permittee or permit applicant, based on a site-specific analysis, requests that the presumption apply to an angle of draw different from that established in 11 AAC 90.461(g)(1) (an applicant must demonstrate and the Commissioner must determine in writing that the proposed angle of draw has a more reasonable basis than the standard set forth in 11 AAC 90.461(g)(1), based on a site-specific geotechnical analysis of the potential surface impacts of the mining operation).

Add 11 AAC 90.461(g)(3) and (4) to state that if the permittee was denied access to the land or property for the purpose of conducting the pre-subsidence survey in accordance with 11 AAC 90.101(a), no rebuttable presumption will exist, and that the presumption will be rebutted if, for example, the evidence established that: the damage predated the mining in question, the damage was proximately caused by some other factor or factors and was not proximately caused by subsidence, or the damage occurred outside the surface area within which subsidence was actually caused by the mining in question.

Add 11 AAC 90.461(g)(5) to require, in any determination whether damage to protected structures was caused by subsidence from underground mining,

that all relevant and reasonably available information will be considered by the Commissioner.

Add 11 AAC 90.461(h), to set forth requirements for an additional bond amount, when subsidence-related material damage to land, structures or facilities or facilities protected under (e), or when contamination, diminution, or interruption to a water supply protected under 11 AAC 90.321(e) occurs.

Extraction of Coal Incidental to the Extraction of Other Minerals

Revise 11 AAC 90.901(a)(2), concerning applicability of the Alaska program, to provide an exemption from the program for extraction of coal incidental to the extraction of other minerals if the coal is 16 ⅔ percent or less of the total tonnage of minerals removed and approved in accordance with 11 AAC 90.650 through 11 AAC 90.657.

Add Article 13, concerning extraction of coal incidental to the extraction of other minerals, to define at 11 AAC 90.650(a) through (e) cumulative measurement period, cumulative production, cumulative revenue, mining area, and other minerals; set forth at 11 AAC 90.651(a) through (e), application requirements and procedures; set forth at 11 AAC 90.652 minimum requirements for the contents of application for exemption; set forth at 11 AAC 90.653(a) through (c), what information submitted must be made available to the public; set forth at 11 AAC 90.654(a) and (b) which requirements must be satisfied in order to qualify for an exemption from the requirements of 11 AAC 90.901; set forth at 11 AAC 90.655(a) through (f), conditions of an exemption if approved and rights of inspection; set forth at 11 AAC 90.656(a) and (b), the ability to stockpile coal qualifying for exemption; set forth at 11 AAC 90.657(a) and (b), revocation and enforcement authority under the Alaska program; and set forth at 11 AAC 90.658(a) and (b), reporting requirements.

Definitions

Revise AAC 90.911 by modifying or adding definitions for ''coal mine waste,'' ''collateral bond,'' ''community or institutional building,'' ''cumulative impact area,'' ''drinking, domestic, or residential water supply,'' ''impounding structure,'' ''material damage,'' ''non-commercial building,'' ''occupied residential dwelling and structures related thereto,'' ''other treatment facilities,'' ''previously mined area,'' ''qualified laboratory,'' ''refuse pile,'' ''replacement water supply,'' ''siltation structure,'' ''thick overburden,'' and ''thin overburden.''

Demonstrations

Alaska proposes to demonstrate that the Alaska Dam Safety regulations incorporate the NRCS TR–60 requirements concerning downstream hazard evaluations of impoundments (proposed rule 11 AAC 90.336(f)).

Alaska proposes to demonstrate the necessity for an exemption from topsoil removal where permafrost or cold weather conditions exist in the State of Alaska (proposed rule 11 AAC 90.311(g)).

Alaska proposes to demonstrate that the Commissioner can determine who should approve minimum requirements for shrub stocking and planting arrangements on land where the post mining land use is designated as fish and wildlife habitat, recreation, shelter belts, and forestry (proposed rule 11 AAC 90.457(c)(3)).

Alaska proposes to demonstrate that no prime farmlands exist in the State of Alaska (no associated proposed rule language).

Alaska proposes to demonstrate that the certified statement that all applicable reclamation activities have been accomplished in accordance with the requirements of AS 27.21, 11 AAC 90, and the approved reclamation plan (required from the applicant in the application for each phase of bond release) need not be notarized to be enforceable (proposed rule 11 AAC 90.211(a)).

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Alaska program.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (*see* Dates). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Denver Field Division may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: SATS No. AK–006'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Denver Field Division at 303–844–1400 ext. 1424.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., m.d.t. on August 3, 2004. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold the hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to

discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES.** We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630–Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

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. 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. The rule does not involve or affect Indian Tribes in any way.

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 902

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 18, 2004.

Allen D. Klein,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 04–16287 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[Docket No. IN–155–FOR]

Indiana Regulatory Program and Abandoned Mine Land Reclamation Plan

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Indiana regulatory program (Indiana program) and Abandoned Mine Land Reclamation Plan (Indiana plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Indiana proposes revisions to and additions of statutes about release of performance bonds, requirements for the Indiana bond pool, and government financed construction. Indiana intends to revise its program to be consistent with SMCRA and to improve operational efficiency.

This document gives the times and locations that the Indiana program and plan, and proposed amendment to that program and plan are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., e.s.t., August 18, 2004. If requested, we will hold a public hearing on the amendment on August 13, 2004. We will accept requests to speak at a hearing until 4 p.m., e.s.t. on August 3, 2004.

ADDRESSES: You may submit comments, identified by Docket No. IN–155–FOR, by any of the following methods:

- E-mail: *IFOMAIL@osmre.gov*. Include Docket No. IN–155–FOR in the subject line of the message.
- *Mail/Hand Delivery:* Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204.
- *Fax:* (317) 226–6182.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Indiana program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Indianapolis Field Office. Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204, Telephone: (317) 226–6700, E-mail: *IFOMAIL@osmre.gov*.

In addition, you may review a copy of the amendment during regular business hours at the following location: Indiana Department of Natural Resources, Division of Reclamation, R. R. 2, Box 129, Jasonville, Indiana 47438–9517, Telephone: (812) 665–2207.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office. Telephone: (317) 226–6700. E-mail: *IFOMAIL@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program and Indiana Plan
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Indiana Program and Indiana Plan

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 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 Indiana program effective July 29, 1982. You can find background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Indiana program in the July 26, 1982, **Federal Register** (47 FR 32071). You can also find later actions concerning the Indiana program and program amendments at 30 CFR 914.10, 914.15, 914.16, and 914.17.

The Abandoned Mine Land Reclamation program was established by Title IV of the Act (30 U.S.C. 1201 *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines. On the basis of these criteria, the Secretary of the Interior approved the Indiana plan effective July 29, 1982. You can find background information on the Indiana plan, including the Secretary's findings, the disposition of comments, and the approval of the plan in the July 26, 1982, **Federal Register** (47 FR 32108). You can find later actions concerning the Indiana plan and amendments to the plan at 30 CFR 914.25.

II. Description of the Proposed Amendment

By letter dated June 2, 2004 (Administrative Record No. IND–1728), the Indiana Department of Natural Resources (IDNR) sent us House Enrolled Act 1203 (HEA 1203) as an amendment to its program and plan under SMCRA (30 U.S.C. 1201 *et seq.*). HEA 1203 contains numerous amendments to the State statutes, but only those that pertain to the Indiana program or plan are discussed below. The IDNR sent the amendment to us at its own initiative. Section 1 of HEA 1203 amends Indiana Code (IC) 14–8–2–117.3, concerning the definition of ''Governmental entity.'' Sections 26 and 27 of HEA 1203 amend IC 14–34–6–7 and IC 14–34–6–10, respectively, concerning performance bond release. Sections 28, 29, and 30 of HEA 1203 amend IC 14–34–8–4, IC 14–34–8–6, and IC 14–34–8–11, respectively, concerning the Indiana bond pool. Section 31 of HEA 1203 adds IC 14–34–19–15, concerning procedures for abandoned mine land reclamation

projects receiving less than 50 percent government funding. Finally, Section 32 of HEA 1203 adds a definition for ''government financed construction.'' Below is a summary of the changes proposed by Indiana. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES.**

A. Indiana Program

1. IC 14–8–2–117.3 Definition of ''Governmental Entity''

Section 1 of HEA 1203 amended the definition of ''Governmental entity'' at IC 14–8–2–117.3 by adding a reference to IC 14–34–19–15, which concerns procedures for abandoned mine land reclamation projects receiving less than 50 percent government funding. The revised definition reads as follows:

''Governmental entity'' for the purposes of IC 14–22–10–2, IC 14–22–10–2.5, and IC 14–34–19–15 has the meaning set forth in IC 14–22–10–2(a).

2. IC 14–34–6–7 and IC 14–34–6–10 Performance Bond Release

a. Section 26 of HEA 1203 amended IC 14–34–6–7 to authorize the director of the Department of Natural Resources to initiate an application for the release of a performance bond. It designated the existing text as subsection (a) and added new subsection (b) to read as follows:

(b) The director may initiate an application for the release of a bond. If a bond release application is initiated by the director, the department shall perform the notification and certification requirements otherwise imposed on the permittee under this section and section 8 of this chapter.

b. Section 27 of HEA 1203 amended IC 14–34–6–10(b)(2) by removing the word ''permittee's.'' The revised subdivision reads as follows:

(2) Request a public hearing within thirty (30) days after the last publication of the notice required by section 7 of this chapter.

3. IC 14–34–8–4, IC 14–34–8–6, and IC 14–34–8–11 Bond Pool

a. Section 28 of HEA 1203 amended IC 14–34–8–4(g) and (h) by adding the phrase ''unless the operator has replaced all bond pool liability with bonds acceptable under IC 14–34–6–1'' to the end of each paragraph. With the addition of the phrase, a mine operator may withdraw from the bond pool by replacing bond pool liability with bonds acceptable under the surface coal mining and reclamation bonding law. The revised paragraphs read as follows:

(g) Commencement of participation in the bond pool for the applicable permit constitutes an irrevocable commitment to participate in the bond pool for the applicable permit for the duration of the surface coal mining operations covered under the permit, unless the operator has replaced all bond pool liability with bonds acceptable under IC 14–34–6–1.

(h) An operator may apply for participation in the bond pool on a bond increment area under an existing permit. Commencement of participation in the bond pool for the bond increment area, within an existing permit, constitutes an irrevocable commitment to participate in the bond pool for the duration of that surface coal mining permit, unless the operator has replaced all bond pool liability with bonds acceptable under IC 14–34–6–1.

b. Section 29 of HEA 1203 amended IC 14–34–8–6 to authorize the director of the Department of Natural Resources to require operators to withdraw from the surface coal mine reclamation bond pool under certain circumstances. It amended IC 14–34–8–6(a) by changing a reference from ''subsection (b)'' to ''subsection (c).'' It redesignated subsections (b) and (c) as IC 14–34–8–6(c) and (d) and added a new subsection (b) to read as follows:

(b) If the final release of a bond has not been obtained within ten (10) years after the date of the last required report of the affected area for the permit, including new disturbances, the director may require the operator to:

(1) Replace the bond pool liability with bonds acceptable under IC 14–34–6–1; and

(2) Withdraw that operation from the bond pool.

If the operator fails to comply with the director's order to withdraw a mine area from the bond pool, the director may suspend the operator from the bond pool.

c. At IC 14–34–8–11, Section 30 of HEA 1203 amended membership and appointment authority of the surface coal mine reclamation bond pool committee by revising subsections (a), (b), (e), and (f) to read as follows:

(a) The surface coal mine reclamation bond pool committee is established. The committee consists of the following:

(1) Five (5) members appointed by the director as follows:

(A) Three (3) members must represent a cross-section of coal operators.

(B) One (1) member must be a member of the commission.

(C) One (1) member must be a representative of the public with knowledge of reclamation performance guarantees.

(2) The director or the director's designee, who is a nonvoting member.

(b) The term of each member is four (4) years beginning July 1. The director may remove an appointed member for cause.

(c) * * *

(d) * * *

(e) The committee shall, acting in an advisory capacity to the director, do the following:

(1) Meet as necessary to perform duties under this chapter, but not less than one (1) time each year, for the purpose of formulating recommendations to the director concerning oversight of the general operation of the bond pool.

(2) Review and make recommendations concerning the following:

(A) All proposed expenses from the bond pool.

(B) All applications for admission to the bond pool.

(f) The director shall report annually to the committee and to the governor on the status of the bond pool.

4. IC 2004–71–32 Definition of ''Government Financed Construction''

At IC 2004–71–32, Section 32 of HEA 1203 added a definition for ''government financed construction'' and its associated requirements to read as follows:

(a) Notwithstanding 312 IAC [Indiana Administrative Code] 25–1–57, ''government financed construction'' means construction that is:

(1) At least fifty percent (50%) funded by funds appropriated from a government financing agency's budget or obtained from general revenue bonds; or

(2) Less than fifty percent (50%) funded by funds appropriated from a government financing agency's budget or obtained from general revenue bonds if construction is undertaken as an approved reclamation project under Title IV of the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 1328) and IC 14–34–19.

However, construction through government financing guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments do not qualify as government financed construction.

(b) Before July 1, 2006, the department of natural resources shall amend 312 IAC 25–1–57 to correspond with this Section.

(c) This Section expires July 1, 2007.

B. Indiana Plan

IC 14–34–19–15 Procedures for Abandoned Mine Land Reclamation Projects Receiving Less Than 50 Percent Government Funding

Section 31 of HEA 1203 added IC 14–34–19–15 to require specific findings and documentation for certain mine land reclamation projects funded by a governmental entity. The new statute reads as follows:

(a) This section applies to the following:

(1) When the department is considering a mine land reclamation project under IC 14–34–1–2 or 312 IAC 25–2–3 that is:

(A) at least fifty percent (50%) funded by funds appropriated from a governmental entity that finances the construction through either the entity's budget or general revenue bonds; or

(B) less than fifty percent (50%) funded by funds appropriated from a governmental entity that finances the construction through either the entity's budget or general revenue bonds if the construction is an approved

reclamation project under Title IV of the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 30 U.S.C. 1328) and this chapter.

Government financing guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments are not considered funds appropriated by a governmental entity under this subdivision.

(2) When the level of funding for the construction will be less than fifty percent (50%) of the total cost because of planned coal extraction.

(b) The department must make the following determinations:

(1) The likelihood that coal will be mined under a surface coal mining and reclamation operations permit issued under this article. The determination must consider available information, including the following:

(A) Coal reserves from existing mine maps or other sources.

(B) Existing environmental conditions.

(C) All prior mining activity on or adjacent to the site.

(D) Current and historical coal production in the area.

(E) Any known or anticipated interest in mining the site.

(2) The likelihood that nearby mining activities might create new environmental problems or adversely affect existing environmental problems at the site.

(3) The likelihood that reclamation activities at the site might adversely affect nearby mining activities.

(c) If a decision is made to proceed with the reclamation project, the department must make the following determinations:

(1) The limits on any coal refuse, coal waste, or other coal deposits that can be extracted under the exemption under IC 14–34–1–2 and 312 IAC 25–2–3.

(2) The delineation of the boundaries of the abandoned mine lands reclamation project.

(d) The following documentation must be included in the abandoned mine lands reclamation case file:

(1) Determinations made under subsections (b) and (c).

(2) The information taken into account in making the determinations.

(3) The names of the persons making the determinations.

(e) The department must do the following for each project:

(1) Characterize the site regarding mine drainage, active slide and slide prone areas, erosion and sedimentation, vegetation, toxic materials, and hydrological balance.

(2) Ensure that the reclamation project is conducted according to provisions of 30 CFR Subchapter R, this chapter, and applicable procurement provisions to ensure the timely progress and completion of the project.

(3) Develop specific site reclamation requirements, including, when appropriate, performance bonds that comply with procurement procedures.

(4) Require the contractor conducting the reclamation to provide, before reclamation begins, applicable documents that authorize the extraction of coal and any payment of royalties.

(f) The contractor must obtain a surface coal mining and reclamation operations permit under this article for any coal extracted beyond the limits of the incidental coal specified in subsection (c)(1).

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h) and 30 CFR 884.15(a), we are seeking your comments on whether the amendment satisfies the applicable program and plan approval criteria of 30 CFR 732.15 and 30 CFR 884.14, respectively. If we approve the amendment, it will become part of the Indiana program or plan, as noted in Section II of this document.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (*see* **DATES**). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Indianapolis Field Office may not be logged in.

Electronic Comments

Please submit electronic comments as an ASCII or Word file avoiding the use of special characters and any form of encryption. Please also include ''Attn: Docket No. IN–155–FOR'' and your name and return address in your electronic message. If you do not receive a confirmation that we have received your electronic message, contact the Indianapolis Field Office at (317) 226–6700.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., e.s.t., on August 3, 2004. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES.** We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630—Takings

The provisions in the rule based on counterpart Federal regulations do not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations. The revisions made at the initiative of the State that do not have Federal counterparts have also been reviewed and a determination made that they do not have takings implications. This determination is based on the fact that the provisions have no substantive effect on the regulated industry.

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 or State and Tribal abandoned mine land reclamation plans and plan amendments because each program and plan 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. Under section 405 of SMCRA (30 U.S.C. 1235) and the Federal regulations at 30 CFR 884.14 and 884.15, decisions on proposed State and Tribal abandoned mine land reclamation plans and plan amendments submitted by the States or Tribes must be based solely on a determination of whether the submittal meets the requirements to Title IV of SMCRA (30 U.S.C. 1231–1243) and its implementing Federal regulations and whether the other requirements of 30 CFR part 884 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 and abandoned mine land reclamation programs. 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. Section 405(d) of SMCRA requires State abandoned mine land reclamation programs to be in compliance with the procedures, guidelines, and requirements established under 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 Indiana program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands and the Indiana plan does not regulate coal mined lands eligible for reclamation under Title IV of SMCRA on Indian lands. Therefore, the Indiana program and plan have 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)). Also, agency decisions on proposed State and Tribal abandoned mine land reclamation plans and plan amendments are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

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 a portion of the provisions in this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because they are 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 part of the rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations. The Department of the Interior also certifies that the provisions in this rule that are not based upon counterpart Federal regulations will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This determination is based upon the fact that the provisions are administrative and procedural in nature and are not expected to have a substantive effect on the regulated industry.

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 a portion of the State provisions are 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. For the portion of the State provisions that is not based upon counterpart Federal regulations, this determination is based upon the fact that the State provisions are administrative and procedural in nature and are not expected to have a substantive effect on the regulated industry.

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 a portion of 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. For the portion of the State provisions that is not based upon counterpart Federal regulations, this determination is based upon the fact that the State provisions are administrative and procedural in nature and are not expected to have a substantive effect on the regulated industry.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 17, 2004.

Charles E. Sandberg,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 04–16284 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[Docket No. IN–141–FOR]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Indiana regulatory program (Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Indiana proposes revisions to and additions of rules about definitions, identification of interests, topsoil, siltation structures, impoundments, refuse piles, prime farmland, lands eligible for remining, permitting, performance bond release, surface and ground water monitoring, roads, inspection, and civil penalties. Indiana intends to revise its program to be consistent with the corresponding Federal regulations, clarify ambiguities, and improve operational efficiency.

This document gives the times and locations that the Indiana program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., e.s.t., August 18, 2004. If requested, we will hold a public hearing on the amendment on August 13, 2004. We will accept requests to speak at a hearing until 4 p.m., e.s.t. on August 3, 2004.

ADDRESSES: You may submit comments, identified by Docket No. IN–141–FOR, by any of the following methods:

- *E-mail: IFOMAIL@osmre.gov.* Include Docket No. IN–141–FOR in the subject line of the message.
- *Mail/Hand Delivery:* Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204.
- *Fax:* (317) 226–6182
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Indiana program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Indianapolis Field Office.

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204, Telephone: (317) 226–6700, E-mail: *IFOMAIL@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location:

Indiana Department of Natural Resources, Division of Reclamation, R.R. 2, Box 129, Jasonville, Indiana 47438–9517, Telephone: (812) 665–2207.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office. Telephone: (317) 226–6700. E-mail: *IFOMAIL@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Indiana 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 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 Indiana program effective July 29, 1982. You can find background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Indiana program in the July 26, 1982, **Federal Register** (47 FR 32071). You can also find later actions concerning the Indiana program and program amendments at 30 CFR 914.10, 914.15, 914.16, and 914.17.

II. Description of the Proposed Amendment

By letter dated May 19, 2004 (Administrative Record No. IND–1726), Indiana sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Indiana sent the amendment in response to a June 17, 1997, letter (Administrative Record No. IND–1575) that we sent to Indiana in accordance with 30 CFR 732.17(c) and in response to the required program amendments at 30 CFR 914.16(f), (s), and (hh) through (mm). The amendment also includes changes made at Indiana's own initiative. Below is a summary of the changes proposed by Indiana. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES.**

A. 312 IAC (Indiana Administrative Code) 25–1 Definitions

Indiana revised its definition of ''affected area'' and added definitions for ''lands eligible for remining'' and ''unanticipated event or condition'' as discussed below.

1. At 312 IAC 25–1–8, Indiana revised its definition of ''affected area'' to read as follows:

(a) ''Affected area'' means any land or water surface area that is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The term includes any of the following:

(1) The disturbed area.

(2) Any area upon which surface coal mining and reclamation operations are conducted.

(3) Any adjacent land the use of which is incidental to surface coal mining and reclamation operations.

(4) Any area covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this section.

(5) Any area covered by:

(A) Surface excavations;

(B) Workings;

(C) Impoundments;

(D) Dams;

(E) Ventilation shafts;

(F) Entryways;

(G) Refuse banks;

(H) Dumps;

(I) Stockpiles;

(J) Overburden piles;

(K) Spoil banks;

(L) Culm banks;

(M) Tailings;

(N) Holes or depressions;

(O) Repair areas;

(P) Storage areas; or

(Q) Shipping areas.

(6) Any area upon which are sited structures, facilities, or other property material on the surface resulting from, or incident to, surface coal mining and reclamation operations.

(7) The area located above underground workings.

(b) The term includes every road used for purposes of access to, or for hauling coal to or from, any surface coal mining and reclamation operation unless:

(1) the road is designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(2) the road is maintained with public funds and constructed in a manner similar to other public roads of the same classification within the jurisdiction;

(3) there is substantial (more than incidental) public use; and

(4) the extent and the effect of mining-related uses of the road by the permittee do not warrant regulation as part of the surface coal mining and reclamation operations.

(c) The director shall determine, on a case-by-case basis, whether a particular road satisfies the requirements of subsection (b)(4) based upon the mining-related use of the road and consistent with the definition of surface coal mining operation found in section 145 of this rule.

2. At 312 IAC 25–1–75.5, Indiana added a definition for ''lands eligible for remining'' to read as follows:

''Lands eligible for remining'' means, for the purposes of 312 IAC 25–4–105.5, 312 IAC 25–4–114, 312 IAC 25–4–115, and 312 IAC 25–5–7, those lands eligible for funding under IC [Indiana Code] 14–34–19 or 30 U.S.C. 1232(g)(4).

3. At 312 IAC 25–1–155.5, Indiana added a definition for ''unanticipated event or condition'' to read as follows:

''Unanticipated event or condition'' means, for the purposes of 312 IAC 25–4–114, an event or condition that is encountered in a remining operation and was not contemplated by the applicable surface mining and reclamation permit.

B. 312 IAC 25–4–17 Surface Mining Permit Applications; Identification of Interests

Indiana added the language ''shall be submitted with the application'' at the end of subsections (d), (e), and (f).

C. 312 IAC 25–4–45 Surface Mining Permit Applications; Reclamation and Operations Plan; Reclamation Plan; General Requirements

Indiana revised subdivision (b)(4) to require a demonstration of the suitability of topsoil substitutes or supplements under 312 IAC 25–6–11(c) to include an analysis of the total depth of the soil.

D. 312 IAC 25–4–49 Surface Mining Permit Applications; Reclamation and Operations Plan; Reclamation Plan for Siltation Structures, Impoundments, Dams, and Embankments, and Refuse Piles

1. Indiana revised the first sentence of subsection (a) to read as follows:

(a) Each application shall include a general plan and a detailed design plan for each proposed siltation structure, water impoundment, and coal processing waste dam, embankment, or refuse pile within the proposed permit area.

2. Indiana revised subsection (c) by requiring permanent and temporary impoundments to be designed to comply with both the requirements of 312 IAC 25–6–20 and the requirements of the Mine Safety and Health Administration at 30 CFR 77.216–1 and 30 CFR 77.216–2.

3. Indiana added a new subsection (d) to require refuse piles be designed to comply with 312 IAC 25–6–36 through 312 IAC 25–6–39. Indiana redesignated existing subsection (d) as subsection (e).

4. Indiana added new subsection (f) to read as follows:

(f) If the structure meets the Class B or C criteria for dams in TR–60 [Technical Release 60] or meets the size and other criteria of 30 CFR 77.216(a), each plan under subsections (b), (c), and (e) shall include the following:

(1) A stability analysis of the structure that shall include, but not be limited to:

(A) Strength parameters.

(B) Pore pressures.

(C) Long term seepage conditions.

(2) A description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

5. Indiana redesignated existing subsection (e) as subsection (g) and added introductory language to read as follows: ''If the proposed siltation structure, water impoundment, coal processing waste dam, or embankment is permanent and the: * * *'' Indiana also removed the word ''the'' from the beginning of subdivisions (g)(1) through (3) and removed the last sentence from subdivision (g)(3).

E. 312 IAC 25–4–87 Underground Mining Permit Applications; Reclamation Plan for Siltation Structures, Impoundments, Dams, and Embankments, and Refuse Piles

1. Indiana revised the first sentence of subsection (a) to read as follows:

(a) Each application shall include a general plan and a detailed design plan for each proposed siltation structure, water impoundment, and coal processing waste dam, embankment, or refuse pile within the proposed permit area.

2. Indiana revised subsection (c) by requiring permanent and temporary impoundments to be designed to comply with the requirements of 312 IAC 25–6–84, 30 CFR 77.216–1, and 30 CFR 77.216–2.

3. Indiana added a new subsection (d) to require refuse piles to be designed to comply with 312 IAC 25–6–98 through 312 IAC 25–6–102. Indiana redesignated existing subsection (d) as subsection (e).

4. Indiana added new subsection (f) to read as follows:

(f) If the structure meets the Class B or C criteria for dams in TR–60 or meets the size and other criteria of 30 CFR 77.216(a), each plan under subsections (b), (c), and (e) shall include the following:

(1) A stability analysis of the structure that shall include, but not be limited to:

(A) Strength parameters.

(B) Pore pressures.

(C) Long term seepage conditions.

(2) A description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

5. Indiana redesignated existing subsection (e) as subsection (g) and

added introductory language to read as follows: ''If the proposed siltation structure, water impoundment, coal processing waste dam, or embankment is permanent and the: * * *'' Indiana also removed the word ''the'' from the beginning of subdivisions (g)(1) through (3).

F. 312 IAC 25–4–102 Special Categories of Mining; Prime Farmland

1. In subdivision (d)(1), Indiana changed its references to the United States Soil Conservation Service to the United States Natural Resources Conservation Service (NRCS).

2. Indiana added the following new subsections (e) and (f):

(e) Before any permit is issued for areas that include prime farmland, the director shall consult with the state conservationist of the Natural Resources Conservation Service. The state conservationist shall do the following:

(1) Provide for the review of and comment on the proposed method of soil reconstruction in the plan submitted under subsection (d).

(2) Suggest revisions resulting in more complete and adequate reconstruction if the state conservationist considers the soil reconstruction methods to be inadequate. The state conservationist has fifteen (15) days after consultation with the director to respond.

(3) Provide to the director a list of prime farmland soils, their location, physical and chemical characteristics, crop yields, and associated data necessary to support adequate prime farmland descriptions.

(4) Assist the director in determining the adequacy of all soil surveys required in subsection (d)(1) through (d)(3).

(f) A permit for the mining and reclamation of prime farmland may be granted by the director if the director finds, in writing, upon the basis of a complete application, the following:

(1) The approved proposed postmining land use of prime farmland will be cropland.

(2) The permit incorporates as specific conditions the contents of the plan submitted under subsection (d), after consideration of any revisions to that plan suggested by the state conservationist under subsection (e).

(3) The applicant has the technological capability to restore the prime farmland, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management.

(4) The proposed operations will be conducted in compliance with the requirements of 312 IAC 25–6–139 through 312 IAC 25–6–143 and other environmental protection performance and reclamation standards for mining and reclamation of prime farmland of the regulatory program.

(5) The aggregate total prime farmland acreage shall not be decreased from that which existed prior to mining. Waterbodies, if any, to be constructed during mining and reclamation must be located within the postreclamation nonprime farmland portions of the permit area. The creation of any waterbody must be approved by the director, and the consent of all affected property owners within the permit area shall be obtained.

G. 312 IAC 25–4–105.5 Special Categories of Mining; Lands Eligible for Remining

At 312 IAC 25–4–105.5, Indiana added the following permitting requirements for lands eligible for remining:

(a) This section contains permitting requirements to implement section 114(d) of this rule. Any person who submits a permit application to conduct surface coal mining operation on lands eligible for remining must comply with this section.

(b) Any application for a permit under this section shall be made according to all requirements of this rule applicable to surface coal mining and reclamation operations. The application shall contain the following:

(1) To the extent not otherwise addressed in the permit application, an identification of potential environmental and safety problems related to prior mining activity at the site that could be reasonably anticipated to occur. This identification shall be based on a due diligence investigation that shall include the following:

(A) Visual observation at the site.

(B) A record review of past mining at the site.

(C) Environmental sampling tailored to current site conditions.

(2) With regard to potential environmental and safety problems referred to in subdivision (1), a description of the mitigative measures that will be taken to ensure that the applicable reclamation requirements of the regulatory program can be met.

(c) The requirements of this section shall not apply after September 30, 2004.

H. 312 IAC 25–4–113 Review, Public Participation, and Approval or Disapproval of Permit Applications; Permit Terms and Conditions; Public Availability

1. Indiana added new subsection (f) to require information on the nature and location of archaeological resources on public and Indian land, required under 16 U.S.C. 470aa through 16 U.S.C. 47mm, to be held confidential.

2. Indiana redesigned existing subsection (f) as subsection (g) and revised the first sentence to allow a person who opposes or seeks disclosure of confidential information to submit a request under section 25–4–110.

I. 312 IAC 25–4–114 Review, Public Participation, and Approval or Disapproval of Permit Applications; Permit Terms and Conditions; Review of Permit Applications

Indiana added new subsection (d) to read as follows:

(d) After October 24, 1992, the following apply:

(1) The prohibitions of subsection (b) regarding the issuance of a new permit shall not apply to any violation that:

(A) Occurs after October 24, 1992;

(B) Is unabated; and

(C) Results from an unanticipated event or condition that arises from a surface coal mining and reclamation operation on lands that are eligible for remining under a permit:

(i) Issued before September 30, 2004, or any renewals thereof; and

(ii) Held by the person making application for the new permit.

(2) A permit issued under section 105.5 of this rule, an event or condition shall be presumed to be unanticipated for the purposes of this subsection if the event or condition:

(A) Arose after permit issuance;

(B) Was related to prior mining; and

(C) Was not identified in the permit.

J. 312 IAC 25–4–115 Review, Public Participation, and Approval or Disapproval of Permit Applications; Permit Terms and Conditions; Permit Approval or Denial

Indiana added the following requirements for lands eligible for remining at new subdivision (a)(13):

(13) For permits to be issued under section 105.5 of this rule, the permit application must contain the following:

(A) Lands eligible for remining.

(B) An identification of any potential environmental and safety problems related to prior mining activity that could reasonably be anticipated to occur at the site.

(C) Mitigation plans to sufficiently address potential environmental and safety problems so that reclamation as required by the applicable requirements of the regulatory program can be accomplished.

K. 312 IAC 25–4–118 Review, Public Participation, and Approval or Disapproval of Permit Applications; Permit Terms and Conditions; Permit Conditions

Indiana revised subdivision (4) to require the permittee to allow the authorized representatives of the Secretary of the Interior to also have the right of entry to a mine site for the purpose of conducting inspections.

L. 312 IAC 25–5–7 Period of Liability

Indiana added the following new requirements for lands eligible for remining at the end of subsection (b):

On lands eligible for remining included in permits issued before September 30, 2004, or any renewals thereof, the liability period is two (2) years. To the extent that success standards are established by 312 IAC 25–6–59(c)(1) or 312 IAC 25–6–120(c)(1), the lands shall equal or exceed the standards during the growing season of the last year of the responsibility period.

M. 312 IAC 25–5–16 Performance Bond Release; Requirements

1. Indiana added the following new subsection (b):

(b) The permittee shall include in the application for bond release a notarized statement that certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of this article and the approved reclamation plan. The certification shall be submitted for each application or phase of bond release.

2. Indiana redesignated existing subsections (b) through (h) as subsections (c) through (i).

N. 312 IAC 25–6–17 Surface Mining; Hydrologic Balance; Siltation Structures and 312 IAC 25–6–81 Underground Mining; Hydrologic Balance; Siltation Structures

Because the Underground Mining rule is structured the same as the Surface Mining rule, the revisions discussed below pertain to both 312 IAC 25–6–17 and 312 IAC 25–6–81.

1. Indiana revised subdivision (a)(3) by removing the language that allowed a qualified registered professional land surveyor for the surface mining rule or qualified professional land surveyor for the underground mining rule to certify a siltation structure.

2. Indiana changed the term ''sedimentation pond'' to ''siltation structure'' throughout subsection (d).

3. Indiana added the following requirement at new clause (d)(2)(B):

(B) For a siltation structure meeting the Class B or C criteria for dams in TR–60, the emergency spillway hydrograph criteria in the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60, or greater event as specified by the director.

4. Indiana redesignated existing clause (d)(2)(B) as clause (C) and revised it to read as follows:

(C) For a siltation structure not meeting the size or other criteria of 30 CFR 77.216(a), or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60), a twenty-five (25) year, six (6) hour event, or greater event as specified by the director.

5. Indiana revised clauses (d)(3)(A) and (B) to read as follows:

(A) In the case of a siltation structure meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60) or meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a six (6) hour event, or greater event as specified by the director; or

(B) In the case of a siltation structure not meeting the size or other criteria of 30 CFR 77.216(a) or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60), it is designed to control the precipitation of a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

O. 312 IAC 25–6–20 Surface Mining; Hydrologic Balance; Permanent and Temporary Impoundments and 312 IAC 25–6–84 Underground Mining; Hydrologic Balance; Permanent and Temporary Impoundments

Because the Underground Mining rule is structured the same as the Surface Mining rule, the revisions discussed below pertain to both 312 IAC 25–6–20 and 312 IAC 25–6–84 with the following exception: Indiana proposed to delete the language ''and located where failure would not be expected to cause loss of life or serious property damage'' shown in 312 IAC 25–6–84(a)(3)(B) pertaining to underground mining. This language is retained in the surface mining rule at 312 IAC 25–6–20(a)(3)(B).

1. Indiana revised subdivision (a)(1) by requiring that an impoundment meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60) or an impoundment meeting the size or other criteria of 30 CFR 77.216(a) comply with the requirements of 30 CFR 77.216 and 312 IAC 25–6.

2. Indiana revised clauses (a)(3)(A), (B) and (C) to read as follows:

(A) An impoundment meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60) or an impoundment meeting the size or other criteria of 30 CFR 77.216(a) shall have a minimum static safety factor of one and five-tenths (1.5) for a normal pool with steady state seepage saturation conditions and a seismic safety factor of at least one and two-tenths (1.2).

(B) Impoundments not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60) or not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of one and three-tenths (1.3) for a normal pool with steady state seepage saturation conditions.

(C) In lieu of meeting the static safety factor requirements of clause (B), the applicant may elect, in order to ensure stability for temporary impoundments not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60) or not meeting the size or other criteria of 30 CFR 77.216(a) to grade as follows:

Please Note: As discussed earlier in this document, the language, ''and located where failure would not be expected to cause loss of life or serious property damage,'' in clause (B) above is proposed for removal in 312 IAC 25–6–84(a)(3)(B) pertaining to underground mining.

3. Indiana added the following new requirement to the end of subdivision (a)(4):

Impoundments meeting the Class B or C criteria for dams in TR–60 shall comply with the freeboard hydrograph criteria in the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60.

4. Indiana revised the second sentence of subdivision (a)(5) by requiring foundation investigation, as well as any necessary laboratory testing of foundation material, to be performed to determine the design requirements for foundation failure for an impoundment meeting the size or other criteria of 30 CFR 77.216(a) or the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60).

5. Indiana added the following new requirement at clause (a)(7)(B)(ii) and redesigned existing clause (a)(7)(B)(ii) as (a)(7)(B)(iii) with revisions:

(ii) For an impoundment meeting the Class B or C criteria for dams in TR–60, the emergency spillway hydrograph criteria in the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60, or greater event as specified by the director.

(iii) For an impoundment not meeting the size or other criteria of 30 CFR 77.216(a) or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60), a twenty-five (25) year, six (6) hour event, or greater event as specified by the director.

6. Indiana revised clause (a)(9)(B) by removing the language that allowed a qualified registered professional land surveyor to certify an impoundment.

7. Indiana revised clause (a)(9)(D) by requiring impoundments subject to 30 CFR 77.216 or meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60) to be examined in accordance with 30 CFR 77.216–3.

8. Indiana revised clause (a)(9)(E) by adding a reference to NRCS Class B or C criteria for dams, removing the language that allowed a qualified registered professional land surveyor to certify an impoundment, and correcting a regulation reference. The revised clause reads as follows:

(E) Impoundments that do not meet the size or other criteria of 30 CFR 77.216(a) or do not meet the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness, or other hazardous conditions. At least one (1) of the quarterly examinations conducted during the calendar year shall be certified by a qualified registered professional engineer and shall

include a discussion of any appearances of instability, structural weakness, or other hazardous conditions, any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and this section. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The certified examination report shall be submitted to the director within thirty (30) days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 312 IAC 25–5–16. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this clause, following approval by the director:

9. Indiana made the following revisions to subdivisions (c)(1) and (2) regarding temporary impoundments:

(1) Meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60) or meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a six (6) hour event, or greater event as specified by the director; or

(2) Not meeting the size or other criteria of 30 CFR 77.216(a) or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR–60), it is designed to control the precipitation of a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

P. 312 IAC 25–6–23 Surface Mining; Hydrologic Balance; Surface and Ground Water Monitoring

Indiana added the following new clause (a)(4)(C):

(C) Minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit to include, but not be limited to:

(i) Accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;

(ii) Immediate implementation of measures necessary to mitigate the noncompliance; and

(iii) As soon as practicable issue warning to any person whose health and safety is in imminent danger due to the noncompliance.

Q. 312 IAC 25–6–25 Hydrologic Balance; Water Rights and Replacement

Indiana revised 312 IAC 25–6–25 by removing the language ''pursuant to a lawful order of an agency or court under IC 14–25–4 or another state water rights law'' from the first sentence. Indiana also removed the existing second sentence regarding water replacement rights and replaced it with the following requirement:

Baseline hydrologic information required in 312 IAC 25–4–28 and 312 IAC 25–4–30 through 312 IAC 25–4–32 shall be used to determine the extent of the impact of mining upon ground water and surface water and other relevant information.

R. 312 IAC 25–6–66 Surface Mining; Primary Roads

Indiana removed existing clauses (2)(A), (B), and (C) and added the substantive requirements of clauses (2)(A) and (C) to the text of subdivision (2). Existing clauses (2)(C)(i) through (viii) were redesigned as clauses (2)(A) through (H). The text of revised subdivision (2) reads as follows:

(2) Each primary road embankment shall have a minimum static safety factor of one and three-tenths (1.3) and be designed in compliance with the following design standards:

S. 312 IAC 25–6–130 Underground Mining; Primary Roads

Indiana revised subdivision (2) to read as follows:

(2) Each primary road embankment shall be shown to have a minimum static factor of one and three-tenths (1.3) or shall be designed in compliance with the following design standards:

(A) The embankment foundation area shall be cleared of all organic material and the entire foundation surface shall be scarified.

(B) If the natural slope of the foundation as measured at a right angle to the roadway center line is steeper than 8h:1v, the embankment shall be benched into the existing slope beginning at the embankment toe and then filled with compacted level lifts.

(C) The embankment fill material shall be free of sod, large roots, and other large vegetative matter.

(D) The fill shall be brought up in horizontal layers of such thickness as required to facilitate compaction in accordance with prudent construction standards.

(E) The moisture content of the embankment shall be sufficient to secure proper compaction.

(F) The side slope of the embankment shall be no steeper than 2h:v1.

(G) Maximum fill height shall be twenty-five (25) feet as measured from the natural ground at the downstream toe to the top of the embankment.

(H) The embankment shall have a minimum top width of (h + 35)/5, where ''h'' is the embankment height as measured from natural ground at the downstream toe to the top of the embankment and shall be adequate for the intended use.

T. 312 IAC 25–7–1 Inspections of Sites

1. Indiana removed existing subdivision (a)(2) and redesignated existing subdivisions (a)(3) and (4) as subdivisions (a)(2) and (3).

2. Indiana redesignated the existing subsection (f) as subsection (h) and added the following new subsections (f) and (g):

(f) In lieu of the inspection frequency established in subsection (a), the regulatory authority shall inspect each abandoned site on a set frequency commensurate with the public health and safety and environmental considerations present at each specific site, but in no case shall the inspection frequency be set at less than one (1) complete inspection per calendar year. In selecting an alternate frequency authorized under this subsection, the regulatory authority shall do the following:

(1) First conduct a complete inspection of the abandoned site.

(2) Provide public notice and opportunity to comment under subsection (g).

(3) Prepare and maintain for public review a written finding justifying the alternative inspection frequency selected. The written finding shall justify the new inspection frequency by affirmatively addressing in detail the following criteria:

(A) How the site meets each of the criteria under the definition of an abandoned site in subsection (h) to qualify for a reduction in inspection frequency.

(B) Whether, and to what extent, there exists on the site an impoundment, an earthen structure, or another condition that poses, or may reasonably be expected to ripen into, imminent dangers to the health or safety of the public or significant environmental harm to land, air, or water resources.

(C) The extent to which an existing impoundment or earthen structure was constructed and certified in accordance with prudent engineering designs approved in the permit.

(D) The degree to which erosion and sediment control is present and functioning.

(E) The extent to which the site is located near or above an urbanized area, a community, an occupied dwelling, a school, and another public or commercial building or facility.

(F) The extent of reclamation completed prior to abandonment and the degree of stability of an unreclaimed area, taking into consideration any physical characteristic of the land mined and the extent of settlement or revegetation that has occurred naturally.

(G) Based on a review of the complete or partial inspection report record for the site during at least the last two (2) consecutive years, the rate at which adverse environmental or public health and safety conditions have and can be expected to progressively deteriorate.

(g) The public notice and opportunity to comment required under subsection (f)(2) shall be provided as follows:

(1) The regulatory authority shall place a notice in the newspaper with the broadest circulation in the locality of the abandoned site providing the public with a thirty (30) day period in which to subject written comments.

(2) The public notice shall contain the following:

(A) Name of permittee.

(B) Permit number.

(C) Precise location of the land affected.

(D) Proposed inspection frequency.

(E) General reasons for reducing the inspection frequency.

(F) Bond status of the permit.

(G) Telephone number and address of the regulatory authority where written comments on the reduced inspection frequency may be submitted.

(H) Closing date of the comment period.

U. 312 IAC 25–7–20 Civil Penalties; Hearing Request

Indiana revised 312 IAC 25–7–20 to increase the time from 15 to 30 days from receipt of the conference officer's action that a person charged with a violation may contest the proposed penalty or the fact of the violation.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (see **DATES**). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Indianapolis Field Office may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII or Word file avoiding the use of special characters and any form of encryption. Please also include ''Attn: Docket No. IN–141–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Indianapolis Field Office at (317) 226–6700.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., e.s.t. on August 3, 2004. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT.** We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES.** We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

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 Indiana program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Indiana

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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 17, 2004.

Charles E. Sandberg,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 04–16289 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[Docket No. IN–154–FOR]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Indiana regulatory program (Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Indiana proposes revisions to and additions of rules pertaining to blasting schedules and blaster certification. Indiana intends to revise its program to improve operational efficiency.

This document gives the times and locations that the Indiana program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., e.s.t., August 18, 2004. If requested, we will hold a public hearing on the amendment on August 13, 2004. We will accept requests to speak at a hearing until 4 p.m., e.s.t., on August 3, 2004.

ADDRESSES: You may submit comments, identified by Docket No. IN–154–FOR, by any of the following methods:

- *E-mail: IFOMAIL@osmre.gov.* Include Docket No. IN–154–FOR in the subject line of the message.
- *Mail/Hand Delivery:* Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204.
- *Fax:* (317) 226–6182
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Indiana program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Indiana Field Office.

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204, Telephone: (317) 226–6700, E-mail: *IFOMAIL@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location:

Indiana Department of Natural Resources, Division of Reclamation,

R. R. 2, Box 129, Jasonville, Indiana 47438–9517, Telephone: (812) 665–2207.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office. Telephone: (317) 226–6700. E-mail: *IFOMAIL@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Indiana 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 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 Indiana program effective July 29, 1982. You can find background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Indiana program in the July 26, 1982, **Federal Register** (47 FR 32071). You can also find later actions concerning the Indiana program and program amendments at 30 CFR 914.10, 914.15, 914.16, and 914.17.

II. Description of the Proposed Amendment

By letter dated June 2, 2004 (Administrative Record No. IND–1727), Indiana sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Indiana sent the amendment at its own initiative. Below is a summary of the changes proposed by Indiana. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

A. 312 IAC (Indiana Administrative Code) 25–6–31 Surface Mining; Explosives; Publication of Blasting Schedule

At subsection (c), Indiana proposes to remove a requirement that revised blasting schedules be approved by the director of the Department of Natural Resources before they are published and distributed.

B. 312 IAC 25–9–5 Examinations

At subsection (g), Indiana proposes to allow a person seeking a blaster certificate who fails an examination to retake the examination two times without reapplying. If the person fails the examination three times, he or she must retake the certified blaster training course.

C. 312 IAC 25–9–8 Renewal

1. Indiana proposes to add new subdivision (b)(3) to require certified blasters seeking renewal of their certification to obtain a minimum of 15 hours of additional training and to provide documentation of that training. The training must be approved by the Department of Natural Resources.

2. Indiana proposes to revise subsection (c) to require blasters to retake the examination and demonstrate completion of 15 hours of additional training in the previous 36 months when the certification is not renewed for more than 1 year after expiration. When the certification is not renewed for more than five years after expiration, the certification is not renewable.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (see **DATES**). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Indianapolis Field Office may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII or Word file avoiding the use of special characters and any form of encryption. Please also include ''Docket No. IN–154–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Indianapolis Field Office at (317) 226–6700.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., e.s.t., on August 3, 2004. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

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 Indiana program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Indiana 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 17, 2004.

Charles E. Sandberg,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 04–16290 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–247–FOR]

Kentucky Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We are announcing receipt of an amendment to the Kentucky regulatory program (the ''Kentucky program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kentucky proposes to revise its statutes regarding easements of necessity and submitted the amendment at its own initiative.

This document gives the times and locations that the Kentucky program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., e.s.t., August 18, 2004. If requested, we will hold a public hearing on the amendment on August 13, 2004. We will accept requests to speak until 4 p.m., e.s.t., on August 3, 2004.

ADDRESSES: You may submit comments, identified by ''KY–247–FOR/ Administrative Record No. 1624'' by any of the following methods:

- E-mail: *bkovacic@osmre.gov.*
- Mail/Hand Delivery: William J. Kovacic, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (859) 260–8400.
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency docket number ''KY–247-FOR/Administrative Record No. KY–1624'' for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' section in this document. You may also request to speak at a public hearing by any of the methods listed above or by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Docket: You may review copies of the Kentucky program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at OSM's Lexington Field Office at the address listed above during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Lexington Field Office.

In addition, you may receive a copy of the amendment during regular business hours at the following location: Department for Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564–6940.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Telephone: (859) 260–8400. Internet: *bkovacic@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Kentucky 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 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 the Act and rules and regulations consistent with regulations issued by the Secretary pursuant to the 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 Kentucky program on May 18, 1982. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Kentucky program in the May 18, 1982, **Federal Register** (47 FR 21434). You can also find later actions concerning Kentucky's program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated May 14, 2004, Kentucky sent us an amendment to its program, ([KY–247–FOR], administrative record No. KY–1624), under SMCRA (30 U.S.C. 1201 *et seq.*). Kentucky submitted House Bill (HB) 537 promulgated by the 2004 Kentucky General Assembly. It amends the Kentucky Revised Statutes (KRS) at Section 1 of 350.280. A summary of the amended language follows.

Subsection (1)(b)—the following quoted language is deleted from the conditions under which an easement of necessity is recognized if a notice or order directing abatement of a violation on the basis of imminent danger to health or safety of the public or significant imminent environmental harm: ''and the violation involves an order of cessation and immediate compliance or an order to abate and alleviate in which the cabinet directs the permittee or operator to begin immediate abatement of the violation.''

Subsection(1)(b)1—the following quoted language is added to the existing provisions to specify that an easement of necessity becomes effective and a permittee or operator is authorized to enter a property to take immediate action to abate a violation if he/she provides: ''a plan of action reasonably calculated to result in abatement of the violation, repair of the damage, and restoration of the property, and provides proof of liability insurance and workers' compensation insurance covering any accidents or injuries occurring on the property during the remedial work.''

Subsection (1)(b)3—this subsection has been revised to require, in part, that a permittee or operator ''diligently pursue abatement of the violation'' and obtain an appraisal completed by a real estate appraiser ''certified under KRS Chapter 324A'' of damages that have resulted from the violation. The original language describing the damages ''as abated, and those that are likely to occur to the property when the permittee or operator enters the property in order to abate the violation'' is deleted. The appraisal must be completed and provided to the property owner or legal occupant within three days of abatement of the violation.

Subsection(1)(c)—the following quoted language is deleted from the description of the appraisal of damages: ''that will result from the violation, as abated, and those that are likely to occur to the property when the permittee or operator enters the property in order to abate the violation.''

Subsection(1)(c)1—this subsection requires that an appraiser be certified and that the appraisal be completed and submitted to the property owner or legal occupant within three days of ''abatement of the violation'' (originally ''entry on the property'').

Subsection(1)(c)2—this subsection requires that the property owner or legal occupant shall accept or reject the appraisal in writing within seven days of receipt of the completed appraisal (originally three days).

Subsection (1)(c)3—this subsection requires that a real estate appraiser hired by the property owner of legal occupant be certified under KRS Chapter 324A and that the appraisal ''be completed and provided to the permittee or operator within thirty days of receipt of the permittee's or operator's

completed appraisal.'' Deleted is a requirement that the appraisal include the damages, including loss of use, from the violation ''as abated, and those that are likely to occur to the property if the permittee or operator is allowed to enter the property in order to abate the violation.''

Subsection (1)(c)4—this subsection requires that if the property owner or legal owner ''accepts the permittee's or operator's appraisal, the permittee or operator shall promptly pay the property owner or legal occupant the amount of damages reflected therein.'' The original language (now deleted) required that if the property owner or legal occupant has the appraisal done, it shall be completed and provided to the permittee or operator within seven days of receipt of the permittee's or operator's completed appraisal.

Subsection(1)(e)—this subsection specifies that if the property owner or legal occupant does not accept or reject the permittee's or operator's appraisal and offer of funds for damages ''within the time specified in subparagraph 2 of paragraph (c) of this subsection, the appraisal and offer shall be deemed accepted.'' The original requirement that the operator or permittee pay the appraised damages to the circuit court within three business days of the nonacceptance, with the funds placed in an interest-bearing account until resolution, is deleted.

Subsection (1)(f)—this new subsection requires that ''the appraiser shall calculate the damages to the property, including loss of use, that have resulted from the violation which the owner or the legal occupant shall be entitled to under this subsection as the difference between the fair market value of the property before the violation and after the abatement of the violation, plus the reasonable rental value of the property during the period of time between the effective date of the easement of necessity and the date of the abatement of the violation.''

Subsection 2—this subsection pertains to violations other than those described in subsection (1), and requires that a real estate appraiser be certified under KRS Chapter 324. He/she will appraise damages that ''likely'' will result from a violation. This replaces the original language that the appraiser appraise damages that will result from the violation ''as abated, and those that are likely to occur to the property if the permittee or operator is allowed to enter the property in order to abate the violation.'' The same language is replaced in subsection (3)(a)4.

Subsection (3)(a)—this subsection clarifies that the referenced appraisal pertains to that specified in subsection (2).

Subsection (3)(a)4—this subsection requires that the operator or permittee pay the property owner or legal occupant an entry fee ''calculated as one-half of the amount of the appraisal or the sum of five hundred dollars, whichever is greater, for the privilege to enter the property and conduct'' the appraisal.

Subsection (3)(b)—this new subsection requires that ''upon payment of the entry fee by the permittee or operator, an easement of necessity shall be recognized on behalf of the permittee or operator for limited purposes of abating the violation and the operator or permittee shall be authorized to enter the property to undertake immediate action to abate the violation, provided that the landowner has been provided a plan of action reasonably calculated to result in abatement of the violation, repair of the damage, and restoration of the property, and the permittee or operator provides proof of liability insurance and workers' compensation covering any accidents or injuries occurring on the property during the remedial work.''

Subsection (3)(c)—this subsection states that ''following the effective date of the easement of necessity to abate the violation, the procedures set forth in subsection (1)(c) through (f) of this section shall apply. The entry fee shall be deducted from any subsequent payment deemed due the property owner or legal occupant as a result of the post-abatement appraisal or appraisals. If the entry fee exceeds the amount of all appraisals, the property owner or legal occupant shall be entitled to retain the entry fee in its entirety.'' The original language, ''when the easement takes effect, the property owner or legal occupant shall allow access for the permittee's or operator's certified real estate appraiser or other qualified appraiser to conduct the appraisal,'' has been deleted.

Subsection (4)—this subsection specifies that ''nothing in this section shall affect any person's right to bring a civil suit action for damages, including punitive and compensatory damages, or other appropriate relief.'' The original language in subsections (4), (5), (6), (7), and (8) has been deleted. These subsections pertained to procedures for the appraisal of damages addressed in this amendment in revised subsection (1)(c).

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES.**

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the program.

Written Comments

Send your written comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. In the final rulemaking, we will not consider or include in the administrative record any comments received after the time indicated under **DATES** or at locations other than the Lexington Field Office.

Electronic Comments

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: KY–247–FOR/Administrative Record No. KY–1624'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Lexington Field Office at (859) 260–8400.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., e.s.t. on August 3, 2004. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT.** We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an

opportunity to speak, we will not hold the hearing. To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard. If you are disabled and need a special accommodation to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES.** We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations.

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, to the extent allowable by law, 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 since each such 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. 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. The basis for this determination is that our decision is on a State regulatory program and does not involve a Federal program involving 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

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program provision does not constitute a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

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 has determined 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 that 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. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. 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, geographic regions, or Federal, State or local governmental agencies; 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 a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 3, 2004.

George J. Rieger,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 04–16286 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

[MD–054–FOR]

Maryland Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendments.

SUMMARY: We are announcing receipt of a proposed amendment to the Maryland regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The program amendment consists of changes to the Code of Maryland Regulations (COMAR) concerning valid existing rights. The amendment is intended to revise the Maryland program to be consistent with the corresponding Federal regulations.

DATES: We will accept written comments on this amendment until 4 p.m. (local time), on August 18, 2004. If requested, we will hold a public hearing on the amendment on August 13, 2004. We will accept requests to speak at a hearing until 4 p.m. (local time), on August 3, 2004.

ADDRESSES: You should mail or hand-deliver written comments and requests to speak at the hearing to Mr. George Rieger at the address listed below.

You may review copies of the Maryland program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting the Appalachian Regional Coordinating Center.

Mr. George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2153. E-mail: *grieger@osmre.gov.*

Mr. C. Edmon Larrimore, Program Manager, Mining Program, 1800 Washington Boulevard, Baltimore, Maryland 21230, Telephone: (410) 537–3557 or 1–800–633–6101.

FOR FURTHER INFORMATION CONTACT: Mr. George Rieger, Telephone: (412) 937–2153. Internet: *grieger@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Maryland 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 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 the Act * * * and rules and regulations consistent with regulations issued by the Secretary pursuant to the 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 Maryland program on December 1, 1980. You can find background information on the Maryland program, including the Secretary's findings, the disposition of comments, and conditions of approval in the December 1, 1980, **Federal Register** (45 FR 79431). You can also find later actions concerning Maryland's program and program amendments at 30 CFR 920.12, 920.15, and 920.16.

II. Description of the Proposed Amendment

By letter dated May 4, 2004 (Administrative Record Number MD–583–11), Maryland sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). The amendment revises COMAR provisions concerning valid existing rights.

The full text of the program amendment is available to you to read at the locations listed above under **ADDRESSES**. Specifically, Maryland proposes the following amendments to COMAR.

1. COMAR 26.20.10.01.B(7) Definition of Valid Existing Rights

This definition is amended at paragraph (7)(a)(i) by deleting the phrase ''on August 3, 1977'' and by adding in its place the words ''at the time the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of the chapter.''

Subparagraph (7)(a)(ii) is amended by several deletions and additions of language as follows. In the first sentence, the phrase ''these lands either had'' is revised to read ''the land had.'' The following words are added immediately following the revised phrase ''the land had:'' ''obtained all permits and other authorizations required to conduct surface coal mining operations or had.'' Further along in the first sentence, ''good faith efforts'' is amended to be ''good faith effort.'' Also in the first sentence, the words ''State and federal permits'' are deleted. The words ''permits and authorizations'' are added immediately before the words ''to conduct the operations.'' The word ''those'' is deleted and replaced by the word ''the.'' The words ''lands, on or before'' are revised to read ''land before.'' The date ''August 3, 1977'' is deleted, and the following words are added in their place: ''the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter and at a minimum had submitted an application for any permit required under this subtitle.'' The word ''coal'' is being deleted following the phrase ''to the Bureau that the'' and the word ''land'' is added in its place. The word ''both'' is deleted from the phrase ''is both needed for.'' The words ''an on-going'' are being deleted immediately following the words ''adjacent to.'' The words ''obtained before August 3, 1977'' are being deleted at the end of the sentence, and those words are being replaced by the following words:

And other authorizations had been obtained, or a good faith attempt to obtain all permits and authorizations had been made before the land came under the protection of Environment Article § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter.

As amended, COMAR 26.20.10.01.B(7)(a)(ii) provides as follows:

(ii) The person proposing to conduct surface coal mining operations on the land had obtained all permits and other authorizations required to conduct surface coal mining operations or had made a good faith effort to obtain all necessary permits and authorizations to conduct the operations

on the land before the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter and at a minimum had submitted an application for any permit required under this subtitle, or can demonstrate to the Bureau that the land is needed for and immediately adjacent to a surface coal mining operation for which all permits were and other authorizations had been obtained, or a good faith attempt to obtain all permits and authorizations had been made before the land came under the protection of Environment Article § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter.

Subparagraph (7)(b)(i) is being amended by adding the word ''properly'' between the word ''A'' and the word ''recorded'' at the beginning of the sentence. The word ''recorded'' immediately before the word ''easement'' is deleted and is replaced by the word ''or.'' The words ''or a permit,'' ''coal haul,'' and ''recorded as of August 3, 1977; or'' are deleted following the word ''easement.'' New language is added at the end of this provision. As amended, Subparagraph (7)(b)(ii) provides as follows:

(i) A properly recorded right-of-way or easement for a road in that location existed when the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter, and under the document creating the right-of-way or easement, and under subsequent conveyances, the person has a legal right to use or construct a road across the right-of-way or easement for surface coal mining operations;

Subparagraph (7)(b)(ii) is being amended by deleting the words ''other'' and ''as of August 3, 1977,'' and adding new language. As amended, Subparagraph (7)(b)(ii) provides as follows:

(ii) Any road in existence when the land upon which it is located came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter, and the person has a legal right to use the road for surface coal mining operations;

Subparagraphs (7)(b)(iii) and (iv) are new and provide as follows:

(iii) A valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter; or

(iv) Valid existing rights exist under Section B(7)(a) of this regulation.

2. COMAR 26.20.10.01–1 Demonstration Standards

This provision is new and provides as follows:

.01–1 Demonstration Standards

A. In order to meet the needed for and adjacent standard in Regulation .01B(7)(a)(ii) of this regulation a person shall demonstrate that prohibiting expansion of the surface coal mining operation onto land under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter would unfairly impact the viability of the operation as originally planned before the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter. Except for operations in existence before August 3, 1977, or for which a good faith effort to obtain all necessary permits had been made before August 3, 1977, this standard does not apply to lands already under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter when the Bureau approved the permit for the original operation or when the good faith effort to obtain all necessary permits for the original operation was made.

B. In evaluating whether a person meets the standard in § A of this regulation, the Bureau may consider factors such as:

(1) The extent to which the coal supply contracts or other legal and business commitments that predate the time the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter depend upon use of that land for surface coal mining operations;

(2) The extent to which plans used to obtain financing for the operation before the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter rely upon the use of that land for surface coal mining operations;

(3) The extent to which investments in the operation before the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter rely upon the use of that land for surface coal mining operations; or

(4) Whether the land lies within the areas identified on the map required under COMAR 26.20.02.10A(6) before the land came under the protection of Regulation .02 of this chapter.

3. COMAR 26.20.10.02 Prohibition

The introductory paragraph to this provision is amended by adding the words ''as determined under Regulation .07 of this chapter, or an exception for existing operation under Regulation .04 of this chapter'' immediately after the words ''valid existing rights.'' In addition, the words ''after August 3, 1977'' and ''unless those operations were being conducted on August 3, 1977'' are deleted. As amended, the introductory paragraph to this provision provides as follows:

Subject to valid existing rights, as determined under Regulation .07 of this chapter, or an exception for existing operations under Regulation .04 of this chapter, surface coal mining operations may not be conducted on any of the following lands.

Subparagraph 26.20.10.02.C.(1) is amended by deleting the words ''join this'' and replacing those words with the words ''are located within the.'' Also, the words ''in order to join the public road'' are added immediately following the words ''right-of-way line.'' As amended, Subparagraph 26.20.10.02.C.(1) provides as follows:

(1) Where mine access roads or haulage roads are located within the right-of-way line in order to join the public road, or

Subparagraph 26.20.10.02.C.(2) is amended by adding the word ''closed'' immediately following the word ''relocated.''

4. COMAR 26.20.10.03 Determination of Limits and Prohibitions

Subparagraph 26.20.10.03.A. is amended by adding the words ''application for a'' immediately following the word ''complete.'' In addition, the word ''application'' is deleted immediately following the word ''permit'' and the words ''for a surface coal mining operation or for a revision of the boundaries of a surface coal mining operation permit'' are added in place of the deleted word. Also, the words ''review the application to'' are added immediately following the words ''the Bureau shall.'' As amended, Subparagraph 26.20.10.03.A. provides as follows:

A. Upon receipt of a complete application for a permit for a surface coal mining operation or for a revision of the boundaries of a surface coal mining operation permit, the Bureau shall review the application to determine whether the proposed surface coal mining operations are limited or prohibited under this chapter.

Subparagraph 26.20.10.03.B. is amended by adding the words ''any portion of'' immediately following the words ''Bureau shall reject.'' In addition, the words ''if the applicant has no valid existing rights for the area, or if the operation did not exist on August 3, 1977'' are deleted and replaced by new language. As amended, Subparagraph 26.20.10.03.B. provides as follows:

B. If the proposed operation is to be located on any lands where surface coal mining is prohibited, the Bureau shall reject any portion of the application that would locate surface coal mining operations on land protected under Regulation .02 of this chapter unless:

(1) The site qualifies for an exception for existing operations under Regulation .04 of this chapter;

(2) The applicant has valid existing rights for the land as determined under Regulation .07 of this chapter;

(3) The applicant obtains a waiver or exception from the prohibitions of Regulation .02C, D, and E of this chapter in accordance with § D, E, and F of this regulation; or

(4) For land protected by Regulation .02B of this chapter, both the Bureau and the agency with jurisdiction over the park or place jointly approve the proposed operation in accordance with § H of this regulation.

Subparagraph 26.20.10.03.C. is amended by revising the following regulation citations: ''.02E and F'' is changed to ''.02F and G.''

Subparagraph 26.20.10.03.D(2) is amended by adding the words ''or close'' immediately following the words ''would relocate.'' In addition, the words ''and provide a public comment period and opportunity to request a public hearing'' are added at the end of this provision. As amended, Subparagraph 26.20.10.03.D(2) provides as follows:

(2) Shall require the applicant to specifically advertise that the proposed surface mining operation would relocate, or close a public road or would be conducted within 100 feet of the right-of-way of a public road; and provide a public comment period and opportunity to request a public hearing;

Subparagraph 26.20.10.03.H. is amended by deleting the word ''public'' immediately following the words ''adversely affect any'' and adding in its place, the words ''publicly owned.'' In addition, the words ''publicly owned'' are deleted immediately before the words ''places included on.''

5. COMAR 26.20.10.04 Exception for Existing Operations

This provision is new and provides as follows:

.04 Exception for Existing Operations

The prohibitions and limitations of Regulation .02 of this chapter do not apply to surface coal mining operations for which a permit issued by the Bureau under the Regulatory Program exists when the land comes under the protection of Regulation .02 of this chapter. This exception only applies to lands within the permit area as it exists when the land comes under the protection of Regulation .02 of this chapter.

6. COMAR 26.20.10.05 Submission of Valid Existing Rights Determination

This provision is new and provides as follows:

.05 Submission of Valid Existing Rights Determination

A. A person that intends to conduct surface coal mining operations on the basis of valid existing rights under Regulation .02 of this chapter shall submit a request for a valid existing rights determination to the Bureau. This request may be submitted before preparing and submitting an application for a permit for the land.

B. A request for a valid existing rights determination that relies on the good faith/all permits standard or the needed for and adjacent standard in Regulation .01B(7)(a)(ii) of this chapter shall provide a property rights demonstration. The demonstration shall include:

(1) A legal description of the land to which the request pertains;

(2) Complete documentation of the character and extent of the requestor's current interests in the surface and mineral estates of the land to which the request pertains;

(3) A complete chain of title for the surface and mineral estates of the land to which the request pertains;

(4) A description of the nature and effect of each title instrument that forms the basis of the request, including any provision pertaining to the type or method of mining or mining-related surface disturbances and facilities;

(5) A description of the type and extent of surface coal mining operations that the requestor claims the right to conduct, including the method of mining, any mining-related surface activities and facilities and an explanation of how these operations would be consistent with State property law;

(6) Complete documentation of the nature and ownership, as of the date that the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter, of all property rights for the surface and mineral estates of the land to which the request pertains;

(7) Names and addresses of the current owners of the surface and mineral estates of the land to which the request pertains;

(8) Documentation that, if the coal interests have been severed from other property interests, that the owners of other property interests in the land to which the request pertains have been notified and provided an opportunity to comment on the validity of the property rights claimed in the request within 30 days of the notice; and

(9) Any comments received in response to the notification required by paragraph (8) of this section.

C. A request for a valid existing rights determination that relies on the good faith/all permits standard in Regulation .01B(7)(a)(ii) of this chapter shall contain:

(1) All of the information required by § B of this regulation;

(2) Approval and issuance dates and identification numbers for any permits, licenses, and authorizations that were obtained before the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter;

(3) Application dates and identification numbers for any permits, licenses, and authorizations for which applications were submitted before the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter; and

(4) An explanation of any other good faith effort made to obtain the necessary permits, licenses, and authorizations as of the date that the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter.

D. A request for a valid existing rights determination that relies upon the needed for and adjacent standard in Regulation .01B(7)(a)(ii) of this chapter shall contain:

(1) All of the information required by § B of this regulation; and

(2) An explanation of how and why the land is needed for and immediately adjacent to the operation upon which the request is based, including the demonstration required by Regulation .01–1 of this chapter that prohibiting expansion of the operation onto the land would unfairly impact the viability of the operation as originally planned before the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter.

E. A request for a valid existing rights determination that relies upon one of the standards for roads in Regulation .01B(7)(b) of this chapter shall contain satisfactory documentation that:

(1) The road existed when the land on which it is located came under the protection of Environment Article, § 15–505(b)(2) or Regulation .02 of this chapter and the requestor has a legal right to use the road for surface coal mining operations;

(2) A properly recorded right of way or easement for a road in that location existed when the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter and under the document creating the right of way or easement and under any subsequent conveyances the requestor has a legal right to use or construct a road across that right of way or easement to conduct surface coal mining operations; or

(3) A valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter.

7. COMAR 26.20.10.06 Review of Valid Existing Rights Request

This provision is new and provides as follows:

.06 Review of Valid Existing Rights Request

A. Upon receipt of a request for a valid existing rights determination, the Bureau shall complete an initial review to determine if the request includes all applicable requirements of Regulation .05 of this chapter. If the request does not include all of the applicable information, the Bureau shall return the request with notification of the missing information.

B. If the request is not returned to the Bureau within 30 days after receipt of the notification in § A of this regulation, the Bureau shall issue a determination that valid existing rights has not been demonstrated in accordance with Regulation .07 of this chapter.

C. When the Bureau determines that a request for a valid existing rights determination is complete, the Bureau shall:

(1) Notify the requestor, in writing, that the application is complete and require the requestor to publish the notice required by § D of this regulation; and

(2) Provide a copy of the notice required by § C(1) to:

(a) The Bureau of Mines,

(b) All reasonably locatable owners of surface and mineral estates in the land included in the request, and

(c) The owner of the feature causing the land to come under the protection of Regulation .02 of this chapter, and when applicable, the agency with primary jurisdiction over the feature with respect to the values causing the land to come under the protection of Regulation .02 of this chapter.

D. Upon receipt of the Bureau notification that the request is complete, the requestor shall cause a notice to appear in a newspaper of general circulation in the county in which the land is located. The notice shall contain:

(1) A heading of ''Notice of Request for Valid Existing Rights Determination';

(2) The name and address of the requestor;

(3) The location of the land to which the request pertains;

(4) A description of the type of surface coal mining operations planned;

(5) A reference to and brief description of the applicable standard(s) under the definition of valid existing rights in Regulation .01B(7) of this chapter that contains the information required by § E of this regulation;

(6) A statement that the Bureau will not make a decision on the merits of the request if, by the close of the comment period of the notice, a person with a legal interest in the land initiates appropriate legal action to resolve any differences concerning the validity or interpretation of the deed, lease, easement, or other documents that form the basis of the claim for valid existing rights if the request relies upon one or more of the standards in Regulation .01B(7)(a)(ii) and .01B(7)(b)(i)and (ii) of this chapter;

(7) A description of the procedures the Bureau will follow in processing the request;

(8) The closing date of a comment period that is a minimum of 30 days after publication of the notice;

(9) A statement that interested persons may obtain a 30 day extension of the comment period upon written request to the Bureau; and

(10) The name and address of the Bureau office where a copy of the request is available for public inspection and where comments and requests for extension of the comment period may be sent.

E. The reference and description required by § D(5) of this regulation shall include a:

(1) Description of the property rights claimed and the basis for the claim if the request relies upon the good faith/all permits standard or the needed for and adjacent standard in Regulation .01B(7)(a)(ii) of this regulation;

(2) Description of the basis for the claim that the road existed when the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter and that a legal right exists to use the road for surface coal mining operations if the request relies upon the standard in Regulation .01B(7)(b)(ii) of this chapter; or

(3) Description of the basis for the claim that a properly recorded right of way or easement for a road in that location existed when the land came under the protection of Environment Article, § 15–505(b)(2), Annotated Code of Maryland or Regulation .02 of this chapter and under the document creating the right of way or easement and under any subsequent conveyances a legal right exists to use or construct a road across the right of way or easement to conduct surface coal mining operations, if the request relies upon the standard in Regulation .01B(7)(b)(i) of this regulation.

F. The notice required by § C(2) of this regulation shall provide a 30 day comment period starting from the date of service and specify that an additional 30 days is available upon written request. The Bureau may grant additional time for good cause upon request and may not necessarily consider comments received after the closing date of the comment period.

8. COMAR 26.20.10.07 Decision on Valid Existing Rights

This provision is new and provides as follows:

.07 Decision on Valid Existing Rights

A. The Bureau shall review the information submitted under Regulation .05 of this chapter, the comments received under Regulation .06 of this chapter, and any other reasonably available information to determine whether the record is sufficiently complete and adequate to support a decision on the merits of the request for valid existing rights. The Bureau shall notify the applicant, in writing, if it determines the record is inadequate providing an explanation of the inadequacy and requesting the submittal of additional information that is necessary to complete the record. The request shall require the requested information to be submitted within 30 days from receipt of the request.

B. When the record is complete and adequate, the Bureau shall determine whether the request submitted under Regulation .05 of this chapter has demonstrated valid existing rights. The Bureau's decision shall be in writing and contain findings of fact and conclusions sufficient to justify the decision.

C. The Bureau shall issue a determination that valid existing rights has not been demonstrated if the property rights claims are the subject of pending litigation in a court or administrative body with jurisdiction over the property rights in question. The determination shall be made without prejudice. The request may be refilled when the property rights dispute is finally adjudicated. The section only applies to legal action that is initiated as of the closing date of the comment period under Regulation .06D and F of this chapter.

D. If the record of the request indicates disagreement as to the accuracy of the property rights claims, but is not the subject of any pending litigation, the Bureau shall evaluate the merits of the information in the record and determine whether a demonstration of valid existing rights has been made. The Bureau shall issue a decision in accordance with § B of this regulation.

E. The Bureau shall issue a determination that valid existing rights have not been demonstrated if any of the information requested under § A of this regulation is not submitted within 30 days from receipt of the request. This determination is made without prejudice and a revised request may be refiled at any time.

F. After making a determination under this regulation, the Bureau shall:

(1) Require the person requesting the determination to publish notice in a newspaper of general circulation in the county in which the land is located and provide a copy of the published notice to the Bureau; and

(2) Provide a copy of the determination and an explanation of appeal rights to:

(a) The person requesting the determination;

(b) The owner or owners of the land to which the determination applies;

(c) The owners of the feature causing the land to come under the protection of Regulation .01B(7) of this chapter; and

(d) When applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of Regulation .01B(7) of this chapter.

G. A determination by the Bureau on valid existing rights is subject to administrative and judicial review under COMAR 26.20.06.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Maryland program.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We may not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (*see* **DATES**). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Appalachian Regional Coordinating Center may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII, Word file avoiding the use of special characters and any form of encryption. Please also include ''Attn:

SATS NO. MD–054–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Appalachian Regional Coordinating Center at (412) 937–2153.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. (local time), on August 3, 2004. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT.** We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES.** We will make a written summary of each meeting a part of the Administrative Record.

IV. 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. 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 exempt from review by the Office of Management and Budget 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. The basis for this determination in our decision is on a State regulatory program and does not involve a Federal regulation involving Indian lands.

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 analysis performed under various laws and executive orders for the counterpart Federal regulations.

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 analysis performed under various laws and executive orders for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 27, 2004.

Brent Wahlquist,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 04–16285 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[Docket No. TX–053–FOR]

Texas Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Texas proposes revisions to its regulations regarding annual permit fees. Texas intends to revise its program to improve operational efficiency.

This document gives the times and locations that the Texas program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., c.d.t., August 18, 2004. If requested, we will hold a public hearing on the amendment on August 13, 2004. We will accept requests to speak at a hearing until 4 p.m., c.d.t. on August 3, 2004.

ADDRESSES: You may submit comments, identified by Docket No. TX–053–FOR, by any of the following methods:

- E-mail: *mwolfrom@osmre.gov.* Include ''Docket No. TX–053–FOR'' in the subject line of the message.
- Mail/Hand Delivery: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6547.
- Fax: (918) 581–6419.
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Texas program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office. Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6547, Telephone: (918) 581–6430, E-mail: *mwolfrom@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location: Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, Capitol Station, P.O. Box 12967, Austin, Texas 78711–2967, Telephone (512) 463–6900.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581–6430. E-mail: *mwolfrom@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Texas 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 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 Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program in the February 27, 1980, **Federal Register** (45 FR 12998). You can also find later actions concerning the Texas program and program amendments at 30 CFR 943.10, 943.15 and 943.16.

II. Description of the Proposed Amendment

By letter dated June 4, 2004 (Administrative Record No. TX–658), Texas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Texas sent the amendment that revises the Railroad Commission of Texas' (Commission) rules at its own initiative. Below is the full text of the proposed revised regulation.

Section 12.108 Permit Fees

(a) Each application for a surface coal mining and reclamation permit or

renewal or revision of a permit shall be accompanied by a fee. The initial application fee and the application fee for renewal of a permit may be paid in equal annual installments during the term of the permit. The fee schedule is as follows:

(1) Application for a permit: $5,000.

(2) Application for revision of a permit: $500.

(3) Application for renewal of a permit: $3,000.

(b) In addition to application fees required by this section, each permittee shall pay to the Commission an annual fee in the amount of $390 for each acre of land within the permit area on which the permittee actually conducted operations for the removal of coal and lignite during the calendar year. The total amount of this fee is due and payable not later than March 15th of the year following the year of removal operations. For calendar year 2004 only, the annual fee shall be calculated as follows: for each acre of land on which the permittee actually conducted operations for the removal of coal and lignite during the period January 1, 2004 through August 31, 2004, the permittee shall pay to the Commission an annual fee of $300 per acre. For each acre of land on which the permittee actually conducted operations for the removal of coal and lignite during the period September 1, 2004, through December 31, 2004, the permittee shall pay to the Commission an annual fee of $390 per acre.

(c) Fees paid to the Commission under this section shall be deposited in the State treasury and credited to the general revenue fund.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (see **DATES**). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Tulsa Field Office may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII or Word file avoiding the use of special characters and any form of encryption. Please also include ''Docket No. TX–053–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Tulsa Field Office at (918) 581–6430.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., c.d.t. on August 3, 2004. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

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 Texas program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Texas 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 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 17, 2004.

Charles E. Sandberg,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 04–16283 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 04–007]

RIN 1625–AA87

Security Zone; Suisun Bay, Concord, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish fixed security zones in the navigable waters of the United States around each of the three piers at the Military Ocean Terminal Concord (MOTCO), California (formerly United States Naval Weapons Center Concord, California), any combination of which would be enforced by the Captain of the Port (COTP) San Francisco Bay during the onloading or offloading of military equipment and ordnance, depending on which pier, or piers, are being used. In light of recent terrorist actions against the United States, these proposed security zones are necessary to ensure the safe onloading and offloading of military equipment and to ensure the safety of the public from potential subversive acts. The proposed security zones would prohibit all persons and vessels from entering, transiting through or anchoring within portions of the Suisun Bay within 500 yards of any MOTCO pier, or piers, where military onload or offload operations are taking place, unless authorized by the COTP or his designated representative.

DATES: Comments and related material must reach the Coast Guard on or before September 17, 2004.

ADDRESSES: You may mail comments and related material to the Waterways Management Branch, U.S. Coast Guard Marine Safety Office San Francisco Bay, Coast Guard Island, Alameda, California 94501. The Waterways Management Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Waterways Management Branch between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Doug Ebbers, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–3073.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (04–007), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know that your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Waterways Management Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a separate notice in the **Federal Register**.

Background and Purpose

Since the September 11, 2001 terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, Virginia and Flight 93, the Federal Bureau of Investigation (FBI) has issued several warnings concerning the potential for additional terrorist attacks within the United States. In addition, the ongoing hostilities in Afghanistan and Iraq have made it prudent for U.S. ports to be on a higher state of alert because Al-Qaeda and other organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide.

The threat of maritime attacks is real as evidenced by the attack on the USS Cole and the subsequent attack in October 2002 against a tank vessel off the coast of Yemen. These threats manifest a continuing threat to U.S. assets as described in the President's finding in Executive Order 13273 of August 21, 2002 (67 FR 56215, September 3, 2002) that the security of the U.S. is endangered by the September 11, 2001 attacks and that such aggression continues to endanger the international relations of the United States. See also Continuation of the National Emergency with Respect to Certain Terrorist Attacks (67 FR 58317, September 13, 2002), and Continuation of the National Emergency with Respect to Persons Who Commit, Threaten To Commit, Or Support Terrorism (67 FR 59447, September 20, 2002). The U.S. Maritime Administration (MARAD) in Advisory 02–07 advised U.S. shipping interests to maintain a heightened status of alert against possible terrorist attacks. MARAD more recently issued Advisory 03–05 informing operators of maritime interests of increased threat possibilities to vessels and facilities and a higher risk of terrorist attack to the transportation community in the United States. The ongoing foreign hostilities have made it prudent for U.S. ports and waterways to be on a higher state of alert because the Al-Qaeda organization and other similar organizations have declared and ongoing intention to conduct armed attacks on U.S. interests worldwide.

In its effort to thwart terrorist activity, the Coast Guard has increased safety and security measures on U.S. ports and waterways. As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99–399), Congress amended section 7 of the Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1226, to allow the Coast Guard to take actions, including the establishment of security and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. The Coast Guard also has authority to establish security zones pursuant to the Act of June 15, 1917, as amended by the Magnuson Act of August 9, 1950 (50 U.S.C. 191 *et seq.*) and implementing regulations promulgated by the President in subparts 6.01 and 6.04 of part 6 of title 33 of the Code of Federal Regulations.

In this particular proposed rulemaking, to address the aforementioned security concerns and to take steps to prevent the catastrophic impact that a terrorist attack against the MOTCO facility would have on the public, we propose to establish three security zones in the navigable waters of the United States within 500 yards of any MOTCO pier, or piers, where military onload or offload operations are taking place to safeguard vessels, cargo and crew. These proposed security zones are necessary to safeguard the MOTCO terminal and the surrounding property from sabotage or other subversive acts, accidents or criminal acts. These zones are also necessary to protect military operations from compromise and interference and to specifically protect the people, ports, waterways, and properties of the Port Chicago and Suisun Bay areas. Due to heightened security concerns and the catastrophic impact a terrorist attack on this facility would have on the public, environment, transportation system, surrounding areas, and nearby communities, establishing security zones is a prudent and necessary action for this facility.

Previously, for each military operation at MOTCO, a temporary final rule would be written and published to establish a temporary security zone around the entire MOTCO facility, and the maritime public would be advised of the security zone using a Broadcast Notice to Mariners (BNM). In this rulemaking, we propose to create three smaller security zones that would surround only the pier, or piers, being used for a military onload or offload. This would accomplish the same goal of providing additional security for the facility during military operations, and would continue the practice of notifying mariners of the security zone(s), but would remove the need to publish a temporary final rule in the **Federal Register** each time an operation occurs. This proposed rule would add § 165.1199, Security Zones; Suisun Bay, Concord, California, to Title 33 of the Code of Federal Regulations.

Discussion of Proposed Rule

The Coast Guard proposes to establish fixed security zones encompassing the navigable waters, extending from the surface to the sea floor, within 500 yards around each of the three MOTCO piers, any combination of which would be enforced by the COTP during the onloading or offloading of military equipment and ordnance, depending on which pier, or piers, are being used. There are three existing piers at the MOTCO facility. Originally there were four piers, numbered One through Four from east to west, but Pier One was destroyed in an explosion in 1944. Therefore, Pier Two is now the easternmost pier. The proposed 500-yard security zone around Pier Two would encompass portions of both the Roe Island Channel and the Port Chicago Reach sections of the deepwater channel. The proposed 500-yard security zone around Pier Three would encompass a small portion of the Roe Island Channel and most of the Port Chicago Reach section of the deepwater channel. The proposed 500-yard security zone around Pier Four would encompass portions of both the Port Chicago Reach and the Middle Ground West Reach sections of the deepwater channel. If more than one pier is involved in onload or offload operations at the same time, the proposed security zone for each of the piers being used would be enforced.

Prior to the commencement of a military onload or offload, the COTP San Francisco Bay will cause notification of enforcement of the security zone(s) to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including, but not limited to, issuing a Local Notice to Mariners and a Broadcast Notice to Mariners. In addition, Coast Guard Group San Francisco Bay maintains a telephone line that is maintained 24 hours a day, 7 days a week. The public can contact Group San Francisco Bay at (415) 399–3530 to obtain information concerning enforcement of this rule. By the same means, the COTP will also cause notice of the suspension of enforcement of the security zone(s) in this rule to be made. Upon notice of suspension of enforcement, all persons and vessels are granted general permissions to enter, move within and exit the security zone(s).

In addition to restricting access to the pier, or piers, where military operations are taking place, each of these proposed security zones would provide necessary standoff distance for blast and collision, surveillance and detection perimeter, and a margin of response time for security personnel. This proposed rule, for security reasons, would prohibit entry of any vessel or person inside any of the security zones without specific authorization from the Captain of the Port or his designated representative.

Vessels or persons violating this section would be subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192. Pursuant to 33 U.S.C. 1232, any violation of the security zones described herein, is punishable by civil penalties (not to exceed $32,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment up to 6 years and a maximum fine of $250,000) and in rem liability against the offending vessel. Any person who violates this section using a dangerous weapon, or who engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce this regulation also faces imprisonment up to 12 years. Vessels or persons violating this section are also subject to the penalties set forth in 50 U.S.C. 192: Seizure and forfeiture of the vessel to the United States, a maximum criminal fine of $10,000, and imprisonment up to 10 years.

The Captain of the Port would enforce these proposed zones and may enlist the aid and cooperation of any Federal, State, county, municipal, and private agency to assist in the enforcement of the regulation. This regulation is proposed under the authority of 33 U.S.C. 1226 in addition to the authority contained in 50 U.S.C. 191 and 33 U.S.C. 1231.

Regulatory Evaluation

This proposed 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 proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this proposed rule restricts access to the waters encompassed by the security zones, the effect of this proposed rule would not be significant because: (i) The zones would encompass only small portions of the waterway; (ii) smaller vessels would be able to pass safely around the zones; and (iii) larger vessels may be allowed to enter these zones on a case-by-case basis with permission of the Captain of the Port or his designated representative.

The sizes of the proposed zones are the minimum necessary to provide adequate protection for MOTCO, vessels engaged in operations at MOTCO, their crews, other vessels operating in the vicinity, and the public. The entities most likely to be affected are commercial vessels transiting to or from Suisun Bay via the Port Chicago Reach section of the channel and pleasure craft engaged in recreational activities and sightseeing.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule may affect the following entities, some of which may be small entities: The owners and operators of vessels intending to anchor or transit to or from Suisun Bay via the Port Chicago Reach section of the channel, and owners and operators of private vessels intending to fish or sightsee near the MOTCO facility.

The proposed security zones would not have a significant economic impact on a substantial number of small entities for several reasons: (i) Although the security zones would occupy sections of the navigable channel adjacent to the Marine Ocean Terminal Concord (MOTCO), vessels may receive authorization to transit through the zones by the Captain of the Port or his designated representative on a case-by-case basis, (ii) small vessel traffic would be able to pass safely around the area, and (iii) vessels engaged in recreational activities, sightseeing and commercial fishing would have ample space outside of the security zones to engage in these activities. Small entities and the maritime public would be advised of these security zones via public notice to mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed 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 proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Doug Ebbers, Waterways Management Branch, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–3073.

Collection of Information

This proposed 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

Taking of Private Property

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed 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 proposed rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because it would establish security zones.

A draft ''Environmental Analysis Check List'' and a draft ''Categorical Exclusion Determination'' (CED) will be available in the docket where indicated under **ADDRESSES.** Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

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 proposes to amend 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. Add § 165.1199, to read as follows:

§ 165.1199 Security Zones; Military Ocean Terminal Concord (MOTCO), Concord, California.

(a) *Location.* The security zones encompass the navigable waters of Suisun Bay, California, extending from the surface to the sea floor, within 500 yards of the three Military Ocean Terminal Concord (MOTCO) piers in Concord, California. When enforced, the zones will be marked by lighted buoys.

(b) *Regulations.* (1) The Captain of the Port (COTP) San Francisco Bay will enforce the security zone(s) established by this section during military onload or offload operations only upon notice. Upon notice of enforcement by the COTP, entering, transiting through or anchoring in the zone(s) is prohibited unless authorized by the COTP or his designated representative. Upon notice of suspension of enforcement by the COTP, all persons and vessels are granted general permissions to enter, transit, and exit the security zone(s).

(2) If more than 1 pier is involved in onload or offload operations at the same time, the 500-yard security zone for each involved pier will be enforced.

(3) Persons desiring to transit the area of a security zone may contact the Patrol Commander on scene on VHF–FM channel 13 or 16 or the COTP at telephone number 415–399–3547 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the COTP or his designated representative.

(c) *Enforcement.* All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zones by local law enforcement and the MOTCO police as necessary. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel must proceed as directed.

(d) *Notice of enforcement or suspension of enforcement of security zone(s).* The COTP will cause notice of the enforcement of the security zone(s) to be made by all appropriate means to effect the widest publicity among the affected segments of the public including, but not limited to, issuing a Local Notice to Mariners and a Broadcast Notice to Mariners. The COTP will also issue a Local Notice to Mariners and Broadcast Notice to Mariners to notify the public when enforcement of the security zone(s) is suspended.

Dated: July 6, 2004.

Gerald M. Swanson,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay, California.

[FR Doc. 04–16247 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[OAR–2004–0084; FRL–7788–8]

List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List; Petition To Delist Methyl Isobutyl Ketone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of a complete petition to delist methyl isobutyl ketone from the list of hazardous air pollutants.

SUMMARY: The EPA is announcing the receipt of a complete petition from the Ketones Panel of the American Chemistry Council (ACC) (formerly the Chemical Manufacturers Association) requesting EPA to remove the chemical methyl isobutyl ketone (MIBK) (hexone) (Chemical Abstract Service No. 108101) from the list of hazardous air pollutants (HAP) contained in section 112(b)(1) of the 1990 Clean Air Act (CAA). We have determined that the ACC's original petition dated April 22, 1997, and the addenda provided by the ACC through October 17, 2003, will support an assessment of the human health impacts associated with people living in the vicinity of facilities emitting MIBK. In addition, the data submitted by the ACC will support an assessment of the environmental impacts associated with emissions of MIBK to the ambient air and deposited onto soil or water. Consequently, we have concluded that ACC's petition is complete as of October 17, 2003, the date of the last addendum, and is ready for public comment and the technical review phase of our delisting procedure.

The EPA invites the public to comment on the petition and to provide additional data, beyond that filed in the petition, on sources, emissions, exposure, health effects and environmental impacts associated with MIBK that may be relevant to our technical review.

DATES: Written comments must be received on or before August 18, 2004.

ADDRESSES: Submit your comments, identified by Docket ID No. OAR–2004–0084, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- Agency Website: *http://www.epa.gov/edocket*. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.
- Mail: Air and Radiation Docket and Information Center (Mail Code 6102T), Room B108, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- Hand Delivery: Air and Radiation Docket and Information Center (Mail Code 6102T), Room B102, U.S. EPA, 1301 Constitution Avenue, NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. OAR–2004–0084. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.epa.gov/edocket*, 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 EDOCKET, regulations.gov, or e-mail. The EPA EDOCKET and the federal regulations.gov websites are ''anonymous access'' systems, 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 EDOCKET or 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. For additional instructions on submitting comments, go to the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket*. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Morris, Office of Air Quality Planning and Standards, Emission Standards Division (Mailcode C404–01), U.S. EPA, 109 TW Alexander Drive, Research Triangle Park, NC 27711; telephone number: (919) 541–5416; fax number: (919) 541–0840; e-mail address: *morris.mark@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

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

1. *Submitting CBI.* Do not submit this information to EPA through EDOCKET, 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 CFR part 2.

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

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

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

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

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

II. Petitions To Delist a Hazardous Air Pollutant

A. What Is the List of Hazardous Air Pollutants?

The list of HAP includes a wide variety of organic and inorganic substances released from large and small industrial operations, fossil fuel combustion, gasoline and diesel-powered vehicles, and many other sources. The HAP have been associated with a wide variety of adverse health effects, including cancer, neurological effects, reproductive effects, and developmental effects. The health effects associated with the various HAP may differ depending upon the toxicity of the individual HAP and the particular circumstances of exposure, such as the amount of chemical present, the length of time a person is exposed, and the stage in life of the person when the exposure occurs. The list of HAP, which includes MIBK, can be found in section 112(b)(1) of the CAA. The HAP list provides the basis for research, regulation, and other related EPA activities under the CAA.

B. What Is a Delisting Petition?

A delisting petition is a formal request to EPA from an individual or group to remove a specific HAP from the HAP list. The removal of a HAP from the list eliminates it from consideration in EPA's program to promulgate national, technology-based emissions control standards. This technology-based standards program is commonly referred to as the Maximum Achievable Control Technology (MACT) program.

Petitions to add or delete chemicals from the HAP list are allowed under section 112(b)(3)(A) of the CAA. The CAA specifies that any person may petition the Administrator to modify, by addition or deletion, the list of HAP. The EPA Administrator is required under section 112(b)(3)(A) of the CAA to either grant or deny a petition to delist a specific HAP within 18 months of the receipt of a complete petition.

To delete a substance from the HAP list, CAA section 112(b)(3)(C) requires that the petitioner must provide adequate data on the health and environmental effects of the substance to determine that emissions, ambient concentrations, bio-accumulation or deposition of the substance may not reasonably be anticipated to cause any adverse effects to human health or adverse environmental effects.

C. How Does EPA Review a Petition To Delist a HAP?

The petition review process proceeds in two phases: A completeness determination and a technical review. During the completeness determination, we conduct a broad review of the petition to determine whether all of the necessary subject areas are addressed. In addition, we determine if adequate data, analyses, and evaluation are included for each subject area. Once the petition is determined to be complete, we place a notice of receipt of a complete petition in the **Federal Register**. That notice announces a public comment period on the petition and starts the technical review phase of our decision-making process. The technical review determines whether the petition has satisfied the necessary requirements and can support a decision to delist the HAP. All comments and data submitted during the public comment period are considered during the technical review.

D. How Is the Decision To Delist a HAP Made?

The decision to either grant or deny a petition is made after a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of section 112(b)(3)(C) of the CAA. If the Administrator decides to grant a petition, a proposal will be published in the **Federal Register** announcing that decision and the opportunity for public comment. That notice would propose a modification of the HAP list and present the reasoning for doing so. However, if the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial will be published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as provided in section 307(b) of the CAA.

III. Completeness Determination and Request for Public Comment

On April 22, 1997, we received a petition from the ACC's Ketones Panel to remove MIBK from the HAP list. Because of incomplete toxicological information on MIBK, discussions between EPA and the petitioner after the submittal led to a mutual agreement to suspend review of the petition to allow time for a two-generation reproductive study. That study was completed in 2000 and was reviewed as part of EPA's ''Toxicological Review of Methyl Isobutyl Ketone'' which was completed in March 2003 (EPA–635/R–03–002). After the publication of that document, the petitioner submitted an addendum on October 17, 2003, requesting that we evaluate the petition for completeness and grant the petition.

After reviewing the original petition and the two addenda, we have determined that all of the necessary subject areas for a human health and environmental risk assessment have been addressed. Therefore, the petition is complete and ready for technical review. The ACC's last addendum of October 17, 2003, marked the start of the 18-month technical review and decision period. Today's notice initiates our comprehensive technical review of the petition and invites public comment on the substance of the petition as described above.

IV. Description of Petition

The original petition and addenda provided by the ACC contain the following information:

• Identification and location of facilities producing or using MIBK.

• Background data on MIBK, including chemical and physical properties data and production and use data.

• Toxicological data on human health and environmental effects of MIBK.

• Estimated emissions of MIBK derived from the 2001 Toxic Release Inventory (TRI). The TRI is an emissions inventory database developed under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.

• Tiered air dispersion modeling that provides estimates of the ambient concentration of MIBK adjacent to those facilities that produce or use it. Tiered modeling involves the use of successive modeling techniques to move from conservative ''worst case'' estimates of the ambient concentrations of a substance emitted from a source toward more realistic site-specific estimates of the ambient concentrations.

• Characterization of the exposures and risks from MIBK to human health and the environment.

• Documentation of a literature search on MIBK conducted immediately prior to the filing of the petition. This includes an identification of the data bases searched, the search strategy, and printed results.

• Copies of relevant human, animal, in vitro, or other toxicity studies cited in the literature search.

• Environmental effects data characterizing the fate of MIBK emitted

to the atmosphere. This includes atmospheric residence time, solubility, phase distribution, vapor pressure, octanol/water partition coefficients, particle size, adsorption coefficients, information on atmospheric transformations, potential degradation or transformation products, and bio-accumulation potential.

• Other relevant considerations, such as ACC's petition to delist MIBK under EPCRA section 313.

• List of all support documents in the petition.

The petition lists three companies (Eastman Chemical, Shell Chemical, and Union Carbide) that produced 220 million pounds domestically in 1995. The petition describes MIBK as being both a solvent and chemical intermediate. When used as a solvent, it is highly efficient for dissolving a wide variety of resins. Therefore, it is widely used in surface coatings, adhesives, inks, and traffic marking paints. The MIBK is also used as a solvent in cleaning fluids and dewaxing agents, and in the extraction of fats, oils, waxes, and resins. It is used in the formulation of high-solids coatings which are being used to reduce emissions of volatile organic compounds (VOC) from many types of coatings. The MIBK is reported to occur naturally in plants and animals, and has been identified as a natural component of several foods.

According to the petition, based on the chemical and physical properties of MIBK, inhalation is the only significant route of human exposure to MIBK emissions. Using the most recent TRI data and some site-specific data as input in a tiered air dispersion modeling approach, the petition develops estimates of the maximum annual and 24-hour concentrations anticipated to occur at the boundaries of facilities known to emit MIBK. The petition compares modeling output to available health data to conclude that, given the low concentrations anticipated to occur at facility boundaries, MIBK cannot reasonably be anticipated to cause either acute or chronic adverse health effects to people living near these facilities.

The petition discusses the results of fugacity modeling that was performed to evaluate the fate of MIBK in air, water, soil and sediment. The results of the modeling indicate that the concentrations of MIBK in water, soil, and sediment are well below levels expected to pose hazards to human health or the environment.

Dated: July 12, 2004.

Robert D. Brenner,

Principal Deputy Assistant, Administrator for Air and Radiation.

[FR Doc. 04–16335 Filed 7–16–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–88, MM Docket No. 01–148, RM–10141]

Digital Television Broadcast Service and Television Broadcast Service; Campbellsville and Bardstown, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denied.

SUMMARY: The Commission, by this document, denies the petition for rulemaking filed by Louisville Communications, LLC, licensee of station WBKI(TV), proposing the reallottment of TV channel 34 and DTV channel 19 from Campbellsville to Bardstown, Kentucky. *See* 66 FR 37443, July 18, 2001. With this action, this proceeding is terminated.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–148, adopted June 21, 2004, and released July 9, 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. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.* This document is not subject to the Congressional Review Act. (The Commission is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because this proposed rule is denied.)

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–16371 Filed 7–16–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1734; MB Docket No. 04–237, RM–10996; MB Docket No. 04–238, RM–10997]

Radio Broadcasting Services; Gassville, AR and Nantucket, MA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes two new allotments in Gassville, Arkansas and Nantucket, Massachusetts. The Audio Division requests comment on a petition filed by Northwest Arkansas Broadcasting Company, LLC proposing the allotment of Channel 224A at Gassville, as the community's first local service. Channel 224A can be allotted to Gassville in compliance with the Commission's minimum distance separation requirements with a site restriction of .7 kilometers (.4 miles) north of Gassville. The reference coordinates for Channel 224A at Gassville, Arkansas are 36–17–22 North Latitude and 92–29–43 West Longitude. *See* **SUPPLEMENTARY INFORMATION**, *infra.*

DATES: Comments must be filed on or before August 19, 2004, and reply comments on or before September 3, 2004.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Scott A. Gray, Managing Member, Northwest Arkansas Broadcasting Company, LLC, 620 East 13th Street, Suite A, Texarkana, AR 71854, Paul B. Christensen, Esq., Law Offices of Paul B. Christensen, P.A., 3749 Southern Hills Drive, Jacksonville, Florida 32225.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 04–237, 04–238, adopted June 23, 2004 and released June 28, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW.,

Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160, or via e-mail *http://www.BCPIWEB.com.*

The Audio Division requests comments on a petition filed by Paul B. Christensen proposing the allotment of Channel 249A at Nantucket, Massachusetts, as the community's second FM commercial aural transmission service. Channel 249A can be allotted to Nantucket in compliance with the Commission's minimum distance separation requirements with a site restriction of .4 kilometers (.25 miles) north of Nantucket. The reference coordinates for Channel 249A at Nantucket are 41–17–12 North Latitude and 70–06–06 West Longitude.

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* contact.

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

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

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.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Gassville, Channel 224A.

3. Section 73.202(b), the Table of FM Allotments under Massachusetts, is amended by adding Channel 249A at Nantucket.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–16366 Filed 7–16–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–04–1729; MB Docket No. 04–239; RM–10998]

Radio Broadcasting Services; Portage and Stoughton, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Magnum Communications, Inc., licensee of Station WBKY(FM), Portage, Wisconsin proposing the reallotment of Channel 240A from Portage, Wisconsin to Stoughton, Wisconsin, as the community's first local transmission service, and the modification of the license for Station WBKY(FM) to reflect the changes. The coordinates for Channel 240A at Stoughton are 42–50–21 NL and 89–16–59 WL.

DATES: Comments must be filed on or before August 19, 2004, and reply comments on or before September 3, 2004.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel as follows: Denise B. Moline, Esq., PMB #215, 1212 S. Naper Blvd., #119, Naperville, Illinois, 60540.

FOR FURTHER INFORMATION CONTACT: Victoria McCauley, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 04–239, adopted June 23, 2004, and released June 28, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *www.BCPIWEB.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

Radio, Radio broadcasting.

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.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing Channel 240A at Portage and by adding Stoughton, Channel 240A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–16368 Filed 7–16–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1733; MB Docket No. 04–240; RM–10843]

Radio Broadcasting Services; Daytona Beach Shores, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Carmine Tutera requesting the allotment of Channel 258A at Daytona Beach Shores, Florida. The coordinates for Channel 258A at Daytona Beach Shores are 29–15–06 and 81–02–29. There is a site restriction 10.1 kilometers (6.3 miles) northwest of Daytona Beach Shores.

DATES: Comments must be filed on or before August 19, 2004, and reply comments on or before September 3, 2004.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC

20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Carmine Tutera, 1374 Stanfield Cove, Heathrow, Florida 32746.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–240, adopted June 23, 2004, and released June 28, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*.

Provisions of the Regulatory Flexibility Act of l980 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

Radio, Radio broadcasting.

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.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Daytona Beach Shores, Channel 258A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–16369 Filed 7–16–04; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 69, No. 137
Monday, July 19, 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

Agricultural Marketing Service

[Docket No. LS–04–08]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension of a currently approved information collection used to compile and generate the livestock and livestock product reports in accordance with the Livestock Mandatory Reporting Act of 1999 for the Livestock and Grain Market News Branch of the Livestock and Seed Program.

DATES: Comments on this notice must be received by September 17, 2004, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Comments may be mailed to Jimmy A. Beard; Assistant to the Chief, Livestock and Grain Market News Branch, Livestock and Seed Program, AMS, USDA, STOP 0252, Room 2619–S, 1400 Independence Avenue, SW., Washington, DC 20250–0252; phone (202) 720–8054; fax (202) 690–3732; or e-mailed to *marketnewscomments@usda.gov.* All comments received will be available for public inspection at this address during the hours of 8 a.m. to 4 p.m. Monday through Friday, and on the Internet at *http://www.ams.usda.gov/lsmnpubs.*

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

SUPPLEMENTARY INFORMATION:

Title: Livestock Mandatory Reporting Act of 1999.

OMB Number: 0581–0186.

Expiration Date of Approval: 10–31–2004.

Type of Request: Extension of a currently approved information collection.

Abstract: The Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635h–1636h) (Act) mandates the reporting of information on the prices and quantities of cattle, swine, lambs and products of such livestock. Regulations implementing the Act appear at 7 CFR part 59. The collection of information is necessary for the proper performance of the functions of AMS concerning the mandatory reporting of livestock information. The Livestock Mandatory Reporting program requires the submission of market information by packers who have annually slaughtered an average of 125,000 cattle or 100,000 swine over the most recent 5 calendar year period, or have annually slaughtered or processed an average of 75,000 lambs over the most recent 5 calendar year period. Importers who have annually imported an average of 5,000 metric tons of lamb meat products over the most recent 5 calendar year period are also subject to mandatory reporting requirements. The Act is intended to provide information on pricing, contracting for purchase and supply and demand conditions for livestock, livestock production and livestock products that can be readily understood by producers, packers and other market participants. In addition, each packer and importer required to report must maintain and make available upon request for 2 years, such records as are necessary to verify the accuracy of the information required to be reported. These records include original contracts, agreements, receipts, and other records associated with any transaction relating to the purchase, sale, pricing, transportation, delivery, weighing, slaughter, or carcass characteristics of all livestock. The electronic data files which the packers are required to utilize when submitting information to AMS will also have to be maintained as these files provide the best record of compliance. The recordkeeping burden includes the amount of time needed to store and maintain records. AMS estimates the annual cost per respondent for the storage of the electronic data files which were submitted to AMS in compliance with the reporting provisions of the Act to be $1,830.00. This estimate includes the cost of electronic data storage media, backup electronic data storage media, and backup software required to maintain an estimated annual electronic recordkeeping and backup burden of 42 megabytes, on average, per respondent. In addition, this estimate includes the cost per employee to maintain such records which is estimated to average 70 hours per year at $20.00 per hour for a total salary component cost of $1,400.00 per year.

The information collection requirements include the submission of the required information on a daily and weekly basis in the standard format provided in the following forms: (1) Live Cattle Daily Report (Current Established Prices), (2) Live Cattle Daily Report (Committed and Delivered Cattle), (3) Live Cattle Weekly Report (Forward Contract and Packer-Owned), (4) Live Cattle Weekly Report (Formula Purchases), (5) Cattle Premiums and Discounts Weekly Report, (6) Boxed Beef Daily Report, (7) Swine Prior Day Report, (8) Swine Daily Report, (9) Swine Noncarcass Merit Premium Weekly Report, (10) Live Lamb Daily Report (Current Established Prices), (11) Live Lamb Daily Report (Committed and Delivered Lambs), (12) Live Lamb Weekly Report (Forward Contract and Packer-Owned), (13) Live Lamb Weekly Report (Formula Purchases), (14) Lamb Premiums and Discounts Weekly Report, (15) Boxed Lamb Report, and (16) Lamb Carcass Report. Cattle packers will utilize six of these forms when reporting information to AMS including two for daily cattle reporting, three for weekly cattle reporting, and one for daily boxed beef cuts reporting. Swine packers will utilize three forms, two for daily reporting of swine purchases and one for weekly reporting of non-carcass merit premium information. Lamb packers will utilize seven of these forms when reporting information to AMS including two for daily lamb reporting, three for weekly lamb reporting, one for daily and weekly boxed lamb cuts reporting and one for daily and weekly lamb carcass reporting. Lamb importers will utilize one of these forms when reporting information to AMS for

reporting weekly imported boxed lamb cut purchases and sales.

These information collection requirements have been designed to minimize disruption to the normal business practices of the affected entities. Each form requires the minimal amount of information necessary to properly describe each reportable transaction, as required by the Act. The number of forms is a result of an attempt to reduce the complexity of each form.

Estimate of Burden: Public reporting burden for this collection of information is estimated at .18 hours per response.

Respondents: Packer processing plants required to report information to the Secretary.

Estimated Number of Respondents: 119.

Estimated Number of Responses per Respondent: 1,142.

Estimated Total Annual Burden on Respondents: 24,429 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: July 13, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04–16275 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–002–3]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of regulations that to allow us to pay indemnity for sheep, goats, and horses destroyed because of brucellosis.

DATES: We will consider all comments that we receive on or before September 17, 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. 00–002–3, 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. 00–002–3.
- 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. 00–002–3'' 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: For information regarding the domestic regulations to help prevent the spread of brucellosis, contact Dr. Debra A. Donch, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–6954. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Brucellosis in Sheep, Goats, Horses; Payment of Indemnity.

OMB Number: 0579–0185.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture regulates the importation and interstate movement of animals and animal products, and conducts various other activities to protect the health of our Nation's livestock and poultry.

Brucellosis is a contagious disease caused by bacteria of the genus *Brucella*. It affects both animals and humans. In its principal animal hosts, it causes loss of young through spontaneous abortion or birth of weak offspring, reduced milk production, and infertility. There is no economically feasible treatment for brucellosis in livestock. Brucellosis is mainly a disease of cattle, bison, and swine. *Brucella abortus* affects mainly bovines; *B. suis* affects mainly swine. Goats, sheep, and horses are also susceptible to *B. abortus*. In horses, the disease is known as fistulous withers. A third strain of *Brucella, B. melitensis*, affects mainly goats and sheep.

The regulations in 9 CFR part 51 include an indemnity program for sheep, goats, and horses that must be destroyed because of brucellosis. This indemnity program, which is similar to our indemnity program for cattle and bison, is voluntary and was designed to give producers an incentive to cooperate and assist our ongoing program to eradicate brucellosis in the United States.

The indemnity program for the voluntary depopulation of herds of goats, flocks of sheep, and mixed herds of goats and sheep affected with brucellosis and individual horses infected with brucellosis requires the use of a number of information collection activities, including the completion of indemnity claims, test records, and permits; the use of official seals and animal identification; and the submission of proof of destruction and requests for the extension of certain program-related deadlines.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the 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 our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.142857142 hours per response.

Respondents: Sheep, goat, and horse owners who may be eligible to participate in a brucellosis indemnity program; State and accredited veterinarians; and slaughter plant operators.

Estimated annual number of respondents: 4.

Estimated annual number of responses per respondent: 1.75.

Estimated annual number of responses: 7.

Estimated total annual burden on respondents: 1 hour. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 13th day of July 2004.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04–16279 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 04–062–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the black stem rust quarantine and regulations.

DATES: We will consider all comments that we receive on or before September 17, 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. 04–062–1, 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. 04–062–1.
- 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. 04–062–1'' 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: For information regarding regulations for the black stem rust quarantine and regulations, contact Mr. Vedpal S. Malik, Agriculturist, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale MD 20737; (301) 734–6774. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Black Stem Rust; Identification Requirements and Addition of Rust-Resistant Varieties.

OMB Number: 0579–0186.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (7 U.S.C. 7701–7772) authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, or interstate movement of plants and plant products to prevent the introduction of plant pests into the United States or their dissemination within the United States.

Black stem rust is one of the most destructive plant diseases of small grains that is known to exist in the United States. The disease is caused by a fungus that reduces the quality and yield of infected wheat, oat, barley, and rye crops by robbing host plants of food and water. In addition to infecting small grains, the fungus lives on a variety of alternate host plants that are species of the genera *Berberis*, *Mahoberberis*, and *Mahonia*. The fungus is spread from host to host by wind-borne spores.

The black stem rust quarantine and regulations, contained in 7 CFR 301.38 through 301.38–8 (referred to below as the regulations), quarantine the conterminous 48 States and the District of Columbia and govern the interstate movement of certain plants of the genera *Berberis*, *Mahoberberis*, and *Mahonia*, known as barberry plants. The species of these plants are categorized as either rust-resistant or rust-susceptible. Rust-resistant plants do not pose a risk of spreading black stem rust or of contributing to the development of new races of the rust; rust-susceptible plants do pose such risks.

Persons who request APHIS to add a variety to the list of rust-resistant barberry varieties in the regulations must provide the Agency with a description of the variety, including a written description and color pictures that can be used by State nursery inspectors to clearly identify the variety and distinguish it from other varieties. This requirement helps to ensure that State plant inspectors can clearly determine whether plants moving into or through their States are rust-resistant varieties listed in 7 CFR 301.38–2.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the 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 our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 4 hours per response.

Respondents: Nurseries.

Estimated annual number of respondents: 4.

Estimated annual number of responses per respondent: 2.

Estimated annual number of responses: 8.

Estimated total annual burden on respondents: 32 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 13th day of July 2004.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04–16281 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Distribution Program: Substitution of Donated Beef and Pork With Commercial Beef and Pork

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the Food and Nutrition Service's (FNS) intent to continue a demonstration project through June 30, 2007, that allows selected processors to substitute commercial beef and pork for donated beef and pork supplied by the Department of Agriculture (the Department, or USDA). Commercial beef and pork used in the demonstration project must meet the same specifications required of donated beef and pork. Processors wishing to participate in the demonstration project must submit proposals for FNS approval by April 30, 2006. The Department hopes to determine if allowing substitution of donated beef and pork will result in increased participation of processors, and provide a greater variety of processed end products to recipient agencies in a more timely manner and/or at lower costs.

DATES: The proposals described in this notice may be submitted to FNS through April 30, 2006. The demonstration project runs until June 30, 2007.

ADDRESSES: Proposals should be sent to Director, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Park Office Center, Room 504, 3101 Park Center Drive, Alexandria, Virginia 22302–1594.

FOR FURTHER INFORMATION CONTACT: David Brothers, Schools and Institutions Branch, at (703) 305–2668.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This notice has been determined to be not significant and therefore was not reviewed by the Office of Management and Budget under Executive Order 12866.

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance under 10.550 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22675, May 31, 1984).

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and is thus exempt from the provisions of that Act.

Background

Food Distribution Program regulations at 7 CFR 250.30 establish the terms and conditions under which distributing agencies, subdistributing agencies, and recipient agencies may enter into contracts with commercial firms for the processing of USDA donated foods under the State processing program, and prescribe the minimum requirements to be included in such contracts. 7 CFR 250.30(f)(1) allows for the full or limited substitution of certain donated food items with commercial foods, with the exception of beef and pork. Processors have stated that the regulations prohibiting the substitution of donated beef and pork reduce the quantity of donated beef and pork they are able to accept and process during a given period. Processors tend to schedule production around deliveries of the donated beef and pork, which decreases their flexibility in providing end products to recipients. Some processors must schedule production around deliveries of donated beef and pork for up to 30 States. Vendors do not always deliver donated beef and pork to the processors as scheduled, causing delays in production. These delays may be alleviated if processors can replace donated beef and pork with their commercial beef and pork.

Since June 30, 2001, the Department has exercised its waiver authority in 7 CFR 250.30(t) to waive the regulatory restriction under 7 CFR 250.30(f)(1) and conduct a demonstration project that allows selected processors to substitute commercial beef and pork for donated beef and pork in the State processing program. Commercial beef and pork used in the demonstration project must meet the same specifications required of USDA donated beef and pork. Other regulatory and contract requirements under 7 CFR 250.30 must also continue to be met by processors participating in the demonstration project.

To date, only a few processors have taken the opportunity to participate. FNS hopes to determine through this continuation of the demonstration project if the waiver of the regulations would increase the number of processors participating in the State processing program, or would increase the quantity of donated beef and pork that each processor accepts for processing. Additionally, FNS hopes to determine if the expected increase in competition, and in the quantities of donated beef and pork accepted for processing, would enable processors to function more efficiently, resulting in the production of a greater variety of processed end products more quickly and/or at lower costs.

Continuation of Demonstration Project

The demonstration project is scheduled to continue until June 30, 2005. However, FNS is further extending it through June 30, 2007, to continue to allow processors the opportunity to participate, and to determine if such an opportunity has an effect on the end products provided to schools and other recipients. All proposals to participate must be submitted by April 30, 2006. Except for the waiver of the prohibition on substitution of donated beef and pork in

7 CFR 250.30(f)(1), all regulatory and contract requirements will continue to apply, and must be met by processors participating in the demonstration project. This includes the requirement in 7 CFR 250.30(f)(1)(i) that all components of commercial foods substituted for any donated food must be of U.S. origin and identical or superior in every particular of the donated food specification.

7 CFR 250.30(g) requires that when donated meat or poultry products are processed, or when any commercial meat or poultry product is incorporated into an end product containing one or more donated foods, all of the processing must be performed in plants under continuous Federal meat or poultry inspection, or continuous State meat or poultry inspection in States certified to have programs at least equal to the Federal inspection programs. In addition to Food Safety and Inspection Service (FSIS) inspection, all donated meat and poultry processing must be performed under Agricultural Marketing Service (AMS) acceptance service grading. The following basic requirements will apply to the demonstration project:

- As with the processing of donated beef and pork into end products, AMS graders must monitor the process of substituting commercial beef and pork to ensure program integrity is maintained.
- Only bulk beef and pork delivered by USDA vendors to the processor will be eligible for substitution. No backhauled product will be eligible. (Backhauled product is typically frozen beef and pork in 10 pound chubs delivered to schools that may be sent to processors for further processing at a later time.)
- Commercial beef and pork substituted for donated beef and pork must be certified by an AMS grader as complying with the same product specifications as the donated beef and pork. USDA specifications relative to acceptable tolerance levels for specific microorganisms must be met. The age of any commercial product that is used in substitution for donated food may not exceed six months.
- Substitution of commercial beef and pork may occur in advance of the actual receipt of the donated beef and pork by the processor. Should a processor choose to use the substitution option prior to the purchase of the product by USDA, the processor must assume all risks. Any variation between the amount of commercial beef and pork substituted and the amount of donated beef and pork received by the processor will be adjusted according to guidelines furnished by USDA.
- Any donated beef and pork not used in end products because of substitution must only be used by the processor in other commercial processed products and cannot be sold as an intact unit. However, it may be used to fulfill other USDA contracts provided all terms of the other contract are met.
- The only regulatory provision or State processing contract term affected by the demonstration project is the prohibition on substitution of beef and pork (7 CFR 250.30(f)(1) of the regulations). All other regulatory and contract requirements remain unchanged and must still be met by processors participating in the demonstration project.

Processors must submit proposals to obtain approval for participation in the demonstration project by April 30, 2006. The written proposals must describe how processors plan to carry out the substitution while complying with the above conditions. Proposals must include:

(1) A step-by-step description of how production will be monitored; and,

(2) A complete description of the records that will be maintained for (a) the commercial beef and pork substituted for the donated beef and pork and (b) the disposition of the donated beef and pork delivered by USDA.

All proposals will be reviewed by representatives of FNS' Food Distribution Division and AMS' Livestock Division, Commodity Procurement Branch and Grading Branch. Processors approved for participation in the demonstration project will be required to enter into an agreement with FNS and AMS that authorizes the substitution of donated beef and pork with commercial bulk beef and pork in fulfilling any current or future State processing contracts during the demonstration project period. However, participation in the demonstration project will not ensure that processors will be awarded any State processing contracts.

Dated: July 13, 2004.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. 04–16332 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Distribution Program: Value of Donated Foods From July 1, 2004 Through June 30, 2005

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the national average value of donated foods or, where applicable, cash in lieu of donated foods, to be provided in school year 2005 (July 1, 2004 through June 30, 2005) for each lunch served by schools participating in the National School Lunch Program (NSLP), and for each lunch and supper served by institutions participating in the Child and Adult Care Food Program (CACFP). It also announces the national average value of donated foods to be provided in school year 2005 for each lunch served by commodity only schools.

EFFECTIVE DATE: July 1, 2004.

FOR FURTHER INFORMATION CONTACT: Dave Tuckwiller, Chief, Schools and Institutions Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302 or telephone (703) 305–2254.

SUPPLEMENTARY INFORMATION: These programs are listed in the Catalog of Federal Domestic Assistance under Nos. 10.550, 10.555, and 10.558 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (*See* 7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act. This notice has been determined to be exempt under Executive Order 12866.

National Average Minimum Value of Donated Foods for the Period July 1, 2004 Through June 30, 2005

This notice implements mandatory provisions of sections 6(c), 14(f) and 17(h)(1)(B) of the National School Lunch Act (the Act) (42 U.S.C. 1755(c), 1762a(f), and 1766(h)(1)(B)). Section 6(c)(1)(A) of the Act establishes the national average value of donated food assistance to be given to States for each

lunch served in NSLP at 11.00 cents per meal. Pursuant to section 6(c)(1)(B), this amount is subject to annual adjustments on July 1 of each year to reflect changes in a three-month average value of the Price Index for Foods Used in Schools and Institutions for March, April, and May each year (Price Index). Section 17(h)(1)(B) of the Act provides that the same value of donated foods (or cash in lieu of donated foods) for school lunches shall also be established for lunches and suppers served in CACFP. Notice is hereby given that the national average minimum value of donated foods, or cash in lieu thereof, per lunch under NSLP (7 CFR Part 210) and per lunch and supper under CACFP (7 CFR part 226) shall be 17.25 cents for the period July 1, 2004 through June 30, 2005.

The Price Index is computed using five major food components in the Bureau of Labor Statistics Producer Price Index (cereal and bakery products; meats, poultry and fish; dairy products; processed fruits and vegetables; and fats and oils). Each component is weighted using the relative weight as determined by the Bureau of Labor Statistics. The value of food assistance is adjusted each July 1 by the annual percentage change in a three-month average value of the Price Index for March, April and May each year. The three-month average of the Price Index increased by 10 percent from 139.09 for March, April and May of 2003 to 152.98 for the same three months in 2004. When computed on the basis of unrounded data and rounded to the nearest one-quarter cent, the resulting national average for the period July 1, 2004 through June 30, 2005 will be 17.25 cents per meal. This is an increase of 1.50 cents from the school year 2004 (July 1, 2003 through June 30, 2004) rate.

Section 14(f) of the Act provides that commodity only schools shall be eligible to receive donated foods equal in value to the sum of the national average value of donated foods established under section 6(c) of the Act and the national average payment established under section 4 of the Act (42 U.S.C. 1753). Such schools are eligible to receive up to 5 cents per meal of this value in cash for processing and handling expenses related to the use of such commodities.

Commodity only schools are defined in section 12(d)(2) of the Act (42 U.S.C. 1760(d)(2)) as ''schools that do not participate in the school lunch program under this Act, but which receive commodities made available by the Secretary for use by such schools in nonprofit lunch programs.'' For school year 2005, commodity only schools shall be eligible to receive donated food assistance valued at 38.25 cents for each free, reduced price, and paid lunch served. This amount is based on the sum of the section 6(c) level of assistance announced in this notice and the adjusted section 4 minimum national average payment factor for school year 2005. The section 4 factor for commodity only schools does not include the two cents per lunch increase for schools where 60 percent of the lunches served in the school lunch program in the second preceding school year were served free or at reduced prices, because that increase is applicable only to schools participating in NSLP.

Authority: Sections 6(c)(1)(A) and (B), 6(e)(1), 14(f) and 17(h)(1)(B) of the National School Lunch Act, as amended (42 U.S.C. 1755(c)(1)(A) and (B) and 6(e)(1), 1762a(f), and 1766(h)(1)(B)).

Dated: July 13, 2004.

Jerome A. Lindsay,

Associate Administrator.

[FR Doc. 04–16331 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2004 National Long-Term Care Survey and Informal Caregiver's Survey.

Form Number(s): Screener Interview CAPI, Community Questionnaire CAPI, Institutional Questionnaire CAPI, Caregiver Questionnaire CAPI, LTC–9 (L2), LTC–9 (L3), LTC–9 (L4); LTC–4.

Agency Approval Number: 0607–0778.

Type of Request: Reinstatement, with change, of a previously approved collection.

Burden: 9,891 hours.

Number of Respondents: 19,900.

Avg Hours Per Response: 18 minutes.

Needs and Uses: Duke University has contracted with the U.S. Census Bureau to conduct the sampling, data collection, and estimation operations for the 2004 National Long-Term Care Survey (NLTCS) and the Informal Caregivers Survey (ICS). The 2004 NLTCS is a continuation of the NLTC surveys that the Census Bureau conducted for the Health Care Financing Administration (HCFA) in 1982 and 1984 and for Duke University in 1989, 1994, and 1999. The Census Bureau conducted the ICS as part of the 1989 and 1999 NLTC surveys. We are requesting approval for the 2004 NLTCS and the ICS.

The 2004 NLTCS consists of a screening interview and two detailed interviews, the community detailed interview, and the institutional detailed interview. The ICS is conducted after the community detailed interview with people who help or assist the NLTCS sample person because of a health problem or disability.

The proposed research assesses changes in the functional and health characteristics of an elderly (65+ years old) and oldest-old (85+ years old) nationally representative sample of people followed from 1982 to 2004.

Affected Public: Individuals or households; Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Title 42, United States Code, section 285e–1 and title 15, United States Code, section 1525.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202–395–7245) or e-mail (*susan_schechter@omb.eop.gov*).

Dated: July 13, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–16268 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Bureau: International Trade Administration.

Title: Request for Duty-Free Entry of Scientific Instruments or Apparatus.

Agency Form Number: ITA–338P.

OMB Number: 0625–0037.

Type of Request: Extension-Regular Submission.

Burden: 120 hours.

Number of Respondents: 60.

Avg. Hours Per Response: 2 hours.

Needs and Uses: The Departments of Commerce and Homeland Security (''DHS'') are required to determine whether nonprofit institutions established for scientific or educational purposes are entitled to duty-free entry under the Florence Agreement of scientific instruments they import. Form ITA–338P enables (1) DHS to determine whether the statutory eligibility requirements for the institution and the instrument are fulfilled, and (2) Commerce to make a comparison and finding as to the scientific equivalency of comparable instruments being manufactured in the United States. Without the collection of the information, DHS and Commerce would not have the necessary information to carry out the responsibilities of determining eligibility for duty-free entry assigned by law.

Affected Public: State or local governments; Federal agencies; nonprofit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit, voluntary.

OMB Desk Officer: David Rostker, (202) 395–7340.

Copies of the above information collection can be obtained by writing Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Ave., NW., Washington, DC 20230; e-mail: *dHynek@doc.gov.*

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of publication of this notice in the **Federal Register**.

Dated: June 13, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–16274 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Census Bureau

Government Employment Forms

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before September 17, 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 or copies of the information collection instrument(s) and instructions should be directed to Ellen Thompson, Chief, Employment Branch, Governments Division, U.S. Census Bureau, Washington, DC 20233–6800 (301–763–1531) (or via the Internet at *ellen.ann.thompson@census.gov).*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance for the forms necessary to conduct the public employment program which consists of an annual collection of information and a quinquennial collection in a census environment in years ending in ''2'' or ''7''. During the upcoming three years, we intend to conduct the 2005 and 2006 Annual Survey of Government Employment and the 2007 Census of Government Employment.

Under Title 13, Section 161, of the United States Code, the Secretary of Commerce is authorized to conduct the public employment program, which collects and disseminates data by function for full-time and part-time employees, payroll, and number of part-time hours worked. The number and content of the data items collected are the same in the annual and census cycles.

The burden hours we will request are based on the expected 2005 annual survey mail-out of 16,369 forms. During the Census survey, the mail-out is expected to increase to approximately 87,500 local governments and approximately 6,500 state agencies. The respondent burden hours for a Census cycle would increase to 67,000 hours.

The state and local government statistics produced cover national, state, and local aggregates on various functions with comparative detail for individual governments for the pay period that includes March 12. The public employment program provides the only comprehensive count of employees and payrolls in state and local governments. Government employees constitute approximately one-sixth of the entire U.S. workforce and their salaries are a major source of personal income.

The Census Bureau provides this employment data to the Bureau of Economic Analysis for constructing the functional payrolls in the public sector Gross Domestic Product, payroll being the single largest component of current operations. Other government users include the Bureau of Labor Statistics, as a benchmark for its monthly employment programs, and the Department of Housing and Urban Development, to establish payroll guidelines for local public housing authorities.

The public employment program has increasingly been used as the base for reimbursable programs of other Federal agencies such as: (1) The government portion of the Medical Expenditure Panel Survey commissioned by the Agency for Healthcare Research and Quality to provide timely, comprehensive information about health care use and costs in the United States; (2) The Bureau of Justice Statistics (BJS) survey Criminal Justice Expenditure and Employment Survey which provides criminal justice expenditure and employment data on spending and personnel levels; and (3) The BJS Justice Assistance Data Survey, in sample verification and the existence of contracted services. Statistics are produced as data files in both electronic and printed formats. The program has made possible the dissemination of comprehensive and comparable governmental statistics since 1940.

The many users of the public employment program data include Federal agencies, state and local governments and related organizations, public interest groups, and many business, market, and private research organizations.

II. Method of Collection

Approximately 16,300 county governments, consolidated city-county governments, independent cities, towns, townships, special district governments, and public school systems designated for the annual survey will be sent an appropriate form or the data will be collected through a data sharing arrangement between the Census Bureau and the state government.

We developed cooperative agreements with state and large local government officials to collect the data from their dependent agencies and report to us as one central respondent. These arrangements reduce the need for a mail canvass of approximately 3,250 state agencies and 700 school systems. Currently we have central collection agreements with 38 states, four local school district governments, and two state university systems. We continue to work at expanding the conversion of paper submissions into electronic formats, for both individual units and central collection units.

In 2001, the public employment program collected data for certain form types through a Web-based instrument. Beginning with the 2003 annual collection cycle, all form types can be completed on the Internet. For the 2003 annual survey, 3,470 governments responded using our Web site.

III. Data

OMB Number: 0607–0452.

Form Number: E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–9.

Type of Review: Regular.

Affected Public: State governments, county governments, consolidated city-county governments, independent cities, towns, townships, special district governments, and public school systems.

Estimated Number of Respondents: 16,369.

Estimated Time Per Response: The average for all forms is 51 minutes.

Estimated Total Annual Burden Hours: 13,865.

Estimated Total Annual Cost: $262,464.

(**Note**—Based upon the average hourly pay for full-time employment for the financial administration function within the 2002 census of local government employment.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 United States Code, section 161.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 13, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04–16267 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–812]

Dynamic Random Access Memory Semiconductors of One Megabit or Above From the Republic of Korea: Notice of Court Decision and Suspension of Liquidation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of court decision and suspension of liquidation.

SUMMARY: On August 18, 2003, the United States Court of International Trade (CIT) issued a decision invalidating certain sets of liquidation instructions issued by the Department of Commerce (the Department) in the antidumping proceeding covering entries of dynamic random access memory semiconductors of one megabit or above (DRAMs) from the Republic of Korea. *See Nissei Sangyo America, Ltd.,* v. *United States,* Slip Op. 03–105 (August 18, 2003), Court No. 00–00113 (*NSA*); *Renesas Technology America, Inc.,* v. *United States,* Slip Op. 03–106 (August 18, 2003), Court No. 00–00114 (*Renesas*). On September 15, 2003, the Defendant-Intervenor, Micron Technology, Inc. (Micron), in *NSA* and *Renesas* filed a motion for reconsideration with the Court. On May 3, 2004, the motion for reconsideration was denied. On July 1, 2004, a motion of appeal was filed by the Department with the United States Court of Appeals for the Federal Circuit (CAFC). Consistent with the decision of the CAFC in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department is notifying the public that the *NSA* and *Renesas* decisions were ''not in harmony'' with the Department's liquidation instructions.

DATES: Effective July 19, 2004.

FOR FURTHER INFORMATION CONTACT: Ron Trentham or Tom Futtner, AD/CVD Enforcement, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–6320 or (202) 482–3814, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1996, the Department published the final results of administrative review of entries of DRAMs manufactured by LG Semicon Co., Ltd. (LG), formerly Goldstar Electron Co., Ltd., and Hyundai Electronics Co., Ltd. (Hyundai), that were imported into the United States from October 29, 1992, through April 30, 1994 (POR 1). The Department determined that the dumping margin for sales made by LG during the period of review (POR) was 0.00 percent. *See Dynamic Random Access Memory Semiconductors of One Megabit or Above from the Republic of Korea, Final Results of Antidumping Duty Administrative Review,* 61 FR 20216 (May 6, 1996).

On January 7, 1997, the Department published the final results of administrative review of entries of DRAMs manufactured by LG and Hyundai that were imported into the United States from May 1, 1994, through April 30, 1995 (POR 2). The Department determined that the dumping margin for sales made by LG during the POR was 0.01 percent. *See Dynamic Random Access Memory Semiconductors of One Megabit or Above from the Republic of Korea, Final Results of Antidumping Duty Administrative Review,* 62 FR 965 (January 7, 1997).

Subsequently, Micron filed an action in opposition to dumping margins calculated in POR 1 and POR 2 for LG. The CIT and the CAFC sustained the results of the first and second administrative reviews for LG. *See Micron Technology* v. *United States,* 23 CIT 55, 44 F. Supp. 2d 216 (1999); *Micron Technology* v. *United States,* 23 CIT 208, 40 F. Supp.2d 481 (1999), collectively the *Micron* cases.

At the conclusion of the *Micron* cases, the Department instructed U.S. Customs

and Border Protection (CBP) to assess antidumping duties on NSA's and Renesas's imports of LG DRAMs during POR 1 and POR 2 at the cash deposit rate imposed upon entry rather than the rates determined for the manufacturer in POR 1 and POR 2.

NSA and Renesas filed a complaint with the CIT challenging the Department's liquidation instructions to CBP concerning entries produced and exported by LG and imported by NSA and Renesas during POR 1 and POR 2. On August 18, 2003, the CIT remanded these cases ordering the Department to rescind the liquidation instructions and issue new instructions instructing CBP to liquidate or re-liquidate NSA's and Renesas's entries at the antidumping rates covering LG for POR 1 and POR 2.

As noted above, on September 15, 2003, Micron filed a motion for reconsideration with the Court and on May 3, 2004, the motion for reconsideration was denied. On July 1, 2004, a motion of appeal was filed by the Department with the CAFC.

Timken Notice

In its decision in *Timken,* the CAFC held that pursuant to 516a(c)(1) and(e) of the Tariff Act of 1930, as amended, the Department must publish notice of a decision of the CIT which is not in harmony with the Department's determination. The CIT's decision in *NSA* and *Renesas* were not in harmony with the Department's liquidation instructions. Therefore, publication of this notice fulfills the statutory obligation.

Suspension of Liquidation

This notice will serve to continue the suspension of liquidation pending a final decision by the CAFC. Because the CIT issued an injunction on March 20, 2000, for NSA and on April 11, 2000, for Renesas, the Department will continue to suspend liquidation of entries of DRAMs from the Republic of Korea that (1) were produced and exported by LG, and imported by NSA and Renesas; (2) were entered or withdrawn from warehouse, for consumption, from October 29, 1992, through April 30, 1995. The Department will issue liquidation instructions covering these entries if the CIT's decision is affirmed on appeal.

Dated: July 12, 2004.

Jeffrey A. May,

Deputy Assistant Secretary for Import Administration, Group I.

[FR Doc. 04–16243 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–533–820)

Certain Hot–Rolled Carbon Steel Flat Products from India; Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Rescission of Antidumping Duty Administrative Review.

SUMMARY: On January 22, 2004, the Department of Commerce (the Department) published in the **Federal Register** a notice announcing the initiation of an administrative review of the antidumping duty order on certain hot–rolled carbon steel flat products (HRS or subject merchandise) from India covering Essar Steel Ltd., (Essar) and the period December 1, 2002, through November 30, 2003. We are rescinding this review as a result of the absence of entries into the United States of subject merchandise from Essar during the period of review (POR).

EFFECTIVE DATE: July 19, 2004.

FOR FURTHER INFORMATION CONTACT: Kevin Williams or Howard Smith, Office IV, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–2371 or (202) 482–5193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 2001, the Department published in the **Federal Register** the antidumping duty order on HRS from India. *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot–Rolled Carbon Steel Flat Products from India*, 66 FR 60194 (December 3, 2001). On December 2, 2003, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on HRS from India. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 68 FR 67401 (December 2, 2003). On December 30 and 31, 2003, petitioners, Nucor Corporation and U.S. Steel Corporation, respectively, requested an administrative review of the antidumping duty order on HRS from India covering Essar. The Department initiated this review on January 22, 2004. See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part, 69 FR 3117 (January 22, 2004). On February 10, 2004, Essar filed a letter certifying to the Department that it did not export any subject merchandise that was entered for consumption into the United States during the POR. The Department confirmed through U.S. Customs and Border Protection (CBP) data that there were no entries of subject merchandise from Essar during the POR. Moreover, the Department invited petitioners to comment on our intent to rescind this review with respect to Essar. We received no comments. *See* the May 17, 2004, memorandum to the file regarding ''Intent to Rescind the Antidumping Duty Administrative Review on Certain Hot–Rolled Carbon Steel Flat Products From India.''

Rescission of Review

Because the only firm for which a review was requested made no entries into the customs territory of the United States during the POR, the Department is rescinding this review. This determination is consistent with the Department's practice and 19 C.F.R. § 351.213(d)(3). As such, we will issue appropriate assessment instructions directly to CBP.

Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. § 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 777(i) of the Tariff Act of 1930, as amended and 19 C.F.R. § 351.213(d)(4).

Dated: July 12, 2004.

Jeffrey A. May,

Deputy Assistant Secretary for Import Administration, Group I.

[FR Doc. 04–16362 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071204C]

Pacific Fishery Management Council; Notice of Intent

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

ACTION: Notice of intent to prepare an environmental impact statement (EIS); request for written comments; preliminary notice of scoping meetings.

SUMMARY: NMFS and the Pacific Fishery Management Council (Council) intend to prepare an EIS in accordance with the National Environmental Policy Act (NEPA) of 1969 to analyze a range of alternatives for the annual allocation of the Pacific sardine harvest guideline.

DATES: Written comments will be accepted at the Council office through August 25, 2004.

ADDRESSES: You may submit comments, identified by (I.D. 071204C), by any of the following methods:

- E-mail: *pfmc.comments@noaa.gov*: (enter ''Pacific Sardine Allocation'' and include the I.D. number in the subject line of the message).
- Mail: Written comment on issues and alternatives to be addressed in this EIS should be sent to Dr. Donald McIsaac, Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220.
- Fax: 503–820–2299.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, NMFS, Southwest Region telephone: 562–980–4040, fax: 562–980–4018; or Dan Waldeck, Pacific Fishery Management Council, telephone: 503–820–2280, fax: 503–820–2299.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is available on the Government Printing Office's website at: *www.gpoaccess.gov/fr/index/html*.

Background

NEPA requires consideration of a full range of reasonable alternatives including status quo (no action). The Council has not yet determined which alternative will be its preferred alternative. When developed, the proposed management alternatives would modify the Pacific sardine allocation framework in the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) and regulations that implement the FMP (68 FR 52523). The tentative schedule for Council actions related to this matter is: September 2004, progress report; November 2004, review preliminary range of draft alternatives; January-February 2005, public hearings on range of alternatives; March or April 2005, preliminary action; June 2005, final action. If this schedule holds, and NMFS approves the Council action; the Council anticipates implementation of the new Pacific sardine allocation framework in time for the 2006 Pacific sardine fishery, which opens January 1.

Description of the Proposal

The proposed action is to implement a comprehensive, long-term allocation framework to apportion the annual Pacific sardine harvest guideline among the various sectors of the sardine fishery. The Pacific sardine resource is healthy and abundant, supporting fisheries in California (Los Angeles harbor area and Monterey Bay area), in Oregon (Port of Astoria), and Washington (ports of Westport and Ilwaco). The proposal is intended to ensure optimal utilization of the resource and equitably allocate harvest opportunity.

The Council adopted the CPS FMP in 1998. The CPS FMP was implemented by NMFS in December 1999 (64 FR 69888). The original Pacific sardine allocation formula in the FMP partitioned 33 percent of the annual harvest guideline to the northern subarea (''Subarea A'') and 66 percent to the southern subarea (''Subarea B''). Nine months after the January 1 start of the fishery (i.e., October 1), the remaining harvest guideline was pooled and re-allocated 50 percent - 50 percent to each subarea. The original boundary between the two subareas was 35° 40′ N lat. (approximately Point Piedras Blancas, California). This formula was incorporated into Federal management from existing California State law. The State law was designed to balance fishing opportunity between the Southern California-based fishery (''South'') and the Monterey-based fishery (''North''). At the time of the FMP's implementation, this was considered a status quo action (as the sardine fishery occurred, principally, in California) with no environmental impacts. No alternative allocation formulae were considered.

As the Pacific sardine biomass expanded, fisheries developed in the Pacific Northwest. With this expansion, under the original formula, the northern area allocation was shared by Monterey, Oregon, and Washington-based fisheries. Oregon and Washington fishery interests expressed concern to the Council that the original allocation framework did not provide optimal harvest opportunity to the respective fishery sectors. Each of the three sectors operates over a unique schedule. Generally, Southern California starts harvesting sardine January 1 and harvest increases steadily throughout the year; Northern California starts in August (tied to market squid availability) and harvest increases through January or February of the following year; and Oregon and Washington have a much more abbreviated season, which starts in June and ends in October. Because these sectors operate on very different schedules, annual allocations help to ensure that each sector receives a reasonable fishing opportunity. Ex-vessel landings in all sectors are driven by domestic and international market forces for sardines, as well as the availability and markets for other species of economic benefit to sardine vessels and processors (for example, market squid). The Northern California fishery and Pacific Northwest fishery are also affected by adverse weather.

In April 2003, the Council recommended to NMFS an interim framework for allocating sardine. The revised allocation system: (1) changed the definition of Subarea A (northern subarea) and Subarea B (southern subarea) by moving the geographic boundary between the two areas from 35° 40′ N. lat. (Point Piedras Blancas, California) to 39° N. lat. (Point Arena, California), (2) moved the date when Pacific sardine that remains unharvested is reallocated to Subarea A and Subarea B from October 1 to September 1, (3) changed the percentage of the unharvested sardine that is reallocated to Subarea A and Subarea B from 50 percent to both subareas to 20 percent to Subarea A and 80 percent to Subarea B, and (4) reallocates all unharvested sardine that remains on December 1 coastwide.

The Council requested this allocation framework be in place for the 2003 and 2004 fishing seasons, and also in 2005 (if the 2005 harvest guideline is at least 90 percent of the 2003 harvest guideline). NMFS implemented the revised allocation framework by a regulation that was published on September 4, 2003 (68 FR 52523).

Using the best available information, the interim allocation framework was rapidly developed to address the concerns in the short-term. At the time, it was understood that more information and time would be needed to develop a more comprehensive, longer-term

allocation framework, which is a purpose of this EIS.

Preliminary Identification of Environmental Issues

A principal objective of this scoping and public input process is to identify potentially significant impacts to the human environment that should be analyzed in depth in the EIS. Impacts of the following components on the biological and physical environment may be evaluated: (1) essential fish habitat and ecosystems; (2) protected species listed under the Endangered Species Act or protected by the Marine Mammal Protection Act and the critical habitat of those species (if any); and (3) the fishery management unit, including target and nontarget fish stocks. Socioeconomic impacts on the following groups are also going to be evaluated: (1) those who participate in harvesting the fishery resources and other living marine resources (for commercial, subsistence, or recreational purposes); (2) those who process and market fish and fish products; (3) those who are involved in allied support industries; (4) those who rely on living marine resources in the management area; (5) those who consume fish products; (6) those who benefit from nonconsumptive use (e.g., wildlife viewing); (7) those who do not use the resource, but derive benefit from it by virtue of its existence, the option to use it, or the bequest of the resource to future generations; (8) those involved in managing and monitoring fisheries; and (9) fishing communities. Analysis of these groups will be presented in a manner that allows the identification of any disproportionate impacts on low income and minority segments of the identified groups and impacts on small entities.

Scoping and Public Involvement

Scoping is an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to proposed alternatives (including status quo). A principal objective of the scoping and public input processes is to identify a reasonable set of alternatives that, with adequate analysis, sharply define critical issues and provide a clear basis for distinguishing among those alternatives and selecting a preferred alternative. The public scoping process provides the public with the opportunity to comment on the range of alternatives and specific options within the alternatives. The scope of the alternatives to be analyzed should be broad enough for the Council and NMFS to make informed decisions on whether an alterative should be developed and, if so, how it should be designed, and to assess other changes to the FMP and regulations necessary for the implementation of the alternative.

Dated: July 13, 2004.

Alan D. Risenhoover,

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

[FR Doc. 04–16358 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Integrated Ocean Observation System; Public Meeting

AGENCY: National Ocean Service, NOAA, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given to those interested of a public meeting on the Integrated Ocean Observing System (IOOS), in New York, New York. The meeting is focused on the needs and questions from the maritime navigational services community as a participant/user in IOOS, but will address IOOS development and implementation and NOAA's role and responsibilities as part of IOOS. Attendees are asked to register for the meeting on-line no later than Monday July 26, 2004, with the National Ocean Service (*see Supplementary Information,* below).

DATES: The meeting will be held on Friday, July 30, from 8 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Crowne Plaza Times Square, 1605 Broadway, Manhattan, New York, (212) 977–4000.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Szabados, Director, Center for Operational Oceanographic Products and Services (CO–OPS), 1305 East-West Highway, Silver Spring, Maryland 20910, *mike.szabados@noaa.gov,* (301) 713–2981.

SUPPLEMENTARY INFORMATION: The meeting will be open to public participation. Morning sessions are briefings about IOOS. The afternoon sessions beginning at 1:30 p.m. will be for comments, issues and concerns, with interactive, facilitated discussions, including time for direct verbal comments or questions from the public. Each individual or group making a verbal comment will be limited to a total time of five (5) minutes. Written comments may be submitted on-line or at the meeting. Approximately 75 seats will be available for the public. Seats will be available on a first-come, first served basis. To assist in the management of the meeting, all participants are asked to register for the meeting on the NOAA/NOS Web site, found at: *http://www8.nos.noaa.gov/ioos/* no later than close of business July 26, 2004.

Matters to be Considered: The meeting will include discussion on the following topics: (1) Integrated Ocean Observing System (IOOS); (2) the National Oceanic and Atmospheric Administration's (NOAA) contribution to the IOOS National Backbone; (3) IOOS Recommendations of the U.S. Commission on Ocean Policy; and, (4) IOOS Regional Associations stakeholder outreach.

Dated: July 14, 2004.

Mike Szabados,

Director, Center for Operational Oceanographic, Products and Services (CO–OPS), National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 04–16402 Filed 7–16–04; 8:45 am]

BILLING CODE 3410–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071304B]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee in August, 2004 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Tuesday, August 3, 2004 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Sheraton Colonial, 1 Audubon Road, Wakefield, MA 01880; telephone: (781) 245–9300.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Research Steering Committee will: develop a description that applies to the ''technical review'' of research projects that will be evaluated by the committee; clarify its position on days-at-sea use, the disposition of catch and vessel compensation when boats are engaged in cooperative research; initiate a discussion of research priorities for 2005; and possibly conduct a review of a completed final report provided by NOAA Fisheries' cooperative research program using the RCS's recently developed process for project review.

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: July 14, 2004.

Alan D. Risenhoover,

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

[FR Doc. 04–16357 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071304C]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Council) Ad Hoc Groundfish Fishery Management Plan Environmental Impact Statement Oversight Committee (EIS Oversight Committee) will hold a working meeting, which is open to the public, to develop alternatives for the Pacific Coast Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement.

DATES: The EIS Oversight Committee working meeting will occur Monday, August 16, 2004 from 10 a.m. to 5 p.m., Tuesday, August 17, 2004 from 8 a.m. to 5 p.m., and Wednesday, August 18, 2004 from 8 a.m. to close of business on that day.

ADDRESSES: The meeting will be held in the Pine Room at Embassy Suites Portland Airport Hotel, 7900 NE 82nd Avenue, Portland, OR 97220; telephone: (503) 460–3000

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Kit Dahl, NEPA Specialist; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of this EIS Oversight Committee meeting is to develop a preliminary range of alternatives to designate EFH for the fish species managed under the Pacific Coast Groundfish Fishery Management Plan and alternatives to mitigate the impacts of fishing on that EFH. The Council will review the range of alternatives and consider adopting them for analysis in an environmental impact statement at their September 13–17, 2004, meeting in San Diego, CA.

Although non-emergency issues not contained in the EIS Oversight Committee meeting agenda may come before the committee for discussion, those issues may not be the subject of formal EIS Oversight Committee action during these meetings. EIS Oversight Committee action will be restricted to those issues specifically listed in this document and to any issues arising after publication of this document requiring emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the EIS Oversight Committee's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503)820–2280 at least 5 days prior to the meeting date.

Dated: July 14, 2004.

Alan D. Risenhoover,

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

[FR Doc. 04–16360 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071204B]

Endangered Species; Permit File No. 1260

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

ACTION: Receipt of application for modification.

SUMMARY: Notice is hereby given that the NMFS, Southeast Fisheries Science Center (SEFSC), 75 Virginia Beach Drive, Miami, Florida 33149, has requested a modification to scientific research Permit No. 1260.

DATES: Written comments or requests for a public hearing must be received on or before August 18, 2004.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376; and

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727)570–5301; fax (727)570–5320.

Written comments or requests for a public hearing must be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Comments may be submitted by facsimile to (301)713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1260 Modification-hoop net study.

FOR FURTHER INFORMATION CONTACT: Patrick Opay, (301)713–1401 or Ruth Johnson, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject modification request to Permit No. 1260, issued on June 29, 2001 (66

FR 34621), is requested under the authority of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 1260 authorizes the SEFSC to take loggerhead (Caretta caretta), leatherback (*Dermochelys coriacea*), Kemp's ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), green (*Chelonia mydas*) and olive ridley (*Lepidochelys olivacea*) sea turtles for scientific research. The SEFSC is requesting authorization to annually capture, measure, weigh, flipper and PIT tag, tissue biopsy, blood sample and release an additional 100 leatherback, 120 loggerhead, 100 green, 50 hawksbill, 50 Kemp's ridley and 20 olive ridley sea turtles. A subset of 20 of the leatherbacks, 20 of the loggerheads, 20 of the greens, 20 of the hawksbills, 20 of the Kemp's ridleys and 5 of the olive ridleys captured annually will also have satellite transmitters attached to them. Turtles will be captured using a hoop net.

The research will help the SEFSC obtain estimates of survival for juveniles and adults in their benthic and pelagic environments, identify foraging grounds and migration corridors, and determine how both juveniles and adults utilize habitat and are distributed in space and time. The research will help NMFS better understand these sea turtle species' roles in their ecosystems and provide information that can improve our ability to conserve and manage them.

Dated: July 13, 2004.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04–16359 Filed 7–16–04; 8:45 am]

BILLING CODE 3510–22–S

COMMODITY FUTURES TRADING COMMISSION

The Governance of Self-Regulatory Organizations

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: At the request of the Futures Industry Association, the Commodity Futures Trading Commission (''Commission'') is extending the time for interested parties to respond to the Commission's Request for Comments on the Governance of Self-Regulatory Organizations, originally published in the **Federal Register** on June 9, 2004.

DATES: Responses must be received by September 30, 2004.

ADDRESSES: Written responses should be sent to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW., Washington, DC 20581. Responses may also be submitted via e-mail at *secretary@cftc.gov.* ''SRO Governance'' must be in the subject field of responses submitted via e-mail, and clearly indicated in written submissions. This document is also available for comment at *http://www.regulations.gov.*

Contacts: Stephen Braverman, Deputy Director, (202) 418–5487; Rachel Berdansky, Special Counsel, (202) 418–5429; or Sebastian Pujol Schott, Attorney-Advisor, (202) 418–5641. Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: On June 9, 2004, the Commission published in the **Federal Register** a Request for Comments on the Governance of Self-Regulatory Organizations. The Request for Comments advances the Commission's ongoing review of self-regulation in the futures industry (''SRO Study'') through a series of questions relevant to SRO governance and self-regulation. The topics covered include board composition, regulatory structures, forms of ownership, disciplinary committees, and the transparency of SROs' operations.[1] Industry participants and interested parties were invited to respond by July 26, 2004, the close of the original comment period.

By letter dated July 2, 2004, the Futures Industry Association (''FIA'') asked that the original comment period be extended to September 30, 2004. The FIA requested the extension in order to permit commenters to thoroughly address the detailed questions raised in the Request for Comments. It also observed that the Request for Comments has repercussions for end users as well as exchange members and intermediaries, and that an extension will provide all interested parties time to consider the issues raised.

In response to this request, and in order to ensure that an adequate opportunity is provided for the submission of meaningful comments, the Commission will extend the comment period on the Request for Comments on the Governance of Self-Regulatory Organizations to September 30, 2004.

Issued in Washington, DC on July 13, 2004, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 04–16320 Filed 7–16–04; 8:45 am]

BILLING CODE 6351–01–M

[1] 69 FR 32326 (June 9, 2004).

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements—Procedures for Export of Noncomplying Products

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the April 26, 2004, **Federal Register** (69 FR 22489), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) to announce the agency's intention to seek an extension of approval of information collection requirements in regulations codified at 16 CFR part 1019, which establish procedures for export of noncomplying products. The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

These regulations implement provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act that require persons and firms to notify the Commission before exporting any product that fails to comply with an applicable standard or regulation enforced under provisions of those laws. The Commission is required by law to transmit the information relating to the proposed exportation to the government of the country of intended destination.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Procedures for export of noncomplying products, 16 CFR part 1019.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of noncomplying goods exported.

General description of respondents: Exporters of products that fail to comply with standards or regulations enforced under provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, or the Flammable Fabrics Act.

Estimated Number of respondents: 45 per year.

Estimated average number of responses per respondent: 1.22 per year.

Estimated number of responses for all respondents: 55 per year.

Estimated number of hours per response: 1.

Estimated number of hours for all respondents: 55 per year.

Estimated cost of collection for all respondents: $1,350.00.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by August 18, 2004, to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395–7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Comments may also be sent to the Office of the Secretary by facsimile at (301) 504–0127 or by e-mail at *cpsc-os@cpsc.gov.*

Copies of this request for an extension of an information collection requirement are available from Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–7671, or by e-mail to *lglatz@cpsc.gov.*

Dated: July 9, 2004.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 04–16256 Filed 7–16–04; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by August 18, 2004.

Title and OMB Number: Defense Acquisition Regulation Supplement (DFARS) Part 205, Publicizing Contract Actions, and DFARS 252.205–7000, Provision of Information to Cooperative Agreement Holders; OMB Number 0704–0286.

Type of Request: Revision.

Number of Respondents: 1.

Responses Per Respondent: 1.

Annual Responses: 7,957.

Average Burden Per Response: 1.1 hour.

Annual Burden Hours: 8,753.

Needs and Uses: This information collection requires DoD contractors to provide information to cooperative agreement holders regarding employees or offices that are responsible for entering into subcontracts under DoD contracts. Cooperative agreement holders furnish procurement technical assistance to business entities within specified geographic areas. This policy implements 10 U.S.C. 2416. DFARS Subpart 205.4 and the clause at DFARS 252.205–7000 require DoD contractors with contracts exceeding $500,000 to provide to cooperative agreement holders, upon their request, a list of those appropriate employees or offices responsible for entering into subcontracts under DoD contracts. The list must include the business address, telephone number, and area of responsibility for each employee or office. The contractor need not provide the list to a particular cooperative agreement holder more frequently than once a year.

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On Occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Ms. Jacqueline Zeiher.

Written comments and recommendations on the proposed information collection should be sent to Ms. Zeiher at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/ESCD/Information Management Division, 1225 South Clark Street, Suite 504, Arlington, VA 22202–4326.

Dated: July 13, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 04–16258 Filed 7–16–04; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Consideration will be given to all comments received by August 18, 2004.

Title and OMB Number: Defense Acquisition Regulation Supplement (DFARS) Section 211.273, Substitutions for Military or Federal Specifications and Standards, and Related Clause at DFARS 252.211–7005; OMB Number 0704–0398.

Type of Request: Extension.

Number of Respondents: 10.

Responses Per Respondent: 2.

Annual Responses: 20.

Average Burden Per Response: 1 hour.

Annual Burden Hours: 20.

Needs and Uses: This information collection permits offerors to propose Single Process Initiative (SPI) processes as alternatives to military or Federal specifications and standards cited in Department of Defense (DoD) solicitations for previously developed items. DoD uses the information to verify Government acceptance of an SPI process as a valid replacement for a military or Federal specification or standard. An offeror proposing to use an SPI process must: (1) identify the specific military or Federal specification or standard for which the SPI process has been accepted; (2) identify each facility at which the offeror proposes to use the SPI process in lieu of military or Federal specifications or standards cited in the solicitation; (3) identify the contract line items, subline items, components, or elements affected by the SPI process; and, (4) if the proposed SPI process has been accepted at the facility at which it is proposed for use, but is no yet listed at the SPI Internet site, submit documentation of the DoD acceptance of the SPI process.

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On Occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Ms. Jacqueline Zeiher.

Written comments and recommendations on the proposed information collection should be sent to Ms. Zeiher at the Office of Management

and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/ESCD/Information Management Division, 1225 South Clark Street, Suite 504, Arlington, VA 22202–4326.

Dated: July 12, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 04–16259 Filed 7–16–04; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 04–05]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1986.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/OPS–ADMIN, (703) 604–6575

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 04–05 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: July 12, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

8 JUL 2004
In reply refer to:
I-03/017401

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 04-05, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $565 million. The Fast Missile Craft Program was originally notified by a Section 36(c) Direct Commercial Contract, transmittal number DTC 116-01 dated February 13, 2002. This Section 36(b) notification replaces the original Section 36(c), the license for which has been revoked, and is in addition to the Section 36(b) notification for the Support Package for Fast Missile Craft, transmittal number 02-06 dated February 13, 2002. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. **Transmittal No. 04-05**
2. **Policy Justification**
3. **Sensitivity of Technology**

Same ltr to: House Committee on International Relations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations
Senate Committee on Appropriations

Transmittal No. 04-05

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Egypt

(ii) **Total Estimated Value:**

Major Defense Equipment*	$465 million
Other	$100 million
TOTAL	$565 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** three (3) Fast Missile Crafts; three (3) 76mm/62 caliber MK 75 Dual Purpose guns with Super Rapid Kits; three (3) MK 31 Mod 3 Rolling Airframe Missile Guided Missile Weapons Systems; installation of Hull, Mechanical, and Electrical equipment; communications; operations equipment; spare and repair parts; support equipment; personnel training and training equipment; publications and technical documents; and U.S. Government and contractor technical and logistics personnel services and other related elements of logistics services.

(iv) **Military Department:** Navy (SBU and ACK)

(v) **Prior Related Cases, if any:**
FMS case ACN - $77 million - 11Mar03
FMS case LDU - $61 million - 26Jun02

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached

(viii) **Date Report Delivered to Congress:** 8 JUL 2004

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt – Fast Missile Crafts

The Government of Egypt has requested a possible sale of three (3) Fast Missile Crafts; three (3) 76mm/62 caliber MK 75 Dual Purpose guns with Super Rapid Kits; three (3) MK 31 Mod 3 Rolling Airframe Missiles Guided Missile Weapons Systems; installation of Hull, Mechanical, and Electrical equipment; communications; operations equipment; spare and repair parts; support equipment; personnel training and training equipment; publications and technical documents; and U.S. Government and contractor technical and logistics personnel services and other related elements of logistics services. The estimated cost is $565 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East. This sale is consistent with these U.S. objectives and with the 1950 Treaty of Mutual Cooperation and Security.

The Egyptian Navy does not currently have a modern, high speed, ship capable of providing deep and shallow water defensive protection for the approaches to the Suez Canal. Egypt intends to purchase these ships to enhance its overall ability to defend its coastal areas and the approaches to the Suez Canal and will have no difficulty absorbing these crafts into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Vision Technology-Marine of Gulfport Mississippi. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of additional U.S. Government or contractor representatives to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 04-05

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The Fast Missile Craft is a design to specification high speed (33+ kts), 75 meter Corvette sized ship. Its hull design is based on existing commercially available designs manufactured by the prime contractor Vision Technology Halter Marine. Primary installed Hull Mechanical & Electrical systems are all commercially available non-U.S. Navy inventory items. Design and manufacture of this ship will not include any sensitive or classified technology. Because the platform is not in U.S. Navy inventory it is defined as Significant Military Equipment rather than Major Defense Equipment. The installed command and control equipment, sensors, communications and Electronic Support Measures (ESM)/Electronic Counter-measures (ECM) will be commercially available non-U.S. Navy inventory equipment. Parametric performances of the ESM/ECM system will be governed by existing export controls promulgated by Defense Technology Security Agency. No classified data or threat libraries will be transferred with this equipment.

2. There will be installed weapon systems identified as U.S. Navy cognizant MDE. These are the: Harpoon Block II Anti-Ship Cruise Missile; Close-In-Weapons System (CIWS); 76mm MK 75 DP Gun; and the Rolling Airframe Missile (RAM) System. Sale and Sensitivity of Technology for the Harpoon Block II and the CIWS have previously been reported in Congressional Notification 02-06.

3. There is no sensitive or classified material or data associated with the transfer to the Egyptian Navy with the sale of three (3) 76mm MK-75 Dual Purpose (DP) Guns modified to Super Rapid configuration via a modification kit.

4. The following equipment and documentation will be provided with the MK-31 RAM GMWS:

a. MK-49 MOD 3 Guided Missile Launching System
- **MK-447 MOD 0 Weapon Control Panel**
- **MK 201 MOD 2 Launcher Server Control Unit**
- **MK-144 MOD 2 Guided Missile Launcher**
- **Deck Station Launcher Control Junction Box**
- **Heater Power Transformer**
- **MK-69 MOD 2 Maintenance Assist Module Cabinet**
- **Launcher Safety Switch**

b. MK-44 Guided Missile Round Pack
c. Support and Test Equipment
d. General Purpose Test Equipment
e. Publications (Maintenance, Operations and Training)
f. System Supporting Software

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 04–16264 Filed 7–16–04; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 04–10]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 69(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/OPS–ADMIN, (703) 604–6575

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 04–10 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: July 12, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

6 JUL 2004
In reply refer to:
I-04/003536

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 04-10, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $108 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. **Transmittal No. 04-10**
2. **Policy Justification**
3. **Sensitivity of Technology**

Same ltr to: House Committee on International Relations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations
Senate Committee on Appropriations

Transmittal No. 04-10

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser**: Egypt

(ii) **Total Estimated Value**:

Major Defense Equipment*	$100 million
Other	$ 8 million
TOTAL	$108 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase**: upgrade of three CH-47C CHINOOK medium lift helicopters to the newer CH-47D configuration, eight T55-L-712 turbine engines, spare and repair parts, support equipment, publications and technical data, communications equipment, maintenance, personnel training and training equipment, U.S. Government Quality Assurance Team, contractor representatives, contractor engineering and technical support services, preparation of aircraft for shipment, and other related elements of logistics support

(iv) **Military Department**: Army (UWN)

(v) **Prior Related Cases, if any**:
FMS case UUW - $156 million - 19Jun02
FMS case JBK - $113 million - 22Jan98
FMS case JBN - $114 million - 01Dec99

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid**: none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold**: See Annex attached

(viii) **Date Report Delivered to Congress**: 6 JUL 2004

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt – Upgrade of CH-47C to CH-47D CHINOOK Helicopters

The Government of Egypt has requested a possible sale to upgrade three CH-47C CHINOOK medium lift helicopters to the newer CH-47D configuration, eight T55-L-712 turbine engines, spare and repair parts, support equipment, publications and technical data, communications equipment, maintenance, personnel training and training equipment, U.S. Government Quality Assurance Team, contractor representatives, contractor engineering and technical support services, preparation of aircraft for shipment, and other related elements of logistics support. The estimated cost is $108 million.

This proposed sale would contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been an important force for political stability in the Middle East.

The Egyptian Armed Forces will use these helicopters for troop transport and logistics support. They may also be deployed in future joint exercises with the United States such as Operation Bright Star. Egypt, which already has CH-47 helicopters in its inventory, will have no difficulty absorbing these additional helicopters.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Boeing Helicopter Company of Philadelphia, Pennsylvania. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require a U.S. contractor representative for up to two years in Egypt. Additionally, four contractor representatives and several U.S. Government Quality Assurance personnel will be required for one week following the arrival of the aircraft.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 04-10

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The CH-47 CHINOOK medium lift helicopter includes the following classified or sensitive components:

a. Radar Warning Receiver AN/APR-39A(V)3 - provides warning of a radar directed air defense threat to permit appropriate countermeasures. It is programmed with threat data provided by the purchasing country. Hardware is classified Confidential. Technical manuals for the maintenance levels are classified Confidential. Reverse engineering is not a major concern.

b. Laser Detecting Set AN/AVR-2A - is a passive laser warning system which receives, processes and displays threat information results from other aircraft illuminators, laser range finders or laser guided weapons. Hardware is classified Confidential. Reverse engineering is not a major concern.

c. Missile Approach Detector AN/ALQ-156(V)1 - is an airborne radar system, which provides infrared homing protection to the aircraft by detecting the approach of an anti-aircraft missile. Hardware is classified Confidential. Reverse engineering is not a major concern.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 04–16265 Filed 7–16–04; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

[Transmittal No. 04–11]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/OPS–ADMIN, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 04–11 with attached transmittal and policy justification.

Dated: July 12, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

7 JUL 2004
In reply refer to:
I-04/004506

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 04-11, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $94 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. **Transmittal No. 04-11**
2. **Policy Justification**

Same ltr to: House Committee on International Relations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations
Senate Committee on Appropriations

Transmittal No. 04-11

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Egypt

(ii) **Total Estimated Value:**

Major Defense Equipment*	$33 million
Other	$61 million
TOTAL	$94 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** three C-130H aircraft with engines, spare and repair parts, devices, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics personnel services and other related elements of logistics support.

(iv) **Military Department:** Air Force (STU)

(v) **Prior Related Cases, if any:**
FMS Case SBA - $153 million - 20Dec77
FMS case SAA - $58 million - 27May76

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none

(viii) **Date Report Delivered to Congress:** 7 JUL 2004

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt – C-130H Aircraft

The Government of Egypt has requested a possible sale of three C-130H aircraft with engines, spare and repair parts, devices, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics personnel services and other related elements of logistics support. The estimated cost is $94 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

Egypt requires these aircraft to further develop and enhance its C-130 fleet. These aircraft will be used for airlift of military forces and supplies. Egypt can easily absorb and utilize these additional C-130 aircraft within its existing structure.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Lockheed Martin Aeronautics Company of Marietta, Georgia. There are no known offset agreements proposed in connection with this potential sale.

The number of U.S. Government and contractor representatives required in-country to support the program will be determined in joint negotiations as the program proceeds through the development, production and equipment installation phases.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 04–16266 Filed 7–18–04; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.
ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Employment of the National Ignition Facility (NIF) will meet in closed session on August 16, 2004, Institute for Defense Analyses, 4850 Mark Center Drive, Alexandria, VA. This Task Force will review the experimental program under development for the National Ignition Facility. NIF is a key component of the National Nuclear Security Administration's (NNSA's) Stockpile Stewardship Program to maintain the nuclear weapons stockpile without nuclear testing. The NIF is a 192-beam laser designed to achieve fusion ignition and produce high-energy-density condition approaching those of nuclear weapons. NNSA and the high-energy-density physics community have developed a plan for activation and early use of NIF which includes a goal to demonstrate ignition by 2010 and also supports high priority, non-ignition experiments required for stockpile stewardship. In this assessment, the task force will assess the proposed ignition and ''non-ignition'' high-energy-density experimental programs at NIF. Review the overall balance and priority of activities within the proposed plan and the degree to which the proposed program of NIF experiments supports the near and long term goals of stockpile stewardship and the overall NIF mission. Assess the potential for NIF to support the design and development of new weapons. Focus on the extent to which major stakeholders in NIF are effectively integrated into the plan.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will assess the proposed ignition and ''non-ignition'' high-energy-density experimental programs at NIF. Review the overall balance and priority of activities within the proposed plan and the degree to which the proposed program of NIF experiments supports the near and long term goals of stockpile stewardship and the overall NIF mission. Assess the potential for NIF to support the design and development of new weapons. Focus on the extent to which major stakeholders in NIF are effectively integrated into the plan.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. 2), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, these meetings will be closed to the public.

Dated: July 12, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 04–16261 Filed 7–16–04; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DoD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting and Study Topic Review on Field Programmable Gate Arrays for Military Applications.

DATES: The meeting will be held at 0830, Monday, August 2, 2004. The Study Topic Review will be held August 3rd 0800–2130, August 4th 0830–1800 and August 5th 0900–1700.

ADDRESSES: The meeting will be held at Naval Postgraduate School, 1 University Circle, Monterey, CA 93943.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Carr, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition, Technology and Logistics to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on microwave technology, microelectronics, electro-optics, and electronics materials.

In accordance with Section 10(d) of Pub. L. 93–463, as amended, (5 U.S.C. App. 10(d)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly, this meeting will be closed to the public.

Dated: July 12, 2004.

L.M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 04–16260 Filed 7–16–04; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

This notice announces the appointment of the members of the Performance Review Board (PRB) of DFAS. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The PRB provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance awards to the Director, DFAS.

EFFECTIVE DATE: August 17, 2004.

FOR FURTHER INFORMATION CONTACT: Lee Evans, Human Resources Directorate, Defense Finance and Accounting Service, Arlington, Virginia, (703) 607–1468.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the DFAS PRB: Brig Gen Jan D. Eakle (Chairperson), Patrick T. Shine, Edward T. Grysavage, Nancy Zmyslinski.

Executives listed will serve a 1-year renewable term effective August 17, 2004.

Dated: July 13, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 04–16262 Filed 7–16–04; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Request for Public Review and Comment of Changes to the Navstar GPS Space Segment/Navigation User Segment Interface Control Document (ICD)

AGENCY: Department of the Air Force, DoD.

ACTION: Notice and Request for Review/Comment of Changes to ICD–GPS–200C

SUMMARY: This notice informs the public that the Global Positioning System (GPS) Joint Program Office (JPO) proposes to revise ICD–GPS–200, Navstar GPS Space Segment / Navigation User Interfaces to update the Letters of Exception (LOEs) currently included in the ICD. These proposed changes are described in a Proposed Interface Revision Notice (PIRN): PIRN–200C–008 Revision A. This revision is an updated version of previously distributed PIRN–200C–008. The latest PIRN can be viewed and downloaded at the following web site: *http://gps.losangeles.af.mil.* Select ''System Engineering'' and then ''Public Interface Control Working Group''. Hyperlinks are provided to ''PIRN–200C–008A (PDF)'' and to review instructions. Reviewers should save the PIRN to a local memory location prior to opening and performing the review.

ADDRESSES: Submit comments to SMC/GPERC, 2420 Vela Way, Suite 1467, El Segundo, CA 90245–4659. A comment matrix is provided for your convenience at the web site and is the preferred method of comment submittal. Comments may be submitted to the following Internet address: *smc.czerc@losangeles.af.mil.* Comments may also be sent by fax to 1–310–363–6387.

DATES: The suspense date for comment submittal is July 30, 2004.

FOR FURTHER INFORMATION CONTACT: GPERC at 1–310–363–6329, GPS JPO System Engineering Division, or write to the address above.

SUPPLEMENTARY INFORMATION: The civilian and military communities use the Global Positioning System, which employs a constellation of 24 satellites to provide continuously transmitted signals to enable appropriately configured GPS user equipment to produce accurate position, navigation, and time information.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 04–16341 Filed 7–16–04; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Performance Review Boards List of 2004 Members

Below is a list of individuals who are eligible to serve on the Performance Review Boards for the Department of the Air Force in accordance with the Air Force Senior Executive Appraisal and Awards System.

Air Force Materiel Command (AFMC) PRB

Cazel, Donald L. (HQ ACC/LGD)
Eichhorn, David J., Brigadier General (ASC/AA)
Reynolds, Richard V., Lieutenant General (AFMC/CV)
Thomas, Marilyn M. (SAF/FMBM)
Williams, Charlie E. (SAF/AQC)

Secretariat (SAF) PRB

Agee, Forrest J., Dr. (AFSOR/NE)
Ferguson, Kathleen I. (AF/ILE)
Blanchard, Roger M. (AF/DP)
Disbrow, Harry C. (AF/XOR)
Power, Gregory H., Major General (AF/XII)
Zarodkiewicz, Patricia J. (HQ AFMC/FM)

Air Staff and "Others" (ASO) PRB

Engle, James B. (SAF/AQR)
Gregory, Sandra A., Brigadier General (SAF/FMBO)
Jones, Walter F. (AFOSR/NA)
Lemkin, Bruce S. (SAF/IA)
Lineberger, Joe. G. (SAF/MRB) (Alternate)
Orr, Ronald L. (SAF/IE)

DISES PRB

At Lee, W. Kipling, Jr. (SAF/GCM)
Davidson, William A. (SAF/AAA)
Ford, Terrance M. (DAMI–Z) (Army) (Alternate)
Patterson, Leonard E., Brigadier General (AFOSI/CC)
Roby, Cherlyl (DASD, Programs and Evlauation)
Wilson, Wayne (USI) (Navy)

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 04–16340 Filed 7–16–04; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent to Grant Exclusive Patent License; American BioHealth Group, LLC

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to American BioHealth Group, LLC, a revocable, nonassignable, exclusive license to practice worldwide the Government-Owned inventions described in U.S. Patent No. 6,649,621, issued 18 November 2003 entitled, "Prevention or Reversal of Sensorineural Hearing Loss (SNHL) Through Biological Mechanisms" in the field of prevention and treatment of noise-induced sensorineural inner ear damage by administering either a nutraceutical or a pharmaceutically effective amount of antioxidant compounds through various methods to include, but not limited to, tablets, capsules, topical delivery vehicles and sterile IV administered products.

DATES: Anyone wishing to object to the granting of this license has fifteen (15) days from the date of this notice to file written objections along with supporting evidence, if any.

ADDRESSES: Submit written objections to the Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave, Silver Spring, MD 20910–7500.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Schlagel, Director, Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave, Silver Spring, MD 20910–7500, telephone (301) 319–7428 or e-mail at: *schlagelc@nmrc.navy.mil.*

Dated: July 8, 2004.

J. H. Wagshul,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 04–16269 Filed 7–16–04; 8:45 am]

BILLING CODE 3810–FF–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7788–9]

Federal Agency Hazardous Waste Compliance Docket

AGENCY: Environmental Protection Agency.

ACTION: Notice of nineteenth update of the Federal Agency Hazardous Waste Compliance Docket, pursuant to CERCLA section 120(c).

SUMMARY: Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires the Environmental Protection Agency (EPA) to establish a Federal Agency Hazardous Waste Compliance Docket. The docket is to contain certain information about Federal facilities that manage hazardous waste or from which hazardous substances have been or may be released. (As defined by CERCLA section 101(22), a release is any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.) CERCLA requires that the docket be updated every six months, as new facilities are reported to EPA by Federal agencies. The following list identifies the Federal facilities to be included in this nineteenth update of the docket and includes facilities not previously listed on the docket and reported to EPA since the last update of the docket, 68 FR 69685, December 15, 2003, which was current as of August 14, 2003. SARA, as amended by the Defense Authorization Act of 1997, specifies that, for each Federal facility that is included on the docket during an update, evaluation shall be completed in accordance with a reasonable schedule. Such site evaluation activities will help determine whether the facility should be included on the National Priorities List (NPL) and will provide EPA and the public with valuable information about the facility. In addition to the list of additions to the docket, this notice includes a section that comprises revisions (that is, corrections and deletions) of the previous docket list. This update contains 38 additions and 3 deletions since the previous update, as well as numerous other corrections to the docket list. At the time of publication of this notice, the new total number of Federal facilities listed on the docket is 2,293.

DATES: This list is current as of January 29, 2004.

FOR FURTHER INFORMATION CONTACT: Electronic versions of the docket may be obtained at *http://www.epa.gov/compliance/cleanup/federal/index.html.*

SUPPLEMENTARY INFORMATION:

Table of Contents

1.0 Introduction
2.0 Revisions of the Previous Docket
3.0 Process for Compiling the Updated Docket
4.0 Facilities Not Included
5.0 Facility Status Reporting
6.0 Information Contained on Docket Listing

1.0 Introduction

Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 United States Code (U.S.C.) 9620(c), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), required the establishment of the Federal Agency Hazardous Waste Compliance Docket. The docket contains information on Federal facilities that is submitted by Federal agencies to the U.S. Environmental Protection Agency (EPA) under sections 3005, 3010, and 3016 of the Resource Conservation and Recovery Act (RCRA),

42 U.S.C. 6925, 6930, and 6937, and under section 103 of CERCLA, 42 U.S.C. 9603. Specifically, RCRA section 3005 establishes a permitting system for certain hazardous waste treatment, storage, and disposal (TSD) facilities; RCRA section 3010 requires waste generators and transporters and TSD facilities to notify EPA of their hazardous waste activities; and RCRA section 3016 requires Federal agencies to submit biennially to EPA an inventory of hazardous waste sites that the Federal agencies own or operate. CERCLA section 103(a) requires that the National Response Center (NRC) be notified of a release. CERCLA section 103(c) requires reporting to EPA the existence of a facility at which hazardous substances are or have been stored, treated, or disposed of and the existence of known or suspected releases of hazardous substances at such facilities.

The docket serves three major purposes: (1) to identify all Federal facilities that must be evaluated to determine whether they pose a risk to human health and the environment sufficient to warrant inclusion on the National Priorities List (NPL); (2) to compile and maintain the information submitted to EPA on such facilities under the provisions listed in section 120(c) of CERCLA; and (3) to provide a mechanism to make the information available to the public.

The initial list of Federal facilities to be included on the docket was published on February 12, 1988 (53 FR 4280). Updates of the docket have been published on November 16, 1988 (54 FR 46364); December 15, 1989 (54 FR 51472); August 22, 1990 (55 FR 34492); September 27, 1991 (56 FR 49328); December 12, 1991 (56 FR 64898); July 17, 1992 (57 FR 31758); February 5, 1993 (58 FR 7298); November 10, 1993 (58 FR 59790); April 11, 1995 (60 FR 18474); June 27, 1997 (62 FR 34779); November 23, 1998 (63 FR 64806); June 12, 2000 (65 FR 36994); December 29, 2000 (65 FR 83222); October 2, 2001 (66 FR 50185); July 1, 2002 (67 FR44200); January 2, 2003 (68 FR 107); July 11, 2003 (68 FR 41353); and December 15, 2003 (68 FR 69685). This notice constitutes the nineteenth update of the docket.

Today's notice is divided into three sections: (1) Additions, (2) deletions, and (3) corrections. The additions section lists newly identified facilities that have been reported to EPA since the last update and that now are being included on the docket. The deletions section lists facilities that EPA is deleting from the docket. The corrections section lists changes in information about facilities already listed on the docket.

The information submitted to EPA on each Federal facility is maintained in the docket repository located in the EPA Regional office of the Region in which the facility is located (see 53 FR 4280 (February 12, 1988) for a description of the information required under those provisions). Each repository contains the documents submitted to EPA under the reporting provisions and correspondence relevant to the reporting provisions for each facility. Contact the following docket coordinators for information on Regional docket repositories:

Gerardo Millán-Ramos (HBS)
U.S. EPA Region 1
#1 Congress St., Suite 1100
Boston, MA 02114–2023
(617) 918–1377

Helen Shannon (ERRD)
U.S. EPA Region 2
290 Broadway, 18th Floor
New York, NY 10007–1866
(212) 637–4260

Alida Karas (ERRD)
U.S. EPA Region 2
290 Broadway
New York, NY 10007–1866
(212) 637–4276

Cesar Lee (3HS50)
U.S. EPA Region 3
1650 Arch Street
Philadelphia, PA 19107
(215) 814–3205

Gena Townsend (4WD–FFB)
U.S. EPA Region 4
61 Forsyth St., SW
Atlanta, GA 30303
(404) 562–8538

Laura Ripley (SE–5J)
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 886–6040

Philip Ofosu (6SF–RA)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, TX 75202–2733
(214) 665–3178

D. Karla Asberry (FFSC)
U.S. EPA Region 7
901 N. Fifth Street
Kansas City, KS 66101
(913) 551–7595

Stan Zawistowski (EPR–F)
U.S. EPA Region 8
999 18th Street, Suite 500
Denver, CO 80202–2466
(303) 312–6255

Philip Armstrong (SFD–9–1)
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 972–3098

Ken Marcy (ECL–115)
U.S. EPA Region 10
1200 Sixth Avenue
Seattle, WA 98101
(206) 553–2782

Monica Lindeman (ECL, SACU2)
U.S. EPA Region 10
1200 Sixth Avenue
Seattle, WA 98101
(206) 553–5113

2.0 Revisions of the Previous Docket

Following is a discussion of the revisions of the previous docket, including additions, deletions, and corrections.

2.1 Additions

Today, 38 facilities are being added to the docket, primarily because of new information obtained by EPA (for example, recent reporting of a facility pursuant to RCRA sections 3005, 3010, or 3016 or CERCLA section 103). SARA, as amended by the Defense Authorization Act of 1997, specifies that, for each Federal facility that is included on the docket during an update, evaluation shall be completed in accordance with a reasonable schedule.

Of the 38 facilities being added to the docket, none are facilities that have reported to the NRC the release of a reportable quantity (RQ) of a hazardous substance. Under section 103(a) of CERCLA, a facility is required to report to the NRC the release of a hazardous substance in a quantity that equals or exceeds the established RQ. Reports of releases received by the NRC, the U.S. Coast Guard (USCG), and EPA are transmitted electronically to the Transportation Systems Center at the U.S. Department of Transportation (DOT), where they become part of the Emergency Response Notification System (ERNS) database. ERNS is a national computer database and retrieval system that stores information on releases of oil and hazardous substances. Facilities being added to the docket and facilities already listed on the docket for which an ERNS report has been filed are identified by the notation ''103(a)'' in the ''Reporting Mechanism'' column.

It is EPA's policy generally not to list on the docket facilities that are small-quantity generators (SQG) and that have never generated more than 1,000 kilograms (kg) of hazardous waste in any single month. If a facility has generated more than 1,000 kg of hazardous waste in any single month (that is, if the facility is an episodic generator), it will be added to the docket. In addition, facilities that are SQGs and have reported releases under CERCLA section 103 or hazardous waste activities pursuant to RCRA section 3016 will be listed on the docket and will undergo site evaluation activities, such as a PA and, when appropriate, an

SI. All such facilities will be listed on the docket, whether or not they are SQGs pursuant to RCRA. As a result, some of the facilities that EPA is adding to the docket today are SQGs that had not been listed on the docket but that have reported releases or hazardous waste activities to EPA under another reporting provision.

In the process of compiling the documents for the Regional repositories, EPA identified a number of facilities that had previously submitted PA reports, SI reports, Department of Defense (DoD) Installation Restoration Program (IRP) reports, or reports under another Federal agency environmental restoration program, but do not appear to have notified EPA under CERCLA section 103. Section 120(c)(3) of CERCLA requires that EPA include on the docket, among other things, information submitted under section 103. In general, section 103 requires persons in charge of a facility to provide notice of certain releases of hazardous substances. The reports under various Federal agency environmental restoration programs may contain information regarding releases of hazardous substances similar to that provided pursuant to section 103. EPA believes that CERCLA section 120(c) authorizes the agency to include on the docket a facility that has provided information to EPA through documents such as a report under a Federal agency environmental restoration program, regardless of the absence of section 103 reporting. Therefore, some of the facilities that EPA is adding today are being placed on the docket because they have submitted the documents described above that contain reports of releases of hazardous substances.

EPA also includes privately owned, government-operated (POGO) facilities on the docket. CERCLA section 120(c) requires that the docket contain information submitted under RCRA sections 3005, 3010, and 3016 and CERCLA section 103, all of which impose duties on operators as well as owners of facilities. In addition, other subsections of CERCLA section 120 refer to facilities ''owned or operated'' by an agency or other instrumentality of the Federal government. That terminology clearly includes facilities that are operated by the Federal government, even if they are not owned by it. Specifically, CERCLA section 120(e), which sets forth the duties of the Federal agencies after a facility has been listed on the NPL, refers to the Federal agency that ''owns or operates'' the facility. In addition, the primary basis for assigning responsibility for conducting PAs and SIs, as required when a facility is listed on the docket, is Executive Order 12580, which assigns that responsibility to the Federal agency having ''jurisdiction, custody, or control'' over a facility. An operator may be deemed to have jurisdiction, custody, or control over a facility.

2.2 Deletions

Today, 3 facilities are being deleted from the docket. When facilities are deleted from the docket, it is for reasons such as incorrect reporting of hazardous waste activity, change in ownership, and exemption as an SQG under RCRA (40 CFR 262.44). Facilities being deleted no longer will be subject to the requirements of CERCLA section 120(d).

2.3 Corrections

Changes necessary to correct the previous docket were identified by both EPA and Federal agencies. The changes needed varied from simple changes in addresses or spelling to corrections of the recorded name and ownership of a facility. In addition, some changes in the names of facilities were made to establish consistency in the docket. Many new entries are simply corrections of typographical errors. For each facility for which a correction has been entered, the original entry (designated by an ''O''), as it appeared in the February 12, 1988 notice or subsequent updates, is shown directly below the corrected entry (designated by a ''C'') for easy comparison.

3.0 Process for Compiling the Updated Docket

In compiling the newly reported facilities for the update being published today, EPA extracted the names, addresses, and identification numbers of facilities from four EPA databases—ERNS, the Biennial Inventory of Federal Agency Hazardous Waste Activities, the Resource Conservation and Recovery Information System (RCRAInfo), and the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)—that contain information about Federal facilities submitted under the four provisions listed in CERCLA section 120(c).

Extensive computer checks compared the current docket list with the information obtained from the databases identified above to determine which facilities were, in fact, newly reported and qualified for inclusion on the update. In spite of the quality assurance efforts EPA has undertaken, state-owned or privately owned facilities that are not operated by the Federal government may have been included. Such problems are caused by procedures historically used to report and track data on Federal facilities; EPA is working to resolve them. Representatives of Federal agencies are asked to write to EPA's docket coordinator at the following address if revisions of this update information are necessary: Augusta K. Wills, Federal Agency Hazardous Waste Compliance Docket Coordinator, Federal Facilities Enforcement Office (Mail Code 2261A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20004.

4.0 Facilities Not Included

As explained in the preamble to the original docket (53 FR 4280), the docket does not include the following categories of facilities (note, however, that any of these types of facilities may, when appropriate, be listed on the NPL):

- Facilities formerly owned by a Federal agency and now privately owned will not be listed on the docket. However, facilities that are now owned by another Federal agency will remain on the docket and the responsibility for conducting PAs and SIs will rest with the current owner.
- SQGs that have never produced more than 1,000 kg of hazardous waste in any single month and that have not reported releases under CERCLA section 103 or hazardous waste activities under RCRA section 3016 will not be listed on the docket.
- Facilities that are solely transporters, as reported under RCRA section 3010, will not be listed on the docket.

5.0 Facility Status Reporting

EPA has expanded the docket database to include information on the NFRAP status of listed facilities. Indicating NFRAP status allows easy identification of facilities that, after submitting all necessary site assessment information, were found to warrant no further involvement on the part of EPA at the time of the status change. Accordingly, the docket database includes the following facility status codes:

U = Undetermined
N = No further remedial action planned (NFRAP)

NFRAP is a term used in the Superfund site assessment program to identify facilities for which EPA has found that currently available information indicates that listing on the NPL is not likely and further assessment is not appropriate at the time. NFRAP status does not represent an EPA determination that no environmental threats are present at the facility or that no further environmental response

action of any kind is necessary. NFRAP status means only that the facility does not appear, from the information available to EPA at this time, to warrant listing on the NPL and that, therefore, EPA anticipates no further involvement by EPA in site assessment or cleanup at the facility. However, additional CERCLA response actions by the Federal agency that owns or operates the facility, whether remedial or removal actions, may be necessary at a facility that has NFRAP status. The status information contained in the docket database is the result of Regional evaluation of information taken directly from CERCLIS. (CERCLIS is a database that helps EPA Headquarters and Regional personnel manage sites, programs, and projects. It contains the official inventory of all CERCLA (NPL and non-NPL) sites and supports all site planning and tracking functions. It also integrates financial data from preremedial, remedial, removal and enforcement programs.) The status information was taken from CERCLIS and sent to the Regional docket coordinators for review. The results of those reviews were incorporated into the status field in the docket database. Subsequently, an updated list of facilities having NFRAP status (those for which an ''N'' appears in the status field) was generated; the list of updates since the previous publication of the docket is being published today.

Important limitations apply to the list of facilities that have NFRAP status. First, the information is accurate only as of January 29, 2004. Second, a facility's status may change at any time because of any number of factors, including new site information or changing EPA policies. Finally, the list of facilities that have NFRAP status is based on Regional review of CERCLIS data, is provided for information purposes only, and should not be considered binding upon either the Federal agency responsible for the facility or EPA.

The status information in the docket database will be reviewed and a new list of facilities classified as NFRAP will be published at each docket update.

6.0 Information Contained on Docket Listing

As discussed above, the update information below is divided into three separate sections. The first section is a list of new facilities that are being added to the docket. The second section is a list of facilities that are being deleted from the docket. The third section comprises corrections of information included on the docket. Each facility listed for the update has been assigned a code(s) that indicates a more specific reason(s) for the addition, deletion, or correction. The code key precedes the lists.

SARA, as amended by the Defense Authorization Act of 1997, specifies that, for each Federal facility that is included on the docket during an update, evaluation shall be completed in accordance with a reasonable schedule. Therefore, all facilities on the additions list to this fifteenth docket update must submit a PA and, if warranted, an SI to EPA. The PA must include existing information about a site and its surrounding environment, including a thorough examination of human, food-chain, and environmental targets, potential waste sources, and migration pathways. From information in the PA or other information coming to EPA's attention, EPA will determine whether a follow-up SI is required. An SI augments the data collected in a PA. An SI may reflect sampling and other field data that are used to determine whether further action or investigation is appropriate. This policy includes any facility for which there is a change in the identity of the responsible Federal agency. The reports should be submitted to the Federal facilities coordinator in the appropriate EPA Regional office.

The facilities listed in each section are organized by state and then grouped alphabetically within each state by the Federal agency responsible for the facility. Under each state heading is listed the name and address of the facility, the Federal agency responsible for the facility, the statutory provision(s) under which the facility was reported to EPA, and the correction code(s).

The statutory provisions under which a facility reported are listed in a column titled ''Reporting Mechanism.'' Applicable mechanisms are listed for each facility: for example 3010, 3016, and 103(c).

The complete list of Federal facilities that now make up the docket and the complete list of facilities classified as no further remedial action planned (NFRAP) are not being published today. However, the lists are available to interested parties and can be obtained at *http://www.epa.gov/compliance/cleanup/federal/index.html* or by calling the HQ Docket Coordinator at (202) 564–2468. As of today, the total number of Federal facilities that appear on the docket is 2,293.

Dated: July 13, 2004.

David J. Kling,

Director, Federal Facilities Enforcement Office.

Docket Revisions

Categories of Revisions for Docket Update by Correction Code

Categories for Deletion of Facilities

(1) Small-Quantity Generator
(2) Not Federally Owned
(3) Formerly Federally Owned
(4) No Hazardous Waste Generated
(5) (This correction code is no longer used.)
(6) Redundant Listing/Site on Facility
(7) Combining Sites Into One Facility/Entries Combined
(8) Does Not Fit Facility Definition
(9) (This correction code is no longer used.)
(10) (This correction code is no longer used.)
(11) (This correction code is no longer used.)
(12) (This correction code is no longer used.)
(13) (This correction code is no longer used.)
(14) (This correction code is no longer used.)

Categories for Addition of Facilities

(15) Small-Quantity Generator With Either a RCRA 3016 or CERCLA 103 Reporting Mechanism
(16) One Entry Being Split Into Two/Federal Agency Responsibility Being Split
(17) New Information Obtained Showing That Facility Should Be Included
(18) Facility Was a Site on a Facility That Was Disbanded; Now a Separate Facility
(19) Sites Were Combined Into One Facility
(19A) New Facility

Categories for Corrections of Information About Facilities

(20) Reporting Provisions Change
(20A) Typo Correction/Name Change/Address Change
(21) Changing Responsible Federal Agency (New Responsible Federal Agency Must Submit proof of previously performed PA, which is subject to approval by EPA)
(22) Changing Responsible Federal Agency and Facility Name (New Responsible Must Submit proof of previously performed PA, which is subject to approval by EPA)
(23) New Reporting Mechanism Added at Update
(24) Reporting Mechanism Determined to Be Not Applicable After Review of Regional Files

Note: Further information on definitions of categories can be obtained by calling Augusta K. Wills, the HQ Docket Coordinator at (202) 564–2468.

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET #19—ADDITIONS

Facility name	Address	City	State	Zip code	Agency	Reporting mechanisms	Code
FS—Tongass NF: Apex Mine	T45S R56E S13,23,24 +57° 57′01″ N, −136°17′45″ W.	Pelican	AK	99832	Agriculture	103c	19A
FS—Tongass NF: El Nido Mine.	T45S R56E S13,13,24+57° 56′56″ N, −136° 17′ 01″ W.	Pelican	AK	99832	Agriculture	103c	19A
FWS—Rose Atoll National Wildlife Refuge.	Rose Atoll		AS		Interior	3016	19A
FWS—Cabeza Prieta National Wildlife Refuge-Ajo Air Force.	1611 North Second Avenue	Ajo	AZ	85321–1634	Interior	3016	19A
FWS—Imperial National Wildlife Refuge.	Red Cloud Mine Road	Martinez Lake	AZ		Interior	3016	19A
FWS—Sonny Bono Salton Sea National Wildlife Refuge.	906 West Sinclair Road	Calipatria	CA	92233–9744	Interior	3016	19A
FWS—Sweetwater Marsh National Wildlife Refuge.		Chula Vista and National City.	CA		Interior	3016	19A
FWS—San Diego National Wildlife Refuge-South San.	13910 Lyons Valley Road, Suite R.	Jamul	CA	91935–3805	Interior	3016	19A
FWS—Don Edwards San Francisco Bay National.	P.O. Box 524	Newark	CA	94560–0524	Interior	3016	19A
Veterans Affairs Medical Center.	50 Irving St NW Code 138E IH	Washington	DC	20422	Veterans Affairs	3010	19A
FWS—Prime Hook National Wildlife Refuge-Shooting.	11978 Turkle Pond Road	Milton	DE	19968–9751	Interior	3016	19A
FWS—Guam National Wildlife Refuge-Ritidian Unit.	Ritidian Point	Dededo	GU	96912	Interior	3016	19A
FWS—James Campbell National Wildlife Refuge-Kii.	Oahu National Wildlife Refuge Complex, P.O. Box 340.	Haleiwa	HI	96712–0340	Interior	3016	19A
FWS—Hawaiian Islands National Wildlife Refuge.	French Frigate Shoals, Tern Island.		HI		Interior	3016	19A
FWS—Hawaiian Islands National Wildlife Refuge.	Laysan Island		HI		Interior	3016	19A
FWS—Hawaiian Islands National Wildlife Refuge-pearl.	Pearl and Hermes Reef		HI		Interior	3016	19A
BLM—Osborne Mine	T7N R2E S33 NW¼ NE¼ +43°32′44.2″ N, −116°7′.	Horseshoe Bend	ID	83629	Interior	103c	19A
Defense Industrial Plant Equipment Facility.	Old Route 1, Box 532, 6675 Sherman Road.	Atchison	KS	66002	Defense	103c	19A
ME ARNG OMS#1	772 Stevens Avenue	Portland	ME	04103–2696	Army	3010	19A
FWS—Detroit River International Wildlife Refuge.	6975 Mower Road	Saginaw	MI	48601–9783	Interior	3016	19A
USDA FGIS Technical Center	10383 N Ambassador Dr	Kansas City	MO	64153	Agriculture	3010	19A
Jackson Homer (EX) Beacon Annex.		Jackson	NE	68743	Transportation	103c	19A
Harvard (EX) Precision Bombing Range #5.	25 Miles S.W. of Valentine	Valentine	NE	69201	Agriculture	103c	19A
FWS—Sheldon National Wildlife Refuge.	Humbolt and Washoe Counties.		NV		Interior	3016	19A
FS—Ochoco NF: Champion Mine.	T14S R19E S3 20 Mi NE of Prineville +44°23′22.1″ N, −.	Prineville	OR	97754	Agriculture	103c	19A
FS—Ochoco NF: Little Hay Creek.	T13S R19E S27 24 Mi NE of Prineville +44°25′12″ N, −120°.	Prineville	OR	97754	Agriculture	103c	19A
FS—Ochoco NF: Ochoco Mine	T13S R20E S20 35 Mi NE of Prineville +44° 25′37.6″ N, −.	Prineville	OR	97754	Agriculture	103c	19A
FWS—Jarvis Island National Wildlife Refuge.	Jarvis Island		PI		Interior	3016	19A
FWS—Palmyra Atoll National Wildlife Refuge.	Palmyra Atoll		PI		Interior	3016	19A
USA Charleston Army Depot	Remount Road	North Charleston	SC	29406	Army	103c	16
BLM—Abandoned Gravel Pit	2370S. 2300W	Salt Lake City	UT	84119	Interior	103c	19A
BLM—Buckhorn Was Underground Explosive Site.	2370S. 2300W	Salt Lake City	UT	84119	Interior	103c	19A
BLM—Carrington Isl. Precision Bombing Range.	2370S. 2300W	Salt Lake City	UT	84119	Interior	103c	19A
BLM—Dugway Underground Explosive Site #5.	2370S. 2300W	Salt Lake City	UT	84119	Interior	103c	19A
BLM—Wendover Bombing & Gunnery Range.	2370S. 2300W	Salt Lake City	UT	84119	Interior	103c	19A
BLM—Wendover Special Weapons Bombing Range.	2370S. 2300W	Salt Lake City	UT	84119	Interior	103c	19A
U.S. Army Ft. Douglas Toxic Exercise Area.	AFZC–D–DEH	Salt Lake City	UT	84113	Army	103c	19A
USFS Santiquin Mudslide	324 25TH ST	Salt Lake City	UT	84401	Agriculture	103c 3016	19A

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET #19—DELETIONS

Facility	Name	Address	City	State	Zip code	Agency	Reporting mechanism
Point Mugu Naval Air Warfare Center.	Pacific Coast Highway	Point Mugu	CA	93042	Navy	3016 103a	6
Naval Facilities Engineering Service Center.	560 Center Drive	Port Hueneme	CA	93043	Navy	103a	6
Southern Forest Experiment Station.	701 Loyola Avenue	New Orleans	LA		Agriculture	3016	4

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #19—CORRECTIONS

	Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code
c	Luke Waste Annex DRMO	7011 N. El Mirage Rd	Glendale	AZ	85307	Air Force	3005 3010 3016	23
o	Luke—El Mirage Road Landfill.	7011 N. El Mirage Rd	Glendale	AZ	85307	Air Force	3016	
c	BLM—Salambo Mine	T2S, R15E, Sec 32, NE¼, MDM.	Tolumne County	CA	95311	Interior	3016 103c	20A
o	BLM—Salambo Mine	T25, R15, Sec 32, NE¼, MDM.	Coulterville	CA	95311	Interior	3016 103c	
c	Former Naval Housing Area—Novato.	Main Entrance Rd at C St	Novato	CA	94939	Navy	3010 3016 103c	20A
o	Novato—Housing Facility	Branchy HSG Office Bldg. 1000.	Novato	CA	94939	Navy	3010 3016 103c	
c	Former NAVMEDCEN Oakland.	8750 Mountain Blvd	Oakland	CA	94605	Navy	3010 103c 3016	20A
o	Oakland Naval Regional Medical Center.	8750 Mountain Blvd	Oakland	CA	94627	Navy	3010 103c 3016	
c	NAVBASE Ventura County—Pt Mugu.	311 Main Rd Ste 1	Point Mugu	CA	93042	Navy	3005 3010 3016 103c	23
o	Pacific Missile Test Center Point Mugu.		Point Mugu	CA	93042	Navy	3005 3010 103c 103a	
c	FISC San Diego—Point Loma Annex.	199 Rosecrans St	San Diego	CA	92106	Navy	3005 3010 103c	20A
o	Point Loma Naval Supply Center—Annex.	NAVSUBSUPPFAC San Diego Bldg 546.	San Diego	CA	92152	Navy	3005 3010 103c	
c	COMSPAWARSYSCOM San Diego.	4301 Pacific Hwy	San Diego	CA	92110	Navy	3010	20A
o	NISE West (South Complex).	4297 Pacific Hwy	San Diego	CA	92186	Navy	3010	
c	NAS North Island	McCain Blvd at Alameda Blvd.	San Diego	CA	92135	Navy	3005 3010 3016 103c	20A
o	North Island Naval Air Station.	SERE P.O. Box 14	San Diego	CA	92136–5118	Navy	3005 3010 3016 103c	
c	BLM—Klau Mine	S½, Sec 33, T26S, R10E, Mt Diablo.	San Luis Obispo County.	CA		Interior	103c	20A
o	BLM—Klau Mine	S½, Sec 33, T26S, R10E, Mt Diablo.	San Luis County	CA		Interior	103c	
c	General Services Administration.	Rough & Ready Island Bldg 414.	Stockton	CA	95203	General Services Adminstration.	3010 103c	20A
o	Stockton	Rough & Ready Island Bldg 414.	Stockton	CA	95203	General Services Adminstration.	3010 103c	
c	NAS North Island—Warner Springs SERE Camp.	Warner Springs	Warner Springs	CA	92086	Navy	103c 3016	20A
o	North Island Naval Air Station—SERE.	P.O. Box 14	San Diego	CA		Navy	103c 3016	
c	NGA—Washington Navy Yard.	1st St & M St SE	Washington	DC	20374	National Geospatial	3010	22
o	National Imagery and Mapping Agency.	1st St & M St SE	Washington	DC	20374	National Imagery And Mapping.	3010	
c	BLM—Lower Coeur D'Alene River.	T48N R2 & R3W Cataldo/ Rose Lake/Harrison.	Harrison	ID	83833	Interior	103c	20A
o	BLM—Lower Coeur D'Alene River.	T48N R2 & R3W	Harrison	ID	83810	Interior	103C	
c	Boston Veterans Affairs Hospital.	150 South Huntington Ave	Boston	MA	02130	Veterans Affairs	103c 3010	20A, 23
o	Boston Veterans Affairs Hospital.	150 S Huntington Rd	Boston	MA	02130	Veterans Affairs	103c	
c	NGA–Bethesda	4600 Sangamore Road	Bethesda	MD	20816	National Geospatial	3010	20A, 22
o	Defense Mapping Agency HTC.	6100 MacArthur Blvd	Brookmont	MD	20816	Defense	3010	
c	USDA Avian Disease and Oncology Laboratory.	3606 East Mt Hope Rd	East Lansing	MI	48823	Agriculture	3010 3016 103c	20A, 23
o	Regional Poultry Research Laboratory.	3603 East Mt Hope Rd	East Lansing	MI	48823	Agriculture	3016 103c	
c	NGA–St. Louis	8900 S. Broadway	St. Louis	MO	63118	National Geospatial	3010 103c	22

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #19—CORRECTIONS—Continued

	Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code
o	NIMA—St. Louis	8900 S Broadway	St. Louis	MO	63118	National Imagery And Mapping.	3010 103c	
c	NGA—St. Louis	3200 S. Second Street	St. Louis	MO	63118	National Geospatial	3010 103c	22
o	NIMA—St. Louis	3200 S. Second Street	St. Louis	MO	63118	National Imagery And Mapping.	3010 103c	
c	New Boston Air Force Station.	23 SOPS/CC, 317 Chestnut Hill Road.	Amherst	NH	03031–1518	Air Force	103c 3010	20A, 23
o	New Boston Air Force Station.	Chestnut Hill Road	New Boston	NH	03301	Air Force	103c	
c	FWS—Malheur NWR: Buena Vista Stn.	E of Hwy 205 at 35 Mi S of Burns, 25 Mi SE of Princeton.	Princeton	OR	97721	Interior	103c 3016	23
o	FWS—Malheur NWR: Buena Vista Stn.	E of Hwy 205 at 35 Mi S of Burns, 25 Mi SE of Pricneton.	Princeton	OR	97721	Interior	3016	
c	Tobyhanna Army Depot	11 Hap Arnold Blvd	Tobyhanna	PA	18466–5086	Army	3005 3010	20A 3016 103c
o	Tobyhanna Army Depot	ATTN: SDSTO–AF–E	Scranton	PA	18466	Army	3005 3010 3016 103c	
c	FWS—Midway Atoll	Midway Atoll		PI		Interior	3010 301 103a 103C	20A, 22, 23
o	Midway Island Naval Air Station.	USNAVY NAS Midway	Midway Islands	MU	96614	Navy	3016 103a 103c	
c	John H. Kerr Reservoir	Route 1, Box 76	Boydton	VA	23917–9801	Corps of Engineers, Civil.	3010 103c 3016 103a	23
o	John H. Kerr Reservoir	Route 1, Box 76	Boydton	VA	23917–9801	Corps of Engineers, Civil.	3010 103c 3016	
c	Central Intelligence Agency Headquarters.	Route 123	Mclean	VA	22101	CIA	3010 103c	23 103a
o	Central Intelligence Agency Headquarters.	Route 123	Mclean	VA	22101	CIA	3010 103c	
c	FWS—Occoquan Bay National Wildlife Refuge.	Dawson Beach Road	Woodbridge	VA	22191	Interior	3016 103c	22
o	Woodbridge Research Facility.	Dawson Beach Road	Woodbridge	VA	22191	Army	3016 103c	
c	FWS—Turnbull NWR: Smith Road Site.	26010 S Smith Rd, 3.5 MI S of Cheney.	Cheney	WA	99004	Interior	103c 3016	23
o	FWS—Turnbull NWR: Smith Road Site.	26010 S Smith Rd, 3.5 Mi S of Cheney.	Cheney	WA	99004	Interior	3016	
c	FWS—Little Pend Oreille NWR: Landfill.	1310 Bear Creek Rd	Colville	WA	99114	Interior	103c 3016	23
o	FWS—Little Pend Oreille NWR: Landfill.	1310 Bear Creek Rd, 3.5 Mi S of Colville.	Colville	WA	99114	Interior	3016	
c	FWS—Willapa NWR: SE Long Island Area Site.	SE Long Island, 8.5 Mi NE of Ilwaco +46.42 N,–123.933 W.	Ilwaco	WA	98624	Interior	103c 3016	23
o	FWS—Willapa NWR: SE Long Island Area Site.	SE Long Island, 8.5 Mi NE of Ilwaco +46.42 N,–123.933 W.	Ilwaco	WA	98624	Interior	3016	
c	FWS—Umatilla NWR: Whitcomb Island Unit.	Whitcomb Isl, OFF Hwy 14, 2 Mi E of Whitcomb, 9 Mi W of.	Paterson	WA	99345	Interior	103c 3016	23
o	FWS—Umatilla NWR: Whitcomb Island Unit.	Whitcomb Isl, OFF Hwy 14, 2 Mi E of Whitcomb, 9 Mi W of.	Paterson	WA	99345	Interior	3016	
c	F.E. Warren Air Force Base	I–25 and Randall Avenue	Cheyenne	WY	82005	Air Force	3005 3010 3016 103c	20A
o	F.E. Warren Air Force Base	90 CIV ENG SQ Bldg 320	Cheyenne	WY	82005	Air Force	3005 3010 3016 103c	

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #19—NFRAP STATUS CHANGES

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	NFRAP status
BLM—Osborne Mine	T7N R2E S33 NW¼ NE¼ +43°32′ 44.2″ N, −116° 7′.	Horseshoe Bend	ID	83629	Interior	103c	N
BLM—Afton Canyon/Union Pacific Railroad.	T10–11R4–6Sec 4–22	Afton	CA	92365	Interior	3016 103c	
BLM—Blackrock Mine	T3S, R31E, Sec 13 & 14 MDM.	Bishop	CA	93514	Interior	3016 103c	
BLM—Bodie Mine	T4N, R21E, Sec 9&8 MDM	Bridgeport	CA	93517	Interior	3016 103c	
BLM—Klau Mine	S½, Sec 33, T26S, R10E, Mt Diablo.	San Luis Obispo County.	CA		Interior	103c	
BLM—Salambo Mine	T2S, R15E, Sec 32, NE¼, MDM.	Toulmne County	CA	95311	Interior	3016 103c	
BLM—Vallecitos Oilfield	T16S R11E Sec 25	Hollister	CA	95023	Interior	103c	

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #19—NFRAP STATUS CHANGES—Continued

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	NFRAP status
Fort Douglas (Fort Carson Subinstallation).	AFZC–D–DEH	Salt Lake City	UT	84113	Army	103c	U

[FR Doc. 04–16336 Filed 7–16–04; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Economic Impact Policy

This notice is to inform the public that the Export-Import Bank of the United States has received an application to finance the export of approximately $50 million in U.S. equipment and services to a soda ash production facility in Turkey. The U.S. exports will enable the soda ash plant to produce from natural resources (*e.g.*, trona) approximately 1,000,000 metric tons of soda ash per year and 100,000 metric tons of sodium bicarbonate per year. Initial production is expected to commence in the latter part of 2006. Available information indicates that this new production will be consumed throughout the Middle East, in Africa, in South Asia and in Greece and Italy. Interested parties may submit comments on this transaction by e-mail to *economic.impact@exim.gov* or by mail to 811 Vermont Avenue, NW., Room 1238, Washington, DC 20571, within 14 days of the date this notice appears in the **Federal Register**.

Helene S. Walsh,

Director, Policy Oversight and Review.

[FR Doc. 04–16311 Filed 7–16–04; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 04–228; DA 04–2085]

Elimination of Market Entry Barriers for Small Telecommunications Businesses and Allocations of Spectrum-Based Services for Small Businesses and Businesses Owned by Women and Minorities

AGENCY: Federal Communications Commission.

ACTION: Notice, extension of comment period.

SUMMARY: In this document, the Commission extends the period for comment and reply comment in this proceeding that seeks comment on constitutionally permissible ways for the Commission to further its legislative mandate to identify and eliminate market entry barriers for small telecommunications businesses and to further opportunities in the allocation of spectrum-based services for small businesses and businesses owned by women and minorities. The deadline to file comments is extended from July 22, 2004, to September 10, 2004, and the deadline to file reply comments is extended from August 6, 2004, to October 8, 2004. The action is taken to respond to a Motion for Extension of Time.

DATES: Comments are due on or before September 10, 2004, and reply comments are due on or before October 8, 2004.

ADDRESSES: Federal Communications Commission, Portals II, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Julie Salovaara, Industry Analysis Division, Media Bureau, (202) 418–2330 or *Julie.Salovaara@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Public Notice, DA–04–2085, in MB Docket No. 04–228, released on July 12, 2004. The full text of this Public Notice is available for inspection and copying during regular business hours in the FCC Reference Center, 445 12th Street, SW., Room CY–A257, Portals II, Washington, DC 20554, and may also be purchased from the Commission's copy contractor, Best Company and Printing, Inc., Room CY–B402, telephone (800) 378–3160, *http://www.bcpiweb.com.* To request materials in accessible formats for people with disabilities (electronic files, large print, audio format and Braille), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0531 (voice), 418–7365 (TTY).

The Commission extends the comment period established in the previous Public Notice in this proceeding (69 FR 34672, June 22, 2004) from July 22, 2004, to September 10, 2004, and the reply comment deadline from August 6, 2004, to October 8, 2004. This action responds to a Motion for Extension of Time, filed July 2, 2004, by the Minority Media and Telecommunications Council (MMTC). MMTC explains that it expects to engage a consultant to help in preparing its comments, and seeks an extension of the comment and reply comment periods to allow sufficient time for its expert to analyze whether the Commission's studies and other literature in the field provide a basis for meeting the constitutional requirements applicable to race-conscious initiatives.

MMTC also states that the extension is needed to circulate the expert's conclusions once this analysis is completed and for MMTC to draft its comments. Given the complexity of the legal issues involved, the heightened constitutional standards that apply, and the Commission's consequent interest in obtaining a rigorous and comprehensive analysis, we believe that granting MMTC's extension request will serve the public interest.

Federal Communications Commission.

Thomas L. Horan,

Legal Advisor, Media Bureau.

[FR Doc. 04–16365 Filed 7–16–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also

includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center 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 August 12, 2004.

A. Federal Reserve Bank of Cleveland (Cindy C. West, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. First Citizens Banc Corp, Sandusky, Ohio; to acquire 100 percent of the voting shares of, and thereby merge with FNB Corporation, and thereby indirectly acquire voting shares of First National Bank of Shelby, Shelby, Ohio.

Board of Governors of the Federal Reserve System, July 13, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–16277 Filed 7–16–04; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Workgroup on the National Health Information Infrastructure (NHII).

Time and Date: 8 a.m.–4:15 p.m.; July 23, 2004.

Place: Washington Convention Center, Room 146A, B, & C, 801 Mount Vernon Place, NW., Washington, DC 20002.

Status: Open.

Purpose: The Workgroup will hear testimony from invited experts on National Health Information Infrastructure (NHII) opportunities, including recommendations, in the key areas: personal health, governance, incentives, standards and architecture, confidentiality, ethics, privacy, access, measuring progress, population health, and clinical research. The morning session will conclude with the closing remarks from the HHS NHII conference ''2004 Cornerstones for Electronic Healthcare.'' The afternoon session will consist of discussion between the Workgroup and the speakers.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Mary Jo Deering Ph.D., Lead Staff Person for the NCVHS Workgroup on the National Health Information Infrastructure, NCI Center for Strategic Dissemination and NCI Center for Bioinformatics, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard—Room 4087, Rockville, MD, 20852, telephone (301) 594–8193, or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Room 2402, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home age of the HHS Web site: *http://www.ncvhs.hhs.gov/*, where an agenda for the meeting will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: July 7, 2004.

James Scanlon,

Acting Deputy Assistant Secretary for Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 04–16372 Filed 7–16–04; 8:45 am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–04–06]

Fiscal Year 2004 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications for the Livable Communities Initiative.

SUMMARY: The Administration on Aging announces that under this program announcement it will hold a competition for a grant award for one project at a Federal share of approximately $125,000, for a project period of one year.

Legislative authority: The Older Americans Act, Public Law 106–501 (Catalog of Federal Domestic Assistance 93.048, Title IV and Title II, Discretionary Projects).

Purpose of grant awards: The purpose of this project is to identify and showcase communities that best meet the criteria of a livable community, and to highlight promising practices that can be used by county and municipal governments throughout the country in preparing for the aging of the baby boom population. The award will be a cooperative agreement because the Administration on Aging will be substantially involved in the development and execution of the activities of the projects. The applicant and the Administration on Aging will work cooperatively to develop the criteria upon which the model communities will be selected and to clarify the issues to be addressed by the project. Awardee activities for this initiative are as follows:

a. Working collaboratively with AoA to develop the criteria upon which the model communities will be selected.

b. Conducting a competitive process to identify the top eight models of Livable Communities for All Ages.

c. Developing a written manual consisting of case study descriptions of the models, along with other relevant technical assistance materials.

d. Drafting an action plan that county and municipal governments can implement in replicating successful models of livable communities, and that can serve as a framework for discussion at the 2005 White House Conference on Aging.

AoA activities for this initiative will include:

a. Working collaboratively with the grantee to develop criteria upon which the model communities will be selected.

b. Providing input for the plan.

c. Reviewing and commenting on the manual and related technical assistance materials.

Eligibility for grant awards and other requirements: Eligibility for grant awards is limited to national nonprofit and faith-based organizations with a demonstrated expertise in developing a framework or action plan that can be easily implemented through county and municipal governments. Grantees are required to provide at least 25 percent of the total program costs from non-federal cash or in-kind resources in order to be considered for the award. Executive Order 12372 is not applicable to these grant applications.

Screening criteria: All applications will be screened to assure a level playing field for all applicants. Applications that fail to meet the screening criteria described below will not be reviewed and will receive no further consideration:

1. *Postmark Requirements*—Applications must be postmarked by midnight of the deadline date indicated below, or hand-delivered by 5:30 p.m. eastern time, on that date, or submitted electronically by midnight on that date.

2. *Organizational Eligibility*—Eligibility for grant awards is limited to national nonprofit and faith-based organizations with a demonstrated expertise in developing a framework or action plan that can be easily

implemented through county and municipal governments.

3. *Responsiveness to Priority Area Description*—Applications will be screened on whether the application is responsive to the priority area description.

4. *Project Narrative*—The Project Narrative must be double-spaced on single-sided 8.5″ by 11″ plain white paper with a 1″ margin on each side and a font size of not less than 11. You can use smaller font sizes to fill in the standard forms and sample formats. The suggested length of the narrative is 10 to 20 pages; 20 pages is the maximum length allowed. AoA will not accept applications with a project narrative that exceeds 20 pages, excluding the project work plan grid, letters of cooperation and vitae of key personnel.

Review of applications: Applications will be evaluated against the following criteria: Purpose and Need for Assistance (20 points); Approach/Method—Workplan and Activities (30 points); Outcomes/Benefits/Impacts (20 points); and Level of Effort, Program Management, and Organizational Capacity (30 points).

DATES: The deadline date for the submission of applications is August 18, 2004.

ADDRESSES: Application kits are available by writing to the U.S. Department of Health and Human Services, Administration on Aging, Office for Community-Based Services, Washington, DC 20201, by calling 202/357–3520, or online at *http://www.grants.gov.*

Applications may be mailed to the U.S. Department of Health and Human Services, Administration on Aging, Office of Grants Management, Washington, DC 20201, attn: Margaret Tolson (AoA–04–06).

Applications may be delivered to the U.S. Department of Health and Human Services, Administration on Aging, Office of Grants Management, One Massachusetts Avenue, NW., Room 4604, Washington, DC 20001, attn: Margaret Tolson (AoA–04–06).

If you elect to mail or hand deliver your application you must submit one original and two copies of the application; an acknowledgement card will be mailed to applicants. Instructions for electronic mailing of grant applications are available at *http://www.grants.gov.*

SUPPLEMENTARY INFORMATION: All grant applicants are required to obtain a D–U–N–S number from Dun and Bradstreet. It is a nine-digit identification number, which provides unique identifiers of single business entities. The D–U–N–S number is free and easy to obtain from *http://eupdate.dnb.com/requestoptions.html.*

FOR FURTHER INFORMATION CONTACT: U.S. Department of Health and Human Services, Administration on Aging, Office of Grants Management, Washington, DC 20201, telephone: (202) 357–3440.

Dated: July 14, 2004.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. 04–16350 Filed 7–16–04; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004N–0062]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Color Additive Certification Requests and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 18, 2004.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Color Additive Certification Requests and Recordkeeping—21 CFR Part 80 (OMB Control Number 0910–0216)—Extension

FDA has regulatory oversight for color additives used in foods, drugs, cosmetics, and medical devices. Section 721(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 379e(a)) provides that a color additive shall be deemed to be unsafe unless it meets the requirements of a listing regulation, including any requirement for batch certification, and is used in accordance with the regulation. FDA lists color additives that have been shown to be safe for their intended uses in title 21 of the Code of Federal Regulations (CFR). FDA requires batch certification for all color additives listed in 21 CFR part 74 and for all color additives provisionally listed in 21 CFR part 82. Color additives listed in 21 CFR part 73 are exempted from certification.

The requirements for color additive certification are described in part 80 (21 CFR part 80). In the certification procedure, a representative sample of a new batch of color additive, accompanied by a ''request for certification'' that provides information about the batch, must be submitted to FDA's Office of Cosmetics and Colors. FDA personnel perform chemical and other analyses of the representative sample and, providing the sample satisfies all certification requirements, issue a certification lot number for the batch. FDA charges a fee for certification based on the batch weight and requires manufacturers to keep records of the batch pending and after certification.

Under § 80.21, a request for certification must include: Name of color additive, manufacturer's batch number and weight in pounds, name and address of manufacturer, storage conditions, statement of use(s), certification fee, and signature of person requesting certification. Under § 80.22, a request for certification must include a sample of the batch of color additive that is the subject of the request. The sample must be labeled to show: Name of color additive, manufacturer's batch number and quantity, and name and address of person requesting certification. Under § 80.39, the person to whom a certificate is issued must keep complete records showing the disposal of all the color additive covered by the certificate. Such records are to be made available upon request to any accredited representative of FDA until at least 2 years after disposal of all of the color additive.

The purpose for collecting this information is to help FDA assure that

only safe color additives will be used in foods, drugs, cosmetics, and medical devices sold in the United States. The required information is unique to the batch of color additive that is the subject of a request for certification. The manufacturer's batch number is used for temporarily identifying a batch of color additive until FDA issues a certification lot number and for identifying a certified batch during inspections. The manufacturer's batch number also aids in tracing the disposal of a certified batch or a batch that has been refused certification for noncompliance with the color additive regulations. The manufacturer's batch weight is used for assessing the certification fee. The batch weight also is used to account for the disposal of a batch of certified or certification-rejected color additive. The batch weight can be used in a recall to determine whether all unused color additive in the batch has been recalled. The manufacturer's name and address and the name and address of the person requesting certification are used to contact the person responsible should a question arise concerning compliance with the color additive regulations. Information on storage conditions pending certification is used to evaluate whether a batch of certified color additive is inadvertently or intentionally altered in a manner that would make the sample submitted for certification analysis unrepresentative of the batch. FDA checks storage information during inspections. Information on intended uses for a batch of color additive is used to assure that a batch of certified color additive will be used in accordance with the requirements of its listing regulation. The statement of the fee on a certification request is used for accounting purposes so that a person requesting certification can be notified promptly of any discrepancies.

In the **Federal Register** of February 26, 2004 (69 FR 8977), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
80.21	23	200	4,603	0.20	921
80.22	23	200	4,603	0.05	230
Total				0.25	1,151

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Record	Total Hours
80.39	23	200	4,603	0.25	1,151
Total					1,151

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The annual burden estimate for this information collection is 2,302 hours. The estimated reporting burden for this information collection is 1,151 hours and the estimated recordkeeping burden for this information collection is 1,151 hours. From fiscal years 2001 to 2003, FDA processed an average of 4,603 responses (requests for certification of batches of color additives) per year. There were 23 different respondents, corresponding to an average of approximately 200 responses from each respondent per year. Using information from industry personnel, FDA estimates that an average of 0.25 hour per response is required for reporting (preparing certification requests and accompanying sample labels) and an average of 0.25 hour per response is required for recordkeeping.

Dated: July 13, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–16304 Filed 7–16–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004N–0093]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 18, 2004.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Management Programs (HFA–250), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution — (21 CFR Part 207)— (OMB Control Number 0910–0045)— Extension

Under section 510 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360), FDA is authorized to establish a system for registration of producers of drugs and for listing of drugs in commercial distribution. To implement section 510 of the act, FDA issued part 207 (21 CFR part 207). Under § 207.20, manufacturers, repackers, and relabelers that engage in the manufacture, preparation, propagation, compounding, or processing of human or veterinary drugs and biological products, including bulk drug substances and bulk drug substances for prescription compounding, and drug premixes as well as finished dosage forms, whether prescription or over-the-counter, are required to register their establishment. In addition, manufacturers, repackers, and relabelers are required to submit a listing of every drug or biological product in commercial distribution. Owners or operators of establishments that distribute, under their own label or trade name, a drug product manufactured by a registered establishment are not required either to register or list. However, distributors may elect to submit drug listing information in lieu of the registered establishment that manufactures the drug product. Foreign drug establishments must also comply with the establishment registration and product listing requirements if they import or offer for import their products into the United States.

Under §§ 207.21 and 207.22, establishments, both domestic and foreign, must register with FDA by submitting Form FDA–2656 (Registration of Drug Establishment) within 5 days after beginning the manufacture of drugs or biologicals, or within 5 days after the submission of a drug application or biological license application. In addition, establishments must register annually by returning, within 30 days of receipt from FDA, Form FDA–2656e (Annual Update of Drug Establishment) (Note: This form is no longer mailed to registrants by FDA; updating registration information is estimated in the table below by the information submitted annually on Form FDA–2656). Changes in individual ownership, corporate or partnership structure location, or drug-handling activity must be submitted as amendments to registration under § 207.26 within 5 days of such changes. Distributors that elect to submit drug listing information must submit a Form FDA–2656 to FDA and a copy of the completed form to the registered establishment that manufactured the product to obtain a labeler code. Establishments must, within 5 days of beginning the manufacture of drugs or biologicals, submit to FDA a listing for every drug or biological product in commercial distribution at that time by using Form FDA–2657 (Drug Product Listing). Private label distributors may elect to submit to FDA a listing of every drug product they place in commercial distribution. Registered establishments must submit to FDA drug product listing for those private label distributors who do not elect to submit listing information by using Form FDA–2658 (Registered Establishments' Report of Private Label Distributors).

Under § 207.25, product listing information submitted to FDA by domestic and foreign manufacturers must, depending on the type of product being listed, include any new drug application number or biological establishment license number, copies of current labeling and a sampling of advertisements, a quantitative listing of the active ingredient for each drug or biological product not subject to an approved application or license, the National Drug Code number, and any drug imprinting information.

In addition to the product listing information required on Form FDA–2657, FDA may also require, under § 207.31, a copy of all advertisements and a quantitative listing of all ingredients for each listed drug or biological product not subject to an approved application or license; the basis for a determination, by the establishment, that a listed drug or biological product is not subject to marketing or licensing approval requirements; and a list of certain drugs or biological products containing a particular ingredient. FDA may also request, but not require, the submission of a qualitative listing of the inactive ingredients for all listed drugs or biological products, and a quantitative listing of the active ingredients for all listed drugs or biological products subject to an approved application or license.

Under § 207.30, establishments must update their product listing information by using Form FDA–2657 and/or Form FDA–2658 every June and December, or at the discretion of the establishment, when any change occurs. These updates must include the following information: (1) A listing of all drug or biological products introduced for commercial distribution that have not been included in any previously submitted list; (2) all drug or biological products formerly listed for which commercial distribution has been discontinued; (3) all drug or biological products for which a notice of discontinuance was submitted and for which commercial distribution has been resumed; and (4) any material change in any information previously submitted. No update is required if no changes have occurred since the previously submitted list.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED REPORTING BURDEN[1]

21 CFR Section/Form No.	No. of Respondents	Number of Responses Per Respondent	Total Annual Responses	Hours per Responses	Total Hours
(1) Form FDA–2656 Registration of Drug Establishment 21 CFR 207.21 21 CFR 207.22 21 CFR 207.25 21 CFR 207.26 21 CFR 207.40	18,430	.36	6,700	2.50 hr.	16,750

TABLE 1.—ESTIMATED REPORTING BURDEN[1]—Continued

21 CFR Section/Form No.	No. of Respondents	Number of Responses Per Respondent	Total Annual Responses	Hours per Responses	Total Hours
(2) Form FDA–2656 Annual Update of Drug Establishment 21 CFR 207.21 21 CFR 207.22 21 CFR 207.25 21 CFR 207.26 21 CFR 207.40	8,382	.82	6,859	2.50 hr.	17,147.50
(3) Form FDA–2657 Drug Product Listing 21 CFR 207.21 21 CFR 207.22 21 CFR 207.25 21 CFR 207.30 21 CFR 207.31 21 CFR 207.40	15,530	3	46,713	2.50 hr.	116,782.50
(4) Form FDA–2658 Registered Establishments' Report of Private Label Distributors 21 CFR 207.21 21 CFR 207.22 21 CFR 207.25 21 CFR 207.30 21 CFR 207.31	7,216	2.14	15,415	2.50 hr.	38,537.50
Total Reporting Burden					189,217.50

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In the **Federal Register** of April 8, 2004 (69 FR 18588), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

Dated: July 13, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–16305 Filed 7–16–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0379]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 9, 2004 (69 FR 11018), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0518. The approval expires on June 30, 2007. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: July 13, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–16306 Filed 7–16–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004N–0063]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Voluntary Registration of Cosmetic Product Establishments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 18, 2004.

ADDRESSES: OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Voluntary Registration of Cosmetic Product Establishments—21 CFR Part 710 (OMB Control Number 0910–0027)—Extension

The Federal Food, Drug, and Cosmetic Act (the act) provides FDA with the responsibility for assuring consumers that cosmetic products in the United States are safe and properly labeled. Cosmetic products that are adulterated under section 601 of the act (21 U.S.C. 361) or misbranded under section 602 of the act (21 U.S.C. 362) may not be distributed in interstate commerce. To assist FDA in carrying out its responsibility to regulate cosmetics, FDA has developed the Voluntary Cosmetic Registration Program (VCRP). In 21 CFR part 710, FDA requests that establishments that manufacture or package cosmetic products register with the agency on Form FDA 2511 entitled ''Registration of Cosmetic Product Establishment.'' Form FDA 2511 is available on FDA's VCRP Web site at *http://www.cfsan.fda.gov/acrobat/frm2511.pdf*.

Because registration of cosmetic product establishments is not mandatory, voluntary registration provides FDA with the best information available about the locations, business trade names, and types of activity (manufacturing or packaging) of cosmetic product establishments. FDA places the registration information in a computer database and uses the information to generate mailing lists for distributing regulatory information and for inviting firms to participate in workshops on topics in which they may be interested. FDA also uses the information for estimating the size of the cosmetic industry and for conducting onsite establishment inspections. Registration is permanent, although FDA requests that respondents submit an amended Form FDA 2511 if any of the originally submitted information changes.

In the **Federal Register** of February 27, 2004 (69 FR 9339), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this information collection as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Part	Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
710	FDA 2511	15	1	15	0.4	6

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The VCRP was suspended during fiscal year (FY) 1998 due to a lack of budgetary funding and was reinstated at the beginning of FY 1999. The estimated hour burden for this information collection is 30 percent of the previous level reported in 2000. In general, the larger cosmetic companies have resumed participating in the VCRP, whereas the smaller companies are lagging.

Dated: July 13, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–16307 Filed 7–16–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Evaluation of National Cancer Institute's Cancer Trials Support Unit To Improve Cancer Clinical Trials System

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: Evaluation of National Cancer Institute's Cancer Trials Support Unit To Improve Cancer Clinical Trials System. *Type of Information Collection Request:* NEW. *Need and Use of Information Collection:* This evaluation will examine the success of the Cancer Trials Support Unit (CTSU), a pilot project designed to improve physician and patient accessibility to NCI-sponsored phase 3 treatment trials and to facilitate data management and regulatory administration for these trials. This evaluation includes two surveys that will be available online to minimize respondent burden. The Online Information Survey will elicit information related to CTSU regulatory and data management systems, particularly with respect to the completeness of information, respondents' opinions about usability and their recommendations or modifications, as well as their assessment in relation to other systems in use. The Online Data Submission Survey will assess opinions about the online data submission process, reasons for choosing to continue submitting data on paper, perceived barriers or ease of use, and suggestions for improvement. The findings will provide valuable information concerning whether this program is meeting its intended goals and provide recommendations for change and further study. *Frequency of*

Response: Once. *Affected Public:* Registered members of the CTSU and Clinical Trials Cooperative Group staff. *Type of Respondents:* The Online Information Survey will survey registered CTSU users and Cooperative Group staff. The Online Data Submission Survey will survey registered CTSU users and Cooperative Group staff. The annualized cost to respondents is estimated at $10,400. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. *Estimated Number of Respondents:* 520. *Estimated Number of Responses per Respondent:* 1. *Average Burden per Response:* 0.50 Hours. *Estimated Total Annual Burden Hours Requested:* 260.

The total burden estimate per respondent is shown below:

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response	Estimated total annual burden hours requests
Online Information System Survey—registered CTSU users and Cooperative Group staff	290	1	0.50	145
Online Data Submission Survey—registered CTSU users and Cooperative Group staff	230	1	0.50	115
Total				260

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information those who are able to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Bryce B. Reeve, Ph.D., Outcomes Research Branch, ARP, DCCPS, National Cancer Institute, 6130 Executive Blvd. MSC 7344, Bethesda, MD 20892–7344. Phone: (301) 594–6574, e-mail: *reeveb@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: July 12, 2004.

Rachelle Ragland-Greene,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 04–16315 Filed 7–16–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Evaluation of National Cancer Institute's Central Institutional Review Board To Improve Cancer Clinical Trials System

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: Evaluation of National Cancer Institute's Central Institutional Review Board To Improve Cancer Clinical Trials System. *Type of Information Collection Request:* NEW. *Need and Use of Information Collection:* This study will evaluate the success of the Central Institutional Review Board (CIRB), a pilot project designed to streamline the protocol activation process by conducting human subject protection reviews that can be utilized by local Institutional Review Boards (IRBs) for facilitated approval of multi-institutional, NCI-sponsored phase III clinical trails. This evaluation includes two surveys that will be made available online to minimize respondent burden. The CIRB Survey will assess acceptance level and satisfaction of local IRB chairs, coordinators, and principal investigators with the CIRB. The Cooperative Group Staff survey will assess the opinions and experiences of the operations and regulations staff of the nine Clinical Trials Cooperative Groups about CIRB operations, office processes, and procedures. The findings will provide valuable information concerning whether the CIRB is meeting its intended goals and will provide recommendations for change and further study. *Frequency of Response:* Once. *Affected Public:* Registered members of the CIRB and Clinical Trials Cooperative Group staff. *Type of Respondents:* IRB chairs, IRB coordinators, principal investigators, and the operations and regulations staff of Clinical Trials Cooperative Groups. The annualized cost to respondents is estimated at $5,500. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. *Estimated Number of Respondents:* 279. *Estimated Number of Responses per Respondent:* 1. *Average Burden per Response:* 0.50 Hours. *Estimated Total Annual Burden Hours Requested:* 139.50.

The total burden estimate per respondent is shown below:

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response	Estimated total annual burden hours requested
IRB chairs, IRB coordinators, principal investigators	225	1	0.50	112.50
Clinical Trials Cooperative Group operations and regulations staff	54	1	0.50	27

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response	Estimated total annual burden hours requested
Total				139.50

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information those who are able to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Bryce B. Reeve, Ph.D, Outcomes Research Branch, ARP, DCCPS, National Cancer Institute, 6130 Executive Blvd. MSC 7344, Bethesda, MD 20892–7344. Phone: (301) 594–6574, e-mail: *reeveb@mail.nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of this publication.

Dated: July 12, 2004.

Rachelle Ragland-Greene,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 04–16316 Filed 7–16–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notification of Request for Emergency Clearance; ''Determination of Location, Capacity, and Status of Existing and Operating BSL–3 Laboratory Facilities Within the United States''

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995, the National Institutes of Health hereby publishes notification of request for Emergency Clearance for the information collection related to ''Determination of Location, Capacity, and Status of Existing and Operating BSL–3 Laboratory Facilities within the United States.''

This information collection is essential to the mission of NIAID/NIH (42 U.S.C. 241, 284, and 285f) and is critical to meeting the NIAID's role in the national biodefense effort (42 U.S.C. 285f).

Our nation's ability to detect and counter bioterrorism depends to a large degree on the information generated by biomedical research on dangerous, disease-causing microbes and on the immune system response to these pathogens. Much of this research is supported by the NIH and NIAID. The role of NIAID biodefense research is to develop countermeasures, including vaccines, drugs, and diagnostic tests, necessary to protect civilians from potential agents of bioterrorism. Since the fall of 2001, the NIAID has moved quickly to accelerate basic and clinical research related to the prevention, diagnosis and treatment of diseases caused by potential agents of bioterrorism.

Responsible stewardship of Federal funds in support of the national biodefense effort requires information on the existing capacity of the nation's biosafety level three (BSL–3) laboratories so that informed funding decisions can be made to enhance this national resource. NIAID plans to issue additional awards to develop and to expand the national capacity for biodefense-related research in meeting the objectives of the FY 2005 Presidential Budget (*http://www.whitehouse.gov/omb/budget/fy2005/appendix.html, pg. 436*). Reliable information on the location, size, and operational status of existing facilities is essential for making sound funding decisions. Without this information, NIAID may not be able to ensure appropriate distribution of BSL–3 laboratories when it awards future construction grants.

NIH cannot reasonably comply with the normal clearance procedures for information collection, because the use of normal procedures will delay the collection and hinder the agency in accomplishing its mission, to the detriment of the public good. Compelling reason exists to collect the required information for successful planning and implementation of the national priority to expand BSL–3 capacity, as described in the FY 2005 Presidential Budget.

This information collection is essential to the effective stewardship of Federal funds. After consultation with scientific experts in the field, other government agencies, and other NIH components, NIAID has determined that the information is not currently available in any single, reliable, accessible source.

The information to be obtained by this survey will provide the NIAID with reliable and current information on the location, size, and operational status of existing BSL–3 laboratory facilities within the United States. This information will enable NIAID to predict the number, size and geographic requirements for additional biosafety laboratories.

Proposed Collection: Title: ''Determination of Location, Capacity, and Status of Existing and Operating BSL–3 Laboratory Facilities within the United States.'' *Type of Information Collection Request:* EMERGENCY. *Need and Use of Information Collection:* To determine the location, capacity, and status of existing and operating BSL–3 laboratory facilities within the United States, in order to make informed funding decisions for awards in FY 2005. *Frequency of Response:* One time. *Affected Public:* Universities, medical research institutions, other Federal agencies, and the private sector (biotechnology and pharmaceutical companies). *Type of Respondent:* Universities, research facilities, other Federal agencies, and the private sector (biotechnology and pharmacological organizations). The annual reporting burden is as follows: *Estimated Number of Respondents:* 1500; *Estimated Number of Responses per Respondent:* One; *Average Burden Hours per Response:* 0.25 hours; and *Estimated Total Annual Burden Hours Requested:* 375 hours. The annualized cost to respondents is estimated at $20,625 total ($55/hr × 0.25hr × 1500 respondents). There are no Capital

Costs, Operating Costs, or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Deborah Katz, NIAID Office of Biodefense Research Affairs, 6610 Rockledge Drive, Room 5111, Bethesda, MD 20892. Telephone: (301) 402–8539. E-mail: *dkatz@niaid.nih.gov*.

By publication of this request of this request for emergency review, the NIH is requesting the approval for this collection. In view of the urgent public priority to meet the required levels of preparedness for possible bioterrorist actions against the United States and its citizens, NIAID requests that the collection of information be approved within 10 days of the publication of the **Federal Register** notice. This will allow sufficient time for public comment.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 10 days of the date of this publication.

Dated: July 12, 2004.

Lynn C. Hellinger,

Associate Director for Management and Operations, NIAID (Executive Officer), National Institutes of Health.

[FR Doc. 04–16317 Filed 7–16–04; 8:45 am]

BILLING CODE 4140–01–P

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.

Substance Abuse Prevention and Treatment Block Grant (SAPTBG) Regulations (45 CFR part 96) and FY2005–2007 Application Format— (OMB No. 0930–0080, Revision)

—Sections 1921 through 1935 of the Public Health Service Act (U.S.C. 300x–21 to 300x–35) provide for annual allotments to assist States to plan, carry out, and evaluate activities to prevent and treat substance abuse and for related activities. Under the provisions of the law, States may receive allotments only after an application is submitted and approved by the Secretary, DHHS. For the Federal fiscal year 2005–2007 SAPT Block Grant application cycles, the Substance Abuse and Mental Health Services Administration (SAMHSA) will provide States with revised application guidance and instructions to implement changes made by 42 U.S.C. 290kk and 42 U.S.C. 300x–65, implemented by 45 CFR part 54 and 45 CFR 96.122(f)(5), and the recommendations of the Office of Management and Budget's Program Assessment Rating Tool (PART) analysis of the SAPT Block Grant program.

Revisions to the previously-approved application resulting from the authorizing legislation, new regulation, and PART analysis reflect the following changes: (1) In Section I, the Funding Agreements/Certifications (Form 3) are being amended to include the requirement of 42 U.S.C. 300x–65 and 45 CFR part 54; (2) In Section II.2, the annual report and plan includes a new reporting requirement, Goal #17, ''Services Provided By Non-Governmental Organizations,'' and Attachment J, ''Charitable Choice Notice to Program Beneficiaries.'' In Section II.4, the ''Treatment Utilization Matrix (Form 7),'' is being replaced with the ''Treatment Utilization Matrix (Form 7A),'' which includes clarification in its column headings to improve collection of number of persons served and the average cost of services for each modality. A column has been added to collect information on the number of State approved facilities in each level or category of service to facilitate understanding of the States' capacities. The information on number of persons served and treatment costs is being collected in response to the OMB PART analysis of the SAPT Block Grant. Form 7A replaces ''Number of Persons Served (Form P1),'' that appeared in Section IV–A, ''Voluntary Treatment Performance Measures.'' A new Form 7B, ''Number of Persons Served (Unduplicated Count) of Persons Served for Alcohol and Other Drug Use in State Funded Services,'' has been added to collect treatment utilization data by age, gender, and race/ethnicity in order to facilitate comparisons with the currently collected Forms 8 and 9. In Section III.7, the ''Purchasing Services Checklist(s)'' has been revised to include information on competitive and non-competitive contracts as well as information on the estimated percent of clients served and estimated percent of SAPT Block Grant expenditures. In prior year applications for SAPT Block Grant funds, Form 7, ''Treatment Utilization Matrix,'' and Form 12, ''Treatment Capacity Matrix,'' the States were required to provide 2 or more sub-State planning area utilization and capacity reports and a Statewide utilization and capacity report. SAMHSA has deleted the sub-State planning area reporting requirements for Form 7 and Form 12. SAMHSA has also deleted Form 10, ''State Use of Needs Assessment Information Items,'' and the Form 11 Supplement.

In Section IV–A, ''Voluntary Treatment Performance Measures,'' the ''Number of Persons Served (Form P1)'' has been revised and renamed as described in Section II.4. Form P2, ''Employment Status,'' Form P3, ''Living Status,'' Form P4 ''Criminal Activity,'' and Form P5, ''Alcohol Use,'' have been renamed Form T1 through T4, respectively. Form P6, ''Marijuana Use,'' Form P7, ''Cocaine Use,'' Form P8, ''Amphetamine Use,'' and P9, ''Opiate Use,'' have been replaced by Form T5, ''Other Drug Use.'' Form T–6, ''Infectious Disease Performance Measure,'' is a checklist to determine the degree to which the Single State Agency provides and/or coordinates delivery of appropriate infection control practices within its service system for substance abuse treatment and prevention services.

Form T–7, ''Social Support for Recovery,'' and Form T–8, ''Retention,'' were added to encourage States to report performance and outcome data

consistent with SAMHSA's proposed performance measures. Each of the voluntary treatment performance measure forms (T1–T5, T7) includes a corresponding detail sheet (checklist) in which States will be asked to identify the source(s) of the performance data used and, if unable to provide such data, the State will be asked to identify the reason(s) why such data are unavailable. The accompanying detail sheets (checklists) will provide SAMHSA with a description of the States' data reporting capabilities and will provide SAMHSA with a baseline for determining the States' technical assistance needs with regard to data collection, analysis, and reporting.

In Section IV–B, the ''Voluntary Prevention Performance Measures,'' were revised to conform with SAMHSA's National Outcome Domains, as well as OMB-required outcome domains. Specific changes made are as follows: (1) ''30 Day Substance Use (Form P10)'' was renamed Form P6; (2) ''Initiation of Substance Use (Form P11)'' and ''Intention/Expectation to Use (Form P12)'' were deleted; (3) ''Perception of Risk/Harm of Substance Use (Form P13)'' was renamed Form P4 and was revised to include a 4-item (rather than 8-item) measurement scale; (4) ''Attitudes About Substance Use (Form P14)'' was renamed Form P5 and was revised to include a 4-item (rather than 8-item) measurement scale; and (5) ''Number of Persons Served (Form P1),'' ''Number of Services by Service Types (Form P2),'' and ''Number of Evidence-Based Programs and Strategies (Form P3)'' were added to encourage States to report performance and outcome data consistent with SAMHSA's National Outcome Domains, as well as OMB-required outcome domains. Additionally, on all forms that ask States to report data by race/ethnicity of persons served, the race/ethnicity categories were revised to conform with the OMB and Census categories.

In response to comments received from the public on the draft FFY 2005 application, the voluntary prevention form asking States to report on the retail availability of alcohol to minors was eliminated. Examples of some additional changes made based on State feedback are as follows: (1) The ''Other evidence-based programs'' category on Form P3 was expanded to include practices, policies and strategies; (2) The phrase ''attach information describing any adaptations made'' was deleted from Form P3; (3) The instructions on Forms P4, P5 and P6 were revised to clarify the reporting of pretest and posttest data for environmental and community prevention strategies; (4) The instructions on Forms P4, P5 and P6 were revised to clarify confidentiality issues in data reporting; and (5) Forms P4 and P5 were revised to include table cells for age groupings.

In addition, the submission includes approval for the information collection language requirements in the SAPT Block Grant regulations at 45 CFR part 96 and for the recordkeeping burden in 45 CFR 96.129(a)(13), which are currently approved under OMB control number 0930–0163.

ANNUAL REPORTING BURDEN

	Number of respondents	Responses per respondent	Hours per response	Total burden
Sections I–III—States and Territories	60	1	470	28,200
Section IV–A	40	1	40	1,600
Section IV–B	20	1	56	1,120
Recordkeeping [45 CFR 96.129(a)(13)]	60	1	16	960
Total	60			31,880

Written comments and recommendations concerning the proposed information collection should be sent by August 18, 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: July 14, 2004.

Anna Marsh,

Executive Officer, SAMHSA.

[FR Doc. 04–16352 Filed 7–16–04; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4665–N–18]

Meeting of the Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of upcoming meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the Manufactured Housing Consensus Committee (the Committee). The meeting is open to the public and the site is accessible to individuals with disabilities.

DATES: Meetings will be held on Monday, August 9, 2004, 2 p.m.–4 p.m.; Tuesday, August 10, 2004; 8 a.m.–5 p.m.; Wednesday, August 11, 2004, 8 a.m.–5 p.m.; and Thursday, August 12, 2004, 8 a.m.–12 p.m.

ADDRESSES: These meetings will be held at the Radisson Hotel ''Old Town'', 901 North Fairfax Street, Alexandria, Virginia, 22314, telephone (703) 683–6000.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Administrator, Manufactured Housing Program, Office of Consumer and Regulatory Affairs, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2) and 41 CFR 102–3.150. The Manufactured Housing Consensus Committee was established under section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42

U.S.C. 4503(a)(3). The Consensus Committee is charged with providing recommendations to the Secretary to adopt, revise, and interpret manufactured housing construction and safety standards and procedural and enforcement regulations, and with developing proposed model installation standards.

Tentative Agenda

A. Welcome and Introductions
B. Departmental Status Report
C. Subpart I
D. Implementation of MHIA Act of 2000
E. Construction and Safety Standards and Installation Standards
F. Discussion of Payments to States—Proposed Rule
G. MHCC's role, priorities, and actions
H. Public Testimony
I. Reports and Actions on Committee work
J. Adjourn

Dated: July 8, 2004.

Sean Cassidy,

General Deputy, Assistant Secretary for Housing.

[FR Doc. 04–16276 Filed 7–16–04; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Final Comprehensive Conservation Plan for Eastern Shore of Virginia and Fisherman Island National Wildlife Refuges

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the final Comprehensive Conservation Plan (CCP) is available for Eastern Shore of Virginia and Fisherman Island National Wildlife Refuges (NWRs). This CCP is prepared pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*), and the National Environmental Policy Act of 1969, and describes how the Service intends to manage these refuges over the next 15 years.

ADDRESSES: Copies of this CCP are available on compact diskette or in hard copy, and may be obtained by writing: Nancy McGarigal, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035, or by e-mailing *northeastplanning@fws.gov.* This document may also be accessed at the Web site address *http://northeast.fws.gov/planning.*

FOR FURTHER INFORMATION CONTACT: Nancy McGarigal, Refuge Planner, (413) 253–8562, e-mail *Nancy_McGarigal@fws.gov.*

SUPPLEMENTARY INFORMATION: A CCP is required by the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. The purpose of developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife science, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and habitats, a CCP identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. The CCP will be reviewed and updated at least every 15 years in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 and the National Environmental Policy Act of 1969.

Eastern Shore of Virginia NWR was created in 1984 when 180 acres were transferred to the Service from the U.S. Air Force through the General Services Administration. The refuge was established administratively under the general legislative authority of the Transfer of Certain Real Property for Wildlife Conservation Purposes Act (16 U.S.C. 667b–667d), the Refuge Recreation Act (16 U.S.C. 460k–460k–4), and the Migratory Bird Conservation Act (16 U.S.C. 715–715d, 715e, 715f–715r). It presently consists of 1,122 acres of various habitats including maritime forest, myrtle and bayberry thickets, grassland, fresh and brackish ponds, tidal salt marsh, and beach. The refuge and its adjoining woodlands at the tip of the Delmarva Peninsula are regarded as one of the most important migratory bird concentration points along the East Coast. This importance stems from the fact that the Delmarva Peninsula acts as a geographic funnel for migratory birds in the fall, bringing millions of migratory birds to rest and feed at the tip until favorable winds assist them in crossing the Chesapeake Bay.

Fisherman Island NWR was first established in 1969, but it was not until 1973 that sole ownership rights were transferred to the Service by the Department of the Navy. The refuge was established administratively under the Transfer of Real Property for Wildlife Conservation Purposes Act and the Migratory Bird Conservation Act. As Virginia's southernmost barrier island, Fisherman Island NWR is currently estimated to be 1,850 acres in size, but continues to expand due to accretion. It is administered in conjunction with the Eastern Shore of Virginia NWR. The Chesapeake Bay Bridge-Tunnel, which links mainland Virginia to its eastern shore, cuts through the western part of the island. Habitat succession on the island has formed a variety of vegetative communities, which, combined with its geographic location, accessibility of food plants, protective shrub and thicket cover, and minimal human disturbance, make this refuge a hemispherically important stopover location for migratory birds.

Our final CCP includes management direction for both refuges. Our highest priority biological goals and objectives include habitat enhancements for federally listed species and temperate and neotropical migratory birds. We plan to conduct surveys of the federally threatened Northeastern beach tiger beetle to examine fluctuations in its population, and assess human disturbance from trespassing on the southern tip beach of the Eastern Shore of Virginia NWR. In addition, we will work with an adjacent resort owner to protect the beetle population on the resort beach. Surveys for the federally threatened piping plover, during both their breeding and migration seasons, will also be completed. We will implement strategies to manage predators where necessary to protect plovers and other nesting birds. We also plan to survey for, and protect where located, the federally threatened plant, seabeach amaranth.

The CCP identifies habitats we will manage to augment the value of the refuges to neotropical and temperate migratory birds. Our goal is to enhance forage and cover for these birds by increasing the amount of hardwood-dominated forest, and the diversity and abundance of forest understory and native upland shrub. We have also selected locations to manage for grasslands. The effectiveness of our management will be greatly facilitated with the 6,030-acre expansion of Eastern Shore of Virginia NWR included in the CCP. These acres, once purchased from willing sellers, will afford permanent protection to habitat areas essential to the millions of birds migrating through the Delmarva Peninsula.

Our CCP includes programs to enhance wildlife-dependent recreational opportunities and community outreach

programs. We will offer new deer and waterfowl hunting opportunities on the Eastern Shore of Virginia NWR and expand environmental education programs and facilities. We will also develop new interpretive materials that focus on how these refuges contribute to the conservation of temperate and neotropical migratory birds.

In the CCP, we commit to conducting wilderness reviews of both Eastern Shore of Virginia (including Skidmore Island) and Fisherman Island NWRs, within 3 years of approval. We will also evaluate these lands for their potential as Research Natural Areas, within the same time frame as the wilderness reviews.

The CCP also establishes how we will manage three facilities on the Eastern Shore of Virginia NWR, which were important public concerns during development of both the draft and final CCPs: The Wise Point boat ramp, the firearms range, and the communications tower.

Wise Point Boat Ramp: When the United States acquired the former Wise Point Corporation property in December 2001, the purchase included a private boat ramp which provides one of the only access points to deep water on the southern tip of the Delmarva Peninsula. The boat ramp is popular with recreational anglers and important to the operations of at least 20 commercial watermen. The CCP outlines our plans to maintain access for both user groups, and improve the entrance road, boat ramp, and the parking lot. Docking, 24-hour access, and parking privileges for commercial watermen will be phased out over time. We will charge a fee for boat ramp use with a fee structure based on the type and frequency of use. We will monitor these developments at the boat ramp to ensure they do not adversely impact barrier island and marsh-dependent species, water quality, and surrounding habitat.

Firearms Range: Immediately adjacent to the refuge, on 60 acres owned by Northampton County, is a firearms range used by Federal, State and County law enforcement personnel. Our staff will continue to maintain the firearms range, scheduling usage so as not to conflict with environmental education programs. We will continue to work with partners to find an alternate, off-refuge site for the firearms range. Until a new site is located, we will work with Northampton County to implement new practices for firearms range management, including those that control surface runoff and leachate from the berm, and periodically remove contaminated soils.

Communications Tower: When the refuge was acquired, the Service assumed two existing leases which allowed a 299-foot communications tower and a switching station on the refuge. The tower supports in-house radio communications for Verizon, Inc. and refuge staff. Adjacent to the tower, the switching station houses underground communications lines which cross the Chesapeake Bay Bridge-Tunnel and head north to Cape Charles. The leases on both the tower and the switching station expire in 2007. We will not renew the lease for the tower, and Verizon, Inc. will be responsible for removing the tower once the lease expires. The Service will work with Verizon, Inc. to assess the need for continued use of the switching station.

Dated: April 7, 2004.

Richard O. Bennett,

Acting Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts.

[FR Doc. 04–16270 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Final Comprehensive Conservation Plan for Las Vegas National Wildlife Refuge, Las Vegas, NM

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the Final Comprehensive Conservation Plan (CCP) is available for the Las Vegas National Wildlife Refuge (Refuge). This CCP is prepared pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*), and the National Environmental Policy Act of 1969, and describes how the Service intends to manage this Refuge over the next 15 years.

ADDRESSES: Copies of the CCP are available on compact diskette or hard copy, and can be obtained by writing: U.S. Fish and Wildlife Service, Attn: Yvette Truitt-Ortiz, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico, 87103.

FOR FURTHER INFORMATION CONTACT: Joe Rodriguez, Refuge Manager, Las Vegas National Wildlife Refuge, Route 1, Box 399, Las Vegas, New Mexico 87701; 505–425–3581, or Yvette Truitt-Ortiz, Natural Resource Planner, U.S. Fish and Wildlife Service, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico, 87103; 505–248–6452; or direct e-mail to *yvette_truittortiz@fws.gov.*

SUPPLEMENTARY INFORMATION: A CCP is required by the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq*). The purpose in developing CCPs is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife science, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, the CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. These CCPs will be reviewed and updated at least every 15 years in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 688dd *et seq.*), and the National Environmental Policy Act of 1969.

Dated: May 3, 2004.

David Yazzie,

Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc. 04–16342 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Final Comprehensive Conservation Plan for Muleshoe National Wildlife Refuge, Muleshoe, TX and Grulla National Wildlife Refuge, Arch, NM

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the Final Comprehensive Conservation Plan (CCP) for the Muleshoe and Grulla National Wildlife Refuges has been approved and is now available. Prepared pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969, this

CCP describes how the Service intends to manage these refuges over the next 15 years.

ADDRESSES: Copies of the CCP are available on compact disk or in hard copy, and can be obtained by writing: U.S. Fish and Wildlife Service, Attn: Carol Torrez, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico, 87103–1306.

FOR FURTHER INFORMATION CONTACT: Harold Beierman, Refuge Manager, Muleshoe National Wildlife Refuge, P.O. Box 549, Muleshoe, Texas 79347: telephone: (806) 946–3341; or Carol Torrez, Biologist/Natural Resource Planner, U.S. Fish and Wildlife Service, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico, 87103–1306; telephone: (505)248–6821; e-mail: *carol_torrez@fws.gov.*

SUPPLEMENTARY INFORMATION: A CCP is required by the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*). The purpose in developing CCPs is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife science, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, the CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. These CCPs will be reviewed and updated at least every 15 years in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*), and the National Environmental Policy Act of 1969.

Dated: May 3, 2004.

David Yazzie,

Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc. 04–16343 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Recovery Plan for *Phlox hirsuta* (Yreka Phlox)

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and comment.

SUMMARY: The U.S. Fish and Wildlife Service (''we'') announces the availability of the Draft Recovery Plan for *Phlox hirsuta* (Yreka Phlox) for public review and comment.

DATES: Comments on the draft recovery plan must be received on or before October 18, 2004.

ADDRESSES: Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following location: U.S. Fish and Wildlife Service, Yreka Fish and Wildlife Office, 1829 South Oregon Street, Yreka, California (telephone (530) 842–5763). Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Phil Detrich, Field Supervisor, at the above Yreka address. An electronic copy of the draft revised recovery plan is also available at: *http://endangered.fws.gov/recovery/index.html#plans.*

FOR FURTHER INFORMATION CONTACT: Nadine Kanim, Senior Fish and Wildlife Biologist, at the above Yreka address.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants is a primary goal of our endangered species program and the Endangered Species Act (Act) 16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Act requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. Substantive technical comments may result in changes to the recovery plan. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plan, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individual responses to comments will not be provided.

Phlox hirsuta is a narrow endemic plant known only from the vicinity of Yreka, California. Only four populations, separated by a minimum of 0.88 kilometers (0.55 miles), are currently known to occur. Distribution within these occurrences ranges from scattered plants to numerous discrete sub-occurrences. *Phlox hirsuta* occurs on lands owned and managed by the City of Yreka, the U. S. Forest Service, the California Department of Transportation, industrial timber companies, and private landowners.

The goal of this recovery plan is to establish criteria necessary to accomplish downlisting and eventually delisting of the species. The criteria for downlisting to threatened status are that: (1) four occurrences (two of which must be the China Hill and Soap Creek Ridge occurrences) have secure permanent protection (legally-binding arrangements that ensure management for the benefit of *Phlox hirsuta* in perpetuity); and (2) a *Phlox hirsuta* seed bank and effective propagation techniques have been established. The criteria for delisting are that: (1) the reclassification criteria for downlisting have been met; and (2) two additional occurrences have been located and permanently protected, or 10 years of demographic research and/or quantitative monitoring at four protected occurrences has indicated that plant population size has not declined more than 10 percent at any occurrence (total change between year 0 and year 10).

Public Comments Solicited

We solicit written comments on this draft recovery plan described. All comments received by the date specified above will be considered in developing a final recovery plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: April 21, 2004.

Paul Henson,

Acting Manager, California/Nevada Operations Office, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 04–16345 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Conservation Plan and Associated Environmental Assessment for Laguna Atascosa National Wildlife Refuge in Cameron and Willacy Counties, TX

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of intent.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a Comprehensive Conservation Plan (CCP) and environmental documents pursuant to the National Environmental Policy Act (NEPA) and its implementing regulations, for Laguna Atascosa National Wildlife Refuge (Refuge) headquartered near Rio Hondo, Texas. The Refuge is located in Cameron and Willacy Counties and includes the Bahia Grande and South Padre Island Units.

The Service is issuing this Notice in compliance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd *et seq.*):

(1) To advise other agencies, organizations and the public of our intentions, and

(2) To obtain suggestions and information on the scope of issues to be considered in the planning process.

DATES: Special mailings, newspaper articles, postings, and media announcements will inform people of opportunities for written input throughout the CCP planning process. Refuge fact sheets will be made available at local libraries in the surrounding communities. This notice of intent/public scoping process will continue until October 18, 2004. Written comments submitted by mail or e-mail should be postmarked by that date to ensure consideration. Comments mailed after that date will be considered to the extent practical. Inquire at the following address for future dates of planning activity and due dates for comments.

ADDRESSES: Address comments and requests for more information to: John Wallace, Refuge Manager, Laguna Atascosa NWR, CCP-Project, P.O. Box 450, Rio Hondo, TX 78583, phone: (956) 748–3607, fax: (956) 748–3609.

Information concerning this Refuge may be also found at the following Web site: *http://southwest.fws.gov.*

Comments submitted via e-mail should be addressed to Chris Perez at *Chris_Perez@fws.gov* or John Wallace at *John_Wallace@fws.gov.* Additionally, you may hand-deliver comments to Mr. Wallace at the Refuge, 16 miles east on Highway 106 from Rio Hondo, Texas. Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law.

FOR FURTHER INFORMATION CONTACT: Chris Perez, Division of Planning, P.O. Box 1306, Albuquerque, NM 87103–1306.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Improvement Act of 1997 requires that all lands within the National Wildlife Refuge System (NWRS) be managed in accordance with an approved CCP. The CCP guides management decisions and identifies refuge goals, long-range objectives and strategies for achieving refuge purposes. Each Refuge in the NWRS has specific purposes for which it was established. Those purposes are used to develop and prioritize management goals and objectives within the National Wildlife Refuge System mission and to guide which public uses will occur on a given refuge.

The planning process will consider many elements, including habitat and wildlife management, habitat protection and acquisition, wilderness preservation, public recreational opportunities, industrial use and cultural resources. Public input into this planning process is essential. The planning process is a way for the Service and the public to evaluate refuge management goals and objectives for the best possible conservation efforts of this important wildlife habitat. Concurrently, this process is also providing for wildlife-dependent recreation opportunities that are compatible with each Refuges establishing purposes and the mission of the NWRS.

Laguna Atascosa National Wildlife Refuge is located in Cameron and Willacy counties, Texas and encompasses 86,905 acres of coastal prairie, lomas (clay ridges), resacas (oxbow lakes), native thornbrush, tidal saltflat, barrier island habitats and salt and freshwater marshes. The CCP will provide other agencies and the public with a clear understanding of the desired conditions for the Refuge and how the Service will implement management strategies for the conservation and development of these natural resources.

The Service, through this notice of intent, formally begins the comprehensive conservation planning process for Laguna Atascosa National Wildlife Refuge. The Service requests input on any and all issues concerning management or public recreation. Comments regarding the protection of threatened and/or endangered species, migratory birds, native species and their habitats are encouraged. The Service is equally interested in receiving public input in the following areas:

- What makes this Refuge special for you?
- What Refuge projects or activities interest you most?
- What problems or issues do you see affecting management or public use of the Refuge?
- What improvements do you recommend for the Refuge?
- What changes, if any, would you like to see in the management of the Refuge?

The Service has provided the above questions for optional use only. The Planning Team developed these questions to facilitate issues and ideas. Comments received will be used as part of the planning process. Individual comments will not be referenced in our reports or directly responded to.

The Service will continue to solicit information from the public and other agencies via open houses, meetings, and written comments. Special mailings, newspaper releases, and announcements will continue to inform people of the time and place of opportunities for further input to the CCP.

Review of this project will be conducted in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), NEPA Regulations (40 CFR parts 1500–1508) found at (*http://www.legal.gsa.gov*), other appropriate Federal laws, and Service policies and procedures for compliance with those regulations.

The Service will prepare an Environmental Assessment (EA) in accordance with procedures for implementing NEPA found in the Department of the Interior Manual (DM Part 516, Chap 6). The decision to prepare an Environmental Impact Statement instead of an EA is contingent

upon the complexity of issues following the scoping phase of the CCP process.

We estimate that the draft environmental documents will be available in fall 2004 for public review and comment.

Dated: May 3, 2004.

David Yazzie,

Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc. 04–16344 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–027–1020–PI–020H; G–04–0224]

Notice to Cancel a Public Meeting, Steens Mountain Advisory Council

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Cancellation Notice of Public Meeting for the Steens Mountain Advisory Council.

SUMMARY: The August 9 and 10, 2004, Steens Mountain Advisory Council Meeting, previously scheduled to be held at the Bureau of Land Management (BLM), Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, has been cancelled. The original **Federal Register** notice announcing the meeting was published Tuesday, December 2, 2003, page number 67468.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the SMAC may be obtained from Rhonda Karges, Management Support Specialist, Burns District Office, 28910 Highway 20 West, Hines, Oregon, 97738, (541) 573–4400 or *Rhonda_Karges@or.blm.gov* or from the following Web site: *http://www.or.blm.gov/Steens.*

Dated: July 12, 2004.

Dana R. Shuford,

Burns District Manager.

[FR Doc. 04–16346 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–190–04–1610–DS]

Notice of Availability of a Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Clear Creek Management Area; Correction to April 2003 Notice of Intent (68 FR 22733)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of a Draft Resource Management Plan Amendment and Draft Environmental Impact Statement (Draft RMP/Draft EIS) for the Clear Creek Management Area, Hollister Field Office, in the southern portion of San Benito County and western Fresno County, California; Correction to April 2003 Notice of Intent (68 FR 22733).

SUMMARY: In accordance with the National Environmental Policy Act of 1969, and the Federal Land Policy and Management Act of 1976, a Draft RMP/Draft EIS has been prepared for the Clear Creek Management Area. The Draft RMP/Draft EIS considers designations of areas and trails for off-road vehicles (ORV) in accordance with 43 CFR Subpart 8342, and the delineation of boundaries of the expansion of the San Benito Mountain Research Natural Area. This notice and the Draft RMP/Draft EIS also fulfill the planning requirements in 43 CFR 1610. The Draft RMP/Draft EIS is tiered to the Clear Creek Management Area RMP Amendment/EIS (1995).

This notice will also correct the Notice of Intent (NOI) of April 29, 2003 (68 FR 22733): BLM will prepare an Environmental Impact Statement instead of an Environmental Assessment as previously anticipated.

DATES: The comment period will end 90 days after the Environmental Protection Agency's Notice of Availability is published in the **Federal Register** announcing the availability of this Draft RMP/Draft EIS. Comments on the Draft RMP/Draft EIS must be submitted on or before the end of the comment period at the address listed below. Public meetings will be held during the comment period. Public meetings and any other public involvement activities will be announced at least 15 days in advance through public notices, media news releases, newsletter mailings, and the BLM Web site: *http://www.ca.blm.gov.*

ADDRESSES: Written comments should be sent to CCMA RMP Team, Bureau of Land Management, Hollister Field Office, 20 Hamilton Court, Hollister, CA 95023. Comments may also be sent by e-mail to *Lesly_Smith@ca.blm.gov.* Documents pertinent to this proposal may be examined at the Hollister Field Office. Comments, including names and street addresses of respondents, will be available for public review at the Hollister Field Office during regular business hours, 7:30 a.m. to 4 p.m., Monday through Friday, except holidays, and may be published as part of the RMP/EIS. Responses to the comments will be published as part of the Proposed Resource Management Plan Amendment/Final Environmental Impact Statement. Individuals may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this promptly at the beginning of you comment. Such requests will be honored to the extent allowed by law. BLM will not consider anonymous comments. All submissions from organizations or businesses will be made available for public inspection in their entirety.

Copies of the Draft RMP/Draft EIS have been sent to affected Federal, Tribal, State and local Government agencies, and to interested publics and are available at the Hollister Field Office. The planning documents and direct supporting record for the analysis for the Draft RMP/Draft EIS will be available for inspection at the Hollister Field Office during normal business hours (7:30 a.m. to 4 p.m.) Monday through Friday, except holidays). The Draft RMP/Draft EIS and other associated documents may be viewed and downloaded in PDF format at the BLM Web site at *http://www.ca.blm.gov.*

FOR FURTHER INFORMATION CONTACT: George E. Hill, Assistant Field Manager, at the above address, telephone number (831) 630–5036, or e-mail: *George_Hill@ca.blm.gov.*

SUPPLEMENTARY INFORMATION: The Clear Creek Management Area (CCMA) is managed for Off-Highway Vehicle recreation and natural values. CCMA consists of approximately 75,000 acres of public lands and resources in the southern portion of San Benito County and western Fresno County, California. Approximately 30,000 acres are within the Serpentine Area of Critical Environmental Concern (ACEC). The serpentine soils within the ACEC contain high concentrations of naturally occurring asbestos, and comprise an environment with a unique assemblage of plant and animal species.

The CCMA is currently managed under a Record of Decision (ROD) approved in 1999. The ROD designated the CCMA a Limited Use Area for Off-Highway Vehicle (OHV) use and also provided for a subsequent land use planning effort to further analyze and designate specific areas and trails for OHV use. BLM initiated the more subsequent planning in 2003 with publication of a NOI and preparation of an EA. After considering scoping comments from the public requesting that an EIS be prepared, and further analysis of impacts of possible area and route designations in the management

area, however, BLM concluded that an EIS was warranted. The scope of the plan amendment is unchanged. All scoping comments submitted under the April 2003 NOI have been considered by BLM in preparing the Draft Amendment and Draft EIS. Additional scoping comments are not requested.

Issues addressed in the EIS include: access for off-highway vehicle use; vehicle access for other casual uses; visitor safety; air quality and public health, watershed impacts, providing protection for listed and sensitive species and habitats; and, protection and viability of the unique forest and vegetation communities within the San Benito Mountain Research Natural Area.

The proposed route of travel and barrens designation changes to the Hollister RMP for the Clear Creek Management Area, including designation of the boundaries of the San Benito Mountain Research Natural Area, requires a formal plan amendment before the designations can be implemented. The amendment process and ORV trail designations were conducted in compliance with the Federal Land Policy Management Act of 1976 (FLPMA), planning regulations (43 CFR 1600), ORV trail designation regulations (43 CFR 8340), BLM manual guidance, and all applicable Federal laws affecting BLM land use decisions and ORV designations.

Criteria were developed to determine whether areas and routes should be designated opened or closed, based on: proximity to sensitive resources (stream crossings, special designations/Research Natural Area, biological and cultural resources, mine sites), private land, erosion hazards and maintenance concerns, motorized and non-motorized recreation opportunities, and administrative and local access. This Draft Amendment and Draft EIS refines the screening criteria and procedures for implementing route and area designation as open, limited, or closed to provide sustainable recreation opportunities and to establish a clear and understandable network of routes and areas available for public use that conforms identified resource condition objectives.

The Draft RMP/Draft EIS considers and analyzes four (4) alternatives A) the Proposed Action, B) Enhanced Recreation Opportunities, C) Enhanced Environmental Protection, and D, the No Action, or Continuation of Current Management alternative. The Bureau considered route inventory data, soil loss surveys, monitoring reports, field evaluations, watershed studies, information obtained from coordination with other federal, state, and local agencies, consultation with the Technical Review Team, and public comments in the development of the resource management plan amendment.

Dated: July 12, 2004

George E. Hill,

Acting Field Manager.

[FR Doc. 04–16437 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Central Valley Project Improvement Act, Water Management Plans

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability.

SUMMARY: The following Water Management Plans are available for review:

- Hills Valley Irrigation District
- Lindsay-Strathmore Irrigation District
- Orange Cove Irrigation District
- San Benito Water District
- San Juan Water District

To meet the requirements of the Central Valley Project Improvement Act of 1992 (CVPIA) and the Reclamation Reform Act of 1982, the Bureau of Reclamation (Reclamation) has developed and published the Criteria for Evaluating Water Management Plans (Criteria). **Note:** For the purpose of this announcement, Water Management Plans (Plans) are considered the same as Water Conservation Plans. The above districts have developed a Plan, which Reclamation has evaluated and preliminarily determined to meet the requirements of these Criteria. Reclamation is publishing this notice in order to allow the public to review the plans and comment on the preliminary determinations. Public comment on Reclamation's preliminary (*i.e.*, draft) determination is invited at this time.

DATES: All public comments must be received by August 18, 2004.

ADDRESSES: Please mail comments to Leslie Barbre, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, or contact at 916–978–5232 (TDD 978–5608), or e-mail at *lbarbre@mp.usbr.gov*.

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Ms. Barbre at the e-mail address or telephone number above.

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on our preliminary (*i.e.*, draft) determination of Plan adequacy. Section 3405(e) of the CVPIA (Title 34 Public Law 102–575) requires the Secretary of the Interior to establish and administer an office on Central Valley Project water conservation best management practices that shall "* * * develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by Section 210 of the Reclamation Reform Act of 1982." Also, according to Section 3405(e)(1), these Criteria must be developed "* * * with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices." These Criteria state that all parties (Contractors) that contract with Reclamation for water supplies (municipal and industrial contracts over 2,000 acre-feet and agricultural contracts over 2,000 irrigable acres) must prepare Plans that contain the following information:

1. Description of the District
2. Inventory of Water Resources
3. Best Management Practices (BMPs) for Agricultural Contractors
4. BMPs for Urban Contractors
5. BMP Plan Implementation
6. BMP Exemption Justification

Reclamation will evaluate Plans based on these Criteria. A copy of these Plans will be available for review at Reclamation's Mid-Pacific (MP) Regional Office located in Sacramento, California, and the local area office.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that Reclamation withhold their home address from public disclosure, and we will honor such request to the extent allowable by law. There also may be circumstances in which Reclamation would elect to withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. We will make all submissions from organizations, businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses available for public disclosure in their entirety. If you wish to review a copy of these Plans, please contact Ms. Barbre to find the office nearest you.

Dated: June 20, 2004.

Donna E. Tegelman,

Regional Resources Manager, Mid-Pacific Region, Bureau of Reclamation.

[FR Doc. 04–16348 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Work Group (AMWG), Notice of Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMP includes a federal advisory committee (AMWG), a technical work group (TWG), a monitoring and research center, and independent review panels. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam consistent with the Grand Canyon Protection Act. The TWG is a subcommittee of the AMWG and provides technical advice and recommendations to the AMWG.

DATES: The AMWG will conduct the following public meeting:

Phoenix, Arizona—August 9–11, 2004. The meeting will begin at 10 a.m. and conclude at 5 p.m. on August 9, 2004, begin at 8 a.m. and conclude at 5 p.m. on August 10, 2004, and begin at 8 a.m. and conclude at 3 p.m. on August 11, 2004. The meeting will be held at the Hyatt Regency Phoenix, 122 N. 2nd Street, Phoenix, Arizona.

Agenda: The purpose of the meeting will be to discuss results of the recent AMWG retreat, develop and prioritize resource questions and 2006 budget guidance, and discuss updates on the GCMRC Strategic Plan, Core Monitoring Plan, Long Term Experimental Plan, Humpback Chub Comprehensive Plan, FY04 deferred projects, environmental compliance progress on proposed actions, research and monitoring reports, basin hydrology, public outreach, as well as other administrative and resource issues pertaining to the AMP.

Time will be allowed for any individual or organization wishing to make formal oral comments (limited to 5 minutes) at the meeting. To allow full consideration of information by the AMWG members, written notice must be provided to Dennis Kubly, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah, 84138; telephone (801) 524–3715; faxogram (801) 524–3858; e-mail at *dkubly@uc.usbr.gov* at least five (5) days prior to the meeting. Any written comments received will be provided to the AMWG and TWG members.

FOR FURTHER INFORMATION CONTACT: Dennis Kubly, telephone (801) 524–3715; faxogram (801) 524–3858; or via e-mail at *dkubly@uc.usbr.gov*.

Dated: July 1, 2004.

Randall V. Peterson,

Manager, Environmental Resources Division, Upper Colorado Regional Office.

[FR Doc. 04–16347 Filed 7–16–04; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–208 (Second Review)]

Barbed Wire and Barbless Wire Strand From Argentina

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on barbed wire and barbless wire strand from Argentina.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on barbed wire and barbless wire strand from Argentina would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review 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:* July 6, 2004.

FOR FURTHER INFORMATION CONTACT: Stephanie Jacobs (202–205–2383), 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 this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—On July 6, 2004, the Commission determined that the domestic interested party group response to its notice of institution (69 FR 17226, April 1, 2004) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.[2]

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on August 2, 2004, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before August 5, 2004, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by August 5, 2004. However, should the Department

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statement will be available from the Office of the Secretary and at the Commission's Web site.

[2] Commissioners Charlotte R. Lane and Daniel R. Pearson dissenting.

[3] The Commission has found the responses submitted by Davis Wire Corp., Keystone Steel and Wire Co., and Oklahoma Steel and Wire Co., Inc., to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, 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).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: July 13, 2004.
By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–16273 Filed 7–16–04; 8:45 am]

BILLING CODE 7020–20–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–512]

In the Matter of Certain Light-Emitting Diodes and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation as to One Respondent on the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') (Order No. 3) terminating the above-captioned investigation as to respondent American Opto Plus, Inc. (''AOP'') on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3090. Copies of theALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 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 this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 10, 2004, based on a complaint filed by OSRAM GmbH and OSRAM Opto Semiconductors GmbH, both of Germany. 69 FR 32609 (June 10, 2004). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-emitting diodes and products containing same by reason of infringement of claims 1, 3, 6, 7, and 10–13 of U.S. Patent No. 6,066,861; claims 1, 3, 6, 7, 10–13, and 15 of U.S. Patent No. 6,245,259; claims 1–2, 6–7, 11–12, and 15 of U.S. Patent No. 6,277,301; claims 1, 5–10, and 13–16 of U.S. Patent No. 6,376,902; claims 1 and 5–8 of U.S. Patent No. 6,469,321; claims 1, 5–8, 10–13, and 16–19 of U.S. Patent No. 6,573,580; claim 4 of U.S. Patent No. 6,576,930; claims 2–5, 7, and 10 of U.S. Patent No. 6,592,780; and claims 1, 3, 6–7, 10, 12–15, 17, and 21 of U.S. Patent No. 6,613,247. The complaint and notice of investigation named three respondents, including respondent AOP.

On June 8, 2004, complainants and respondent AOP filed a joint motion pursuant to Commission rules 210.21(a) and (b) to terminate the investigation as to AOP on the basis of a settlement agreement. The Commission investigative attorney supported the motion. On June 21, 2004, the ALJ issued the subject ID terminating the investigation as to AOP on the basis of a settlement agreement. No petitions for review of the ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.
Issued: July 14, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–16353 Filed 7–16–04; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–506]

In the Matter of Certain Optical Disk Controller Chips and Chipsets and Products Containing Same, Including DVD Players and PC Optical Storage Devices; Notice of Commission Decision Not To Review an Initial Determination Amending the Complaint and Notice of Investigation To Add Nine Additional Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') amending the complaint and notice of investigation to add nine additional respondents.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3012. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (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 this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 14, 2004, based on a complaint

filed on behalf of Zoran Corporation and Oak Technology, Inc. both of Sunnyvale, CA (collectively ''complainants''). 69 FR 19876. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain optical disk controller chips and chipsets and products containing same, including DVD players and PC optical storage devices, by reason of infringement of claims 1–12 of U.S. Patent No. 6,466,736, claims 1–3 of U.S. Patent No. 6,584,527, and claims 1–35 of U.S. Patent No. 6,546,440. The notice of investigation identified 12 respondents. On June 7, 2004, the ALJ issued an ID (Order No. 5) terminating the investigation as to two respondents on the basis of a consent order and settlement agreement.

On June 10, 2004, complainants filed a motion to amend the complaint and notice of investigation, pursuant to Commission rule 210.14(b), to add nine additional respondents: (1) Artronix Technology, Inc. of Brea, CA; (2) ASUS Computer International of Fremont, CA; (3) Audiovox Corporation of Hauppauge, NY; (4) EPO Science & Technology, Inc. of Taipei, Taiwan; (5) Initial Technology, Inc. of La Verne, CA; (6) Micro-Star International Co., Ltd. of Taipei Hsein, Taiwan; (7) MSI Computer Corp. of City of Industry, CA; (8) Shinco Digital Technology, Ltd. of Jiangsu, China; and (9) Ultima Electronics Corporation of Taipei, Taiwan.

On June 21, 2004, the Commission investigative attorney filed a response supporting the motion. On the same day, attorneys representing the twelve respondents named in the notice of investigation filed a response opposing the motion. On June 21, 2004, complainants filed a letter containing copies of certain material cited in the motion.

On June 22, 2004, the ALJ issued an ID (Order No. 7) granting the motion to amend the complaint and notice of investigation. No petitions for review of the ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Issued: July 13, 2004.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–16288 Filed 7–16–04; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: July 22, 2004 at 10 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: none.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–130 (Second Review)(Chloropicrin from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before August 3, 2004.)
5. Inv. Nos. 731–TA–1084–1087 (Preliminary)(Purified Carboxymethylcellulose from Finland, Mexico, Netherlands, and Sweden)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on or before July 26, 2004; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before August 2, 2004.)
6. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: July 14, 2004.

By order of the Commission:

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–16405 Filed 7–15–04; 9:23 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: survey on sexual violence.

The Department of Justice (DOJ), Office of Justice Programs, 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 September 17, 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 Tim Hughes, Bureau of Justice Statistics, 810 Seventh Street, NW., Washington DC 20531.

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:* New collection.

(2) *Title of the Form/Collection:* Survey on Sexual Violence.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Numbers:* SSV1, SSV2, SSV3, SSV4, SSV5, SSV6. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, local, or tribal government. *Other:* Federal government,

business or other for-profit, not-for-profit institutions. The data will be used to develop estimates for the incidence and prevalence of sexual assault within correctional facilities as required under the Prison Rape Elimination Act of 2003 (Public Law 108–79).

(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 761 respondents will complete each form within 90 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,522 total annual burden hours associated with this collection.

FOR FURTHER INFORMATION CONTACT: Brenda E. Dyer, 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: July 14, 2004.

Brenda E. Dyer,

Clearance Officer, Department of Justice.

[FR Doc. 04–16313 Filed 7–16–04; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60–Day notice of information collection under review: Victims of Crime Act, Victim Compensation Grant Program, State Performance Report.

The Department of Justice (DOJ), Office of Justice Programs, 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 September 17, 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 Toni Thomas, Office for Victims of Crime, 810 Seventh Street, NW., Washington, DC 20531.

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:* Victims of Crime Act, Victim Compensation Grant Program, State Performance Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: OJP Admin Form 7390/6. U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Government. The form is used by State Government to submit Annual Performance Report data about claims for victim compensation.

(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 53 respondents will complete each form within 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 106 total annual burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, 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: July 14, 2004.

Brenda E. Dyer,

Clearance Officer, Department of Justice.

[FR Doc. 04–16314 Filed 7–16–04; 8:45 am]

BILLING CODE 4410–08–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,753]

American Furniture Company, Inc., A Division of La-Z-Boy, Inc., Including Leased Workers of Ameristaff and Randstad, Martinsville, VA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 21, 2004, applicable to workers of American Furniture Company, Inc., a division of La-Z-Boy, Inc., including leased workers of Ameristaff and Randstad, Martinsville, Virginia. The notice was published in the **Federal Register** on June 17, 2004 (69 FR 33942).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of case goods and upholstered furniture.

New findings show that there was a previous certification, TA–W–40,316, issued on April 12, 2002, for workers of American Furniture Co., Martinsville, Virginia who were engaged in employment related to the production of case goods and upholstered furniture. That certification expired on April 12, 2004. To avoid an overlap in worker group coverage, the certification is being amended to change the impact date from April 19, 2003 to April 13, 2004, for workers of the subject firm.

The amended notice applicable to TA–W–54,753 is hereby issued as follows:

All workers of American Furniture Company, Inc., a division of La-Z-Boy, including leased workers of Ameristaff and Randstad, Martinsville, Virginia, who became totally or partially separated from employment on or after April 13, 2004, through May 21, 2006, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC this 30th day of June 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–16297 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,111]

Cemco, Inc., Whitesburg, TN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 16, 2004, in response to a petition filed by the company on behalf of workers at Cemco, Inc., Whitesburg, Tennessee.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 28th day of June, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–16292 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,572]

GE Consumer Finance America, A Subsidiary of GE Capital Corporation, Canton, OH; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C), an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at GE Consumer Finance America, a subsidiary of GE Capital Corporation, Canton, Ohio. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–54,572; GE Consumer Finance America, a subsidiary of GE Capital Corporation, Canton, Ohio (July 8, 2004).

Signed at Washington, DC, this 9th day of July, 2004.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 04–16299 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,083]

Hawk Motors, A Division of the Hawk Corporation, Alton, IL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 16, 2004 in response to a petition filed by a company official on behalf of workers at Hawk Motors, a division of the Hawk Corporation, Alton, Illinois.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 29th day of June 2004

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–16294 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,882]

Interface Fabrics Elkin, Inc, d/b/a INTEK, a Subsidiary of Interface, Inc., Now Known as Interface Fabrics South at Aberdeen d/b/a INTEK d/b/a INTEK Marketing, Aberdeen NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Negative Determination Regarding Eligibility To Apply for Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Negative Determination Regarding Eligibility to Apply for Alternative Trade Adjustment Assistance on May 28, 2004, applicable to workers of Interface Fabrics Elkin, Inc., d/b/a Intek, a subsidiary of Interface, Inc., Aberdeen, North Carolina. The notice was published in the **Federal Register** on June 17, 2004 (69 FR 33942).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of furniture fabrics.

New information shows that Interface Fabrics Elkin, Inc., d/b/a Intek, a subsidiary of Interface, Inc. became known as Interface Fabrics South at Aberdeen, d/b/a Intek, d/b/a Intek Marketing following a re-organization in 2003–2004. Workers separated from employment as the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Interface Fabrics South at Aberdeen, d/b/a Intek, d/b/a Intek Marketing.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Interface Fabrics Elkin, Inc., d/b/a Intek, a subsidiary of Interface, Inc., now known as Interface Fabrics South at Aberdeen, d/b/a Intek, d/b/a Intek Marketing who were adversely affected by increased imports.

The amended notice applicable to TA–W–54,882 is hereby issued as follows:

''All workers of Interface Fabrics Elkin, Inc., d/b/a Intek, a subsidiary of Interface, Inc., now known as Interface Fabrics South at Aberdeen, d/b/a Intek, d/b/a Intek Marketing, Aberdeen, North Carolina, who became totally or partially separated from employment on or after May 5, 2003, through May 28, 2006, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.'' I further determine that all workers of Interface Fabrics Elkin, Inc., d/b/a Intek, a subsidiary of Interface, Inc., now known as Interface Fabrics South at Aberdeen, d/b/a Intek, d/b/a Intek Marketing, Aberdeen, North Carolina are denied eligibility to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed at Washington, DC this 7th day of July 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–16296 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,955]

Phoenix Lace Cutting, Inc., North Bergen, NJ; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 21, 2004 in response to a worker petition which was filed by the New Jersey Trade Coordinator on behalf of workers at Phoenix Lace Cutting, Inc., North Bergen, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC this 29th day of June, 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–16295 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,243]

Tateishi of America, Inc., Pineville, NC; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Tateishi of America, Inc., Pineville, North Carolina. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–54,243; Tateishi of America, Inc., Pineville, North Carolina (July 7, 2004).

Signed at Washington, DC this 9th day of July 2004.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 04–16301 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,090]

Vishay Dale Electronics, Thick Film Division, Norfolk, NE; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 16, 2004, in response to a petition filed by a state representative on behalf of workers at Vishay Dale Electronics, Thick Film Division, Norfolk, Nebraska.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 28th day of June, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–16293 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,650]

Wright Express LLC, a Subsidiary of Cendant Corporation Quality Assurance Department, South Portland, ME; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Wright Express LLC., a subsidiary of Cendant Corporation, Quality Assurance Department, South Portland, Maine. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–54,650; Wright Express LLC a subsidiary of Cendant Corporation Quality Assurance Department South Portland, Maine (July 8, 2004)

Signed at Washington, DC this 9th day of July 2004.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 04–16298 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,330]

Allied Holdings, Inc., Decatur, GA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Allied Holdings, Inc., Decatur, Georgia. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–54,330; Allied Holdings, Inc. Decatur, Georgia (July 7, 2004).

Signed at Washington, DC this 9th day of July 2004.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 04–16300 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 1218–0226(2004)]

Standard on Manlifts; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment.

SUMMARY: OSHA solicits comments concerning its proposal to extend OMB approval of the Information Collection requirement contained in the Standard on Manlifts (29 CFR 1910.68(e)). The information collected is used by employers and employees where manlifts are operated. The purpose of the requirement is to reduce employee's risk of death or serious injury by ensuring that manlifts are in safe operating condition.

DATES: Comments must be submitted by the following dates:

Hard Copy: Your comments must be submitted (postmarked or received) by September 17, 2004.

Facsimile and electronic transmission: Your comments must be received by September 17, 2004.

ADDRESSES:

I. Submission of Comments

Electronic: OSHA permits electronic submission of comments through its Web site at *http://ecomments.osha.gov*; please include Docket No. ICR–1218–0226(2004) on the subject line of the message. If one would like to submit additional materials to be associated with a comment submitted electronically, they should be sent, in triplicate hard copy, to the OSHA Docket Office at the above address. These materials must clearly identify the sender's name, date, subject, and docket number to enable the Agency to attach them to the appropriate comments.

Facsimile: OSHA allows facsimile transmission of comments that are 10 pages or fewer in length (including attachments). Send these comments, identified with Docket No. ICR–1218–0226(2004) to the OSHA Docket Office at (202) 693–1648; hard copies of these comments are not required. Commenters may submit attachments to their comments, such as studies and journal articles, in triplicate hard copy to the OSHA Docket Office at the above address instead of transmitting facsimile copies of these materials. These materials must clearly identify the sender's name, date, subject, and docket number so that the Agency can attach them to the appropriate comments.

Regular mail, express delivery, hand delivery, and messenger service: Submit three copies of comments (including attachments) to the OSHA Docket Office, Docket No. ICR–1218–0226(2004), Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210; telephone (202) 693–2350. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of material by express delivery, hand delivery, and messenger service. The hours of operation for the OSHA Docket Office and Department of Labor are 8:15 a.m. to 4:45 p.m., e.s.t.

II. Obtaining Copies of the Supporting Statement for the Information Collection Request

The Supporting Statement for the Information Collection Request (ICR) is available for downloading from OSHA's Web site at *http://www.osha.gov*. The complete ICR, containing the OMB Form 83–I, Supporting Statement, and attachments, is available for inspection and copying in the OSHA Docket Office, at the address listed above. A printed copy of the ICR can be obtained by contacting Theda Kenney at (202) 693–2222.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document by (1) hard copy, (2) fax transmission (facsimile), or (3) electronically through the OSHA Web page. Please note that you cannot attach materials such as studies or journal articles to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so that we can attach them to your comments. Because of security related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

II. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct. The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

29 CFR 1910.68(e) requires that each manlift be inspected at least once every 30 days. The manlift inspection is to cover at least the following items: Steps; step fastenings; rails; rail supports and fastenings; rollers and slides; belt and belt tension; handholds and fastenings; floor landings; guardrails; lubrication; limit switches; warning signs and lights; illumination; drive pulley; bottom (boot) pulley and clearance; pulley supports; motor; driving mechanism; brake; electrical switches; vibration and misalignment; and any ''skip'' on the up or down run when mounting a step (indicating worn gears). A certification record of the inspection must be made upon completion of the inspection. The record must contain the date of the inspection, the signature of the person who performed the inspection, and the serial number or other identifier of the inspected manlift. The record provides assurance to employers, employees, and compliance officers that manlifts were inspected as required by the Standard. The inspections are made to keep equipment in safe operating condition, thereby preventing manlift failure while carrying employees to elevated worksites. These records also provide the most efficient means for the compliance officers to determine that an employer is complying with the Standard.

III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and -transmission techniques.

IV. Proposed Actions

OSHA is proposing to extend the information collection requirement in the Manlifts Standard (29 CFR 1910.68(e)). The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of the information collection requirement.

Type of Review: Extension of currently approved information collection requirements.

Title: Standard on Manlifts (29 CFR 1910.68(e)).

OMB Number: 1218–0226.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local, or tribal governments.

Number of Respondents: 3,000.

Frequency of Recordkeeping: Monthly.

Average Time per Response: Varies from 2 minutes (.03 hour) for an employer to disclose the inspection certification record to 1 hour to inspect a manlift.

Total Annual Hours Requested: 37,801.

Estimated Cost (Operation and Maintenance): $0.

V. Authority and Signature

John L. Henshaw, Assistance Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC, on July 13, 2004.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 04–16338 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0232(2004)]

Crawler, Locomotive, and Truck Cranes; Extension of the Office of Management and Budget's (OMB) Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment.

SUMMARY: OSHA solicits comments concerning its request for an extension of the information collection requirements contained in its Crawler, Locomotive, and Truck Crane in Construction Standard (29 CFR 1926.550(b)(2)); The purpose of the provision is to prevent employees from using unsafe cranes, thereby, reducing their risk of death or serious injury caused by a crane failure.

DATES: Comments must be submitted by the following dates:

Hard Copy: Your comments must be submitted (postmarked or received) by September 17, 2004.

Facsimile and electronic: Your comments must be submitted (postmarked or received) September 17, 2004.

ADDRESSES:

I. Submission of Comments

Regular mail, express delivery, hand-delivery, and messenger service: Submit your comments and attachments to the OSHA Docket Office, Docket No. ICR–1218–0232(2004), Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., e.s.t.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number of this document, Docket No. ICR 1218–0232(2004), in your comments.

Electronic: You may submit comments, but not attachments, through the internet at *http://ecomments.osha.gov/*.

II. Obtaining Copies of the Supporting Statement for the Information Collection Request

The Supporting Statement for the Information Collection Request is available for downloading from OSHA's Web site at *http://www.osha.gov*. The supporting statement is available for inspection and copying in the OSHA Docket Office, at the address listed above. A printed copy of the supporting statement can be obtained by contacting Todd Owen at (202) 693–2222.

FOR FURTHER INFORMATION CONTACT: Noah Connell, Directorate of Construction, OSHA, U.S. Department of Labor, Room N–3467, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2345.

SUPPLEMENTARY INFORMATION:

I. Submission of Comments in This Notice and Internet Access To Comments and Submissions

You may submit comments in response to this document by (1) hard copy, (2) fax transmission (facsimile), or (3) electronically through the OSHA Web page. Please note that you cannot attach materials such as studies or journal articles to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so that we can attach them to your comments. Because of security-related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of material by express delivery, hand delivery and messenger service.

II. Background

The Department of Labor, as part of its containing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and cost) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information-collection burden is correct.

The Crawler, Locomotive, and Truck Crane Standard (*i.e.,* ''the Standard'') specifies the following paperwork requirements.

Paragraph (b)(2) of § 29 CFR 1926.55 requires the employer to prepare and maintain a certification record which includes the date on which critical crane items were inspected, the signature of the person who performed the inspection, and the serial number or other identifier of the crane inspected as specified in ANSI B30.5–1968, Safety Code of Crawler, Locomotive and Truck Cranes. The most recent certification record shall be maintained on file until a new one is prepared.

Establishing and maintaining written records of the monthly inspections informs employers and employees regarding serious, life threatening equipment failure.

III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collected requirements are necessary for the proper performance of the Agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and transmission techniques.

IV. Proposed Actions

OSHA is proposing to extend OMB's previous approval of the recordkeeping (paperwork) requirement specified in paragraph (b)(2) of the Crawler, Locomotive, and Truck Crane Standard (29 CFR 1926.550). The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of this information-collection requirement.

Type of Review: Extension of currently approved information-collection requirements.

Title: Crawler, Locomotive, and Truck Crane Standard.

OMB Number: 1218–0232.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local or tribal governments.

Number of Respondents: 16,581.

Frequency of Response: Monthly.

Total Responses: 198,972.

Average Time per Response: 30 minutes (.50 hour).

Estimated Total Burden Hours: 99,486.

Estimated Cost (Operation and Maintenance): $0.

V. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC on July 13, 2004.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 04–16339 Filed 7–16–04; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Daniel Schneider, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of title 5, United States Code.

1. *Date:* August 2, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for African and Near Eastern Studies in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

2. *Date:* August 3, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for American History and Studies I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

3. *Date:* August 3, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for American History and Studies II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

4. *Date:* August 4, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Film, Media and Technology in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

5. *Date:* August 5, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Music in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

6. *Date:* August 6, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Romance Studies in Fellowship, submitted to the Division of Research Programs at the May 1, 2004, deadline.

7. *Date:* August 9, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Sociology, Anthropology, and Psychology in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

8. *Date:* August 10, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Medieval and Early Modern Studies in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

9. *Date:* August 10, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Ancient and Medieval Studies in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

10. *Date:* August 11, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Latin American Studies II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

11. *Date:* August 12, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for American History III in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

12. *Date:* August 12, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for American Studies I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

13. *Date:* August 13, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Political Science and

Jurisprudence in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

14. *Date:* August 16, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Religious Studies I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

15. *Date:* August 17, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Philosophy I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

16. *Date:* August 17, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Philosophy II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

17. *Date:* August 19, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Humanities and Society in Faculty Research Awards, submitted to the Division of Research Programs at the May 1, 2004, deadline.

18. *Date:* August 19, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Comparative Literature and Literary Criticism in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

19. *Date:* August 20, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Rhetoric, Communication, and Theater in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

20. *Date:* August 30, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for NEH/JUSFC in Fellowships for Advanced Research on Japan, submitted to the Division of Research Programs at the May 1, 2004, deadline.

Daniel Schneider,

Advisory Committee Management Officer.

[FR Doc. 04–16257 Filed 7–16–04; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Correction

AGENCY: National Science Foundation.

ACTION: Notice; correction.

SUMMARY: The National Science Foundation (NSF) published a document in the **Federal Register** of July 14, 2004, concerning request for comments on a proposed information collection. The document contained an incorrect title for the information collection.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Correction

In the **Federal Register** of July 14, 2004, in FR Doc. 04–15883, on page 42217, third column, correct the title of the information collection to read: Monitoring for the National Science Foundation's Math and Science Partnership (MSP) Program.

Dated: July 14, 2004.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 04–16361 Filed 7–16–04; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323]

Pacific Gas and Electric Co.; Notice of Partial Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Pacific Gas and Electric Company (the licensee) to partially withdraw its September 24, 2002, application for proposed amendment to Facility Operating License Nos. DPR–80 and DPR–82 for the Diablo Canyon Power Plant, Unit Nos. 1 and 2, located in San Luis Obispo County, California.

A portion of the proposed amendments would have revised Technical Specification 3.4.10, ''Pressurizer Safety Valves,'' to allow pressurizer safety valve (PSV) loop seal temperature to be less than the lower design temperature during plant heatup and cooldown in Mode 3, and in Mode 4 when any reactor coolant system cold leg temperature is greater than the low temperature overpressure protection arming temperature specified in the pressure temperature limits report, provided at least one Class 1 power operated relief valve is available and capable of providing automatic pressure relief. The loop seal revision was intended to allow gradual stabilization of the loop seal temperatures during plant heatups and cooldowns, and avoid having to partially drain the loop seals to establish the minimum design PSV inlet temperature.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 24, 2002 (67 FR 78522). However, by letter dated March 9, 2004, the licensee withdrew that portion of the proposed change.

For further details with respect to this action, see the application for amendment dated September 24, 2002, and its supplement dated November 21, 2003, and the licensee's letter dated March 9, 2004, which withdrew a portion of the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams/html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in 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 Rockville, Maryland, this 2nd day of July, 2004.

For the Nuclear Regulatory Commission.

Girjia Shukla,

Project Manager, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 04–16303 Filed 7–16–04; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Notice; Board of Directors Meeting

TIME AND DATE: Thursday, July 29, 2004, 10 a.m. (Open Portion) 10:15 a.m. (Closed Portion)

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Meeting Open to the Public from 10 a.m. to 10:15 a.m. Closed portion will commence at 10:15 a.m. (approx.)

MATTERS TO BE CONSIDERED:

1. President's Report.
2. Approval of April 29, 2004 Minutes (Open Portion).

FURTHER MATTERS TO BE CONSIDERED: (Closed to the Public 10:15 a.m.)

1. Insurance Project—Bolivia.
2. Finance Project—Bangladesh, India, Indonesia, Malaysia, Philippines, Sri Lanka, Thailand, and Vietnam.
3. Finance Project—Russia.
4. Approval of April 29, 2004 Minutes (Closed Portion).
6. Pending Major Projects.
7. Reports.

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: July 15, 2004.

Connie M. Downs,

Corporate Secretary, Overseas Private investment Corporation.

[FR Doc. 04–16417 Filed 7–15–04; 10:25 am]

BILLING CODE 3210–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49999; File No. SR–Amex–2004–42]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the American Stock Exchange LLC Relating to the Listing and Trading of Contingent Principal Protection Notes Linked to the Performance of the Nikkei 225 Index

July 9, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as amended (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 2, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is approving the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade notes linked to the performance of the Nikkei 225 (''Nikkei 225'' or ''Index'') that provide for contingent principal protection (''Notes''). The Notes also provide for enhanced appreciation, such that if the ending value of the Index exceeds its starting value, the Notes' participation in the appreciation of the Index will be increased by an Upside Participation Rate expected to be 127%. The text of the proposed rule change is available at the Office of the Secretary, 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 Amex 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 III below. The Amex 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

Under Section 107A of the Amex Company Guide (''Company Guide''), the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[3] The Amex proposes to list for trading under Section 107A of the Company Guide the Notes, which will be issued by Citigroup under the name ''Index LASERS.'' [4] The Nikkei 225 is a stock index determined, calculated and maintained solely by NKS.[5] The Notes will provide for participation [6] in the positive performance of the Nikkei 225 during their term while also reducing the risk exposure to the principal investment amount as long as the Index does not decline at any time during the term of the Notes to a pre-established level to be determined at the time of issuance (the ''Contingent Level''). This Contingent Level will be a pre-determined percentage decline from the level of the Index at the close of the market on the date the Notes are priced for initial sale to the public (the ''Initial Level''). The Issuer expects that the Contingent Level will be 65% of the initial value of the Index.[7] A decline of the Index to the Contingent Level is referred to as a ''Contingent Event.''

The Contingent Principal Protection Notes, which will be registered under section 12 of the Act,[8] will conform to the initial listing guidelines under

[1] 15 U.S.C. 78s(b)(l).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (order approving File No. SR–Amex–89–29).

[4] Citigroup Global Markets Holdings, Inc. (''Citigroup'') and Nihon Keizai Shimbun, Inc. (''NKS'') have entered into a non-exclusive license agreement providing for the use of the Nikkei 225 by Citigroup and certain affiliates and subsidiaries in connection with certain securities including these Notes. NKS is not responsible and will not participate in the issuance and creation of the Notes.

[5] The Notes are not sponsored, endorsed, sold or promoted by NKS. NKS is a recognized service with business information in Japan and publishes a large business daily, The Nihon Keizai Shimbon, and four other financial newspapers. NKS is not affiliated with a securities broker or dealer. The Index measures the composite price performance of selected Japanese stocks. The Index is currently based on the 225 Underlying Stocks trading on the Tokyo Stock Exchange (''TSE'') and represents a broad cross-section of Japanese industry. All 225 of the stocks underlying the index are stocks listed in the First Section of the TSE. Stocks listed in the First Section are among the most actively traded stocks on the TSE. The Index is a modified, price-weighted index. Each component stock's weight in the Index is based on its price per share rather than the total market capitalization of the issuers. NKS calculates the Index by multiplying the per share price of a component stock by the corresponding weighting factor for the stock (a ''Weight Factor''), calculating the sum of all these products and dividing that sum by a divisor. The divisor, initially set on May 16, 1949 at 225, was 23.156 as of July 9, 2004, and is subject to periodic adjustments. Each Weight Factor is computed by dividing [yen] 50 by the par value of the relevant component stock, so that the share price of each component stock when multiplied by its Weight Factor corresponds to a share price based on a uniform par value of [yen] 50. Each Weight Factor represents the number of shares of the related component stock, which are included in one trading unit of the Index. The stock prices used in the calculation of the Index are those reported by a primary market for the component stocks, which is currently the TSE.

[6] Telephone conversation between Jeffrey Burns, Associate General Counsel, Amex, and Florence Harmon, Senior Special Counsel, Division, Commission, dated July 9, 2004 (removal of reference to ''uncapped'' participation since the Notes have an Upside Participation Rate expected to be 127%).

[7] *Id.*

[8] *Id.*

Section 107A [9] and continued listing guidelines under Sections 1001–1003 [10] of the Company Guide. The Notes are unsecured senior non-convertible debt securities of Citigroup. Unlike ordinary debt securities, the Notes do not guarantee any return of principal at maturity. The Notes will not pay interest and are not subject to redemption prior to maturity by Citigroup or at the option of any beneficial owner. The Notes will have a term of not less than one but not more than ten (10) years.[11] The Notes will mature on June 19, 2008.[12] Citigroup will issue the Notes in denominations of whole units (a ''Unit''), with each Unit representing a single Note. The original public offering price will be $10 per Unit. The Notes will entitle the owner at maturity to receive at least 100% of the principal investment amount as long as the Nikkei 225 never experiences a Contingent Event. In the case of a positive Index return, the holder would receive the full principal investment amount of the Note plus the product of $10, the percentage change of the Nikkei 225 during the term and the Upside Participation Rate (expected to be 127%). Accordingly, even if the Index declines but never reaches the Contingent Level, the holder will receive the principal investment amount of the Notes at maturity. If, however, the Notes experience a Contingent Event at any time during the term, the holder loses the ''principal protection'' and will be entitled to receive a payment based on the percentage change of the Index, positive or negative. In this case, the Notes will not have a minimum principal investment amount that will be repaid, and payment on the Notes prior to or at maturity may be less than the original issue price of the Notes. Accordingly, if the Index experiences a negative return and a Contingent Event, the Notes would be fully exposed to any decline in the level of the Nikkei 225.[13] The Notes are also not callable by the Issuer.

The payment that a holder or investor of a Note will be entitled to receive (the ''Redemption Amount'') will depend on the relation of the level of the Nikkei 225 at the close of the market on a single business day (the ''Valuation Date'') shortly before maturity of the Notes (the ''Final Level'') and the Initial Level. In addition, whether the Notes retain ''principal protection'' or are fully exposed to the performance of the Index is determined by whether the Nikkei 225 ever experiences a Contingent Event during the term of the Notes.

If the percentage change of the Index is positive and the Index never experiences a Contingent Event, the Redemption Amount per Unit will equal:

$$\$10 + \left[\$10 \times \left(\frac{\text{Final Level} - \text{Initial Level}}{\text{Initial Level}}\right) \times \text{Upside Participation Rate}\right]$$

If the percentage change of the Index is zero or negative and the Index never experience a Contingent Event, the redemption amount per unit will equal the principal investment amount of $10.

If the Index experiences a Contingent Event, the Redemption Amount per Unit will equal:

$$\$10 + \left[\$10 \times \left(\frac{\text{Final Level} - \text{Initial Level}}{\text{Initial Level}}\right)\right]$$

The Notes are cash-settled in U.S. dollars and do not give the holder any right to receive a portfolio security, dividend payments or any other ownership right or interest in the portfolio or index of securities comprising the Nikkei 225. The Notes are designed for investors who want to participate or gain exposure to a broad representation of the Japanese stock market while partially limiting their investment risk and who are willing to forego market interest payments on the Notes during such term. The Commission has previously approved the listing of securities linked to the performance of the Nikkei 225, including products traded on the Exchange.[14]

As of May 26, 2004, the market capitalization of the securities included in the Nikkei 225 ranged from a high of approximately 14 trillion yen ($128 billion) to a low of approximately 30 billion yen ($257 million). The average daily trading volume for these same securities for the last six (6) months ranged from a high of approximately 8.257 million shares (7 trillion yen) to a low of approximately 1.696 million shares (1.2 trillion yen). The Index is composed of 225 securities and is broad-based. The highest weighted stock has a weight of 3.5% while the top five (5) stocks in the Index account for 14.2 %. The level or value of the Index is calculated once per minute during TSE trading hours [15] and is readily accessible

[9] The initial listing standards for the Notes require: (1) A minimum public distribution of one million units; (2) a minimum of 400 shareholders; (3) a market value of at least $4 million; and (4) a term of at least one year. In addition, the listing guidelines provide that the issuer has assets in excess of $100 million, stockholder's equity of at least $10 million, and pre-tax income of at least $750,000 in the last fiscal year or in two of the three prior fiscal years. In the case of an issuer which is unable to satisfy the earning criteria stated in Section 101 of the Company Guide, the Exchange will require the issuer to have the following: (1) assets in excess of $200 million and stockholders' equity of at least $10 million; or (2) assets in excess of $100 million and stockholders' equity of at least $20 million.

[10] The Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part 10 to the Exchange's Company Guide. Section 1002(b) of the Company Guide states that the Exchange will consider removing from listing any security where, in the opinion of the Exchange, it appears that the extent of public distribution or aggregate market value has become so reduced to make further dealings on the Exchange inadvisable. With respect to continued listing guidelines for distribution of the Notes, the Exchange will rely, in part, on the guidelines for bonds in Section 1003(b)(iv). Section 1003(b)(iv)(A) provides that the Exchange will normally consider suspending dealings in, or removing from the list, a security if the aggregate market value or the principal amount of bonds publicly held is less than $400,000.

[11] Telephone conversation between Jeffrey Burns, Associate General Counsel, Amex, and Florence Harmon, Senior Special Counsel, Division, Commission, dated July 9, 2004.

[12] *Id.*

[13] A negative return of the Nikkei 225, together with a Contingent Event, will reduce the redemption amount at maturity with the potential that the holder of the Note could lose his entire investment amount.

[14] *See* Securities Exchange Act Release Nos. 49670 (May 7, 2004), 69 FR 27959 (May 17, 2004) (approving the listing and trading of Accelerated Return Notes linked to the Nikkei 225 for Nasdaq); 38940 (August 15, 1997), 62 FR 44735 (August 22, 1997) (approving the listing and trading of notes based on the Major 11 International Index); 34821 (October 11, 1994), 59 FR 52568 (October 18, 1994) (approving the listing and trading of warrants on the Nikkei 300); and 27565 (December 22, 1989), 55 FR 376 (January 4, 1990) (approving the listing and trading of warrants based on the Nikkei 225 and noting the existence of a Memorandum of Understanding between the Commission and the Japanese Ministry of Finance for surveillance purposes).

[15] TSE trading hours are currently 9 a.m. to 11 a.m. and from 12:30 p.m. to 3 p.m. Tokyo time, Monday through Friday. Due to time zone differences, on any normal trading day the TSE will close prior to the opening of business in New York City on the same calendar day. Therefore, the closing level of the Index on a trading day will generally be available in the U.S. by the opening of business on the same calendar day.

The TSE has adopted certain measures, including daily price floors and ceilings on individual stocks, intended to prevent any extreme short-term price

to U.S. investors at *http://www.nni.nikkei.co.jp* and *http://www.bloomberg.com.* NKS is under no obligation to continue the calculation and dissemination of the Index. In the event that NKS ever ceases to maintain the Index, the Exchange will contact the Commission staff to consider prohibiting the continued trading of the Notes.[16]

In order to maintain continuity in the level of the Index in the event of certain changes due to non-market factors affecting the Underlying Stocks, such as the addition or deletion of stocks, substitution of stocks, stock dividends, stock splits or distributions of assets to stockholders, the divisor used in calculating the Index is adjusted in a manner designed to prevent any instantaneous change or discontinuity in the level of the Index. The divisor remains at the new value until a further adjustment is necessary as the result of another change. As a result of each change affecting any Underlying Stock, the divisor is adjusted in such a way that the sum of all share prices immediately after the change multiplied by the applicable Weight Factor and divided by the new divisor, *i.e.*, the level of the Index immediately after the change, will equal the level of the Index immediately prior to the change.[17]

Because the Notes are issued in $10 denominations, the Amex's existing equity floor trading rules will apply to the trading of the Notes. First, pursuant to Amex Rule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer prior to trading the Notes.[18] Second, the Notes will be subject to the equity margin rules of the Exchange[19] and will be subject to the regular equity trading hours of the Exchange. Third, the Exchange will, prior to trading the Notes, distribute a circular to the membership providing guidance with regard to member firm compliance responsibilities (including suitability recommendations) when handling transactions in the Notes and highlighting the special risks and characteristics of the Notes. With respect to suitability recommendations and risks, the Exchange will require members, member organizations and employees thereof recommending a transaction in the Notes: (1) to determine that such transaction is suitable for the customer, and (2) to have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of such transaction. In addition, Citigroup will deliver a prospectus in connection with the initial sales of the Notes in accordance with its standard prospectus delivery procedures.

The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the Notes. Specifically, the Amex will rely on its existing surveillance procedures governing equities that include additional monitoring on key pricing dates,[20] which have been deemed adequate under the Act. In addition, the Exchange has an effective surveillance sharing agreement with the TSE that may be used as a basis for listing and trading securities linked to the Nikkei 225.[21] The Exchange also notes that the TSE is a member of the Intermarket Surveillance Group (''ISG'').[22] As a result, the Exchange asserts that market surveillance information is available from the TSE, if necessary, due to regulatory concerns that may arise in connection with the component stocks. In the event that it becomes necessary, the Exchange will seek the Commission's assistance pursuant to memoranda of understanding or similar inter-governmental agreements or arrangements that may exist between the Commission and the Japanese securities regulators.

The Exchange also has a general policy that prohibits the distribution of material, non-public information by its employees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act[23] in general and furthers the objectives of Section 6(b)(5)[24] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

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

The Exchange did not solicit or receive any written comments on the proposed rule change.

fluctuations resulting from order imbalances. In general, any stock listed on the TSE cannot be traded at a price lower than the applicable price floor or higher than the applicable price ceiling. These price floors and ceilings are expressed in absolute Japanese yen, rather than percentage limits based on the closing price of the stock on the previous trading day. In addition, when there is a major order imbalance in a listed stock, the TSE posts a ''special bid quote'' or a ''special asked quote'' for that stock at a specified higher or lower price level than the stock's last sale price in order to solicit counter-orders and balance supply and demand for the stock. Prospective investors should also be aware that the TSE may suspend the trading of individual stocks in certain limited and extraordinary circumstances, including, for example, unusual trading activity in that stock. As a result, changes in the Index may be limited by price limitations or special quotes, or by suspension of trading, on individual stocks that comprise the Index, and these limitations may, in turn, adversely affect the value of the Notes. Telephone conversation between Jeffrey Burns, Associate General Counsel, Amex, and Florence Harmon, Senior Special Counsel, Division, Commission, dated July 9, 2004.

[16] Telephone conversation between Jeffrey Burns, Associate General Counsel, Amex, and Florence Harmon, Senior Special Counsel, Division, Commission, dated July 9, 2004.

[17] Telephone conversation between Jeffrey Burns, Associate General Counsel, Amex, and Florence Harmon, Senior Special Counsel, Division, Commission, dated July 9, 2004 (pertaining to discussion of the continuity of the level of the Index). Underlying Stocks may be deleted or added by NKS. However, to maintain continuity in the Index, the policy of NKS is generally not to alter the composition of the Underlying Stocks except when an Underlying Stock is deleted in accordance with the following criteria. Any stock becoming ineligible for listing in the First Section of the TSE due to any of the following reasons will be deleted from the Underlying Stocks: bankruptcy of the issuer; merger of the issuer into, or acquisition of the issuer by, another company; delisting of the stock or transfer of the stock to the ''Seiri-Post'' because of excess debt of the issuer or because of any other reason; or transfer of the stock to the Second Section of the TSE. Upon deletion of a stock from the Index, NKS will select, in accordance with certain criteria established by it, a replacement for the deleted Underlying Stock. In an exceptional case, a newly listed stock in the First Section of the TSE that is recognized by NKS to be representative of a market may be added to the Underlying Stocks. As a result, an existing Underlying Stock with low trading volume and not representative of a market will be deleted.

[18] Amex Rule 411 requires that every member, member firm or member corporation use due diligence to learn the essential facts, relative to every customer and to every order or account accepted.

[19] *See* Amex Rule 462 and Section 107B of the Company Guide.

[20] Telephone conversation between Jeffrey Burns, Associate General Counsel, Amex, and Florence Harmon, Senior Special Counsel, Division, Commission, dated July 9, 2004 (pertaining to key pricing dates).

[21] *See* Information Sharing Agreement between the Amex and the TSE dated September 25, 1990.

[22] ISG membership obligates an exchange to compile and transmit market surveillance information and resolve in good faith any disagreements regarding requests for information or responses thereto.

[23] 15 U.S.C. 78f.

[24] 15 U.S.C. 78f(b)(5).

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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–2004–42 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–2004–42. 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 offices of Amex. 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–2004–42 and should be submitted on or before August 9, 2004.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

Amex has asked the Commission to approve the proposal on an accelerated basis to accommodate the timetable for listing the Notes. The Commission notes that it has previously approved the listing of securities the performance of which have been linked to, or based on, the Index.[25] The Commission has also previously approved the listing of securities with a structure similar to that of the Notes.[26]

After careful consideration, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder, applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5) of the Act,[27] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.[28] The Commission believes that the Notes will provide investors with a means to participate in any percentage increase in the Index that exists at the maturity of the Notes, subject to the Capped Value, while also reducing the risk exposure to the principal investment amount as long as the Index does not decline at any time during the term of the Note to a pre-determined percentage decline, expected to be 65% of the initial value of the Index—the Contingent Level. Specifically, as described more fully above, if the value of the Nikkei 225 Index has increased, a beneficial owner will be entitled to receive at maturity a payment on the Notes based on the appreciation of the Index by an Upside Participation Rate of 127%. If the Index declines but never reaches the Contingent Level, the holder will receive the principal investment amount of the Notes at maturity. If, however, the Notes experience a Contingent Event at any time during the term, the holder loses the ''principal protection'' and will be entitled to receive a payment based on the percentage change of the Index, positive or negative.

Thus, the Notes are non-principal protected instruments, but are not leveraged. The Notes are debt instruments, the price of which will be derived from and based upon the value of the Nikkei 225 Index. The Notes do not have a minimum principal amount that will be repaid at maturity, and the payments of the Notes prior to or at maturity may be less than the original issue price of the Notes. Accordingly, the level of risk involved in the purchase or sale of the Notes is similar to the risk involved in the purchase or sale of traditional common stock. Because the final rate of return of the Notes is derivatively priced, based on the performance of the 225 common stocks underlying the Nikkei 225 Index, and because the Notes are instruments that do not guarantee a return of principal, there are several issues regarding the trading of this type of product. However, for the reasons discussed below, the Commission believes that Amex's proposal adequately addresses the concerns raised by this type of product.

The Commission notes that the protections of Amex Rule 107A were designed to address the concerns attendant to the trading hybrid securities like the Notes. In particular, by imposing the hybrid listing standards, suitability, disclosure, and compliance requirements noted above, the Commission believes that Amex has addressed adequately the potential problems that could arise from the hybrid nature of the Notes. The Commission notes that Amex will distribute a circular to its membership calling attention to the specific risks associated with the Notes. The Commission also notes that Citigroup will deliver a prospectus in connection with the initial sales of the Notes. In addition, the Commission notes that Amex will incorporate and rely upon its existing surveillance procedures governing equities, which have been deemed adequate under the Act.

In approving the product, the Commission recognizes that the Index is a stock index calculated, published and disseminated by NKS, which measures the composite price performance of selected Japanese stocks. The Index is currently based on 225 common stocks traded on the TSE and represents a broad cross-section of Japanese industry. All 225 underlying stocks are listed in the First Section of the TSE and are, therefore, among the most actively traded stocks on the TSE. The Nikkei is

[25] *See* Securities Exchange Act Release Nos. 49670 (May 7, 2004), 69 FR 27959 (May 17, 2004) (approving the listing and trading of Accelerated Return Notes linked to the Nikkei 225 for Nasdaq); and 38940 (August 15, 1997), 62 FR 44735 (August 22, 1997) (approving the listing and trading of Market Index Target-Term Securities, the return on which is based on changes in the value of a portfolio of 11 foreign indexes, including the Nikkei 225 Index).

[26] *See* Securities Exchange Act Release Nos. 47464 (March 7, 2003), 68 FR 12116 (March 13, 2003) (approving the listing and trading of Market Recovery Notes Linked to the S&P 500 Index); 47009 (December 16, 2002), 67 FR 78540 (December 24, 2002) (approving the listing and trading of Market Recovery Notes linked to the Nasdaq-100 Index); and 46883 (November 21, 2002), 67 FR 71216 (November 29, 2002) (approving the listing and trading of Market Recovery Notes linked to the Dow Jones Industrial Average).

[27] 15 U.S.C. 78f(b)(5).

[28] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

a modified, price-weighted index, which means a component stock's weight in the Nikkei is based on its price per share rather than total market capitalization of the issuers. NKS calculates the Index by multiplying the per share price of a component stock by the corresponding weighting factor for the stock, calculating the sum of all these products, and dividing that sum by a divisor.

As stated above, NKS is under no obligation to continue the calculation and dissemination of the Index. In the event the calculation and dissemination every minute of the Index is discontinued, Amex represents that it will contact Commission staff and consider prohibiting the continued listing of the Notes. The Commission notes that the changes in the composition of the Nikkei 225 Index is made solely by NKS. The changes to these common stocks tend to be made infrequently with most substitutions the result of mergers and other extraordinary corporate actions. As of May 26, 2004, the average daily trading volume for the securities included in the Nikkei 225 for the last six (6) months ranged from a high of approximately 8.257 million shares (7 trillion yen) to a low of approximately 1.696 million shares (1.2 trillion yen). As of the same date, the market capitalization of the components ranged from 14 trillion yen ($128 billion) to 30 billion yen ($257 million). The highest-weighted stock in the Index has the weight of 3.5% while the top five (5) stocks in the Index account for 14%. Given the composition of the stocks underlying the Nikkei 225 Index, the Commission believes that the listing and trading of the Notes that are linked to the Nikkei 225 Index should not unduly impact the market for the underlying securities comprising the Nikkei 225 Index or raise manipulative concerns. As discussed more fully above, the underlying stocks comprising the Nikkei 225 Index are well-capitalized, highly liquid stocks.

In light of the fact that the Nikkei is a foreign index, the Commission believes adequate surveillance sharing agreements between the Amex and the TSE are a necessary prerequisite to deter and detect potential manipulations or other improper or illegal trading involving the Notes. While many of the issuers of the underlying securities comprising the Nikkei 225 are not subject to reporting requirements under the Act, Amex represents that an adequate surveillance sharing agreement exists through the ISG between the Amex and the TSE to deter and detect potential manipulations or other improper trading in the underlying components. Therefore, Amex's surveillance procedures will serve to deter as well as detect any potential manipulation. This agreement obligates the Amex and TSE to compile and transmit market surveillance information and resolve in good faith any disagreements regarding requests for information. Accordingly, the Commission believes that the surveillance sharing agreement through ISG is adequate for the Amex to surveil the components of the Nikkei 225 for potential manipulation or other trading abuses between the markets with respect to the trading of the Notes based on the Nikkei 225.

Furthermore, the Commission notes that the Notes are depending upon the individual credit of the issuer, Citigroup. To some extent this credit risk is minimized by the Amex's listing standards in Amex Rule 107A, which provide the only issuers satisfying substantial asset and equity requirements may issue securities such as the Notes. In addition, the Amex's hybrid listing standards further require that the Notes have a market value of at least $4 million. In any event, financial information regarding Citigroup, in addition to the information on the 225 common stocks comprising the Nikkei 225 Index, including the dissemination of the Index value once per minute, will be publicly available.[29]

The Commission also has a systemic concern, however, that a broker-dealer such as Citigroup, or a subsidiary providing a hedge for the issuer will incur position exposure. However, as the Commission has concluded in previous approval orders for other hybrid instruments issued by broker-dealers,[30] the Commission believes that this concern is minimal given the size of the Notes issuance in relation to the net worth of Citigroup.

Finally, as the Commission noted, the value of the Nikkei 225 Index will be disseminated at least once every minute throughout the trading day. Because the Nikkei 225 Index contains foreign securities and is composed of highly liquid and well-capitalized securities, the Commission believes that providing access to the value of the Index at least once every minute throughout the trading day is sufficient and will provide benefits to investors in the product.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that the Notes will provide investors with an additional investment choice and that accelerated approval of the proposal will allow investors to begin trading the Notes promptly. In addition, the Commission notes that it has previously approved the listing and trading of other derivative securities based on the Index and securities with a structure similar to that of the Notes.[31] Accordingly, the Commission believes that there is good cause, consistent with Sections 6(b)(5) and 19(b)(2) of the Act,[32] to approve the proposal, on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[33] that the proposed rule change (SR–Amex–2004–42) is hereby approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[34]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–16321 Filed 7–16–04; 8:45 am]

BILLING CODE 8010–01–P

[29] *See http://www.nni.nikkei.co.jp* and *http://www.bloomberg.com.*

[30] *See, e.g.*, Securities Exchange Act Release Nos. 44913 (October 9, 2001), 66 FR 52469 (October 15, 2001) (order approving the listing and trading of notes whose return is based on the performance of the Nasdaq-100 Index) (File No. SR–NASD–2001–73); 44483 (June 27, 2001), 66 FR 35677 (July 6, 2001) (order approving the listing and trading of notes whose return is based on a portfolio of 20 securities selected from the Amex Institutional Index) (File No. SR–Amex–2001–40); and 37744 (September 27, 1996), 61 FR 52480 (October 7, 1996) (order approving the listing and trading of notes whose return is based on a weighted portfolio of healthcare/biotechnology industry securities) (File No. SR–Amex–96–27).

[31] *See supra* notes 25 and 26.

[32] 15 U.S.C. 78f(b)(5) and 78s(b)(2).

[33] 15 U.S.C. 78s(b)(2).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50003; File No. SR–CBOE–2004–24]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposed Rule Change and Amendment No. 1 Thereto and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to the Proposed Rule Change Allowing a New Type of Designated Primary Market-Maker—e-DPMs

July 12, 2004.

I. Introduction

On April 22, 2004, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules to allow remote competing Designated Primary Market-Makers (''DPMs''). On April 30, 2004, the CBOE filed Amendment No. 1 to the proposed rule change.[3] On May 7, 2004, the CBOE's rule proposal, as amended, was published for comment in the **Federal Register**.[4] No comment letters were received on the proposal. On June 15, 2004, the CBOE filed Amendment No. 2 to the proposed rule change.[5] The Commission is approving the proposed rule change and Amendment No. 1 thereto, and is publishing notice of and granting accelerated approval to Amendment No. 2 to the proposed rule change.

II. Description of Proposal

The CBOE's Hybrid Trading System is an electronic trading platform integrated with its floor-based open-outcry auction market.[6] The CBOE proposes to enhance the Hybrid platform by adding a new category of CBOE market-making participant—electronic DPMs (''e-DPMs''). e-DPMs would be member organizations appointed to operate on the CBOE as competing DPMs/specialists in a broad number of option classes, and would therefore be permitted to share in the DPM participation right in their allocated option classes. e-DPMs would enter bids and offers electronically from locations other than the trading crowds where the applicable option classes are traded, and would not be required to have traders physically present in the trading crowd.

A. Appointment, Allocation, and Membership Requirements for e-DPMs

Under the proposal, e-DPMs may apply for and be granted an appointment in any option classes on the Hybrid Trading System other than those in which they are already operating as the DPM on the floor of the Exchange.[7] The CBOE also proposes to require e-DPMs to accept allocations in a broad number of option classes. All classes allocated by the Exchange to an e-DPM would constitute the e-DPM's appointment.

e-DPMs would be required to own or lease CBOE or Chicago Board of Trade (exercised) memberships to operate as e-DPMs on the Exchange. Each membership that an e-DPM owns would entitle the e-DPM to stream quotes into 30 allocated classes. Each membership that an e-DPM leases would entitle the e-DPM to stream quotes into 20 allocated classes. At the end of three years, the CBOE would require every e-DPM to own seats to satisfy this requirement and thereafter the e-DPM would no longer be allowed to use leased seats for this purpose.

B. e-DPM Obligations

e-DPMs would have specific obligations governing all classes comprising their appointments. Specifically, proposed CBOE Rule 8.93(i) would require each e-DPM to provide continuous, two-sided quotations in at least 90% of the series of each allocated class with a minimum size of at least 10 contracts.[8] In addition, the proposal would require all e-DPM quotations to be firm and to comply with the maximum bid-ask width requirements contained in CBOE Rule 8.7(b)(iv). Each e-DPM also would be required to make competitive markets on the Exchange and otherwise to promote the Exchange in a manner that is likely to enhance the ability of the Exchange to compete successfully for order flow in the classes it trades. Each e-DPM would be required to notify the Exchange immediately of any material operational or financial changes to the e-DPM organization and to obtain the Exchange's approval prior to effecting changes to the ownership, capital structure, voting authority, distribution of profits/losses, or control of the e-DPM organization. Moreover, each e-DPM would be obligated to maintain information barriers that are reasonably designed to prevent the misuse of material, non-public information with any affiliates that may conduct a brokerage business in option classes allocated to the e-DPM or act as specialist or market maker in any security underlying options allocated to the e-DPM. Other proposed e-DPM obligations are set forth in proposed CBOE Rule 8.93.

C. Affiliated Floor-Market Maker Pilot Program

The CBOE also proposes, as a pilot program for an 18-month period commencing on Commission approval of this proposal, to allow an e-DPM to choose to have a separate affiliated Market-Maker physically present in trading crowds where it operates as an e-DPM, provided that such Market-Maker trades on a separate

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced and superceded the CBOE's original 19b–4 filing in its entirety.

[4] *See* Securities Exchange Act Release No. 49643 (April 30, 2004), 69 FR 25647.

[5] *See* letter from Angelo Evangelou, Managing Senior Attorney, Legal Division, CBOE, to Deborah L. Flynn, Assistant Director, and Sapna Patel, Special Counsel, Division of Market Regulation (''Division''), Commission, dated June 14, 2004 (''Amendment No. 2''). In Amendment No. 2, the CBOE proposes technical changes to the proposed rule text to indicate proposed new rule language and to clarify e-DPM obligations and performance review standards. In connection with the CBOE's proposal to reduce the ''counting period'' to one second, the CBOE proposes to modify CBOE Rule 6.45A(d) to delete the requirement that when Market-Maker quotes interact with other Market-Maker quotes and result in quote locks that last one second or less, the Market-Markers locking the market are obligated to trade one contract in open outcry. The CBOE has, in conjunction with its proposed changes to CBOE Rule 6.45A(d), requested an exemption from Rule 11Ac1–1 under the Act (''Quote Rule'') for Market-Maker quote locks that do not exceed one second. *See* letter from Joanne Moffic-Silver, General Counsel and Corporate Secretary, CBOE, to Annette Nazareth, Director, Division, Commission, dated July 9, 2004 (''CBOE Exemption Request Letter''). Under separate cover, the Commission has granted Market-Makers an exemption pursuant to paragraph (e) of the Quote Rule from their obligations under paragraph (c)(2) of the Quote Rule with respect to interlocking Market-Maker quotations in Hybrid classes that last for no more than one second, provided that such Market-Makers' quotes are firm for all customer and broker-dealer orders, including orders for the accounts of other options market makers. See letter from David Shillman, Associate Director, Division, Commission, to Angelo Evangelou, Managing Senior Attorney, Legal Division, CBOE, dated July 12, 2004 (''SEC Exemption Letter'').

[6] *See* Securities Exchange Act Release No. 47959 (May 30, 2003), 68 FR 34441 (June 9, 2003).

[7] The process and rules by which e-DPMs would be appointed was submitted to the Commission as a separate proposed rule change (File No. SR–CBOE–2004–17). The Commission approved the CBOE's appointment criteria for e-DPMs on April 19, 2004. *See* Securities Exchange Act Release 49577, 69 FR 22576 (April 26, 2004) (''e-DPM Appointment Criteria Approval Order'').

[8] If an electronic request-for-quote (''RFQ'') functionality is activated for Hybrid classes, e-DPMs would have additional or alternative obligations regarding RFQs, including the obligation to respond to at least 98% of RFQs in their appointed classes. The RFQ functionality currently exists for trading on CBOE*direct*, the Exchange's purely screen-based trading platform.

membership.[9] The CBOE represents that this affiliated Market-Maker would be allowed all the privileges of any other Market-Maker and would have all of the responsibilities of any other Market-Maker.

D. Participation Entitlement

The CBOE proposes to modify certain aspects of the DPM participation entitlement—rights granted to a DPM when the DPM is quoting on the prevailing bid or offer—to accommodate the e-DPM program. The CBOE's current DPM participation rights are 30%, 40%, or 50%.[10] Under this proposal, the CBOE proposes that DPMs and e-DPMs (the ''DPM Complex'') would share in the existing DPM participation entitlement with the e-DPM participation right coming out of the existing DPM participation right established under CBOE Rule 8.87.

The CBOE proposes that the DPM participation entitlement to the DPM Complex would be allocated in the following manner: If the DPM and one or more e-DPMs were quoting at the best bid/offer on the CBOE, the e-DPM participation entitlement would be one-half (50%) of the total DPM Complex entitlement and would be divided equally by the number of e-DPMs quoting at the best bid/offer on the CBOE, while the DPM would retain the other half of the entitlement. If the DPM were not quoting at the best bid/offer on the Exchange and one or more e-DPMs were quoting at the best bid/offer on the Exchange, then the e-DPM(s) would be allocated the entire participation entitlement, which would be divided up equally between them. If, however, only the DPM and/or e-DPM(s) were quoting at the best bid/offer on the CBOE and there were no Market-Makers quoting with them, there would be no DPM/e-DPM participation entitlement and instead the allocation procedures under CBOE Rule 6.45A would apply. Pursuant to proposed CBOE Rule 6.45A, e-DPMs would receive allocations based on the greater of the participation entitlement or what the e-DPM would otherwise receive via the CBOE's Ultimate Matching Algorithm (''UMA''), and an e-DPM would never receive an allocation greater than the size of its quote.

E. Proposed Extra ''A'' Component in UMA for DPMs

In addition, the CBOE proposes to allow a DPM that uses more than one membership in any given trading crowd to increase its ability to participate via UMA by increasing the DPM's ''A'' component in the UMA calculation by one.[11] The CBOE represents that on many exchanges the specialist receives a 40% guarantee when there are at least three other market makers quoting the best price. On the CBOE, the DPM is entitled to only 30% in such cases. To the extent this extra ''A'' component could be considered a ''guarantee'' (and even though a DPM would not receive an allocation on any trade pursuant to both the participation entitlement and UMA), the CBOE represents that it would not allow the incremental amount a DPM receives because of the proposed second ''A'' component to cause the DPM to exceed a 40% ''guarantee'' threshold.

F. Performance and Operations Review for e-DPMs

Reviews of e-DPM performance would be conducted under proposed new CBOE Rule 8.94(a). Furthermore, proposed CBOE Rule 8.94(b) would provide that the Exchange may, pursuant to a proposed rule change filed with the Commission under Section 19(b) of the Act, adopt rules detailing objective criteria upon which e-DPMs' fee rates shall be reviewed. Such objective criteria, if approved by the Commission, may include average quote size, average quote width, the percentage of time an e-DPM is quoting at the National Best Bid or Offer, and other objective performance related measurements. The proposed rule further states that e-DPMs that fail to meet the objective standards could be summarily required to adhere to fee rates applicable to certain non-e-DPM Market-Makers. Proposed CBOE Rule 8.94(c) provides that the Exchange may terminate, place conditions upon, or otherwise limit a member organization's approval to act as an e-DPM on the same basis that DPM privileges may be terminated and/or conditioned under CBOE Rules 8.60 and 8.90, and that if a member organization's approval to act as an e-DPM were terminated, conditioned, or otherwise limited by the Exchange pursuant to this Rule, the member organization would be permitted to seek review of that decision under Chapter XIX of the CBOE Rules.

G. Limitations on Access Due to Systems Constraints

The CBOE is also proposing new CBOE Rule 6.23A, which provides that the Exchange may limit the number of messages sent by members accessing the Exchange electronically to ensure proper performance of the system, to protect the integrity of the Hybrid Trading System. However, proposed CBOE Rule 6.23A explicitly states that any such restrictions must be objectively determined and submitted to the Commission for approval pursuant to a proposed rule change under Section 19 of the Act.[12]

III. Description of Amendment No. 2 to the Proposed Rule Change

In Amendment No. 2 to the proposed rule change, the CBOE proposes changes to CBOE Rule 6.45A(d) to delete the requirement that when Market-Maker quotes interact with other Market-Maker quotes and result in quote locks that last one second or less, the Market-Markers locking the market are obligated to trade one contract in open outcry.[13] In addition, the CBOE proposes to limit the ''counting period'' established by the rule to one second, during which time such Market-Makers would be obligated to execute customer and broker-dealer orders eligible for automatic execution. Quote locks that last more than one second would execute against each other for the full size.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning whether the Amendment No. 2 to 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

[9] As part of the pilot program, the CBOE states that it would confidentially provide the Commission with data on: (1) The size of orders that e-DPMs and affiliated Market-Makers both trade with electronically; (2) the price and size of the e-DPM's and the affiliated Market-Maker's respective quotes; (3) the price and size of quotes of other participants in classes where an e-DPM and an affiliate are quoting; and (4) a breakdown of how orders are allocated to the e-DPM, the affiliated Market-Maker, and any other participants.

[10] If there is one Market-Maker quoting with the DPM, the DPM entitlement is 50%. If there are two Market-Makers quoting with the DPM, the DPM entitlement is 40%. If there are three or more Market-Makers quoting with the DPM, the DPM entitlement is 30%. *See* CBOE Regulatory Circular RG00–193.

[11] The ''A'' component of UMA represents 1 over the total number of market participants on the market. UMA currently gives equal weighting to the ''A'' and ''B'' components. When the DPM is given credit for the additional memberships, both the numerator and the denominator would be increased by no more than 1 (*e.g.*, ¼ would become ⅖).

[12] 15 U.S.C. 78s.

[13] The CBOE has, in conjunction with its proposed changes to Rule 6.45A(d), requested an exemption from the Quote Rule for Market-Maker quote locks that do not exceed one second. *See* CBOE Exemption Request Letter, *supra* note 5.

• Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2004–24 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–CBOE–2004–24. 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 CBOE. 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–CBOE–2004–24 and should be submitted on or before August 9, 2004.

V. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange [14] and, in particular, the requirements of Section 6 of the Act.[15] Specifically, the Commission finds that the proposal to add a new category of CBOE market making participant, e-DPMs, to the CBOE's Hybrid platform is consistent with Section 6(b)(5) of the Act,[16] in that the proposal has been designed to promote just and equitable principles of trade, and to protect investors and the public interest.

The Commission notes that e-DPMs would essentially operate as remote, electronic competing specialists on the CBOE. As such, e-DPMs would have additional responsibilities and obligations compared to other CBOE Market-Makers, including an obligation to participate as an e-DPM in a broad number of option classes and an enhanced continuous quoting requirement for the quotes that they stream to the Exchange from locations outside of the trading crowd. In return for undertaking these additional responsibilities, e-DPMs would receive the benefit of sharing in the DPM's participation entitlement in their appointed option classes. The Commission further notes that the CBOE has proposed special rules and requirements to accommodate the introduction of e-DPMs on the Exchange, including rules on the allocation of option classes based on memberships, heightened obligations in connection with their allocated option classes, and specific operations and performance review criteria. The Commission believes that these proposed new rules for e-DPMs should place affirmative obligations on e-DPMs. The Commission therefore finds that, for the reasons discussed more fully below, the CBOE's proposal to allow e-DPMs to operate as competing specialists on its Hybrid system is consistent with the Act.

A. Appointment, Allocation, and Membership Requirements for e-DPMs

The Commission notes that e-DPMs may not quote in option classes other than their appointed/allocated classes. Moreover, although there could be more than one e-DPM in a particular option class (from separate member organizations), the Commission notes that an e-DPM may not be allocated an option class in which its member organization serves as a DPM. The Commission believes that these limitations should help to reduce the opportunity for conflicts of interest detrimental to the interests of investors.

B. e-DPM Obligations

The Commission further notes that proposed CBOE Rule 8.93 provides a list of obligations that an e-DPM would be required to fulfill in addition to (or, in certain cases, in lieu of) those of a CBOE Market-Maker or DPM. One particular obligation would require e-DPMs to provide two-sided quotations in at least 90% of the series of each of its allocated option classes, or if the RFQ functionality is utilized by the Exchange, to respond to 98% of the RFQs. Another proposed obligation would require e-DPMs to ''make competitive markets on the Exchange and otherwise to promote the Exchange in a manner that is likely to enhance the ability of the Exchange to compete successfully for order flow in the classes it trades.'' The Commission emphasizes that the CBOE should not interpret this proposed obligation to in any way directly or indirectly attempt to restrict a market participant that is appointed as an e-DPM on the CBOE from performing market-making or specialist activities on other markets.

The Commission notes that e-DPMs, in addition to complying with the requirements of CBOE Rule 4.18, also would be obligated to maintain information barriers that are reasonably designed to prevent the misuse of material, non-public information with any affiliates that may conduct a brokerage business in option classes allocated to the e-DPM or act as specialist or market maker in any security underlying options allocated to the e-DPM. The Commission believes that the requirement that there be an information barrier between an e-DPM and its affiliates with respect to transactions in its allocated option classes and the related underlying securities should serve to reduce the opportunity for unfair trading advantages or misuse of material, non-public information.

C. Affiliated Floor Market-Maker Pilot Program

The Commission is permitting the CBOE, for an 18-month pilot period commencing on Commission approval of this proposal, to allow an e-DPM to choose to have an affiliated Market-Maker, trading on a separate membership, physically present in trading crowds where it operates as an e-DPM. The CBOE has committed to, during this pilot period, provide to the Commission data relating to: (1) The size of orders that e-DPMs and affiliated Market-Makers both trade with electronically; (2) the price and size of the e-DPM's and the affiliated Market-Maker's respective quotes; (3) the price and size of quotes of other participants in classes where an e-DPM and an affiliate are quoting; and (4) a breakdown of how orders are allocated to the e-DPM, the affiliated Market-Maker, and any other participants. The Commission expects to use this data to determine if the practice of allowing a member organization to receive more of an allocation of orders based simply on the number of Market-Makers that it has

[14] The Commission has considered the amended proposed rule change's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f.

[16] 15 U.S.C. 78f(b)(5).

quoting in an option class is unfairly discriminatory in any way to other quoting market participants, and to determine whether to extend or permanently approve this practice.

D. Participation Entitlement

The Commission notes that the CBOE proposes to allow e-DPMs to share in the DPM's participation entitlement. If the DPM and one or more e-DPMs were quoting at the best bid/offer on the CBOE in a particular option class, the e-DPM(s) would be entitled to share 50% of the DPM's participation entitlement, which would then be divided equally by the number of e-DPMs quoting at the best bid/offer on the CBOE.[17] e-DPMs would receive allocations based only on the greater of the participation entitlement or what the e-DPM would otherwise receive through UMA, but in no event greater than the size of its quote. The Commission notes, however, that if only the DPM and/or e-DPM(s) were quoting at the best bid/offer on the CBOE with no other Market-Makers quoting with them, there would be no participation entitlement and instead the allocation procedures under CBOE Rule 6.45A would apply. The Commission believes that because e-DPMs have certain obligations greater than those of other Market-Makers on the CBOE, it would not be inappropriate for e-DPMs that are quoting at the CBOE's best bid/offer with the DPM to be permitted to receive a portion of the DPM's participation entitlement.

E. Proposed Extra ''A'' Component in UMA for DPMs

Furthermore, the Commission notes that the CBOE proposes to allow DPMs that use more than one membership in any given trading crowd to increase their ability to participate via UMA by increasing the DPM's ''A'' component in the UMA calculation by one. The CBOE represents that this extra ''A'' component would not have an impact on the DPM's participation guarantee, and that it would not allow the incremental amount a DPM receives because of a second ''A'' component to cause the DPM to exceed a 40% ''guarantee'' threshold. While the CBOE represents that the reason DPMs should receive an extra ''A'' component is because they would receive less of a participation guarantee with the introduction of e-DPMs on the Exchange and would continue to need multiple memberships to effectively operate as a DPM in the trading crowd, the Commission notes that the number of memberships needed to operate as a DPM is not a factor that it is considering in determining whether allowing DPMs an extra ''A'' component is consistent with the Act.

F. Performance and Operations Reviews for e-DPMs

The Commission notes that the CBOE has proposed performance review standards pursuant to proposed CBOE Rule 8.94(a), which would take into account how well an e-DPM has fulfilled its obligations under proposed CBOE Rule 8.93. Furthermore, the Commission notes that proposed CBOE Rule 8.94(b) provides that the CBOE may adopt rules in the future, subject to Commission approval, with detailed objective criteria upon which e-DPMs' fee rates could be reviewed. Moreover, the Commission believes that proposed CBOE Rule 8.94(c) should provide guidance regarding the termination or limitation of a member organization's approval to act as an e-DPM, and the ability of the member organization to appeal such decision.

G. Limitations on Access Due to Systems Constraints

In addition, the Commission notes that proposed new CBOE Rule 6.23A, which would allow the Exchange to limit the number of messages sent by members accessing the Exchange to protect the Hybrid Trading System, grants the Exchange no authority at this time and therefore, would not permit the CBOE to place any limitations on its members under this rule unless such limitations were objectively determined and submitted as a proposed rule change to the Commission for approval pursuant to Section 19(b) of the Act.[18]

H. Quote Locks

In Amendment No. 2, the CBOE proposes changes to CBOE Rule 6.45A(d) to delete the requirement that when Market-Maker quotes interact with other Market-Maker quotes and result in quote locks that last one second or less, the Market-Markers locking the market are obligated to trade one contract in open outcry. In addition, the CBOE proposes limiting the ''counting period'' to one second during which time Market-Makers whose quotes are locked may eliminate the locked market. Quote locks that last more than one second would result in the quotes executing against each other for the full size. The CBOE represents that quote locks that occur between Market-Makers are mainly due to technological disparities. The CBOE has therefore, in conjunction with its proposed changes to CBOE Rule 6.45A(d), requested an exemption from the Quote Rule for Market-Maker quote locks that do not exceed one second.[19] The Commission has granted the CBOE an exemption from the Quote Rule solely under this limited circumstance, provided that Market-Makers' quotes are firm for all customer and broker-dealer orders, including orders for the accounts of other options market makers.[20] The Commission believes a requirement that an e-DPM trade one contract in open outcry if it locks the quote of another Market-Maker would be impractical in an environment in which market-making participants can stream quotes electronically from locations outside of the trading crowd in their allocated option classes without physically being present on the trading floor, especially if such a quote lock occurs due to technological differences.

VI. Accelerated Approval of Amendment No. 2 to the Proposed Rule Change

Finally, the Commission finds good cause for approving Amendment No. 2 to the proposed rule change prior to the thirtieth day after the amendment is published for comment in the **Federal Register** pursuant to Section 19(b)(2) of the Act.[21] In Amendment No. 2, the CBOE proposes technical changes to the proposed rule text to indicate proposed new rule language and to clarify e-DPM obligations and performance review standards. Furthermore, the CBOE proposes amendments to CBOE Rule 6.45A(d) to reduce the ''counting period'' to one second and to delete the requirement that when Market-Maker quotes interact with other Market-Maker quotes and result in quote locks that last one second or less, the Market-Markers locking the market are obligated to trade one contract in open outcry. The Commission believes that the proposed changes in Amendment No. 2 are necessary to the efficient and orderly introduction of remote e-DPMs and to the proper operation of the CBOE's Hybrid Trading System and, therefore, believes that accelerated approval of Amendment No. 2 is appropriate.

[17] The Commission notes that proposed CBOE Rule 8.87(b)(1)(iii) provides that the participation entitlement is based on the number of contracts remaining after all public customer orders in the book at the best bid/offer on the Exchange have been satisfied.

[18] 15 U.S.C. 78s(b).

[19] *See* CBOE Exemption Request Letter, *supra* note 5.

[20] *See* SEC Exemption Letter, *supra* note 5.

[21] 15 U.S.C. 78s(b)(2).

VII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (File No. SR–CBOE–2004–24) and Amendment No. 1 are hereby approved, and that Amendment No. 2 is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–16324 Filed 7–16–04; 8:45 am]

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[22] 15 U.S.C. 78s(b)(2).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50005; File No. SR–CBOE–2004–33]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc. and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 Thereto Relating to Frequency of Executions on the Hybrid Trading System

July 12, 2004.

I. Introduction

On May 19, 2004, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change governing the frequency with which orders for the account of market makers or specialists on an options exchange (''options market maker''), or for the account of a stock exchange specialist with respect to a security in which it acts as specialist, may be submitted for automatic execution in the Exchange's Hybrid Trading System (''Hybrid''). The proposed rule change was published in the **Federal Register** on June 14, 2004.[3] On July 12, 2004, the Exchange submitted by facsimile Amendment No. 1 to the proposal.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 49814 (June 4, 2004), 69 FR 33090.

[4] *See* letter from Steve Youhn, Senior Attorney, Legal Division, CBOE, to Nancy J. Sanow, Assistant Director, Division of Market Regulation (''Division''), Commission, dated July 12, 2004 (''Amendment No. 1'').

The Commission received no comments on the proposed rule change. This order approves the proposed rule change on an accelerated basis. Simultaneously, the Commission provides notice of filing and grants accelerated approval of Amendment No. 1.

II. Description of Proposal and Amendment No. 1

Currently, CBOE Rule 6.8(e)(iii) restricts the entry of certain orders into the Exchange's RAES system to one order within any 15-second period on the same side of the market in an option class, when such order is for an account or accounts of the same beneficial owner. The proposed rule change seeks to adopt a similar 15-second rule applicable to options market maker and stock exchange specialist orders entered into Hybrid, which would be implemented for a six-month pilot period.

Specifically, the Exchange has proposed to adopt new CBOE Rule 6.13(b)(i)(C)(iii), which would prohibit members from entering or permitting the entry of multiple orders on the same side of the market in an option class within any 15-second period for an account or accounts of the same beneficial owner with respect to those orders eligible for submission pursuant to CBOE Rule 6.13(b)(i)(C)(ii).[5] The proposed rule change also would allow the appropriate floor procedure committee (''FPC'') to shorten the duration of this 15-second restriction by providing advance notice to the membership via a Regulatory Circular that is issued at least one day prior to implementation.

The Exchange also has proposed to limit to the scope of the rule. The Exchange has represented that while all of the floor-based options exchanges' rules, including CBOE Rule 6.8(e)(iii), broadly apply to all orders (*i.e.*, orders from customers and broker-dealers), the proposed amendment to CBOE Rule 6.13 will apply only to orders from options exchange market makers and stock exchange specialists, as defined in CBOE Rule 6.13(b)(i)(C)(ii).[6] According to the Exchange, customers and broker-dealers (as described in CBOE Rule 6.13(b)(i)(C)(i)) will not be subject to the rule and as such will continue to be eligible to receive unlimited automatic executions.

The Exchange clarified the scope of the proposed rule change in Amendment No. 1. Amendment No. 1 confirmed that Linkage Orders will not be subject to the proposed rule. Moreover, Amendment No. 1 proposed to amend the rule text to clarify the type of orders that will be presumed to be for the account(s) of the same beneficial owner. Specifically, the Exchange proposed that orders will be presumed to be for the account(s) of the same beneficial owner if they are not independently originated by separate market makers (or stock exchange specialists) and such orders clear into the same account or accounts with common ownership. The Exchange also included language that explained that the term ''independently originated'' means that a market maker (or stock exchange specialist) makes an individual determination to trade and separately communicates its trading determination (*i.e.*, order) to the Exchange.

Also in Amendment No. 1, the Exchange made representations regarding its members' ability to comply with the proposed rule. In this regard, the Exchange stated that it had contacted the large national market making firms, as well as the primary vendors used by the majority of market makers to submit quotes and orders, to gauge their ability to comply with the proposed rule. CBOE represented that, based on those discussions, it has determined that its members would be able to enforce compliance with the

[5] *See infra* note 6.

[6] On June 17, 2004, the Commission approved a proposed rule change that modified this paragraph. *See* Securities Exchange Act Release No. 49880, 69 FR 35086 (June 23, 2004) (SR–CBOE–2004–15). CBOE Rule 6.13(b)(i)(C)(ii) currently provides as follows:

(ii) (A) Options Exchange Market Makers: The appropriate FPC may also determine, on a class-by-class basis, to allow orders for the accounts of market makers or specialists on an options exchange (collectively ''options market makers'') who are exempt from the provisions of Regulation T of the Federal Reserve Board pursuant to Section 7(c)(2) of the Securities Exchange Act of 1934 to be eligible for automatic execution. The appropriate FPC may establish the maximum order size eligibility for such options market maker orders at a level lower than the maximum order size eligibility available to non-broker-dealer public customers and non-market maker or non-specialist broker-dealers. Pronouncements pursuant to this provision regarding options market maker access shall be made by the appropriate FPC and announced via Regulatory Circular.

(B) Stock Exchange Specialists: The appropriate FPC may determine, on a class-by-class basis, to allow orders for the account of a stock exchange specialist, with respect to a security in which it acts as a specialist, to be eligible for automatic execution in the overlying option class. The appropriate FPC may establish the maximum order size eligibility for such specialist orders at a level lower than the maximum order size eligibility available to options exchange market makers. Stock exchange specialists, with respect to orders in securities in which they do not act as specialist, will be treated as broker-dealers that are not market makers or specialists on an options exchange and will be eligible to submit orders for automatic execution in accordance with subparagraph (i) above.

proposed rule upon implementation either through electronic or manual means.

Lastly, in Amendment No. 1, the Exchange requested approval of the proposed rule change for a six-month pilot period.

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[7] Specifically, the Commission believes the proposed rule change is consistent with section 6(b)(5) of the Act,[8] which requires among other things, that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to perfect the mechanism of a free and open market and national market system, and, in general, to protect investors and the public interest.

The Commission believes that prohibiting members from causing the entry of more than one order from options market makers or stock exchange specialists for the same beneficial account within a 15-second period into Hybrid should help reduce the risk exposure of CBOE market makers. The Commission believes that 15 seconds is a sufficient time period to allow market makers to change their quotations following an execution, without placing an undue burden on market participants seeking to execute transactions on the Exchange.[9] The Commission notes, however, that market participants subject to the 15-second restriction will still be permitted to send orders to the Exchange for execution through the Intermarket Options Linkage pursuant to the terms of the Plan for the Purpose of Creating and Operating an Intermarket Options Linkage.

The Commission finds good cause for approving the proposed rule change prior to the 30th day of the date of publication of notice of filing thereof in the **Federal Register**. The Exchange has represented that, upon approval of the proposed rule change, orders electronically submitted to CBOE's order routing system in Hybrid classes by options market-makers will be eligible for automatic execution through the Hybrid System.[10] The Commission believes that permitting such access is an important development in that it will improve the efficiency with which such orders will be executed. By providing efficient executions for additional types of orders, more options orders may be attracted to the Exchange, and thus help improve the depth and liquidity of the Exchange's market.

Further, the Exchange is proposing to implement the proposed rule change for a pilot period of six months so that the Exchange and the Commission may review the impact of the proposed rule change in light of greater options market maker access to Hybrid. Therefore, the Commission finds that there is good cause, consistent with section 19(b)(2) of the Act,[11] to approve the proposed rule change on an accelerated basis.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof in the **Federal Register**. In Amendment No. 1, the Exchange proposed to revise the rule text to provide greater clarity with respect to the definition of beneficial owner. The Exchange also proposed to implement the proposed rule change as a six-month pilot program and clarified that the proposed rule change would not affect the frequency with which markets may submit Linkage Orders to the CBOE. Because Amendment No. 1 did not affect the substance of the proposed rule change, made clarifying changes to the scope of the proposal, and proposed that the new rule be operated on a pilot basis, the Commission finds good cause, consistent with section 19(b)(2) of the Act, to approve Amendment No. 1 on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1 to the proposed rule change, including whether the Amendment 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 SR–CBOE–2004–33 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 SR–CBOE–2004–33. 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 CBOE. 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 SR–CBOE–2004–33 and should be submitted on or before August 9, 2004.

V. Conclusion

Is it therefore ordered, pursuant to section 19(b)(2) of the Act,[12] that the proposed rule change (SR–CBOE–2004–33) and Amendment No. 1 thereto are hereby approved on an accelerated basis for a pilot period to expire on January 12, 2005.

[7] The Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

[9] The Commission notes that the Exchange may not take punitive action against any non-member options market marker or stock exchange specialist who submits an order to a CBOE member for entry into Hybrid in the event that the CBOE member violates CBOE Rule 6.13(b)(i)(C)(iii).

[10] *See* letter from Joanne Moffic-Silver, General Counsel, CBOE, to Annette Nazareth, Director, Division, Commission, dated July 9, 2004.

[11] 15 U.S.C. 78s(b)(2).

[12] 15 U.S.C. 78*o*–3(b)(6) and 78s(b)(2).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–16325 Filed 7–16–04; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50007; File No. SR–CBOE–2004–43]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Incorporated To Amend the Exchange's Membership Rules To Accommodate e-DPMs

July 13, 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 July 12, 2004, the Chicago Board Options Exchange, Incorporated (''CBOE'' 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 CBOE. On July 12, 2004, the CBOE filed Amendment No. 1 to the proposed rule change.[3] 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 CBOE proposes to amend its Chapter III membership rules to accommodate the proposed creation of a new category of CBOE market-making participant—electronic Designated Primary Market-Makers (''e-DPMs'').

Below is the text of the proposed rule change, as amended. Proposed new language is *italicized*; proposed deletions are in brackets.

* * * * *

Chicago Board Options Exchange, Incorporated

* * * * *

Rules

* * * * *

Rule 3.2 Qualifications and Membership Statuses of Individual Members

(a)–(b) No change.

(c) Every individual member who is a lessee, a Chicago Board of Trade exerciser, or an owner (who is not a lessor) must have an authorized *trading* [floor] function. An individual member is deemed to have an authorized *trading* [floor] function if the member is approved by the Membership Committee to act as a Market-Maker, [and/or] Floor Broker*, or nominee or person registered for an e-DPM organization*.

*** * * Interpretations and Policies**

.01 No change.

* * * * *

Rule 3.8 Nominees and Members Who Register Their Memberships for Member Organizations

(a) Each member organization that is the owner of a membership for which the member organization will not be acting as a lessor and each member organization that is a lessee of a membership shall be subject to the following provisions:

(i) No change.

(ii) If the member organization is the owner or lessee of more than one such membership, the organization must designate a different individual to be the nominee for each of the memberships (*except that this subparagraph shall not apply to memberships designated for use in an e-DPM capacity pursuant to Rule 8.92 by a member organization approved as an e-DPM)*;

(iii) Each nominee of a member organization designated pursuant to subparagraph (a)(i) of this Rule is required to have an authorized *trading* [floor] function, except that a nominee of a member organization that is approved solely to transact business with the public pursuant to Rule 9.1 is not required to comply with this requirement;

(iv)–(v) No change.

(b) Each member organization that is the owner of a membership for which the member organization will be acting as a lessor shall be subject to the following provisions:

(i)–(ii) No change.

(iii) The nominee of the member organization for the membership(s) with respect to which the organization will be acting as a lessor may not have an authorized *trading* [floor] function with respect to such membership(s);

(iv) The nominee of the member organization for the membership(s) with respect to which the organization will be acting as a lessor must satisfy all of the qualification requirements for membership, except for those requirements that are not applicable to lessors or that are applicable solely to members who will have an authorized *trading* [floor] function; and

(v) No change.

(c) Each individual member who owns a membership and each Chicago Board of Trade exerciser may apply to register his or her membership for a member organization. Upon approval of such an application, an individual who has registered his or her membership for a member organization shall represent the organization in all matters relating to the Exchange in the same manner that a nominee represents a member organization. Each individual who registers his or her membership for a member organization must have an authorized *trading* [floor] function.

(d) No change.

(e) The following requirements shall apply to every nominee of a member organization and to every individual who has registered his or her membership for a member organization:

(i) No change.

(ii) The person may have authorized *trading* [floor] functions only on behalf of one member organization; and

(iii) The person may perform *trading* [floor] functions only on behalf of the member organization for which the person is approved by the Exchange to perform such functions and may not perform *trading* [floor] functions on the person's own behalf or on behalf of another member organization.

(f) Notwithstanding the provisions of subparagraph (e)(iii) of this Rule, a nominee or person who has registered his or her membership for a member organization may act as an independent Market-Maker and/or an independent Floor Broker if the following 4 requirements are satisfied:

(A) The person obtains the prior written approval to do so, in a manner and form prescribed by the Exchange, from the member organization for which the person is approved by the Exchange to perform *trading* [floor] functions;

(B) The member organization for which the person is approved by the Exchange to perform *trading* [floor] functions agrees, in a manner and form prescribed by the Exchange, to guarantee all obligations arising out of that person's activities as an

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[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from David Doherty, Attorney, Legal Division, CBOE, to Deborah Flynn, Assistant Director, Division of Market Regulation, Commission, dated July 12, 2004 (''Amendment No. 1''). In Amendment No. 1, the CBOE proposes to amend its original 19b–4 filing to remove the following sentence from section 3 and Item II(A) of Exhibit I: ''The individual designated may also be a nominee of one of the organization's other memberships.''

independent Market-Maker and/or an independent Floor Broker;

(C)–(D) No change.

A person who is approved to act as an independent Market-Maker and/or an independent Floor Broker pursuant to this paragraph (f) shall be personally responsible for all obligations arising out of those activities, and the member organization for which the person is approved by the Exchange to perform *trading* [floor] functions shall guarantee these obligations.

(g) A member organization may designate one or more inactive nominees. An ''inactive nominee'' of a member organization is an individual who is eligible to become an effective nominee of that organization with respect to any membership for which the organization is either an owner (and not a lessor) or is a lessee. The following requirements shall apply to inactive nominees:

(i) To become an inactive nominee of a member organization, an individual must be approved for membership and become an effective nominee of the member organization, with authorized *trading* [floor] functions, within 90 days of the approval for membership;

(ii)–(iv) No change.

*** * * Interpretations and Policies**

.01 No change.

* * * * *

Rule 3.9 Application Procedures and Approval or Disapproval

(a)–(f) No change.

(g) Any person applying pursuant to paragraph (a) of this Rule to have an authorized *trading* [Floor] function is required to have *completed* [attended] the Exchange's [New] Member Orientation Program and to have passed *an* [the] Exchange['s] *Trading* [Floor] Member Qualification Exam. Additionally, any person who has *completed* [attended] the [New] Member Orientation Program and taken and passed the *applicable Trading* [Floor] Member Qualification Exam and who then does not possess an authorized *trading* [Floor] function for more than 1 year is required to *complete* [re-attend] the [New] Member Orientation Program and to re-pass the *applicable Trading* [Floor] Member Qualification Exam in order to once again become eligible to have an authorized *trading* [Floor] function. A person must score 75% or better on the *applicable Trading* [Floor] Member Qualification Exam in order to pass the Exam. Any person who fails the *applicable Trading* [Floor] Member Qualification Exam must wait 30 days to re-take the Exam after failing the Exam for the first time, must wait 60 days to re-take the Exam after failing the Exam for the second time, and must wait 120 days to re-take the Exam after failing the Exam for a third or subsequent time. The Exchange may not waive any of the requirements set forth in this paragraph (g).

(h)–(l) No change.

*** * * Interpretations and Policies**

.01–.02 No change.

* * * * *

Rule 3.28 [Reserved]

Letter of Guarantee

[Reserved] *Each member with trading functions on the Exchange shall provide a letter of guarantee for the member's trading activities on the Exchange from a Clearing Member in a form and manner prescribed by the Exchange.*

* * * * *

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 CBOE 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 CBOE 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

On May 7, 2004, the Commission published for comment SR–CBOE–2004–24,[4] which rule filing proposes to add a new category of CBOE market-making participant—e-DPMs—to enhance the liquidity base of the CBOE's Hybrid Trading System. e-DPMs are member organizations appointed to operate on the CBOE as competing Designated Primary Market-Makers in a broad number of option classes. e-DPMs act as specialists on the CBOE by entering bids and offers electronically from locations other than the trading crowds where the applicable option classes are traded, and are not required to have traders physically present in the trading crowd. To accommodate the new e-DPM category, the CBOE is proposing amendments to CBOE Membership Rules 3.2, 3.8, 3.9, and 3.28.

CBOE Rule 3.8(a)(ii) currently states that member organizations that own more than one membership must designate separate individuals for each of those memberships. In the context of electronic access and market-making, this requirement serves no useful purpose and, to the contrary, may negatively affect an e-DPM member organization's operating structure by imposing upon it unnecessary expenses. To this end, the CBOE proposes to restrict application of this rule such that it will not apply to e-DPM member organizations. This will allow a member organization to designate one individual to be the nominee of the memberships that are designated for use in an e-DPM capacity.

CBOE Rules 3.2, 3.8, and 3.9 contain several references to ''floor functions.'' e-DPMs, when introduced, will have a trading function but not a floor function. For this reason, the CBOE proposes to eliminate the word ''floor'' and instead refer to ''trading function.'' Additionally, the CBOE proposes to amend CBOE Rule 3.2 to make clear that a member is deemed to have an authorized ''trading function'' if the member is approved by the Membership Committee to act as a nominee or person registered for an e-DPM organization. This would ensure under CBOE Rule 3.9(g) that the e-DPM nominee completes the CBOE's Member Orientation Program (as proposed to be renamed herein) and passes the CBOE's Trading Member Qualification Exam (as proposed to be renamed herein).

CBOE Market-Makers and Designated Primary Market-Makers are required pursuant to CBOE Rule 8.5 to furnish the CBOE with a letter of guarantee from a clearing member. New proposed CBOE Rule 3.28 seeks to impose the same obligation upon e-DPMs.

2. Statutory Basis

The creation of a new Designated Primary Market-Maker category will expand the CBOE's liquidity base and market-making possibilities on the Exchange while ensuring that the nominee of the e-DPM organization has passed the proper Exchange administered exams and completed the requisite orientation program. Accordingly, the proposed rule change, as amended, is consistent with section 6(b) of the Act[5] in general and furthers the objectives of section 6(b)(5) of the Act[6] in particular in that it should

[4] *See* Securities Exchange Act Release No. 49643 (April 30, 2004), 69 FR 25647.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

promote just and equitable principles of trade, serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE 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

Within 35 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 90 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 Exchange 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, as amended, 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–CBOE–2004–43 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-CBOE–2004–43. 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 CBOE. 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–CBOE–2004–43 and should be submitted on or before August 9, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–16326 Filed 7–16–04; 8:45 am]

BILLING CODE 8010–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50002; File No. SR–CHX–2004–11]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Stock Exchange, Inc. Relating to the Implementation of a Fully-Automated Electronic Book for the Display and Execution of Orders in Securities That Are Not Assigned to a Specialist

July 12, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 20, 2004, the Chicago Stock Exchange, Inc. (''CHX'' 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. On June 18, 2004, the Exchange amended the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CHX proposes to implement a fully-automated electronic book for the display and execution of orders in securities that are not assigned to a specialist. Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in [brackets].

* * * * *

Article XXA

Operation of Electronic Book

The electronic book is a fully-automated system operated by the Exchange, which allows eligible orders in eligible securities to match against one another.

Eligible Securities

Rule 1. All securities eligible for trading on the Exchange that are not assigned to a specialist shall be eligible for trading through the electronic book. Any specialist request to remove a security from the electronic book shall be considered by the Committee on Specialist Assignment and Evaluation.

Eligible Orders

Rule 2.(a) All orders sent to the electronic book must be round-lot limit orders, specifically designated in the manner specified by the Exchange to confirm that they are eligible for trading in the electronic book.

(b) Eligible orders additionally may be designated as one of the following order types:

(1) ''Immediate or cancel'': An order that is to be executed, either in whole or in part, as soon as the order is received by the electronic book, with any unexecuted balance of the order to be immediately cancelled.

(2) ''Fill or kill'': an order that is to be executed in full as soon as the order is received by the electronic book, but that should be immediately cancelled if it is not executed.

[3] *See* letter from Ellen J. Neely, Senior Vice President and General Counsel, CHX, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, Commission, dated June 17, 2004, and the attached Form 19b–4, which replaced the original filing in its entirety (''Amendment No. 1'').

(3) ''Cross'': An order to buy and sell the same security at a specific price equal to or better than the NBBO and better than the best bid and offer displayed in the electronic book. A cross order may represent interest of one or more members of the Exchange.

(4) ''Cross with size'': An order to buy and sell at least 25,000 shares of the same security (A) at a price equal to or better than both the NBBO and the best bid or offer displayed in the electronic book; (B) where the size of the order is larger than the aggregate size of all interest displayed in the electronic book at that price; and (C) where neither side of the order is for the account of the CHX member sending the order to the electronic book.

(c) Orders may be entered by a member on its own behalf (a proprietary or professional order) or for the account of a customer (an agency order). In the electronic book, however, agency orders are subject to the same display and execution processes as professional orders and agency orders do not receive any priority in order execution or handling.

(d) In listed securities, an order is not eligible for execution in the electronic book if it crosses or locks the NBBO at the time that it is received, unless the order locks or crosses the BBO in the electronic book. An order in a listed security that locks or crosses the NBBO at the time it is received shall be immediately cancelled. An order in a listed security that locks or crosses the BBO in the electronic book shall be executed against orders in the electronic book, as set out in Rule 4(c), below; any remaining portion of the order shall be automatically cancelled, if it would lock or cross the NBBO.

(e) All orders submitted to the electronic book are good for the day on which they are submitted only and shall be automatically cancelled at the end of each day's trading session.

Operating Hours

Rule 3.(a) The electronic book will operate during the Exchange's Primary and Post-Primary Trading Sessions, as further described below.

(b) The electronic book will accept orders each day once the primary market for a security opens its market on either a quote or a trade. For purposes of this rule, the primary market in a security is, unless otherwise designated by the Rules Subcommittee, the listing market for a security; provided, however, that if a security is traded by the NYSE, then the primary market for such security is the NYSE and if a security is traded by the Amex, then the primary market for such security is the Amex. If a security is traded on both the NYSE and the Amex, whichever of the two is the listing market is the primary market. If a security is listed on both the NYSE and Nasdaq, the NYSE will be considered the primary market.

(c) The electronic book will close at 3:30 p.m. (Central Time).

(d) The electronic book will not operate during regulatory halts called by the primary or listing market in a security, in accordance with rules set out in the appropriate transaction reporting plans. Additionally, the electronic book will halt its operation during periods of market volatility following the rules in Article IX, Rule 10A.

Operation of the Electronic Book

Rule 4. (a) Routing of orders. Orders shall be routed to the electronic book using one of the following methods:

(1) Except for the orders described in paragraph (2) below, all orders must be sent to the electronic book through the Exchange's MAX system or through other communications lines approved by the Exchange for the delivery of orders by its members.

(2) ITS commitments for ITS-eligible securities traded in the electronic book shall be sent through the ITS system. NASD market participants shall have direct telephonic access to the supervisory center for the Exchange's electronic book to enter orders in the electronic book, for the securities in which those participants are registered with NASD as market makers or as electronic communications networks/alternative trading systems.

(b) Ranking and display of orders. All orders sent to the electronic book shall be ranked according to their price and time of receipt, as follows:

(1) Limit orders shall be ranked based on their limit prices and times of receipt by the electronic book.

(2) All orders shall be immediately and publicly displayed through the processes set out in the appropriate transaction reporting plan for each security when they constitute the best bid or offer in the electronic book for that security.

(c) Automated matching of orders. Orders shall automatically match against each other, as follows:

(1) Except for ''cross with size'' transactions, which shall be executed as described in Rule 2(b)(4), above, an incoming order shall be matched against one or more orders in the electronic book, in the order of their ranking, at the price of each order, for the full amount of shares available at that price, or for the size of the incoming order, if smaller.

(2) If an incoming order cannot be matched when it is received and it is not designated as a type that should be immediately cancelled, the order shall be placed in the electronic book and ranked as described in Rule 4(b) above.

(3) An inbound ITS commitment, if it is priced at the current BBO in the electronic book, shall be automatically matched against the order(s) reflected in the BBO, for the full amount of shares available at that price, and any remaining portion of the ITS commitment shall be automatically cancelled; provided, however, that the inbound ITS commitment shall be automatically cancelled if its execution would occur at a price worse than the NBBO. If an inbound ITS commitment to sell is priced, at the time it is received, lower than the best bid in the electronic book or an ITS commitment to buy is priced, at the time it is received, higher than the best offer in the electronic book, the ITS commitment shall be automatically cancelled.

(4) In listed securities, orders shall only be matched at prices that are equal to, or better than, the NBBO.

(d) Submission of cross or cross with size orders. Cross or cross with size orders shall be automatically executed if they meet the requirements set out in Rule 2(b)(3) and 2(b)(4) above. If an order designated as cross or cross with size does not meet the requirements for its designation at the time it is received by the electronic book, it shall be immediately cancelled.

Cancellation of Transactions

Rule 5. A transaction made in demonstrable error and cancelled by both parties may be unwound, subject to the approval of the Exchange. Unresolved controversies relating to transactions that occur in the electronic book, and which are not addressed pursuant to the procedures in Rule 7, below, shall be subject to the arbitration rules of the Exchange set out in Article VIII, Rules 23 and 24.

Registration of Market Makers

Rule 6. Upon application and approval by the Exchange, any Exchange floor member may register as a market maker in one or more of the securities traded in the electronic book. A market maker shall meet the following requirements and shall have the following obligations:

(a) Registration. Applicants seeking to register as electronic book market makers must submit an application on the form(s) required by the Exchange.

The Committee on Floor Procedure shall consider each application, considering factors including, but not limited to, an applicant's financial and technical resources, trading experience, personnel and disciplinary history. The Committee shall approve or disapprove each application, providing written reasons for any disapproval. If an application is not approved, the applicant may obtain review of the decision by the Exchange's Executive Committee by filing a written request for review with the Secretary of the Exchange within five business days after being notified of the disapproval.

(b) Obligations of a market maker. Each market maker must maintain a continuous, two-sided market in each of the securities in which he or she is registered.

(c) Utilization of exempt credit. Exchange members registered as electronic book market makers are registered as dealers on the Exchange for purposes of the Securities Exchange Act of 1934 and the rules and regulations under that Act.

(d) Suspension or termination of registration. The registration of a market maker may be suspended or terminated by the Committee on Floor Procedure based upon a finding that the market maker has not satisfactorily performed his or her responsibilities as defined in the federal securities laws and the rules of the Exchange. Proceedings to suspend or terminate the registration of a market maker shall be conducted in accordance with the procedures set out in Article XVII of the Exchange's Rules.

Handling of Clearly Erroneous Transactions

Rule 7. The Exchange will respond to requests for review of clearly erroneous transactions using the following procedures:

(a) The terms of a transaction are ''clearly erroneous'' where there is an obvious error in any term, such as price, number of shares or other unit of trading, or identification of the security.

(b) Any member may request a review of an execution received through the electronic book when the member believes that the terms of the transaction were clearly erroneous when submitted.

(1) The member must make a request for review by telephone immediately after the execution and also must provide a written request, by facsimile or by e-mail, within 15 minutes after the execution.

(2) The Exchange shall promptly notify the other party to the transaction of the request for review.

(3) The member making a request for review shall provide, within 30 minutes after making the written request for review (or within such longer period of time specified by Exchange staff), written documentation relating to the disputed transaction that is reasonably necessary for use by the Exchange in resolving the matter. The other party to the transaction shall provide, within 30 minutes after receiving notice from the Exchange of the request for review (or within such longer period of time specified by Exchange staff), written documentation relating to the disputed transaction that is reasonably necessary for use by the Exchange in resolving the matter. Once a party has submitted its documentation, and the period for providing the documentation has ended (or, if earlier, the party has notified the Exchange that it has no further information), the party may not provide additional information unless requested to do so by Exchange staff. Either party to the transaction may request, and the Exchange shall provide, the written documentation submitted by the other party.

(4) The Exchange, acting through one of its officers designated by the Chief Executive Officer, shall review the transaction and determine whether it is clearly erroneous. In making that determination, the officer shall consider the goals of maintaining a fair and orderly market and the protection of investors and the public interest.

(c) If the Exchange officer determines that a transaction is not clearly erroneous, the officer shall notify both parties, in writing, that no action will be taken with respect to the completed trade. If the Exchange officer determines that a transaction is clearly erroneous, the officer shall declare the transaction null and void or modify one or more of the terms of the transaction with the aim of trying to return the parties to the positions that they would have been in (or to positions reasonably similar to those positions) if the error had not occurred. The officer shall document this decision in writing and provide copies of the decision to all parties.

(d) Either party may appeal this determination to a subcommittee of the Exchange's Committee on Floor Procedure by submitting an appeal to the Exchange's Secretary, by facsimile or in writing, within 30 minutes after receiving the Exchange's written decision or, if the Exchange notifies parties of its decision after 3:00 p.m. (Central Time), by 8:30 a.m. (Central Time), the next trading day. Once an appeal is received, the Exchange shall notify the counterparty to the trade and both parties and the Exchange itself will be permitted to submit any additional supporting written materials up to the time that the subcommittee considers the appeal. Either party to a disputed trade may request, and the Exchange shall provide, the written documentation presented to the subcommittee by the other party or by the Exchange. An appeal does not operate as a stay on the decision being appealed. After consideration of any written materials provided by the parties or by the Exchange, and after any hearings that the subcommittee may hold, the subcommittee, using the standards set out in this rule, shall affirm, modify or reverse the original decision. The subcommittee's decision on a matter may be appealed to the full Committee on Floor Procedure as set out in CHX Article IV, Rule 3, except that the appeal does not operate as a stay on the decision of the subcommittee. The decision of the Exchange's Committee on Floor Procedure shall be the final Exchange action on the matter. Any decision by an Exchange officer under section (c) above or by the Committee on Floor Procedure or any of its subcommittees under this section (d) shall be rendered without prejudice as to the rights of the parties to the transaction to submit their dispute to arbitration.

(e) If there is any disruption or malfunction in the use or operation of the electronic book, or the communications systems associated with the electronic book, the Chief Executive Officer, or another officer designated by the Chief Executive Officer may declare any transaction arising out of the use of the electronic book during the period of the disruption or malfunction null and void or may modify the terms of these transactions. In making this decision, the Chief Executive Officer, or any designee, must find that the transactions were clearly erroneous or that the actions are necessary for the maintenance of a fair and orderly market or the protection of investors and the public interest. Absent extraordinary circumstances, any action by the Chief Executive Officer or other designee shall be taken within 30 minutes of detection of the erroneous transaction, but in no event later than 2:00 p.m., Central Time, on the trading day following the date of the trade at issue. The Exchange shall notify each member involved in the transaction as soon as practicable following the decision and any party to the transaction may appeal that decision by following the procedures set out above in section (d) of this rule.

Application of CHX Rules

Rule 8. The rules and procedures in this Article shall apply to trading conducted in the electronic book.

Unless otherwise defined in this Article, terms used in this Article shall have the same meanings given them elsewhere in the Rules. Except where the context requires otherwise, the provisions of the Constitution and all other Rules and policies of the Board of Governors shall continue to be applicable to trading that occurs in the electronic book. If any rule in this Article is inconsistent with any other provision of the Rules, the provisions of this Article shall control and shall be deemed to supplement or amend the inconsistent provision.

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Article XII—Discipline and Trial Proceedings

* * * * *

Minor Rule Violations

Rule 9.

(a) No change to text.

(b) No change to text.

(c) No change to text.

(d) No change to text.

(e) No change to text.

(f) No change to text.

(g) No change to text.

(h) Exchange Rules and Policies subject to the Minor Rule Violation Plan:

(i) Reporting and Record Retention Violations

* * * * *

(ii) Floor Decorum and Minor Trading Rule Violations

(1)–(10) No change to text.

(11) [Failure to comply with Cabinet Securities Provision (Article XX, Rule 11)] *Reserved for future use.*

* * * * *

ARTICLE XX

* * * * *

[Cabinet Securities]

Rule 11. *Reserved for future use.* [Stocks having no designated specialist unit of trading shall be assigned for dealings by use of cabinets and shall be dealt in at a location designated for that purpose.]

[The Exchange may also designate bonds which are to be dealt in by use of cabinets.]

[Bids and offers in securities dealt in by use of cabinets shall be written on cards, which shall be filed in the cabinets in the following sequence:]

[1. According to price; and]

[2. According to the time received at the cabinet.]

[Orders in such securities shall be filled according to the bids and offers filed in the cabinets, in the sequence indicated above, except that oral bids and offers in such securities may be made if not in conflict with bids and offers in the cabinets. Oral bids and offers may be made by clearing the cabinet post by phone provided that such bids and offers are audibly announced at the cabinet post through a speaker system maintained by the Exchange.]

[Every card placed in the cabinets shall bear a definite price and number of shares and no mark or identification shall be placed thereon to indicate it is other than a limited order at the price.]

* * * * *

ARTICLE XXVIII—Listed Securities

* * * * *

[Cabinet System]

Rule 6. *Reserved for future use.* [The Board of Governors may designate to be traded in the cabinet system those securities which in the judgment of the Board do not trade with sufficient frequency to warrant their retention in the specialist system and may place securities in the cabinet system on the unrestricted list. Securities on the unrestricted list may thereafter, until removed from the unrestricted list, be traded off the Floor of the Exchange without special permission from the Exchange.]

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ARTICLE XXXIV—Registered Market Makers—Equity Floor

* * * * *

Assigned Securities

Rule 3. A registered market maker shall engage to a reasonable degree under existing circumstances in a course of dealing in the securities to which he is assigned that is reasonably calculated to contribute to the maintenance of a fair and orderly market. The Floor Procedure Committee (or other committee appointed for the purpose by the Board) shall specify the percentage of the shares purchased and sold by a registered market maker that must be of securities to which he is assigned.

* * * Interpretations and Policies:

.01 No change to text.

[.02 The Committee on Floor Procedure has approved a program which provides for the dissemination of continuous two-sided quotations by Market Makers in those issues lacking a registered specialist (Cabinet Issues). In discussing the implementation of the program, the Committee recognized that definitive procedures must be set forth in order to avoid any misunderstanding concerning this program and current Cabinet System policy. The Committee wishes to make it clear that the program is open to all floor members who are interested in seeing all Exchange issues quoted. The Committee retains the right to review the program on an ongoing basis.]

[The procedures and policies relative to this program are as follows:]

[1. A Market Maker who agrees to disseminate a continuous two-sided quotation in a Cabinet System Issues will be considered the ''Post'' in the issue.]

[2. The ''Post'' classification carries with it the obligation to accept and reflect all orders which qualify for entry on a ''Post Protection'' basis.]

[3. The subject issues are no longer classified as Cabinet System issues.]

[4. All current rules and policies in effect relative to clearing the Post apply with equal force with respect to the subject issues.]

[5. Limit orders will be handled under the same guidelines which apply to the handling of such orders by Specialists except for application of the Best requirement which is limited to 100 shares.]

[6. The designation of ''Lead'' or ''Primary'' Market Maker will be assigned to the first Market Maker in a given Cabinet System issue who is willing to abide by the dictates of this program.]

[7. The Lead or Primary Market Maker, as the repository for limit orders in the subject issues, will be responsible for lodging all applicable Trade Through complaints against other ITS Participants.]

* * * * *

Membership Dues and Fees

A.–L. No change to text.

M. Credits

1. Specialist Credits—No change to text

2. Floor Broker Credits—No change to text.

[3. Credits for Qualified Market Makers Registered in Cabinet Securities]

[Effective July 1, 2002, total monthly fees owed by a market maker registered in a cabinet security will be reduced (and qualified market makers will be paid each month for any unused credits) by a Transaction Credit.]

[''Transaction Credit'' when used in connection with a credit for a Qualified Market Maker registered in a cabinet security means 18% of the monthly CHX tape revenue from the Consolidated Tape Association (less all direct CTA costs) generated by the security in which the market maker is registered. To the extent that CHX tape revenue is subject to a year-end

adjustment, market maker credits may be adjusted accordingly.]

[''Qualified Market Maker'' means a lead market maker who is registered as such in 100 or more cabinet securities.]

* * * * *

Minor Rule Violation Plan Recommended Fine Schedule

(Pursuant to Article XII, Rule 9(e))

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[Failure to comply with Cabinet Securities

Provision: $100.00, $500.00, $1,000.00]

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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. 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 proposes to implement a fully-automated electronic book for the display and execution of orders in securities that are not assigned to a specialist. Under the Exchange's current rules, securities that are not assigned to a specialist currently are traded in two ways: (1) Securities can be placed in the cabinet;[4] or (2) securities can be removed from the cabinet and assigned to a lead market maker for trading.[5] According to the Exchange, the procedures associated with the trading of these products are quite manual. For example, the Exchange maintains a physical location, known as the cabinet, at which written information is manually maintained regarding existing bids, offers and orders for each cabinet security. These orders are filled manually and each transaction is recorded on a written trade ticket before being entered into the Exchange's systems for public dissemination. Securities that are assigned to lead market makers are subject to similar manual procedures, quite like those for cabinet securities, except that these orders are also entered into the Exchange's systems so that they can be automatically quoted.

The Exchange believes that these antiquated manual procedures are an extraordinarily inefficient way to trade securities that are not assigned to a specialist. As a result, the Exchange now proposes to replace these procedures with a new fully-automated electronic book that would display and match eligible limit orders in these securities, without the participation of a specialist or lead market maker. As described below, this new electronic book would allow the Exchange's members, whether or not they are on the Exchange's floor, to enter orders into an automated matching system operated by the Exchange for possible execution.

Eligible securities and eligible orders. Under the proposed rules, all securities eligible for trading on the Exchange that are not assigned to a specialist would be traded in the electronic book. Orders sent to the electronic book would be required to be specifically designated for handling in the electronic book.[6] The electronic book would accept only round-lot limit orders that are good for the day on which they are submitted.[7] No odd-lot orders or good-till-cancelled orders would be accepted.

Orders could be designated as ''immediate or cancel'' or ''fill or kill'' orders to ensure that they are immediately filled or cancelled.[8] Orders could also be designated as ''cross'' or ''cross with size'' to permit the handling of orders to buy and sell the same security.[9] Orders could not be designated with any other conditions.

In addition, otherwise eligible orders would be cancelled in certain circumstances, to ensure compliance with applicable intermarket trading rules. For example, if an order in a listed security crosses or locks the NBBO at the time that it is received, the order would be immediately cancelled to ensure compliance with the Intermarket Trading System (''ITS'') Plan's rules relating to locked markets.[10]

Operating hours. Under the proposed rules, the electronic book would operate during the Exchange's Primary Trading Session and its Post-Primary Trading Session.[11] Specifically, the electronic book would accept orders on each day for a particular security once the primary market in that security opens on a quote or a trade.[12] The electronic book would close at 3:30 p.m. (central

[4] *See* CHX Article XX, Rule 11.

[5] *See* CHX Article XXXIV, Rule 3, Interpretation and Policy .02. Among other things, market makers assigned to these former cabinet securities are required to engage, to a reasonable degree under existing circumstances, in a course of dealing that is reasonably calculated to contribute to the maintenance of a fair and orderly market.

[6] *See* Proposed CHX Article XXA, Rule 2 (requiring orders to be specifically designated, in the manner specified by the Exchange, to confirm that they are eligible for trading in the electronic book).

[7] *See* Proposed CHX Article XXA, Rule 2.

[8] An immediate or cancel order would be executed, in whole or in part, as soon as it is received by the electronic book; if execution is not possible, or if only a partial execution is possible, any unexecuted balance of the order would be immediately cancelled. A fill or kill order would be executed in full as soon as it is received; if execution is not possible, the entire order would be immediately cancelled. *See* Proposed CHX Article XXA, Rule 2(b)(1) and (2).

[9] A ''cross'' order would be an order to buy and sell the same security at a specific price that is equal to or better than the National Best Bid or Offer (''NBBO'') and better than the best bid and offer displayed in the electronic book. A ''cross with size'' order would be an order to buy and sell at least 25,000 shares of the same security (a) at a price equal to or better than both the NBBO and the best bid or offer (''BBO'') displayed in the electronic book; (b) where the size of the order is larger than the aggregate size of all interest displayed in the electronic book at that price; and (c) where neither side of the order is for the account of the CHX member sending the order to the electronic book. These definitions are substantially similar to the descriptions of the types of cross transactions that can occur today on the Exchange's floor without interference from the trading crowd. *See* CHX Article XX, Rule 23. Because there would not be a trading crowd operating in connection with the electronic book, however, the Exchange has not incorporated other aspects of its existing crossing rules, such as the requirement for asking the crowd for a market before executing a crossing transaction between the quoted market. Similarly, because there would not be a trading crowd or specialist's post in these issues, the Exchange has not incorporated rules relating to instances where a specialist or other floor member can break up the crossing transaction by providing an improved price to one side of the proposed trade. In the electronic book, all bids and offers would be reflected in the book itself—there would be no on-floor auction market trading in these issues.

[10] Similarly, if an order in a listed security locks or crosses the BBO in the electronic book at the time it is received, but not the NBBO, the order would be executed according to the electronic book's matching algorithm, and any remaining portion would be immediately cancelled, if it would lock or cross the NBBO.

[11] The Exchange's Primary Trading Session is open, for a particular security, during the same times that such security is traded on its primary market (*e.g.*, 8:30 to 3 p.m. central time, for most securities). The Exchange's Post-Primary Trading Session operates until 3:30 p.m. *See* CHX Article IX, Rule 10(b).

[12] The proposed rules define the primary market as the listing market for a security, unless otherwise designated by the Rules Subcommittee; *provided, however*, that if a security is traded by the New York Stock Exchange, Inc. (''NYSE''), then the primary market for such security would be the NYSE and if a security is traded by the American Stock Exchange LLC (''Amex''), then the primary market for such security would be the Amex. If a security is traded on both the NYSE and the Amex, whichever of the two is the listing market would be considered the primary market. If a security is listed on both the NYSE and The Nasdaq Stock Market, Inc. (''Nasdaq''), the NYSE would be considered the primary market. *See* Proposed CHX Article XXA, Rule 3(b).

time), and all unexecuted orders would be automatically cancelled.

Routing of orders. Orders could be sent to the electronic book through the Exchange's MAX system or through any other communications lines approved by the Exchange for the delivery of orders by Exchange members.[13] The Exchange anticipates that all CHX members—whether they are located on the Exchange's trading floor or off the floor—would be able to receive access to the electronic book. The electronic book would also accept and automatically execute commitments sent by market centers that participate in the ITS. National Association of Securities Dealers, Inc. (''NASD'') market participants would have direct telephone access to the supervisory center for the electronic book to enter orders, as required by the OTC/UTP Plan.[14]

Ranking and display of orders. All orders received by the electronic book would be ranked according to their price and time of receipt and would be displayed to the public when they constitute the BBO in the electronic book for a security.[15] The Exchange initially plans to disseminate these best bids and offers through the systems used for that purpose today—through the CTA/CQ Plan for listed securities, and through the OTC/UTP Plan for Nasdaq/NM securities.

Automated matching of orders. In the electronic book, orders would automatically match against each other, in price/time priority.[16] Specifically, an incoming order would be matched against one or more orders in the electronic book, in the order of their ranking, at the price of each order, for the full amount of shares available at that price, or for the size of the incoming order, if smaller. If an incoming order could not be matched when it is received, and it is not designated as an order that should be immediately cancelled, the order would be placed in the electronic book. For example:

Assume that the electronic book contains the following bids and offers in a particular security, FAA:

Buy	Price	Price	Sell
200	$47.50	$48.20	400
1,500	47.00	48.50	700
600	46.75	49.00	100

—An incoming limit order to buy 500 shares at a price of $48.00 would become the top-of-the-book best bid.
—An incoming limit order to buy 500 shares at a price of $48.20 would match for 400 shares against the top-of-the-book best offer at a price of $48.200, leaving 100 shares to buy at $48.20.

Inbound ITS commitments would be automatically matched against the order(s) reflected in the electronic book's BBO for the full amount of shares at that price, and any remaining portion of the ITS commitment would be automatically cancelled. An ITS commitment, however, would be automatically cancelled if its execution would occur at a price worse than the NBBO or if it is hypermarketable at the time it is received.[17] Importantly, to ensure that the electronic book does not trade through another market in violation of the ITS Plan's trade-through provisions, orders in listed securities would only be matched at prices that are equal to, or better than, the NBBO.

Cross or cross with size orders would be automatically executed if they meet the requirements for those types of orders. If they do not meet applicable requirements, they would be immediately cancelled.

No distinction between agency and professional orders. Under the proposed rules, agency orders (entered on behalf of a customer) and professional or proprietary orders (entered for the account of a CHX member or other broker-dealer) would be handled in an identical way in the electronic book's matching algorithms.[18]

Cancellations of transactions and handling of clearly erroneous transactions. Under the proposed rules, members that make a transaction in demonstrable error could agree to cancel and unwind the transaction, subject to the approval of the Exchange.[19] For purposes of the electronic book, the Exchange also proposes to adopt a policy for the handling of clearly erroneous transactions.[20] This policy would allow the Exchange to (a) review, and potentially modify or cancel, executions where one party believes that the terms of the transaction were clearly erroneous when submitted; and (b) modify or cancel executions that result from a disruption or malfunction in the use or operation of the electronic book, or any communications system associated with the electronic book. The proposed rules set out procedures for each of these reviews, including specific means for members to appeal the Exchange's decisions.[21]

[13] *See* Proposed CHX Article XXA, Rule 4(a)(1).

[14] *See* CHX Article XX, Rule 43.

[15] *See* CHX Proposed Article XXA, Rule 4(b).

[16] The only exception to this price/time priority matching would occur when certain ''cross with size'' orders are executed. In those instances, eligible ''cross with size'' transactions—where there is an order to buy and sell at least 25,000 shares of the same security (A) at a price equal to or better than both the NBBO and the BBO displayed in the electronic book; (B) where the size of the order is larger than the aggregate size of all interest displayed in the electronic book at that price; and (C) where neither side of the order is for the account of the CHX member sending the order to the electronic book—could execute at the price of orders in the electronic book, without executing those earlier-received orders. Because this type of crossing transaction is permitted on the floor of the Exchange today, the Exchange believes it is appropriate to include this transaction type in the fully-automated electronic book.

[17] In other words, if an inbound ITS commitment to sell is priced, at the time it is received, lower than the best bid in the electronic book, or an ITS commitment to buy is priced, at the time it is received, higher than the best offer in the electronic book, the ITS commitment would be automatically cancelled.

[18] The Exchange believes that this handling is appropriate because the electronic book is a fully-automated functionality of the Exchange. Orders for the electronic book would be submitted directly and electronically to the Exchange. Once transmitted, an order could be cancelled, but a member could not influence the execution of that order in any way. The orders would enter a line of other orders to be matched against one another based on an established algorithm.

[19] *See* Proposed CHX Article XXA, Rule 5.

[20] *See* Proposed CHX Article XXA, Rule 7.

[21] For example, a member seeking review of a ''clearly erroneous'' transaction would be required to notify the Exchange of the request, by telephone and in writing, promptly after the execution. After reviewing the transaction, an Exchange official would notify both parties of his or her decision, in writing; either party could appeal the decision to a subcommittee of the Exchange's Committee on Floor Procedure and, if not satisfied, to the full Committee on Floor Procedure. In making his or her decision, the Exchange official would consider the goals of maintaining a fair and orderly market and protecting investors and the public interest. If an Exchange official determines that a transaction was clearly erroneous, he or she would try to return the parties to the positions that they would have been in (or positions reasonably similar to those positions) if the error had not occurred. Similarly,

Continued

Registration of market makers. Under the proposal, Exchange members could seek registration as market makers in one or more of the securities traded in the electronic book. A market maker would be required to maintain a continuous two-sided market in each security in which he or she is registered and would be entitled to utilize exempt credit for financing their market maker transactions. The proposed rules would set out a process for market makers to apply for this registration and for the suspension or termination of their registrations, where appropriate.[22]

Additional changes to rules. Because this proposal is designed to replace the Exchange's existing cabinet security and lead market maker systems, this submission also contains proposed changes to various rules associated with those trading systems.[23]

The Exchange represents that it has designed this electronic book to be a fully-automated system that would permit eligible orders in eligible securities to match against one another, without the required participation of a specialist or lead market maker. The Exchange believes that this system functionality would provide all Exchange members with an efficient way to trade securities that are not assigned to a specialist and would protect investors and the public interest by automatically handling orders in a fair and reasonable manner.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act[24] in general, and furthers the objectives of Section 6(b)(5) of the Act[25] in particular, because it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, 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

The Exchange has neither solicited nor received written comments on the proposed rule change, as amended.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 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 90 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 Exchange consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. 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–CHX–2004–11 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–CHX–2004–11. 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 CHX. 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–CHX–2004–11 and should be submitted on or before August 9, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[26]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–16322 Filed 7–16–04; 8:45 am]

BILLING CODE 8010–01–P

in the event of disruption or malfunction that impacts the operation or use of the electronic book, an Exchange official could act promptly to declare transactions void or to modify transactions. The official would be required to notify each member involved in the transaction as soon as practicable after making any decision. Decisions could be appealed using the procedure set out for the review of decisions addressing clearly erroneous transactions.

[22] *See* Proposed CHX Article XXA, Rules 6(a) and (d).

[23] *See* proposed changes to CHX Article XII, Rule 9 (deleting the cabinet securities rule from the Minor Rule Violation Plan (''MRVP'')); CHX Article XX, Rule 11 (deleting the cabinet securities rule); CHX Article XXVIII, Rule 6 (deleting the rule permitting the Board of Governors to place securities in the cabinet); CHX Article XXXIV, Rule 3 (deleting the interpretation that creates the lead market maker program); and Schedule of Membership Dues and Fees (deleting the lead market maker credits and the recommended MRVP fines for violations of the cabinet system rule).

[24] 15 U.S.C. 78(f)(b).

[25] 15 U.S.C. 78f(b)(5).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50006; File No. SR–DTC–2004–03]

Self-Regulatory Organizations; The Depository Trust Company; Order Granting Approval of Proposed Rule Change Relating to the Processing of Deliveries in DTC's Money Market Instrument Program

July 12, 2004.

On March 18, 2004, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change File No. SR–DTC–2004–03 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposed rule change was published in the **Federal Register** on May 20, 2004.[2] No comment letters were

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 49709 (May 14, 2004), 69 FR 29155 (May 20, 2004).

received. For the reasons discussed below, the Commission is now granting approval of the proposed rule change.

I. Description

The purpose of this filing is to allow DTC to modify its procedures relating to how deliveries are processed in DTC's Money Market Instrument (''MMI'') Program. Under DTC's current procedures applicable to MMI transactions, early on the maturity date (generally around 2 a.m.)[3] DTC initiates deliveries of maturing paper from the accounts of participants having position in the maturing paper to the MMI participant account of the Issuing/Paying Agent (''IPA''). These transactions are processed as the equivalent of valued delivery orders (''DO''). The IPA can ''refuse to pay'' for maturing paper of a particular issuer by communicating that intention to DTC before 3 p.m. on the maturity date. DTC will inform all participants of the IPA's refusal to pay by broadcast message. DTC will then, among other things, reverse any completed maturity presentments by recrediting them to presenting participants.

The MMI procedures also provide for participants that are receivers of new MMI issuance DOs (*e.g.*, custodian banks) to have until 3:30 p.m. to reclaim those DOs back to the IPA.[4] Since the reclaim can be ''matched'' with a DO processed on the same day, the reclaim is permitted to bypass the Receiver Authorized Delivery (''RAD'') system and DTC's risk management controls (*e.g.*, net debit cap and collateral monitor) if the value of the DO is less than $15 million.[5]

Although the current procedures have worked well, since the events of September 11, 2001, participants in DTC's MMI program have been working with DTC on changes that would reduce risk without introducing processing inefficiencies. IPAs have raised concerns about potentially having to fund an issuer's maturity at a level higher than anticipated at the time IPA decides not to exercise a ''refusal to pay'' because the IPA fails to receive the settlement credits associated with new issuance DOs that are reclaimed after 3 p.m. As a result, IPAs are forced to make ''refusal to pay'' decisions based on incomplete data and are subject to increased exposure to individual issuers.

The rule change addresses these concerns by subjecting reclamations of all new MMI issuance DOs received after 2:30 p.m. to RAD controls and treating them as original transactions subject to DTC's normal risk management controls.[6] To reduce the potential impact of the change in the processing of reclaims received after 2:30 p.m., the rule change provides receivers of new issuance DOs with the option of having those deliveries made subject to RAD at 2 p.m. thereby giving these participants electing this option one-half hour to consider whether to accept or reject the new issuance DOs.[7] While the cutoff for the Issuing/Paying agent (''IPA'') to exercise its ''refusal to pay'' option will remain at 3 p.m., the rule change clarifies that since under certain circumstances DTC may extend the 2 p.m. and 2:30 p.m. cutoffs referred to above, DTC may also extend the 3 p.m. cutoff.

II. Discussion

Section 17A(b)(3)(F)[8] of the Act requires that the rules of a clearing agency be designed to remove impediments to and perfect the mechanism of a national system for prompt and accurate clearance and settlement of securities transactions. By moving up the cutoff for reclamations for new MMI issuance DOs, DTC's proposed rule change will enable IPAs to make more informed decisions on whether to provide credit for a particular issuer and therefore to better manage their intraday risk and liquidity exposures. As such, the proposed rule change is consistent with DTC's statutory obligation to remove impediments to and perfect the mechanism of a national system for prompt and accurate clearance and settlement of securities transactions.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR–DTC–2004–03) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–16327 Filed 7–16–04; 8:45 am]

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[3] All times are Eastern Standard Time.

[4] Reclaims, or reclamations, are the means by which receivers can return erroneous deliveries.

[5] RAD is a control mechanism that allows participants to review transactions prior to completion of processing in order to limit participants' exposure from misdirected or erroneously entered DOs. The bypassing of DTC's risk management controls is designed to address industry concern that the receiver not be ''stuck'' with a delivery it should not have received because of DTC's risk management controls.

[6] As a result, reclamations made after 2:30 p.m. will not be eligible for processing during the exclusive reclaim period (3:20 pm. to 3:30 p.m.) and may not be ''re-reclaimed'' by the receiver.

[7] All new issuance DOs processed after 2:00 p.m. will automatically be subject to RAD unless the participant instructs DTC to the contrary. DTC participants may opt-out of forced RAD by completing the ''Forced MMI RAD Election Form'' and submitting it to their DTC relationship manager. The election form is available on DTC's website (*www.dtc.org*) as Attachment A to DTC Important Notice #5337. A participant that, at first, elected to opt out of the forced RAD functionality may opt back in by submitting a new completed election form to its DTC relationship manager.

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50004; File No. SR–PCX–2004–53]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the Pacific Exchange, Inc. Relating to Changes to the Schedule of Fees and Charges for Exchange Services

July 12, 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 June 14, 2004, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by PCX. On June 30, 2004, PCX filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See letter from Steven B. Matlin, Regulatory Policy, PCX, to Nancy J. Sanow, Assistant Director, Division of Market Regulation (''Division''), Commission, dated June 29, 2004 (''Amendment No. 1''). In Amendment No. 1, PCX amended its Schedule of Fees and Charges for Exchange Services to replace a reference to the term ''Order Service Firm'' with ''any OTP Holder or OTP Firm that has activated their OTP for trading or clearing purposes'' and to make a conforming change to a related footnote. PCX also made technical corrections to the proposed rule text. Amendment No. 1 supercedes and replaces the proposed rule change in its entirety.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

PCX is proposing to amend its Schedule of Fees and Charges for Exchange Services in order to adopt fees and charges that are applicable to the services provided by PCX under its new demutualized structure. The text of the proposed rule change is available at PCX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, PCX 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. PCX has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts 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 proposes to adopt fees and charges that are applicable to the services provided by the Exchange under its new demutualized structure. Under the demutualized structure, the Exchange will no longer have seats. The former seatholders of the Exchange became holders of option trading permits (''OTPs'') and stockholders in PCX's new parent company. As such, the Exchange has removed all references to ''seats,'' ''members,'' and ''member organizations'' on its Schedule of Fees and Charges for Exchange Services and replaced them with ''OTPs,'' ''OTP Holders,'' ''OTP Firms'' and made other revisions to conform to the demutualized structure. The Exchange represents that it is not creating any additional fees under the proposed rule change.

2. Statutory Basis

The Exchange believes that the proposed rule change 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 the proposed rule change 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 were neither solicited nor 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 has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[6] and subparagraph (f)(2) of Rule 19b–4[7] thereunder, because the proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of June 30, 2004, the Commission may summarily abrogate such proposed 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.[8]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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–2004–53 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–2004–53. 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 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–2004–53 and should be submitted on or before August 9, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–16323 Filed 7–16–04; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, 15 U.S.C. 78s(b)(3)(C), the Commission considers that period to commence on June 30, 2004, the date PCX filed Amendment No. 1 to the proposed rule change.

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before August 18, 2004. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer*, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *David_Rostker@omb.eop.gov*, fax number (202) 395–7285 Office of Information and Regulatory Affairs, Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: 8(A) SDB Application.

Form No's: 1010, 1010E, 1010B, 2065 and 1010C.

Frequency: On Occasion.

Description of Respondents: 8(A) SDB Companies.

Responses: 8,400.

Annual Burden: 36,210.

Jacqueline K. White,

Chief, Administrative Information Branch.

[FR Doc. 04–16376 Filed 7–16–04; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #P040]

State of Arkansas (Amendment #1)

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency, effective July 9, 2004, the above numbered declaration is hereby amended establish the incident period for this disaster as beginning May 30, 2004 and continuing through July 9, 2004.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is August 30, 2004.

(Catalog of Federal Domestic Assistance Program Nos. 59008).

Dated: July 13, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04–16377 Filed 7–16–04; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #P032]

State of North Dakota (Amendment #2)

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency, effective July 9, 2004, the above numbered declaration is hereby amended to include McHenry and Pierce Counties and the Turtle Mountain Indian Reservation in the State of North Dakota as a disaster area due to damages caused by severe storms, flooding, and ground saturation occurring on March 26, 2004, and continuing.

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: July 13, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04–16378 Filed 7–16–04; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 4764]

Edmund S. Muskie Graduate Fellowship Program

ACTION: Revision to grant start date and proposal submission deadline.

SUMMARY: Pending the availability of funds, the grant period for this program has been revised to begin on or about October 1, 2004, as opposed to October 1, 2005, as previously announced. The deadline for submission of proposals has also been extended from July 30 to Aug 16, 2004. All other terms and conditions of the original announcement remain the same.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations should contact Lucy Jilka at 202–205–7494 for additional information.

The Edmund S. Muskie Graduate Fellowship Program was announced in the **Federal Register** Volume 69, Number 125.

Dated: July 13, 2004.

C. Miller Crouch,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 04–16364 Filed 7–16–04; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1552).

TIME AND DATE: 9 a.m. (EDT), July 21, 2004, Rose Center, Prater Hall, 442 West Second North Street, Morristown, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on May 19, 2004.

New Business

B—Purchase Awards

B1. Contract with Automotive Resources, Inc. for fleet maintenance services for TVA's light fleet.

B2. Blanket agreement with Facilities Technologies Alliance for telecommunication/electrical services.

C—Energy

C1. Supplement to TVA Contract No. 4366 with PSC Safety & Health Services, Inc., for industrial hygiene services.

C2. Contracts with A. P. Services, Inc., Signal Industrial Products Corporation, and Jesco Supply, Inc., for purchase of gaskets, packing, and related materials.

C3. Contracts with Burns & McDonnell Engineering Company, Inc.; Mesa Associates, Inc.; Parsons Energy & Chemical Group, Inc.; Sargent & Lundy, LLC; and Washington Group International, Inc., for managed-task engineering services to support the requirements of TVA's power system operations.

C4. Contracts with PSC Industrial Outsourcing, Inc. (Philip Services Corporation); Meylan Enterprises, Inc.; Onyx Industrial Services, Inc.; Pressure's On, Inc.; and MPW Industrial Services, Inc., for hydroblasting services at any TVA location.

E—Real Property Transactions

E1. Grant of a permanent easement to the state of Tennessee for a highway and bridge improvement project, without charge, except for TVA's administrative costs, affecting approximately 1.2 acres of land on Nolichucky Dam Reservation in Greene County, Tennessee, Tract No. XTNOR–6H.

E2. Sale of a permanent easement to Jerry Wilburn and Johnny Crane for an access road, affecting approximately 3.43 acres of land at TVA's State Line Mississippi Substation, Tract No. XSLMSS–1AR, in exchange for approximately 2.01 acres, Tract No. SLMSS–3, in Itawamba County, Mississippi.

E3. Grant of a 40-year term commercial recreation easement to the Eastern Band of Cherokee Indians, affecting approximately 40 acres of land on Tellico Reservoir in Monroe County, Tennessee, Tract No. XTTELR–43RE.

E4. Grant of a 30-year term public recreation easement, with conditional options for renewals, to Blount County, Tennessee, affecting approximately 18.6 acres of land on Fort Loudoun Reservoir in Blount County, Tennessee, Tract No. XTFL–129RE.

E5. Land use allocation change to the 2001 Guntersville Reservoir Land Management Plan, without charge, affecting approximately 191.5 acres of land surrounding Goose Pond Island from Industrial/Commercial and Sensitive Resource Management to Residential Access, TVA Project Operations, and Developed Recreation on Guntersville Reservoir, Tracts Nos. XGR–108PT2, XGR–109PT2, and XGR–110PT2, in Jackson County, Alabama, and delegation of authority to the President and Chief Operating Officer or the Executive Vice President, River System Operations and Environment, to approve future requests to change land allocations on Goose Pond Island.

E6. Sale at public auction of approximately 4.4 acres of land on Guntersville Reservoir in Marshall County, Alabama, Tract No. XGR–759.

F—Other

F1. Approval to file a condemnation case to acquire a temporary right to enter to survey, appraise, and perform title investigations and related activities for a TVA power transmission line project affecting the Pickwick-South Jackson Tap to East Savannah Transmission Line in Hardin County, Tennessee, Tract No. PSTES–1000TE.

Information Items

1. Approval of a delegation of authority to the President and Chief Operating Officer, or a designee, to approve and implement Memorandums of Agreement for the funding of certain rehabilitation work on Cumberland hydroelectric projects of the United States Army Corps of Engineers.

2. Approval of a public auction sale of approximately 30.3 acres of land for a water treatment plant on Guntersville Reservoir in Jackson County, Alabama, Tract No. XGR–760.

3. Approval of abandonment of certain easement rights affecting approximately 6.9 acres of land on Watts Bar Reservoir in Roane County, Tennessee, Tract No. WBR–1074F, S.1X.

4. Approval of the designation and selection of The Boston Company Asset Management, LLC, as a new investment manager for the TVA Retirement System and approval of the investment management agreement between the Retirement System and the new investment manager.

5. Approval of temporary Variable Price Interruptible energy price reduction.

6. Approval of revised arrangements with Arnold Engineering Development Center under the Time-of-Use Blended Pricing Program.

FOR FURTHER INFORMATION: Please call TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: July 14, 2004.

Maureen H. Dunn,

General Counsel and Secretary.

[FR Doc. 04–16408 Filed 7–15–04; 9:48 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2004–55]

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 July 13, 2004.

Anthony F. Fazio,

Director, Office of Rulemaking.

Dispositions of Petitions

Docket No.: FAA–2004–18040.

Petitioner: Pacific Helicopter Tours, Inc.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Pacific Helicopter Tours, Inc., to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft. *Grant, 06/29/2004, Exemption No. 8354*

Docket No.: FAA–2000–8187.

Petitioner: Department of the Air Force.

Section of 14 CFR Affected: 14 CFR 91.169(b).

Description of Relief Sought/Disposition: To permit the United States Air Force to conduct local area and other flight training missions under instrument flight rules without designating an alternate airport, subject to certain conditions and limitations. *Grant, 06/28/2004, Exemption No. 7389B*

Docket No.: FAA–2002–12163.

Petitioner: Mr. John A. Porter.

Section of 14 CFR Affected: 14 CFR 91.109(a) and (b)(3).

Description of Relief Sought/Disposition: To permit Mr. John A. Porter to conduct certain flight instruction and simulated instrument flights to meet recent instrument experience requirements, in certain Beechcraft airplanes equipped with a functioning throwover control wheel in place of functioning dual controls. *Grant, 06/29/2004, Exemption No. 6521D*

Docket No.: FAA–2004–18100.

Petitioner: Sportsman's Air Service.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Sportsman's Air Service to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft. *Grant, 06/29/2004, Exemption No. 8351*

Docket No.: FAA–2004–18111.

Petitioner: Air Kauai Helicopters, Inc.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Air Kauai Helicopters, Inc., to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft. *Grant, 06/29/2004, Exemption No. 8352*

Docket No.: FAA–2004–18411.

Petitioner: Island Helicopters.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Island Helicopters to operate certain aircraft under part 135 without a TSO–C112 (Mode S) installed on those aircraft. *Grant, 06/29/2004, Exemption No. 8353*

Docket No.: FAA–2002–12465.

Petitioner: Air Methods Corporation.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Air Methods Corporation to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft. *Grant, 06/29/2004, Exemption No. 5720E*

Docket No.: FAA–2002–13076.

Petitioner: Spokane Airways, Inc.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Spokane Airways, Inc., to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft. *Grant, 06/22/2004, Exemption No. 7914A*

Docket No.: FAA–2004–17930.

Petitioner: Regional Airline Association.

Section of 14 CFR Affected: 14 CFR appendix H to part 121, Level C, Training and Checking Permitted, paragraphs 2 and 3.

Description of Relief Sought/Disposition: To permit Regional Airline Association-member airlines to qualify a pilot for initial or upgrade pilot-in-command simulation training and checking when that pilot is not currently serving as second in command in an airplane of the same group. *Denial, 06/22/2004, Exemption No. 8349*

Docket No.: FAA–2002–12855.

Petitioner: Grant Aviation, Inc.

Section of 14 CFR Affected: 14 CFR 135.203(a)(2).

Description of Relief Sought/Disposition: To permit Grant Aviation, Inc., and Grant Aviation, Inc., pilots to conduct operations in accordance with the minimum altitude restrictions applicable to areas that are not designated as mountainous terrain, in limited areas that are designated as mountainous terrain, by § 95.17 in the Alaska Mountainous Area. *Grant, 06/22/2004, Exemption No. 8348*

[FR Doc. 04–16248 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2004–57]

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 July 29, 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–2004–18558 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 July 13, 2004.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2004–18558.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: 25.901(c), 25.981(b).

Description of Relief Sought: To permit relief from the above regulations as they relate to failures or malfunctions contributing to ignition sources within fuel tanks for future type design changes to Model 747 and 767 airplanes.

[FR Doc. 04–16382 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety regulations. The individual petition is described below including, the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

The Canadian Pacific Railway

(Docket Number FRA–2004–17989)

The Canadian Pacific Railway (CP) seeks a waiver of compliance from certain provisions of the Railroad Operating Practices regulations, 49 CFR part 218, regarding blue signal protection of workers. Specifically, to permit train and yard crew members, and utility employees to remove and replace batteries in two-way end-of-train telemetry devices (EOT), while the EOT is in place on the rear of the train the individual has been called to operate, without establishing any blue signal protection.

Section 218.5 defines worker as any railroad employee assigned to inspect, test, repair, or service railroad rolling equipment or their components, including brake systems. Members of train and yard crews are excluded except when assigned such work on railroad rolling equipment that is not part of the train or yard movement they have been called to operate (or assigned to as ''utility employees''). Utility employees assigned to

and functioning as temporary members of a specific train or yard crew (subject to the conditions set forth in § 218.22 of this chapter), are excluded only when so assigned and functioning.

Both §§ 218.25 and 218.27, requires blue signal protection when workers are on, under, or between rolling equipment on main track or other than main track. § 218.22(b) states in part:

A utility employee may be assigned to serve as a member of a train or yard crew without the protection otherwise required by subpart D of part 218 of this chapter only under the following conditions. (5) The utility employee is performing one or more of the following functions: Inspect, test, install remove or replace a rear marking device or end of train device. Under all other circumstances a utility employee working on, under, or between railroad rolling equipment must be provided with blue signal protection in accordance with §§ 218.23 through 218.30 of this part.

The FRA has determined that removing or replacing a battery in an EOT, while the device is in place on the rear of a train, requires blue signal protection since this task is a service and repair to the device. Therefore, the only way a utility employee or a train and yard crew member can legally remove or replace the EOT battery, without establishing blue signal protection, is to remove the EOT from the rear of the train and perform the battery work outside the area normally protected by the blue signal.

CP contends that safety would be enhanced if the individual was allowed to perform the battery work without removing the device from the rear of the train. Exposure to injury is greatly reduced because the individual is handling a small NiCad battery, as opposed to lifting the EOT device that weighs 32–34 pounds. It is CP's position, supported by the BNSF waiver docket #10660, that changing EOT batteries *in situ* requires less time, places the employee in less immediate danger, and creates less physical strain than removing and replacing the entire EOT.

CP wants to make it clear that this waiver request is intended to cover only train and yard employees working on their own assigned equipment and properly assigned transportation utility employees. It is not intended to cover mechanical or other employees who clearly require blue flag protection to work in or under equipment.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2004–17989) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, S.W., Washington, D.C. 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC, on July 7, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.

[FR Doc. 04–16254 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Fort Worth & Western Railroad

(Waiver Petition Docket Number FRA–2004–17992)

The Fort Worth & Western Railroad (FWWR) seeks a waiver of compliance from certain provisions of 49 CFR Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment. Specifically, § 232.15(a)(8), which does not permit the movement of a car with defective brakes from a location where a train is required to receive a Class I brake test persuant to § 232.205.

FWWR originates trains at San Angelo Jct, Texas (interchange with Texas Pacifico Transportation) and at Dublin, Texas that require the performance of a Class I brake test. FWWR claims that they do not have a mobile repair truck to make any repairs at those two facilities. Their only mechanical repair facility is located at Hodge Yard in Fort Worth, Texas, which is 170.6 miles from San Angelo Jct. and 93.2 miles from Dublin. Therefore, this is the closest repair facility on the FWWR.

FWWR request that they be allowed to move any cars found defective during the Class I brake test to the repair facility at Hodge Yard. All other provisions of § 232.15 would be strictly followed.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2004–17992) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC, on July 7, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.

[FR Doc. 04–16252 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Massachusetts Bay Transportation Authority

(Waiver Petition Docket Number FRA–2004–18063)

Massachusetts Bay Transportation Authority (MBTA) seeks a waiver of compliance with the Passenger Equipment Safety Standards, 49 CFR Part 238. Section 231(b), as it pertains to ''The brake system design of passenger equipment ordered after September 8, 2000, or placed in service for the first time on or after September 9, 2002, shall not require an inspector to place himself on, under, or between components of the equipment to observe brake actuation and release''. MBTA is in the process of receiving twenty-eight new bi-level passenger coaches equipped with tread brakes and inboard disk brakes. Placement of the inboard disk brake equipment does not allow for an inspector to observe the brake actuation or release without placing themself on, under, or between components of the equipment.

MBTA proposes that it be allowed to perform all brake inspections to the extent possible on a daily basis. The twenty-eight cars would also be equipped with brake indicators, two per truck, that are fed down stream of the truck air brake cut out valves. MBTA proposes that these brake indicators' functionality would be tested at the required one-hundred-eighty day periodic inspection. In addition the twenty-eight new cars would receive an under car inspection to be performed by a ''Qualified Maintenance Person'' over a pit not less often than every five days. MBTA indicates that the pit inspection will allow for a full and complete inspection of all brake system components.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (FRA–2004–18063) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC, on July 7, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.

[FR Doc. 04–16249 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2004–17994

Applicant: CSX Transportation, Incorporated

Mr. N. M Choat, Chief Engineer, Communications and Signal, 4901 Belfort Road, Suite 130, Jacksonville, Florida 32256.

CSX Transportation, Incorporated seeks approval of the proposed modification of the traffic control system, on the main and siding tracks, on the Aberdeen Subdivision, Florence Service Lane, in North Carolina, consisting of the following:

1. At N.E. Apex, milepost S–169.94, convert the power-operated switch to hand operation, equipped with an electric lock, and remove the three associated controlled signals;
2. At Apex, milepost S–170.92, convert the north power-operated switch to hand operation, equipped with an electric lock, relocate the southbound controlled signal on the main track, and remove the southbound controlled signal and signal system from the north siding;
3. At A&R Connection, milepost S–228.60, convert the power-operated switch to hand operation, and remove the three associated controlled signals;
4. At Aberdeen, milepost S–228.70, convert the north power-operated switch to hand operation, equipped with an electric lock, relocate the southbound controlled signal on the main track, and remove the southbound controlled signal and signal system from the north siding;
5. At S. Aberdeen, milepost S–230.14, convert the south power-operated switch to hand operation, equipped with an electric lock, relocate the northbound controlled signal on the main track, and remove the northbound controlled signal from the north siding; and
6. At Addor, milepost S–232.7, convert the power-operated switch to

hand operation, equipped with an electric lock, and remove the three associated controlled signals.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on July 7, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.

[FR Doc. 04–16250 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2004–18485

Applicants

CSX Transportation, Incorporated, Mr. N. M Choat, Chief Engineer, Communications and Signal, 4901 Belfort Road, Suite 130, Jacksonville, Florida 32256.

Allegheny Valley Railroad Company, Mr. Russell A. Peterson, 25 South Broadway, Scottdale, Pennsylvania 15683.

Buffalo and Pittsburgh Railroad, Incorporated, Mr. David J. Collins, President, New York/Pennsylvania Region, 1200–C Scottsville Road, Suite 200, Rochester, New York 14624.

CSX Transportation, Incorporated, Allegheny Valley Railroad Company (AVR), and Buffalo and Pittsburgh Railroad, Incorporated (BPRR), jointly seek approval of the proposed discontinuance and removal of the traffic control system, on the single main track and sidings, between milepost BG–1.3, near Etna, Pennsylvania and milepost BG–55.4, near New Castle, Pennsylvania, on the Baltimore Division, P&W Subdivision. The proposed changes include the conversion of all power-operated switches to hand operation, installation of operative approach signals at mileposts BG–3.0 and BG–50.95, and designation of the method of operation to Rule 105, Other than Main Track. The proposal also includes retention of all highway-rail grade crossing warning system in the application area.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation. AVR will take over operations between Glenwood, Pennsylvania and milepost BG–10.4, and BPRR will take over operations between mileposts BG–10.4 and BG–51.2.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on July 7, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.

[FR Doc. 04–16255 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad

has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2004–17990

Applicant

Norfolk Southern Corporation, Mr. Brian L. Sykes, Chief Engineer, C&S Engineering, 99 Spring Street, SW., Atlanta, Georgia 30303

Norfolk Southern Corporation seeks approval of the proposed discontinuance and removal of the automatic permissive block (APB) signal system, on all main, siding, and auxiliary tracks, between Tuxedo, North Carolina, milepost W–26.0 and Landrum, South Carolina, milepost W–45.0, on the Piedmont Division, Asheville to Charleston District. The proposed changes include conversion of the method of operation to track warrant control.

The reason given for the proposed changes is that the 19-mile segment between Tuxedo and Landrum is inaccessible and no longer needed for present day operation. No trains or engines have used this section of track since March 27, 2003, and Docket Number FRA–2003–16441 granted approval for the discontinuance and removal of the APB signal system at both ends of this line segment March 18, 2004.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility.

All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov*.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov*.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on July 7, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.

[FR Doc. 04–16251 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2004–17995

Applicants

Twin Cities & Western Railroad Company, Mr. W.F. Drusch, President and CEO, 2925–12th Street East, Glencoe, Minnesota 55336.

Burlington Northern Santa Fe Railway, Mr. Curtis J. Froscheiser, Superintendent Operations, Twin Cities Division, P.O. Box 1177, Willmar, Minnesota 56201.

The Twin Cities & Western Railroad Company (TCWR) and Burlington Northern Santa Fe Railway (BNSF) jointly seek approval of the proposed discontinuance and removal of the automatic interlocking at Appleton, Minnesota, where the single main track of the TCWR at milepost 578.2, crosses at grade the single main track of the BNSF, Twin Cities Division, Watertown Subdivision, at milepost 21.8. The proposed changes include removal of the interlocked signals and installation of a manually-operated, swing gate, normally lined for BNSF movements.

The reason given for the proposed changes is that reduced traffic patterns do not justify the high cost to maintain the aging signal system.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590–0001.

Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on July 7, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.

[FR Doc. 04–16253 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2004 18618]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before September 17, 2004.

FOR FURTHER INFORMATION CONTACT: Michael Ferris, Maritime Administration, 400 Seventh St., SW., Washington, DC 20590. Telephone: (202) 366–2324; FAX: (202) 366–9580; or e-mail: *michael.ferris@marad.dot.gov*. Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Subsidy Voucher—''Operating Differential Subsidy (Bulk & Liner Cargo Vessels).

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0024.

Form Numbers: MA–790, SF–1034 and Supporting Schedules.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Summary of Collection of Information: The Merchant Marine Act, 1936, authorizes the Secretary of Transportation to provide financial aid in the operation of contract vessels for bulk or liner cargo carrying services that help promote, develop, expand and maintain the foreign commerce of the United States. Vessel owners must submit documentation requesting the financial assistance to the Maritime Administration (MARAD).

Need and Use of the Information: MARAD will review the documentation to determine subsidies payable to operators for voyages performed in accordance with the Operating-Differential Subsidy (ODS) Agreements.

Description of Respondents: Operators of bulk and liner vessels.

Annual Responses: One.

Annual Burden: Two hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *http://dms.dot.gov/submit*. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. e.d.t. (or e.s.t.), Monday through Friday, except Federal holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov*.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov*.

(Authority: 49 CFR 1.66.)

Dated: July 14, 2004.

By Order of the Maritime Administrator,

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 04–16312 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2004–18640, Notice 1]

InterModal Technologies, Inc.; Receipt of Application for a Temporary Exemption From Federal Motor Vehicle Safety Standard No. 121

Pursuant to the procedures of 49 CFR part 555, InterModal Technologies, Inc. (''InterModal'') has applied for a Temporary Exemption from the requirements of S5.2.3.2 *Antilock Malfunction Signal,* and S5.2.3.3 *Antilock Malfunction Indicator* in Federal Motor Vehicle Safety Standard (''FMVSS'') No. 121, *Air brake systems.* The basis of the application is that the exemption would facilitate the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard, and that the applicant is otherwise unable to sell a vehicle whose overall level of safety is at least equal to that of a non-exempted vehicle.

We are publishing this notice of receipt of the application in accordance with the requirements of 49 U.S.C. 30113(b)(2). This notice makes no judgment on the merits of the application. Similarly, this notice does not address the merits of InterModal's statements that the MSQR–5000 is an antilock braking system. The merits may be addressed in comments and in the agency's resolution of this matter.

I. Background

InterModal is a manufacturer of semi-trailers incorporated in the State of Colorado. InterModal intends to manufacture semi-trailers equipped with a device, which it refers to as ''MSQR–5000 pneumatic antilock braking system'' (''MSQR–5000'').[1] The MSQR–5000 does not incorporate electrical circuits to transmit or receive electrical signals.

The trailers equipped with MSQR–5000 would not comply with the requirements of S5.2.3.2 and S5.2.3.3 of FMVSS No. 121. Petitioner seeks a temporary exemption from the requirements of S5.2.3.2 and S5.2.3.3 because an exemption would facilitate the development or field evaluation of MSQR–5000, which petitioner contends offers a safety level at least equal to that of antilock brake systems (''ABS'') that comply with FMVSS No. 121. Further, petitioner contends that it is otherwise unable to sell a vehicle whose overall level of safety is at least equal to that of non-exempted vehicles. If the petition is granted, InterModal intends to produce not more than 2,500 trailers annually. For additional information on InterModal, please go to *http://www.intermodaltechnologies.com.*

II. Why InterModal Needs a Temporary Exemption

Petitioner contends that the MSQR–5000 device, installed on trailers manufactured by InterModal, operates as a conventional ABS. However, a trailer equipped with the MSQR–5000 does not comply with the requirements of S5.2.3.2 and S5.2.3.3 of FMVSS No. 121.

S5.2.3.2 requires that:

''* * * each trailer * * * manufactured on or after March 1, 2001, that is equipped with an antilock brake system shall be equipped with an electrical circuit that is capable of signaling a malfunction in the trailer's

[1] For additional information on this peittion, please see Docket No. NHTSA–2004–18640 at *http://dms.dot.gov/search/searchFormSimple.cfm.*

antilock brake system, and shall have the means for connection of this antilock brake system malfunction signal circuit to the towing vehicle * * *''

S5.2.3.3 requires that:

''In addition to the requirements of S5.2.3.2, each trailer * * * manufactured on or after March 1, 1998, and before March 1, 2009, shall be equipped with an external antilock malfunction indicator lamp * * *''

The trailers in question are incapable of meeting either requirement. Trailers equipped with only the MSQR–5000 would not be equipped with an electrical circuit capable of signaling a malfunction in the ABS. Further, these trailers would not be equipped with an external antilock malfunction indicator lamp.

InterModal has not specified the length for the requested exemption. However, under 49 CFR § 555.8(b) a temporary exemption from a standard granted on a basis other than substantial economic hardship terminates according to its terms not later than 2 years after the date of issuance. Accordingly, the agency assumes that InterModal is seeking a two-year exemption.

III. Why the Exemption Would Make It Easier To Develop or Perform Field Evaluation of a New Motor Vehicle Safety Feature; and Why the Applicant Is Otherwise Unable To Sell a Vehicle Whose Overall Level of Safety or Impact Protection Is at Least Equal to That of a Non-Exempted Vehicle

InterModal did not elaborate on how an exemption from the requirements of S5.2.3.2 and S5.2.3.3 would facilitate development or field evaluation of a new motor vehicle safety feature. The petition indicates that MSQR–5000 has already been developed by Air Brake Systems, Inc. Accordingly, development of a new motor vehicle safety feature is not at issue. While InterModal might be of the view that the grant of the petition would allow InterModal to conduct field evaluations of semi-trailers equipped with MSQR–5000, we note that the petition states that there are more than 7,000 MSQR–5000 units already in operation.

As previously discussed, an InterModal trailer equipped with MSQR–5000 would not comply with the requirements of S5.2.3.2 and S5.2.3.3 of FMVSS No. 121. Petitioner asserts that because MSQR–5000 does not use electricity, modifications to bring the vehicle into compliance with FMVSS No. 121 are impossible. Unless an exemption is granted, petitioners would not be able to sell semi-trailers equipped with the MSQR–5000.

IV. Why the Overall Level of Safety of Trailers Equipped With MSQR-5000 Is at Least Equal to That of Non-Exempted Semi-Trailers

Petitioner offers several reasons why it believes the overall level of safety of semi-trailers equipped with MSQR–5000 is at least equal to that of non-exempted semi-trailers.

First, InterModal argues that based on laboratory test data and field-test data, MSQR–5000 operates as a conventional ABS. Further, InterModal states that MSQR–5000 met or exceeded all the performance requirements in FMVSS No. 121. Petitioner also cites to several affidavits in support of its contention that trailers equipped with MSQR–5000 are at least as safe as trailers equipped with conventional ABS.[2]

Second, petitioner contends that MSQR–5000 is a ''fully closed-loop'' system as opposed to conventional electronic ABS that utilizes modulators to vent air during the braking cycle. According to petitioner, electronic ABS is subject to contamination and wear due to venting. Further, in its view, venting may extend the stopping distance. By contrast, MSQR–5000 modulates air internally and does not vent during braking.

Third, instead of an electronic malfunction indicator, semi-trailers equipped with MSQR–5000 feature a pneumatic malfunction indicator located in the cabin. Petitioner asserts that this design alerts the driver if the system malfunctions. In the event of a severe air pressure loss, an emergency brake chamber releases to engage the emergency brake, stopping the vehicle until repairs can be made.

Finally, petitioner asserts that MSQR–5000 is easier to install and maintain; causes less wear on the brake linings; has fewer parts that are susceptible to damage or wear; and has a better a safety record.[3]

V. Why an Exemption Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

Petitioner has not set forth the reasons why granting this exemption would be in the public interest, as required by 49 CFR § 555.5(b)(7). However, petitioner presented several arguments of why it believes that a semi-trailer equipped with a MSQR–5000 device is superior to a semi-trailer equipped with conventional ABS system that complies with the requirements of FMVSS No. 121. Specifically, petitioner argues that MSQR–5000: (1) Is less expensive; (2) is less expensive to install; (3) is easier to operate; (4) has a better safety record than ABS products that comply with the requirements of FMVSS No. 121; (5) causes less wear on brake linings; (6) has fewer parts that are susceptible to damage or wear.

VI. How You May Comment on Inter Modal Application

We invite you to submit comments on the application described above. You may submit comments [identified by DOT Docket Number NHTSA–2004–18640] by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site by clicking on ''Help and Information'' or ''Help/Info.''
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility, U.S. Department of Transportation, 400 7th Street, SW., Nassif Building, Room PL–401, Washington, DC 20590.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 7th Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided.

Docket: For access to the docket in order to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

We shall consider all comments received before the close of business on

[2] For laboratory test data, field-test data, and affidavits, see Docket No. NHTS–2004–18640.

[3] In support of the last statement, petitioner indicates that in September 2000, 300,000 electronic ABS units were subject to a voluntary recall because of delays in brake application.

the comment closing date indicated below. To the extent possible, we shall also consider comments filed after the closing date. We shall publish a notice of final action on the application in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: August 18, 2004.(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8).

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*).

Issued on: July 14, 2004.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 04–16383 Filed 7–16–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–873X, AB–55 (Sub-No. 652X), AB–565 (Sub-No. 17X)]

New York and Eastern Railway, LLC—Discontinuance Exemption—in Poughkeepsie, Dutchess County, NY; CSX Transportation, Inc.—Discontinuance Exemption—in Poughkeepsie, Dutchess County, NY; New York Central Lines, LLC—Abandonment Exemption—in Poughkeepsie, Dutchess County, NY

On June 29, 2004, New York and Eastern Railway, LLC (NY&E), CSX Transportation, Inc. (CSXT), and New York Central Lines, LLC (NYC) (collectively, petitioners) jointly filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 for NY&E and CSXT to discontinue service over and for NYC to abandon an approximately 4.7-mile line of railroad between milepost QCO 0.0 and milepost QCO 3.2 and between milepost QCK 29.5 and milepost QCK 31.0, in the City and Town of Poughkeepsie, Dutchess County, NY.[1] The line traverses U.S. Postal Service ZIP Codes 12601 and 12603, and includes the station of Poughkeepsie.

The line does not contain federally granted rights-of-way. Any documentation in NYC's possession will be made available promptly to those requesting it.

In STB Docket No. AB–873X, NY&E proposes to discontinue service over this line, which constitutes its entire operations. When issuing discontinuance authority for railroad lines that constitute the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. *See Northampton and Bath R. Co.—Abandonment*, 354 I.C.C. 784, 785–86 (1978) (*Northampton*). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in *Northampton* are present, no labor protective conditions would be imposed. In STB Docket No. AB–55 (Sub-No. 652X) and STB Docket No. AB–565 (Sub-No. 17X), the interests of CSXT and NYC railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment-Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 15, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,100 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 9, 2004. Each trail use request must be accompanied by a $200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–873X, *et al.* and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001; and (2) John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036. Replies to the petition are due on or before August 9, 2004.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1539. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.)

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on the Board's Web site at *http://www.stb.dot.gov.*

Decided: July 13, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 04–16337 Filed 7–16–04; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 214X), AB–853 (Sub-No. 2X)]

Union Pacific Railroad Company—Abandonment Exemption—in Lane, Ness and Rush Counties, KS; Kansas & Oklahoma Railroad Inc.—Discontinuance Exemption—in Lane, Ness and Rush Counties, KS

On June 29, 2004, Union Pacific Railroad Company (UP) and Kansas & Oklahoma Railroad, Inc. (K&O) jointly filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. UP seeks to abandon and K&O seeks to discontinue service over a line of railroad extending from milepost 664.5, near Healy, to milepost 606.0, near McCracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, KS. The line traverses U.S. Postal Service ZIP Codes 67556, 67521, 67572, 67515, 67584, 67839, and 67850 and includes stations located at Shields, Pendennis, Utica, Arnold, Ransom, Osgood and Brownell, KS.

The line does not contain federally granted rights-of-way. Any documentation in the possession of UP or K&O will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R.Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding

[1] NY&E and CSXT lease the line from NYC.

pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 15, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,100 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 9, 2004. Each trail use request must be accompanied by a $200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket Nos. AB–33 (Sub-No. 214X) and AB–853 (Sub-No. 2X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001, (2) Karl Morell, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005, and (3) Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, IL 60606. Replies to the petition are due on or before August 9, 2004.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1539. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.)

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: July 9, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 04–16079 Filed 7–16–04; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, as Amended; System of Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed new Privacy Act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of Treasury, Internal Revenue Service, gives notice of a proposed new system of records entitled ''Treasury/IRS 10.007–SPEC Taxpayer Assistance Reporting System (STARS).''

DATES: Comments must be received no later than August 18, 2004. This new system of records will be effective August 30, 2004, unless the IRS receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to the Office of Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. Comments will be made available for inspection and copying upon request in the Freedom of Information Reading Room (1621), at the above address.

FOR FURTHER INFORMATION CONTACT: Samuel Perry, Policy Analyst, W:CAR:SPEC, 401 West Peachtree Street, NW., Atlanta, Georgia 30308. Phone number: (404) 338–8156.

SUPPLEMENTARY INFORMATION: A primary IRS goal is to increase our activities with taxpayers and with tax practitioners, stakeholders, and partners involved in assisting taxpayers before they file their returns.

Providing taxpayers increased assistance before returns are filed promotes the elimination of errors before they occur. Reduction of errors will increase taxpayer satisfaction and increase IRS efficiency. As part of an effort to obtain maximum value from limited resources, IRS will use the information in the proposed system to better manage volunteers and programs offering volunteer services. Information about volunteer skills will enable the IRS to strategically place volunteers to provide the widest variety of skills that taxpayers may need in a particular location. This system will not contain tax returns or return information. The proposed system of records will enable IRS to improve service to taxpayers.

The new system of records report, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000.

The proposed new system of records entitled ''Treasury/IRS 10.007–SPEC Taxpayer Assistance Reporting System (STARS)'' is published in its entirety below.

Dated: July 8, 2004.

Jesus H. Delgado-Jenkins,

Acting Assistant Secretary for Management.

TREASURY/IRS 10.007

SYSTEM NAME:

SPEC Taxpayer Assistance Reporting System (STARS)—Treasury/IRS.

SYSTEM LOCATION:

The records will be in Wage and Investment Division offices nationwide. See IRS Appendix A for addresses of the national, area and territory offices that will maintain this system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who work in and provide administrative assistance to the Volunteer Income Tax Assistance and Tax Counseling for the Elderly programs and other IRS volunteer programs. This includes individual partners (persons who serve as intermediaries between IRS and taxpayers, such as return preparers and persons who disseminate tax information) and stakeholders (persons who have a vested interest in IRS business, including tax professionals and practitioners).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information on qualifications of individuals who volunteer in IRS-administered taxpayer assistance programs. The records include: Names; addresses; phone numbers; available times to work; language skills; tax law skills; certification levels (CPA, Attorney, Enrolled Agent, etc.), and tax law training levels; ability to deliver products and services; contact information; availability for delivery of products and services; geographical

coverage; resources; services provided, and inventory of software/hardware provided to the volunteer. Records also contain similar information on individual partners and stakeholders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7602, 7801 and 7803, 5 U.S.C. 301.

PURPOSE:

This system will maintain records for administration of products and programs for assisting taxpayers, including the Volunteer Income Tax Assistance and Tax Counseling for the Elderly programs. The system will allow the IRS to improve the quality of service to taxpayers by better managing resources available to taxpayer assistance programs and sites. It will provide the ability to process information from a central source for decision-making.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used: (1) To disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when (a) the agency, (b) any employee of the agency in his or her official capacity, (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged.

(2) To provide information to a congressional office in response to an inquiry made at the request of the person to whom the record pertains.

(3) To provide information to contractors when necessary to perform a government contract.

(4) To provide information to volunteers who coordinate activities and staffing at taxpayer assistance sites.

(5) To provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation.

(6) To provide information to the Department of Justice for the purpose of litigating an action or seeking legal advice; disclosure may be made at any time during judicial process.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and machine-readable media.

RETRIEVABILITY:

By the name of the volunteer, individual partner or individual stakeholder, non-unique names will be distinguished by addressees. Records pertaining to electronic filing capabilities may also be retrieved by the EFIN (electronic filer identifying number).

SAFEGUARDS:

Access controls will not be less than those provided for by the IRM 25.10.1, Information Technology Security Policy and Guidance.

RETENTION AND DISPOSAL:

Record retention will be established in accordance with the National Archives and Records Administration Regulations Part 1228, Subpart B-Scheduling Records.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices: Director (Wage and Investment, Strategy & Finance, Strategic Planning and Policy Development). Officials maintaining the system: Director of the Wage and Investment, SPEC (Stakeholder Partnerships, Education & Communication) Division offices nationwide. *See* IRS Appendix A for addresses of the national, area and territory offices maintaining the system.

NOTIFICATION PROCEDURE:

Individuals may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, Appendix B. Inquiries should be addressed to the system manager listed above.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records or seeking to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, Appendix B. Inquiries should be addressed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Individual volunteers, stakeholders, and partners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 04–16194 Filed 7–16–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Office of Research and Development; Government Owned Invention Available for Licensing

AGENCY: Office of Research and Development, Department of Veterans Affairs.

ACTION: Notice of government owned invention available for licensing.

SUMMARY: The invention listed below is owned by the U.S. Government as represented by the Department of Veterans Affairs, and is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 and/or CRADA Collaboration under 15 U.S.C. 3710a to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on the invention may be obtained by writing to: Robert W. Potts, Department of Veterans Affairs, Director Technology Transfer Program, Office of Research and Development, 810 Vermont Avenue, NW., Washington, DC 20420; fax: 202–254–0473; e-mail at *bob.potts@hq.med.va.gov*. Any request for information should include the Number and Title for the relevant invention as indicated below. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The invention available for licensing is: U.S. Provisional Patent Application No. 60/437,872 ''Therapeutic Methods and Compositions for Treating Cellular Oxidative Stress.''

Dated: July 12, 2004.

Anthony J. Principi,

Secretary, Department of Veterans Affairs.

[FR Doc. 04–16309 Filed 7–16–04; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Health Services Research and Development Service Merit Review Board, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463, Federal Advisory Committee Act, that a meeting of the Health Services Research and Development Service Merit Review Board will be held September 20–22, 2004, at the Washington Marriott, 1221 22nd Street, NW., Washington, DC 20037. On September 20, the Nursing Research Initiative (NRI) review will be held from 12:30 p.m. to 4:30 p.m. and the orientation session will be conducted from 7 p.m. to 9 p.m. On September 21–22, the Investigator Initiated Research and Service Directed Project (IRR/SDP) reviews will be held from 8 a.m. to 5 p.m. both days.

The purpose of the Board is to review research and development applications concerned with the measurement and evaluation of health care services and with testing new methods of health care delivery and management, and nursing research. Applications are reviewed for scientific and technical merit. Recommendations regarding funding are prepared for the Chief Research and Development Officer.

On September 20, the meeting will be open to the public for approximately one half-hour from 7 p.m. until 7:30 p.m. to cover administrative matters and to discuss the general status of the program. The remaining portion of the meeting on September 20–22 will be closed. The closed portion of the meeting involves discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols and similar documents. During this portion of the meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would be likely to compromise significantly the implementation of proposed agency action regarding such research projects). As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 99–409, closing portions of these meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

Those who plan to attend the open session should contact the Assistant Director, Scientific Review (124S), Health Services Research and Development Service, Department of Veterans Affairs, 1722 Eye Street, NW., Washington, DC, at least five days before the meeting. For further information, call (202) 254–0207.

Dated: July 13, 2004.

By Direction of the Secretary:

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 04–16310 Filed 7–16–04; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 69, No. 137

Monday, July 19, 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 THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AJ12

Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Jarbidge River, Coastal-Puget Sound, and Saint Mary–Belly River Populations of Bull Trout

Correction

In proposed rule document 04–14014 beginning on page 35768 in the issue of Friday, June 25, 2004 make the following correction:

§ 17.95 [Corrected]

On page 35805, in § 17.95(e), after the graphic, add the following text:

''(32) Unit 27–Olympic Peninsula River Basins:

(i) Skokomish Critical Habitat Subunit Descriptions:''.

[FR Doc. C4–14014 Filed 7–16–04; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
July 19, 2004

Part II

Federal Deposit Insurance Corporation

12 CFR Parts 303, 325, 327, and 347
International Banking; Proposed Rule

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 325, 327, and 347

RIN 3064–AC85

International Banking

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking with request for comment.

SUMMARY: The FDIC is publishing for notice and comment proposed amendments to subpart J of part 303 on international banking and revisions to subpart A of part 347, relating to the international activities and investments of insured state nonmember banks, and subpart B of part 347, relating principally to insured and noninsured U.S. branches of foreign banks. The proposed amendments address the relocation of grandfathered insured branches. They also reorganize, clarify, and revise subparts A and B of part 347, and address various issues raised as part of the FDIC's ongoing effort under the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (12 U.S.C. 3311) to address regulatory burden issues. Included in the revisions affecting grandfathered insured branches are revisions to the FDIC's asset pledge requirement to establish a risk-based system and revision of the FDIC's asset maintenance requirement to calculate the asset maintenance percentage based on the daily third-party liabilities of the branch. In addition, the FDIC is proposing to strengthen FDIC's supervisory processes and make conforming amendments for other FDIC rules as part of the proposal.

The FDIC is also requesting comments, as part of this document, on whether deposits in wholesale U.S. branches of foreign banks should be covered by deposit insurance and on the accounting rules contained in subpart C of part 347.

DATES: Written comments must be received on or before September 17, 2004.

ADDRESSES: You may submit comments, identified by RIN number 3064–AC85, by any of the following methods:

- *Agency Web site: http://www.FDIC.gov/regulations/laws/federal/propose.html.*
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivered/Courier:* The guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.
- *E-mail: comments@FDIC.gov.* Include RIN number 3064-AC85 in the subject line of the message.
- *Public Inspection:* Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW, Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

Instructions: Submissions received must include the agency name and RIN for this rulemaking. Comments received will be posted without change to *http://www.FDIC.gov/regulations/laws/federal/propose.html,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: John Di Clemente, Chief, International Section, Division of Supervision and Consumer Protection, (202) 898–3540 or *jdiclemente@fdic.gov* or Rodney D. Ray, Counsel, Legal Division, (202) 898–3556 or *rray@fdic.gov,* Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The FDIC is proposing to amend and revise its rules concerning international banking activities of insured state nonmember banks operating in foreign countries and insured U.S. branches of foreign banks. This is being done to implement the ''plain language'' requirement contained in section 722 of the Gramm-Leach-Bliley Act of 1999 (12 U.S.C. 4809). Also, as part of the FDIC's ongoing effort under the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (12 U.S.C. 3311) (EGRPRA), the FDIC is proposing amendments to its existing rules to address certain regulatory burden issues raised in public comments. The FDIC is also proposing revisions to existing rules and new rules to update the FDIC's supervisory processes.

The proposed changes will be made to subpart J of part 303 and to subparts A and B of part 347 of title 12 of the Code of Federal Regulations. As a result of the proposed changes, conforming changes also will be made to subpart B of part 325, relating to the FDIC's Prompt Corrective Action rules, and subpart A of part 327, regarding the FDIC's assessment rules for insured U.S. branches of foreign banks.

Subpart J of part 303 contains the procedural rules that implement part 347. The rules in subpart A of part 347 address issues related to the international activities and investments of insured state nonmember banks. In general, they implement the FDIC's statutory authority under section 18(d)(2) of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1828(d)(2)), regarding branches of insured state nonmember banks in foreign countries, and section 18(l) of the FDI Act, regarding insured state nonmember bank investments in foreign entities. The rules in subpart B of part 347 principally address issues related to insured and noninsured U.S. branches of foreign banks under section 6 of the International Banking Act (IBA) (12 U.S.C. 3104).

Although subpart C of part 347 also contains rules regarding accounting and reporting rules relating to international lending activities of insured state nonmember banks, the FDIC is not proposing to revise subpart C at this time. The Office of the Comptroller of the Currency (''OCC'') and Board of Governors of the Federal Reserve System (''FRB'') have similar rules implementing the same statutory provisions for the institutions under their supervision that were originally issued in a joint rulemaking proceeding with the FDIC. Therefore, proposed revisions to the rules in subpart C may require discussion and coordination with the other agencies. Commenters may still comment on the rules contained in subpart C of part 347, however, in order to bring particular issues to the FDIC's attention at this time.

I. Background

Although the FDIC made significant amendments and consolidated its international banking rules in 1998, various events that have transpired since then have influenced the FDIC's decision to propose further revisions to its international banking rules. First, when the FDIC finalized its international banking rules, the FRB was proposing amendments to Regulation K (12 CFR part 211). The FDIC noted in 63 FR 17056 (April 8, 1998) (1998 Final Rule) that subpart A of part 347 maintained parity with the existing version of Regulation K, governing foreign branching and investments by member banks, and that the FDIC may need to make further revisions to subpart A of part 347 once the FRB finalized its revisions to Regulation K. The revisions of Regulation K that are relevant to this rulemaking proceeding were finalized on October 26, 2001, and the FDIC is proposing certain revisions to the part 347 rules because of changes made to Regulation K. Second, the FDIC has received written comments from the public suggesting that the language in part 347 needs to be simplified and the FDIC believes that some additional reorganization and clarification of the

FDIC's rules may be beneficial. It is also believed that strengthening the existing supervisory structure in a few areas is appropriate. In addition, Congress enacted the ''plain language'' requirement for all proposed and final rulemakings published in the **Federal Register** after January 1, 2000, in section 722 of the Gramm-Leach-Bliley Act of 1999. Therefore, several revisions to part 347 are included to address this requirement. Finally, the FDIC and the other Federal banking agencies solicited and received public comments in 2003 as part of the ERGPRA regulatory burden reduction process on three categories of agency rules. Part 347 was included in one of those categories, and the comments relating to them have been reviewed and are discussed in greater detail in the section-by-section discussion in this document.

In general, FDIC is proposing to revise subpart J of part 303 to provide new cross-references to the appropriate revised rule(s) in subparts A and B of part 347. Since many of the revisions to the text in subpart J merely provide new cross-references to the appropriate sections in subparts A and B of part 347 or make stylistic changes in the text, they will not be further addressed in the subpart J section-by-section analysis. The existing sections in subpart A of part 347 are being reorganized in the proposal by moving, consolidating, and breaking particularly complex sections, such as existing section 347.104, into multiple sections based on the subject matter addressed. The sections addressing general consent, expedited processing, and specific consent for foreign branches and investments, contained in existing sections 347.103 and 347.108, are also being reorganized and consolidated into separate sections addressing each type of approval. The existing sections in subpart B are being reorganized in the proposal by grouping them with other sections that address the same or similar subject matter. In addition, several existing sections in subpart B are being revised in the proposal to update and clarify the regulatory requirements. Finally, a few additional sections are being added to subparts A and B in the proposal to address issues that are not addressed in the existing rules.

The proposed amendments and revisions are discussed below, by subpart, in the section-by-section description. The FDIC invites public comments on all aspects of the proposal. In addition, public comments are specifically invited on the following items:

- Providing for expedited processing of proposed relocations of insured U.S. branches of foreign banks (section 303.184);
- Revising existing sections that address authorized activities for foreign investments and foreign branches to more closely track the sections of Regulation K addressing those issues in connection with member banks. The revisions also address approval of activities requiring consideration under parts 347 and 362 (sections 347.105 and 347.115);
- Providing that, except for certain merger and acquisition transactions, the grandfathered status of an insured branch of a foreign bank may not be transferred (section 347.206);
- Revising the FDIC's asset pledge requirement for insured branches of foreign banks to a risk-based approach (section 347.209);
- Revising the FDIC's asset maintenance rule for insured branches of foreign banks to calculate the asset maintenance percentage based on daily third-party liabilities (section 347.210); and
- Providing deposit insurance for wholesale U.S. branches of foreign banks (section V of the preamble).

II. Section-by-Section Analysis of Proposed Amendments to Part 303, Subpart J

1. Moving an Insured Branch of a Foreign Bank (Revised § 303.184)

Section 303.184 contains the filing procedures and approval criteria applicable to the relocation of an insured U.S. branch of a foreign bank. As part of the EGRPRA process, an industry trade association observed that section 303.41(b), which addresses branch relocations in the context of domestic branches of insured state nonmember banks, differentiates between a branch closing or relocation based upon whether the proposed move is within the same immediate neighborhood. The trade association expressed concern that, if the FDIC applied a similar geographic standard to proposed relocations of grandfathered insured branches, relocations of those branches would effectively be precluded because those branches could not close and reopen as insured branches. This is because of the statutory provision contained in section 6(d) of the International Banking Act (IBA) (12 U.S.C. 3104(d)) requiring foreign banks engaging in domestic retail deposit activities after December 19, 1991 that require deposit insurance protection to do so through one or more insured bank subsidiaries. The FDIC does not believe such a construction was intended by the statute or existing rule but recognizes that the existing rule does not address the geographic proximity of the proposed relocation. Section 303.184(b) is being amended, to address this issue, by making expedited processing available for proposed relocations of grandfathered insured branches within the same state. The FDIC notes that 12 CFR 28.12(e)(1) provides for expeditious processing of intrastate relocations of federal branches regulated by the OCC. Therefore, although the FDIC's processing requirements differ from those utilized by the OCC, the approach of providing expedited processing for proposed relocations of insured branches of foreign banks within the same state is consistent with the OCC's overall approach of expediting proposed relocations of federal branches within the same state.

III. Section-by-Section Analysis of Proposed Revisions to Part 347, Subpart A

1. Authority, Purpose, and Scope (Revised § 347.101)

The proposal amends section 347.101 to provide a more comprehensive list of the major areas addressed by the rules in the subpart. The order of the subjects mentioned in the section is also revised to correspond to the order in which those subjects are addressed in the revised subpart.

2. Definitions (Revised § 347.102)

Four additional definitions are added to this section by the proposal. Proposed revisions to the rules in the subpart use the term ''domestic'' in sections 347.104 and 347.105, and that term is defined in paragraph (c) of this section. Paragraph (m) defining ''insured state nonmember bank'' or ''bank'' is added to minimize the repetitive use of the former term that currently exists in the rules. Paragraphs (o) and (r) are new definitions that would adopt the same definition for ''investment grade'' and ''NRSRO'' that the FRB adopted in 12 CFR 211.2(n) and (r). The effect of the inclusion of the latter two terms will be discussed in greater detail in the description of proposed section 347.115.

3. Effect of State Law on Actions Taken Under This Subpart (Revised § 347.103)

Section 347.103 combines the requirement contained in paragraph (a) of existing sections 347.103 and 347.104 into a single section. The rule specifies that an insured state nonmember bank may acquire or retain equity interests in foreign organizations or establish a foreign branch, if authorized to do so by the law of the state where the bank is

chartered, by complying with the requirements of this subpart.

4. Insured State Nonmember Bank Investments in Foreign Organizations (Revised § 347.104)

Section 347.104(a) of the proposal is derived from existing section 347.104(f). The rationale for the requirement was discussed in the preamble to the 1998 Final Rule. That rationale, which is restated below, remains unchanged. Thus, the substance of paragraph (f) of the existing rule is retained. It is placed in a separate section, however, apart from the section addressing authorized activities of foreign organizations, and is reworded and reorganized for clarity.

The FDIC recognizes that direct investments in foreign organizations by member banks (and thus national banks) are only permitted for certain types of investments specified in Regulation K, such as investments in foreign banks, because of language in section 25 of the Federal Reserve Act (12 U.S.C. 601) limiting direct foreign investments by member banks. Other types of foreign investments by member banks are required to be made indirectly through an Edge corporation subsidiary or a foreign bank subsidiary of a member bank. In contrast, section 18(l) of the FDI Act (12 U.S.C. 1828(l)) permits state nonmember banks, to the extent authorized by state law, to invest in foreign ''banks and other entities.'' As a consequence, and because the legislative history of section 18(l) shows that Congress was aware of the FRB's parallel authority over member banks at the time section 18(l) was enacted, the difference in language between the two statutes is significant and deliberate and results in the type of foreign organizations that state nonmember banks may invest in directly not being restricted by section 18(l).

Because national banks are unable to invest directly in nonbank foreign organizations, however, the ability of insured state nonmember banks to invest in other types of foreign organizations raises issues under section 24 of the FDI Act (12 U.S.C. 1831a) and 12 CFR part 362. Section 24 prohibits an insured state nonmember bank from acquiring an equity investment that a national bank is not permitted to acquire. Such an investment may be made under section 24, however, if the investment is made through a majority-owned subsidiary of the bank. It may also be made if a company becomes majority-owned by the bank as a result of the investment and the ''as principal'' activities of the company are ones in which a subsidiary of a national bank could engage. Ownership of more than 50 percent of the equity in a nonbank foreign organization makes that organization a majority-owned subsidiary and, thus, no section 24 analysis is required because such a subsidiary is authorized only to engage in the same activities that the FRB has authorized for subsidiaries of member banks (and thus national banks) under Regulation K. In addition, while it is not necessary for insured state nonmember bank investments of 50 percent or less of the equity of a nonbank foreign organization to be held through an intermediate foreign bank subsidiary or Edge subsidiary as required under Regulation K, those investments are required to be held through some form of U.S. or foreign majority-owned subsidiary in order to comply with the requirements of section 24 and part 362.

5. Permissible Financial Activities Outside the United States (Revised § 347.105)

Section 347.105 (a) and (b) of the proposal are derived from existing section 347.104(b). As amended, the language in existing section 347.104(b) that limits the activities of certain types of investments in foreign organizations to those authorized by the section, is restructured, reworded slightly, and placed in section 347.105(a). Under section 347.105(b) the same financial activities will be authorized that are presently authorized under section 347.104(b) of the existing rule.

The proposed rule also revises the activities list contained in the existing rule. As the FDIC noted in the preamble to the 1998 Final Rule, the activities contained in existing section 347.104(b) were modeled after the FRB's corresponding provision in Regulation K, but the list of authorized activities was reordered. In addition, the FDIC considered certain activities listed in the FRB's corresponding section of Regulation K to be authorized under Regulation Y and incorporated by the cross-reference to Regulation Y activities contained in section 347.104(b)(10) of the existing rule. Therefore, those activities were not separately listed in existing section 347.104(b). Time has shown this approach to have made the interplay between the FDIC and FRB lists of permissible activities difficult in certain circumstances to understand and apply.

The FDIC recognizes that insured state nonmember banks or their subsidiaries may want to engage in activities outside the United States that are not listed by the FDIC as permissible activities but that have been approved for member banks or their subsidiaries under Regulation K. Including those items in the FDIC list of permissible activities facilitates banks doing so. In addition, as discussed in more detail below, the banks or their subsidiaries may want to engage in activities outside the United States, as principal, that have not been authorized for member banks (and thus national banks) in Regulation K. To do so, banks must comply with section 24 of the FDI Act and the requirements of part 362, as well as part 347.

Considering these issues, the FDIC is proposing to revise the order of the activities listed in section 347.105(b) to more closely track the order of the activities listed as permissible in 12 CFR 211.10, the corresponding provision in Regulation K. The activities listed in the proposal also include activities that the FDIC did not specifically list as being authorized in the 1998 Final Rule because they were considered to overlap with activities authorized by Regulation Y.[1] Including them makes the comparison easier between activities authorized under section 347.105(b) and those authorized for member banks and their subsidiaries.[2]

Paragraphs (c) and (d) of section 347.105 are being added for clarification. Paragraph (c) is based on language contained in the preamble to the 1998 Final Rule but not included in the text of the existing rule. Paragraph (d) addresses an issue that was raised in the preamble to the 1998 Final Rule, but not addressed in the existing rule, concerning the applicability in certain instances of section 24 of the FDI Act and part 362 to issues arising under subpart A of part 347. Briefly stated, in relevant part, section 24(a) of the FDI Act and part 362 prohibit a state bank from engaging, as principal, in any type of activity that is not permissible for a national bank, unless the FDIC determines that the activity would not pose a significant risk of loss to the deposit insurance fund and the bank meets its minimum capital requirements. Likewise, section 24(d) of the FDI Act and part 362 prohibit a subsidiary of a state bank from engaging, as principal, in any type of activity that

[1] The omitted activities were: financing; acting as a fiduciary; providing investment, financial or economic advisory services; leasing real or personal property or acting as agent, broker or advisor in connection with such transactions if the lease serves as the functional equivalent of an extension of credit to the lessee; acting as a futures commission merchant; and acting as principal or agent in swap transactions.

[2] The six activities being added to the list of approved activities are being added, subject to the attendant restrictions contained in section 225.28(b) of Regulation Y, because those activities are considered to be subject to the Regulation Y restrictions by the cross-reference to that authority in existing section 347.104(b)(10).

is not permissible for a subsidiary of a national bank, unless the FDIC first determines that it would not pose a significant risk of loss to the deposit insurance fund and the bank meets its minimum capital requirements. Thus, when a state nonmember bank wants to engage in financial activities, as principal, that are not specifically authorized by part 347, the question becomes whether authorization to engage in those types of activities must be obtained under part 347, part 362, or both parts. The FDIC is proposing to add paragraph (d) which would generally address when authorization to engage in activities through a subsidiary other than those specified in paragraph (b) may be authorized by specific consent under part 347 and when authorization for those activities must be obtained under part 362 as well as subpart A of part 347.[3]

6. Going Concerns (Revised § 347.106)

Section 347.106 of the proposal is derived from the ''going concern'' provision contained in existing section 347.104(c). The text has been made a separate section and reworded slightly for ease of reference.

As under the existing rule, a bank subsidiary (as defined in proposed section 347.102(t)) in a foreign country will be limited to conducting activities authorized under proposed section 347.105(b), unless the bank acquires its subsidiary as a going concern. In this case, under proposed section 347.106, no more than 5 percent of the foreign subsidiary's assets or revenues may be attributable to activities that are not on the list of authorized activities. In addition, any foreign organization which is controlled (as defined in proposed section 347.102(b)) by a bank and its affiliates (as defined in proposed section 347.102(a)), regardless of the percent of voting stock owned by the bank, is limited to conducting financial activities authorized under proposed section 347.105(b), subject to the same 5 percent exception for going concerns.

7. Joint Ventures (Revised § 347.107)

Section 347.107(a) of the proposal is derived from the ''joint venture'' provision contained in existing section 347.104(d). The text has been made a separate section and reworded slightly for ease of reference. As is the case under the existing rule, if a bank and its affiliates hold 20 to 50 percent of the voting equity securities of a foreign organization and do not control the organization, no more than 10 percent of the foreign organization's assets or revenues may be attributable to activities that are not on the section 347.105(b) list of authorized activities.

8. Portfolio Investments (Revised § 347.108)

Section 347.108(a) of the proposal is derived from the ''portfolio investment'' provision contained in existing section 347.104(e). The text has been made a separate section and reworded slightly for ease of reference. As is the case under the existing rule, if a bank and its affiliates' holdings are less than 20 percent of the voting equity securities of a foreign organization and the bank and its affiliates do not control the organization, no more than 10 percent of the foreign organization's assets or revenues may be attributable to activities that are not on the section 347.105(b) list of authorized activities. In addition, the bank is prohibited from making any loans or extensions of credit to the organization that are not on the same terms as those prevailing at the time for comparable transactions with nonaffiliated organizations.

9. Limitations on Indirect Investments in Nonfinancial Foreign Organizations (Revised § 347.109)

Section 347.109 of the proposal is derived from existing section 347.104(g). The text of the paragraph is retained but is reworded for clarification, and the references to other sections of subpart A are revised to conform to the new section numbers contained in the proposal. The paragraph is also being made a separate section for ease of reference.

Like paragraph (g) of the existing rule, this section authorizes a bank to make indirect portfolio investments in nonfinancial foreign organizations through a foreign subsidiary or an Edge corporation subsidiary, to an amount equal to 15 percent of the bank's Tier 1 capital, without regard to whether the activities of the foreign organization are authorized under section 347.105(b). In addition, the following requirements must be met:

- The aggregate holdings of a particular foreign organization's equity interests by the bank and its affiliates must be less than 20 percent of the foreign organization's voting interests and 40 percent of its total voting and nonvoting equity interests;
- The bank and its affiliates are not permitted to control the foreign organization; and
- Any loan or extension of credit to the foreign organization must be on substantially the same terms as those prevailing at the time for comparable transactions with nonaffiliated organizations.

10. Affiliate Holdings (Revised § 347.110)

Section 347.110 of the proposal is derived from existing section 347.104(h). The text of the paragraph is retained, and cross-references to subpart A are added for ease of reference due to other proposed revisions to the rules in subpart A. The reference to section 337.4 in the existing rule is also changed to reflect the removal and replacement of section 337.4 with section 362.8 or, for financial subsidiaries, section 362.18. *See*, 66 FR 1018 (January 5, 2001). The paragraph also is made a separate section for ease of reference.

11. Underwriting and Dealing Limits Applicable to Foreign Organizations Held by Insured State Nonmember Banks (Revised § 347.111)

Section 347.111 of the proposal is derived from existing section 347.105. Cross-references are being added, for ease of reference, to other rules in

[3] Proposed paragraph (d) is, of necessity, a rule of general applicability. For example, as the FDIC noted in the preamble to the 1998 Final Rule, an activity authorized under Regulation K concerning a foreign investment entity's ability to underwrite life, annuity, pension fund-related, and other types of insurance where the associated risks have been previously determined to be actuarially predictable (*see*, 12 CFR 211.10(a)(17)) was not included in existing section 347.104. Although Regulation K included these activities on its list of permissible activities abroad, the regulation required specific consent before those activities could be conducted by a subsidiary of an insured U.S. bank. Since no general authorization had been given under Regulation K for this activity to be conducted directly or indirectly by a subsidiary of a member bank, there was an issue under section 24 of the FDI Act. Section 24(b) and 24(d)(2) of the FDI Act do not permit the FDIC to give approval for a state bank or its subsidiary to engage in insurance underwriting if such underwriting is not permissible for a national bank or its subsidiary (unless that activity is expressly excepted by other subsections of section 24 covering limited types of insurance underwriting). Therefore, the FDIC observed when adopting the 1998 Final Rule, that it was foreclosed at that time from granting general regulatory authorization for banks to indirectly underwrite life, pension-fund related and other types of insurance abroad. Insurance underwriting represents an example of specific types of activities that are listed in 12 CFR 211.10 that could not be authorized under either part 347 or part 362.

In proposing paragraph (d) the FDIC desires to lend a degree of clarity to this area but also wants to provide banks with more notice that approval to engage in certain foreign activities may require compliance with requirements beyond those contained in part 347. In these situations, for the FDIC to process such applications in a timely manner, the applicants will need to provide sufficiently detailed and relevant information regarding proposed foreign activities for the FDIC to properly evaluate the issues raised by the application.

subpart A that affect this rule because of other revisions being made in this proposal. Appropriate revisions to section citations in Regulation K are also being made.

Under the proposed rule, as with existing section 347.105, a foreign investment entity of a bank is permitted to underwrite, distribute, and deal equity securities outside the United States, subject to the three main limitations described generally below:

- Underwriting commitments for a single issuer may not exceed an amount equal to the lesser of $60 million or 25 percent of the bank's Tier 1 capital. This underwriting commitment limit may be exceeded, however, to the extent the commitment is covered by binding commitments from sub-underwriters or purchasers.
- Distribution and dealing shares of a single entity may not exceed an amount equal to the lesser of $30 million or 5 percent of the bank's Tier 1 capital. This limit is subject to two exceptions. First, to facilitate underwritings, any equity securities acquired pursuant to an underwriting commitment extending up to 90 days after the payment date of the underwriting are not included in the limit. Second, up to 75 percent of the position in an equity security may be reduced by netting long and short positions in the identical equity security, or by offsetting cash positions against derivative instruments referenced to the same security.
- The sum of underwriting commitments, distribution and dealing shares, and any portfolio investments in nonfinancial organizations under proposed section 347.109 may not exceed an amount equal to 25 percent of the bank's Tier 1 capital.

12. Restrictions on Activities Applicable to Foreign Organizations That Act as Futures Commission Merchants (Revised § 347.112)

Section 347.112 of the proposal is derived from existing section 347.106. As proposed, the title to the section is revised, and the text of the existing rule is reorganized and retained. Cross-references are added, for ease of reference, to subpart A that affect this rule because of other revisions made in this proposal.

As with existing section 347.106, the proposed rule imposes an additional restriction beyond those imposed by section 225.28(b) of Regulation Y on acting as a futures commission merchant. Under section 347.112, a foreign investment entity may not, without the FDIC's prior approval, have potential liability to a mutual exchange or clearing association of which the foreign investment entity is a member that exceeds 2 percent of the bank's Tier 1 capital.

13. Restrictions Applicable to Activities by a Foreign Organization in the United States. (Revised § 347.113)

Section 347.113 of the proposal is derived from existing section 347.107. The title to the section is revised, and the text of the existing rule is reorganized and retained.

As with the existing rule, the proposed rule prohibits a state nonmember bank from investing in any foreign organization that engages in the general business of buying or selling goods, wares, merchandise, or commodities in the U.S. It also prohibits investments totaling over 5 percent of equity interests in any foreign organization if the organization engages in any business activities in the U.S. that are not incidental to its international or foreign business. The rule also provides that a foreign organization will not be considered to be engaged in business or activities in the U.S. unless it maintains an office in the U.S. other than a representative office. Beyond these thresholds, foreign organizations are authorized to conduct activities that are permissible in the U.S. for an Edge corporation, or such other business activities as are approved by the FDIC.

14. Extensions of Credit to Foreign Organizations Held by Insured State Nonmember Banks; Shares of Foreign Organizations Held in Connection With Debts Previously Contracted (Revised § 347.114)

Section 347.114 of the proposal is derived from existing section 347.109. The text of the existing rule is reorganized and retained with only minor revisions.

15. Activities Permissible for a Foreign Branch of an Insured State Nonmember Bank (Revised § 347.115)

Proposed section 347.115 is largely derived from existing section 347.103(a). Although most of the existing text is not being changed substantively, a few revisions are made to incorporate changes made by the FRB in section 211.4 of Regulation K. For example, the reference to ''development bank'' in existing section 347.103(a)(2)(i) has been changed to ''government sponsored development bank'' in section 347.115(c)(1)(i). The authorization for an insured state nonmember bank to underwrite, distribute and deal, invest in or trade specified foreign government obligations that are rated as investment grade by at least two established international rating agencies under existing section 347.103(a)(3)(ii) is also being changed. As amended, section 347.115(b)(2) would require only that these obligations be rated as ''investment grade.'' As mentioned earlier, because the FDIC is proposing to adopt the same definition of ''investment grade'' that the FRB adopted in its recent revisions to Regulation K, an obligation would qualify as ''investment grade'' under the proposed rule if it received a rating in one of the four highest investment categories by two or more NRSROs (nationally recognized statistical rating organization, as designated by the Securities and Exchange Commission). If it had only been rated by one NRSRO and received the appropriate rating, it could be considered ''investment grade'' with only that one rating.

In addition, as with section 347.105 of this proposal, in the preamble to the 1998 Final Rule, the FDIC determined that certain activities the FRB had specifically listed as being authorized in the corresponding section of Regulation K for foreign branches of national banks were within the general banking powers of a national bank. Therefore, it was considered unnecessary to separately enumerate them for foreign branches of insured state nonmember banks in existing section 347.103(a). Because the same issues that were previously discussed in connection with the revisions to section 347.105 of the proposal would be applicable to this section regarding the applicability of section 24 of the FDI Act and part 362, the FDIC is including the activities that were previously omitted from the text of the FDIC's existing rule but which are included in the corresponding provision of Regulation K.[4] The activities

[4] The omitted activities relevant to this discussion are: engaging in repurchase agreements that are the functional equivalent of extensions of credit and paying branch employees a greater rate of interest on their deposits than the rate paid to other depositors on similar deposits. A third activity, concerning extending credit to an officer of the branch in the foreign country in which the branch is located to finance the officer's living quarters, is not included in the list of activities authorized by the FDIC's existing rule. Considering that this activity was not among the list of permissible activities for foreign branches of member banks in the recent revisions to Regulation K and that the FDIC previously concluded that the activity was within the general banking powers of a foreign branch, the inclusion of this additional activity in the list of activities that are permissible under proposed section 347.115 does not appear to be necessary. It also does not appear to advance the goal of making the comparison of activities authorized under Regulation K and those authorized by the FDIC's corresponding provision easier. Therefore, this particular activity is not being included in the list of permissible activities contained in the proposed rule.

authorized under the proposed rule also are reorganized to correspond more closely to those activities authorized in 12 CFR 211.4 for foreign branches of member banks. Finally, the paragraph addressing ''other activities'' is revised to indicate that the FDIC may authorize foreign branches of state nonmember banks to engage in activities that are not specifically listed in the proposed rule, and a new paragraph (h) is being added to clarify when other activities may be approved under this subpart or, alternatively, when they also must be authorized under section 24 of the FDI Act and part 362.[5]

16. Recordkeeping and Supervision of Foreign Activities of Insured State Nonmember Banks Under This Subpart (Revised § 347.116)

Section 347.116 of the proposal is derived from existing section 347.110. The language in section 347.110(b)(2) of the existing rule is eliminated in the proposed rule because it addresses application processing and the requirement for specific consent in jurisdictions that limit access to financial information. Those issues are addressed in section 347.119 of the proposal.

17. General Consent (Revised § 347.117)

Section 347.117 of the proposal consolidates the general consent requirements related to foreign branches that are presently contained in section 347.103(b) with the general consent requirements for investments in foreign organizations that are presently contained in section 347.108(a) into a single rule.

Under proposed section 347.117(a), as in existing section 347.103(b), general consent is provided for an eligible insured state nonmember bank to establish branches within a foreign country in which it has a branch or a foreign bank subsidiary and for relocation of existing foreign branches within a foreign country. As part of the EGRPRA process, it was suggested that U.S. banks that are well-managed, well-capitalized, maintain at least a satisfactory CRA rating, and have experience operating overseas, such as through one or two branches, should be allowed to branch overseas using procedures available to them for domestic branching. After considering this comment, the FDIC is concerned that such broad authority may allow branching into foreign countries without adequate familiarity with the banking system and regulatory requirements that may exist in the host country. Nonetheless, the proposal introduces some additional flexibility in the branching area, by allowing insured state nonmember banks to branch into a foreign country under general consent in circumstances covered by (a)(1)(ii) or (iii) of the proposed rule. This change will allow an eligible state nonmember bank to establish additional branches in a country in which the bank's holding company operates a foreign bank subsidiary, or in which an affiliated bank or Edge or Agreement corporation operates one or more foreign branches or foreign bank subsidiaries. This will allow for after-the-fact notification to the FDIC in those circumstances, rather than requiring prior approval under expedited processing, as is presently required under section 347.103(c)(1).

Under proposed section 347.117(b), general consent for investments in foreign organizations is provided in the same circumstances covered by existing section 347.108(a). In addition, the proposal would grant general consent to invest in a foreign organization, under proposed section 347.117(b)(2), when at least one insured state nonmember bank operates a foreign branch in the relevant foreign country where the organization will be located because of the FDIC's familiarity with the banking laws and practices of that country. This amendment was suggested in a comment on the 1998 Final Rule, but the FDIC declined to adopt it because of concerns that banks could operate ''nameplate'' branches in foreign countries and, because they would lack a physical presence in those countries, more extensive analysis and coordination with the host country supervisors may be needed before the FDIC authorized free-standing foreign organizations. Upon further consideration of this issue, however, the FDIC believes most nameplate branches would be operated in jurisdictions where authority to invest in foreign organizations by general consent would be inapplicable under section 347.119(a) of the proposal. Therefore, if that issue arises, specific consent would be required to authorize such an investment, and the previously stated concern could be addressed at that time.

18. Expedited Processing (Revised § 347.118)

Section 347.118 of the proposal consolidates the expedited processing provisions for foreign branches in existing section 347.103(c)(2) with the expedited processing provisions for investments in foreign organizations in existing section 347.108(b) into a single rule for ease of reference.

19. Specific Consent (Revised § 347.119)

Section 347.119 of the proposal consolidates the specific consent requirements for foreign branches in existing section 347.103(d)–(e) with the specific consent requirements for investments in foreign organizations in existing section 347.108(c)–(d) into a single rule for ease of reference and because the existing provisions are largely duplicative.

20. Computation of Investment Amounts (Revised § 347.120)

Section 347.120 of the proposal is derived from existing section 347.108(e). It is placed in a separate section in the proposal to indicate its applicability to the general consent, expedited processing, and specific consent sections for foreign investments because those subjects are addressed by separate sections of the proposal.

21. Requirements for Insured State Nonmember Bank to Close a Foreign Branch. (Revised § 347.121)

Section 347.121 of the proposal is derived from 347.103(f) and is placed in a separate section for ease of reference and because the approval provisions of that section are separated from the authorized activities section for foreign branches in the proposal.

22. Limitations Applicable to the Authority Provided in This Subpart (New § 347.122)

The FDIC is proposing to add a new section 347.122. This section recognizes that the FDIC may, under section 18(d)(2) and 18(l) of the FDI Act, condition the authority granted under this subpart A as it considers appropriate. The section also provides for termination of activities or divestiture of investments permitted under the subpart, after giving the bank notice and a reasonable opportunity to be heard, if a bank is unable or fails to comply with the requirements of the subpart or any conditions imposed by the FDIC regarding transactions under the subpart.

IV. Section-by-Section Analysis of Proposed Revisions to Part 347, Subpart B

1. Authority, Purpose and Scope (Revised § 347.201)

The FDIC is proposing to revise existing section 347.201 to reflect the authority and coverage of subpart B, as amended. In addition, the scope of the subpart is revised to reflect the grouping of the sections therein based primarily

[5] As with proposed section 347.105(d), this paragraph is considered a rule of general applicability to provide guidance and notice to banks with an interest in this area.

upon whether they apply to both insured state and federal branches or only to state branches. The section also recognizes that section 347.204 applies to foreign banks seeking deposit insurance coverage for their state or federal depository institution subsidiaries.

2. Definitions (Revised § 347.202)

The definitions contained in existing section 347.202 are revised by amending an existing paragraph, moving an existing paragraph, and adding three new paragraphs. In the proposal, the definition of ''domestic retail deposit activity'' contained in paragraph (e) is being amended to add ''federal'' branches because the prohibition contained in section 347.206 of the proposal, concerning taking domestic retail deposits through U.S. bank subsidiaries or certain grandfathered branches, is applicable equally to state or federal branches of foreign banks. The addition of ''federal'' branches to section 347.202(e) is not intended, however, to create a discrepancy regarding the application of section 347.216 of the proposal, which also uses the term ''domestic retail deposit activity,'' because section 347.216, by its own terms, applies specifically to state branches. The corresponding rule for federal branches is 12 CFR 28.16. Paragraph (m) of the proposal revises the definition of ''initial deposit'' that is contained in paragraph (l) of the existing rule to eliminate the need for the separate definition of ''first deposit'' that is included at the end of the paragraph in the existing rule. In addition, paragraphs (j) and (s) are added to the section and are consistent with the definitions for the same terms that are utilized in subpart A.

3. Deposit Insurance Required for All Branches of Foreign Banks Engaged in Domestic Retail Deposit Activity in the Same State (Revised § 347.203)

Existing section 347.203 is retained in the proposal, but the text is revised to clarify the requirements of the section. The title to the section also is revised to make it more descriptive of the contents of the section.

4. Commitment To Be Examined and Provide Information (Revised § 347.204)

Section 347.204 of the proposal substantially revises existing section 347.208 to update the rule and enhance the FDIC's supervisory authority. The existing rule was initially issued in 1979 to implement section 10(b) of the FDI Act (12 U.S.C. 1820(b)) with regard to U.S. branches of foreign banks. Section 10(b) requires a foreign bank, in connection with obtaining deposit insurance for a branch or depository institution subsidiary, to submit a binding written commitment to the FDIC to permit any examination of the affairs of any affiliate of the branch or depository institution subsidiary to the extent necessary to determine: (1) The relationship between the depository institution and the affiliate and (2) the effect of such relationship on such depository institution.

Like the existing rule, the proposed rule addresses a foreign bank seeking deposit insurance for a U.S. branch. However, the proposed rule, if adopted, will apply whenever a foreign bank seeks deposit insurance for a banking subsidiary.

Accordingly, the rule, as revised, will require a foreign bank applying for deposit insurance for a U.S. branch or depository institution subsidiary to provide the FDIC with a written commitment (including a consent to U.S. court jurisdiction and designation of agent for service of process, acceptable to the FDIC) to:

1. Permit examination, for the reasons specified in section 10(b)(4), of the foreign bank and affiliates located outside the U.S.;[6]

2. Provide information, for the reasons specified in section 10(b)(4), regarding the foreign bank and affiliates located outside the U.S.; and

3. Allow examination and provide information, for the reasons specified in section 10(b)(4), regarding the offices and affiliates of the foreign bank that are located in the U.S.

The proposed rule also will allow the foreign examination provision to be waived in instances where the FRB has already made a comprehensive consolidated supervision determination for the foreign bank at issue.

In addition, under the proposed rule, if an equivalent commitment has been made by a foreign bank to another Federal banking agency that provides the FDIC with the same rights and privileges that the FDIC would have if it obtained such commitment on its own behalf, the FDIC may waive all or part of the commitment requirements imposed by this section in lieu of requiring its own separate commitment from the foreign bank. If such waiver is granted, however, the foreign bank will be required to provide the FDIC with the commitments required by the section before the foreign bank terminates any commitments provided to any other Federal banking agency which provide a basis for such waiver.

The FDIC recognizes that there may be situations when a foreign bank has not been determined to be subject to comprehensive consolidated supervision; has not provided a commitment to any other Federal banking agency that the FDIC finds acceptable; and cannot or will not provide the written commitment to permit examination required under section 347.204(a)(1). In this circumstance, it is envisioned that under section 347.204(a)(3) the deposit insurance application for the U.S. branch or depository institution will not be processed because the application will not be considered substantially complete without the required commitment. It is also recognized, however, that the foreign bank may be willing to provide the required commitment, but obstacles to the FDIC's ability to utilize the commitment may be posed by the laws or regulatory regime governing the foreign bank. In this situation, it is envisioned that the foreign bank would be responsible for addressing and resolving these issues in consultation with the appropriate FDIC staff. To the extent the issues cannot be resolved acceptably, but the foreign bank provides the required commitment, the rule provides for consideration of these issues, in section 347.204(b)(3), in determining whether the deposit insurance application of the foreign bank's U.S. branch or depository institution should be granted or denied.

5. Records Maintenance (Revised § 347.205)

Section 347.205 of the proposal addresses record maintenance requirements for insured U.S. branches of foreign banks. The new section reorders and combines the paragraphs of existing section 347.209, which addresses the same issues.

6. Conduct of Domestic Retail Deposit Activity by U.S. Branch of a Foreign Bank (Revised § 347.206)

Section 347.206 of the proposal implements section 6(d) of the IBA (12 U.S.C. 3104(d)). Paragraphs (a)–(c) are derived from existing section 347.204(a)–(c) but have been reworded slightly for clarity. Paragraph (a) requires any foreign bank intending to conduct domestic retail deposit

[6] Unlike the existing section, which requires the foreign bank to provide information regarding the affairs of the foreign bank and its affiliates outside the U.S. and examination of the affairs of any office, agency, branch or affiliate of the foreign bank located in the United States, the proposed section will require the foreign bank to permit examination of itself and its affiliates for the purposes specified in the statute, without regard to their location. This requirement is based on the relevant underlying statutory provisions in the FDI Act. *See*, sections 3(w)(6) and 10(b)(4) of the FDI Act (12 U.S.C. 1813(w)(6), 1820(b)(4)).

activities requiring deposit insurance in any state after December 19, 1991, to establish one or more insured U.S. bank subsidiaries to conduct those deposit activities. Paragraph (b) provides an exception to this general rule, based on section 6(d)(3) of the IBA, for any FDIC-insured bank organized under the laws of any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands. This allows insured banks organized under the laws of the specified jurisdictions to conduct any domestic retail deposit activities in the United States through an insured branch, rather than through insured bank subsidiaries. Paragraph (c) is based upon the ''grandfathered branch'' exception in the statute, which allows any insured branches that were accepting or maintaining domestic retail deposit accounts on December 19, 1991, to continue to operate as insured branches conducting domestic retail deposit activities. Existing section 347.204(d), which authorizes foreign banks to operate noninsured state branches meeting the criteria specified therein, is made into proposed section 347.213 because it only applies to state branches.

Paragraph (d) of the proposed rule is added to address an issue raised with the FDIC through the EGRPRA process. In that process, an industry trade association requested that the FDIC clarify that the grandfathered status of an insured branch survives the sale or transfer of the branch from one foreign bank to another foreign bank. The trade association suggested that the transferability of the grandfathered status of a U.S. branch of a foreign bank to a new owner was supported by applying the ''plain meaning'' rule of statutory construction to section 6(d) of the IBA. The trade association's view was that because the availability of the grandfather exception appears to be conditioned upon a single exception (that the branch was insured as of December 19, 1991), it was inconsistent with the plain meaning of the statute to read into it an additional condition (that the branch was not transferred after December 19, 1991). The trade association also observed that other grandfather provisions enacted by Congress in the same statute expressly state that those grandfather rights terminate upon a change in control. Therefore, the absence of such a provision in the grandfathered branch exception, it was argued, indicates that Congress did not intend that an insured branch would lose its grandfathered status upon its sale or transfer. Additionally, the trade association observed that permitting transfers of grandfathered branches would provide an option for other foreign banks that would like to establish FDIC-insured branches but are constrained from doing so by the subsidiary requirement in section 6(d). Finally, it was observed that depositors would not lose the protections of deposit insurance solely as a result of the sale or transfer of an insured branch.

The FDIC has considered these observations and others presented by the trade association. It appreciates the arguments supporting a broad reading of the grandfathered branch exception but the exception has been construed more narrowly in the past [7] and, at this time, the FDIC is not persuaded that a change in position is justified. The broad reading of the grandfather exception requested would be at odds with the distinct preference Congress stated in section 6(d) of the IBA of making foreign banks desiring to engage in new domestic retail deposit activities requiring deposit insurance after December 19, 1991 do so through insured banking subsidiaries. Since it is a well recognized rule of statutory construction that in ascertaining the plain meaning of a statute it is appropriate to look to the particular statutory language at issue, as well as the language and design of the statute as a whole, this construction of paragraph (d) appears to be more appropriate than the alternative construction of the statute advanced by the trade association.[8] It also does not appear to be appropriate, as a matter of policy, to adopt an interpretation that will make the grandfathered status the object of bargain among foreign banks and allow entry to and departure from the insured domestic retail deposit market based on the highest bid for the privilege.

The FDIC recognizes that the existing rule does not address this issue. It also recognizes, however, that there may be other situations, such as certain merger and acquisition transactions, that are not designed or motivated by the desire to obtain access to the domestic retail deposit market and avoid compliance with the subsidiary requirement in section 6(d) of the IBA, where the grandfathered status of an insured branch should remain intact. Therefore, the FDIC is addressing the issue in paragraph (d) of the proposed rule and inviting public comments.

7. Disclosure of Supervisory Information to Foreign Supervisors (New § 347.207)

Section 347.207 is proposed to facilitate cross-border supervision of insured branches of foreign banks and insured bank subsidiaries by providing for the sharing of supervisory information between the FDIC and foreign bank regulatory or supervisory authorities. It is patterned after section 15 of the IBA (12 U.S.C. 3109) and 12 CFR 211.27. The section also addresses the confidentiality of such information, based upon the FDIC's interpretation of section 8(v) of the FDI Act (12 U.S.C. 1818(v)), by providing that the disclosure or transfer of such information to a foreign bank regulatory or supervisory authority does not waive any privilege applicable to such information.

8. Assessment Base Deductions by Insured Branch (Revised § 347.208)

Section 347.208 is revised text of existing section 347.212.

9. Pledge of Assets (Revised § 347.209)

The asset pledge requirement contained in existing section 347.210 is revised in proposed section 347.209 by imposing a risk-based asset pledge requirement. The existing 5 percent asset pledge requirement has been in place since 1984. As part of the EGRPRA process, an industry trade association observed that the existing asset pledge requirement fails to take into account the specific circumstances of each insured branch and advances in risk-based bank supervision that have taken place in recent years. The trade association also observed that the asset pledge requirements do not apply to U.S. banks and asserted that the existing asset pledge requirement adversely affects the earnings and liquidity of insured U.S. branches by making them maintain and pledge specific amounts of generally lower yielding assets.

The FDIC recognizes that the asset pledge requirement may have competitive implications for foreign

[7] *See e.g.*, FDIC Advisory Opinion 92–12, March 25, 1992, reprinted in [1991–1992 Transfer Binder] Fed. Banking L. Rep. (CCH) P81,482 (The grandfathered branch exception was intended only to permit existing insured branches of foreign banks to continue to operate after the enactment of FDICIA without the requirement of being ''rolled up'' into a newly chartered subsidiary bank. The provision does not permit a foreign bank with a grandfathered branch to subsequently open additional insured branches which accept and maintain deposit accounts having balances of less than $100,000.)

[8] Reading the statute as a whole, the proposed broad reading of the exception also is contrary to the direction provided in section 6(a) of the IBA regarding implementation of the section because purchasers of grandfathered branches could avoid forming and capitalizing banking subsidiaries to engage in domestic retail deposit activity in the U.S., rather than following the same process required for domestic banks of establishing and capitalizing a distinct corporate entity and applying for deposit insurance.

banks with regard to their insured branches operating in the United States, but does not believe elimination of the asset pledge requirement is appropriate. Unlike their domestic counterparts, the activities, assets, and personnel of foreign banks operating insured branches in the United States are, in large part, outside the jurisdiction of the United States. While the parent bank may, in theory, add financial support to the branch structure, the FDIC is concerned that indications of financial weakness that become apparent in an insured branch may also be indicative of financial weakness at the parent level that may result in less financial support from the parent of the insured branch in times of financial stress. This could result either from voluntary decisions of the parent or regulatory restrictions imposed by the home country regulator, and may precipitate significant deposit outflows from the insured branch. Therefore, to mitigate this risk and the potential risks associated with providing deposit insurance for deposits in an insured branch, the FDIC continues to believe that an asset pledge requirement in some amount is appropriate.

The FDIC recognizes that it may be appropriate, however, to revise the asset pledge requirement to make it more risk-focused and to take into consideration characteristics that may be unique to each insured branch. As revised in the proposal, the asset pledge requirement will be determined in a manner similar to the approach the FDIC has taken with its risk-based deposit insurance assessment system. Under the proposal, any newly insured branch will be subject to a 5 percent asset pledge requirement until the end of the first three years of its operation as an insured branch. This differs from the one-year requirement in paragraph (b)(2) of the existing rule, but the FDIC believes that the standard in the existing rule is outdated and that it is prudent to impose more stringent requirements on newly insured institutions during the first three years of their operations to compensate for potential risks associated with the commencement of insured operations. Three years will also allow a newly insured branch to experience at least one examination cycle, which will result in supervisory information that the FDIC can utilize to adjust the asset pledge requirement for the branch. After the first three years of operation as an insured branch, the rule envisions that the asset pledge amount will be adjusted by taking into consideration the percentage of assets maintained by the insured branch, pursuant to section 347.210, and the supervisory information relative to the branch at issue. It is envisioned that the most recent ROCA rating [9] for the insured branch will be a focal point of such supervisory information but, as with the risk-based premium system, the FDIC could also consider other supervisory information that it believes is appropriate to fully evaluate the potential risk posed by the insured branch in determining the supervisory subgroup assignment for the branch. The appropriate percentage of assets required to be pledged will then be determined based on the supervisory risk subgroup assigned and the asset maintenance level applicable to the branch. The proposal will generally permit the asset pledge to be lowered to not less than 2 percent of third-party liabilities for insured branches that are perceived to pose a lower potential risk and up to 8 percent of liabilities for insured branches that are perceived to pose a higher potential risk to the deposit insurance fund. In addition the FDIC's ability to require a higher percentage of pledged assets in appropriate circumstances will remain unchanged in the proposed rule. Although the proposed rule could potentially increase the asset pledge requirement above the existing 5 percent requirement for some insured branches, most of the existing insured branches traditionally exceed the minimum asset maintenance requirements imposed by existing section 347.210, and most of their supervisory ratings are also favorable. Therefore, if the rule is adopted as proposed, the FDIC's asset pledge requirement for most of the existing insured branches will be reduced from its current level. Moreover, the risk-based proposal is designed to increase the degree of protection provided to the FDIC deposit insurance fund as the risk profile for the insured branch deteriorates.

The proposed rule also makes amendments and deletions to the existing rule. Paragraph (d)(1) of the existing rule specifies that certificates of deposit may be pledged as collateral. The additional term ''negotiable'' is being added to the corresponding portion of the proposed rule to clarify this requirement because negotiable certificates of deposit are marketable, while other types of certificates of deposit may exist that could provide less protection to the FDIC in the event they had to be liquidated quickly. Thus, certificates of deposit that are not negotiable will not qualify as acceptable collateral for purposes of the asset pledge requirement. In addition, the FDIC is proposing to amend paragraph (d)(2) to add U.S. Treasury bills as an additional form of eligible collateral. Finally, paragraph (f) of the existing rule is removed in the proposed rule because it is essentially a delegation of authority. Over the past several years the FDIC has removed its delegations of authority for supervisory matters from its rules and now generally addresses these matters by internal delegations of authority from the FDIC's Board of Directors.

10. Asset Maintenance (Revised § 347.210)

Proposed section 347.210 contains revisions to existing section 347.211 that are largely related to the asset maintenance calculation for insured branches. As revised, the proposed rule will require insured branches to maintain eligible assets on a daily basis in an amount not less than 106 percent of the insured branch's daily third-party liabilities, rather than based upon the preceding quarter's average book value of the insured branch's liabilities. Although the existing calculation method has been in place for a number of years, there have been some instances where insured branches were winding down their operations and needed to be allowed to calculate their asset maintenance on a daily basis to maintain compliance with the asset maintenance requirement. The FDIC believes that requiring that the calculation be made based on the daily third-party liabilities of the branch will avoid these and other potential anomalies that can be caused by using liability information from the preceding quarter.

In addition, although requiring the asset maintenance ratio to be calculated based on the daily assets and liabilities of a branch may require some adjustment of existing processes, the FDIC does not believe it will require much additional preparation by insured branches. The FDIC also believes this formula's application will be more straightforward and the asset maintenance calculation will be easier for the insured branches to determine. Nevertheless, the FDIC is soliciting public comment regarding this proposal.

Other revisions to paragraph (a) of the existing rule include elimination of the alternative calculation for newly-established branches and the reference to the ''Board of Directors.'' Paragraph (d) of the existing rule is revised to require that the asset maintenance

[9] The ROCA system represents the rating of risk management, operational controls, compliance, and asset quality of a Foreign Banking Organization's U.S. operations.

calculations for the branch be retained until the next Federal examination.

11. Examination of Branches of Foreign Banks (Revised § 347.211)

Section 347.211 of the proposal contains the text of existing section 347.214.

12. FDIC Approval to Conduct Activities That Are Not Permissible for Federal Branches (Revised § 347.212)

Section 347.212 revises the text of existing section 347.213. In addition, a specific citation is added to the appropriate section in subpart J that applies to this section for ease of reference.

13. Establishment and Operation of Noninsured Branch (Revised § 347.213)

Section 347.213 of the proposal contains the revised text of existing section 347.204(d). As in the existing rule, the section authorizes foreign banks to operate noninsured branches if any such branch:

- Is conducting only a wholesale deposit taking operation;
- Is accepting only deposits that are permissible for an Edge Act corporation pursuant to proposed rule 347.214; or
- Meets the requirements for an exemption from the definition of ''domestic retail deposit activity'' pursuant to proposed rule 347.215.

The paragraph is separated from the other paragraphs in existing section 347.204 because paragraphs (a)–(c) are equally applicable to state and federal branches that are insured. As indicated earlier, paragraphs (a)–(c) of section 347.204 are contained in proposed section 347.206. Because this paragraph addresses only noninsured state branches, it is placed in its own section and grouped with other sections of the subpart that relate only to noninsured state branches.

14. Branch Established Under Section 5 of the International Banking Act (Revised § 347.214)

Section 347.214 of the proposal contains the revised text of existing section 347.205.

15. Exemption From Deposit Insurance Requirement (Revised § 347.215)

Section 347.215 of the proposal contains revised text of existing section 347.206. Paragraph (c)(2) has been revised to delete the exception for non-time deposits because the timeframe stated in the existing rule has expired. Other revisions to the text are not substantive, and a specific citation has been added to the section of subpart J of part 303 that applies to this section.

16. Depositor Notification (Revised § 347.216)

Section 347.216 of the proposal contains the text of existing section 347.207.

V. Request for Comments on Deposit Insurance for Wholesale U.S. Branches of Foreign Banks

As part of the EGRPRA process, an industry trade association indicated that some foreign banks with U.S. wholesale branches (*i.e.,* branches that are not engaged in domestic retail deposit activities that require FDIC insurance) may be interested in obtaining deposit insurance and recommended that the FDIC should no longer discourage international banks from applying for ''optional'' deposit insurance.

To place this observation in context, prior to 1998, the FDIC had a rule authorizing ''optional insurance'' for U.S. branches of foreign banks. In 1998 the optional insurance rule was eliminated as part of the revision and consolidation of various parts of the FDIC rules into part 347. At that time, to summarize the discussion contained in the 1998 Final Rule, the FDIC observed that the subsidiary requirement imposed by section 6(d) of the IBA appeared to reach only domestic retail deposit taking activities of foreign banks. Because section 5(b) of the FDI Act (12 U.S.C. 1815(b)), addressing deposit insurance applications for U.S. branches of foreign banks, had not been repealed, it arguably may be possible for a U.S. branch of a foreign bank that does not engage in domestic retail deposit activity to seek deposit insurance from the FDIC. The FDIC further observed, however, that as a practical matter, it did not foresee many circumstances in which it could be appropriate for the FDIC's Board of Directors to approve such an application, but that the elimination of the optional insurance rule would not affect a foreign bank's ability to argue that it may make such an application under section 5(b) of the FDI Act.

Finally, the FDIC observed that the FDIC Board of Directors would have to determine whether to actually accept and approve such an application, based on its review of the facts and circumstances involved, in addition to the pertinent legal and policy considerations.

Among the arguments advanced to support an expanded view of the availability of deposit insurance for wholesale branches was that:

- A ''plain meaning'' construction of section 5(b) permits ''any branch''—including a wholesale branch—to become insured;
- Congress expressly prohibited foreign banks from obtaining FDIC insurance for branches ''engaged in domestic retail deposit activities'' but did not remove the statutory provisions authorizing foreign banks to apply for deposit insurance for wholesale branches;
- The FDIC's approach ignores significant changes in regulatory practices and structures that have occurred since 1991 with regard to foreign banks; broader acceptance of the principle of ''investor choice;'' and rejection of a broader policy to force foreign banks to operate in the U.S. only through subsidiaries;
- Wholesale depositors often seek the benefits of FDIC insurance—even though the full amount of their deposits may not be insured. The ability to offer these benefits through a U.S. branch would provide a benefit to customers and increase a foreign bank's funding options;
- Optional FDIC insurance is likely to be attractive primarily to foreign banks already operating FDIC-insured branches and subsidiaries in the U.S. and to a relatively small number of other foreign banks, especially those seeking to serve particular ethnic markets. As a result, a more liberal policy likely would have a minimal effect on the deposit insurance fund; and
- Permitting wholesale branches to obtain deposit insurance is consistent with the business model that has been followed by some major U.S. banks that have retained insurance while focusing on wholesale markets.

While the FDIC recognizes the arguments advanced by the trade association and appreciates that some foreign banks may be reluctant to file deposit insurance applications, the FDIC believes that it is difficult to reconcile the concept that Congress imposed the subsidiary requirement with regard to domestic retail deposit activity requiring deposit insurance for the protection of the FDIC with the implicit assumption that Congress did not believe such protection was needed with regard to wholesale branches of foreign banks.[10] In this respect, it

[10] For example, Senator Donald W. Riegle, who introduced the amendment adding the subsidiary requirement to section 6 of the IBA, explained the rationale for the amendment, at 137 Cong. Rec. S18617, S18623 (daily ed. November 27, 1991), as follows:

''Another section of the conference report foreign bank subtitle ensures that foreign banks, that wish to accept or maintain insured deposit accounts, do

Continued

should be noted that even though the deposits of such branches may be characterized as ''wholesale,'' the branch deposits would be insured to the same extent as any other deposits maintained in an insured depository institution and that it is possible to obtain more than $100,000 in deposit insurance coverage if the customer accounts are structured correctly.

In addition, many of the reasons offered in the past against insuring retail branches apply equally to wholesale branches. For example, various legal issues arise in the branch context that are more difficult to predict and address than those involving banking subsidiaries and, thus, potentially pose additional risks to the deposit insurance fund. As the FDIC noted even prior to the 1991 statutory amendments regarding insured domestic retail deposit activities by U.S. branches of foreign banks, directors of a foreign bank are not usually subject to the U.S. jurisdiction, and domestic branch personnel essential to explaining certain transactions could be transferred beyond the reach of U.S. authorities. Essential records could also be difficult to reach if they are kept at the head office or at branches in other countries. The FDIC also has recognized in the past that a U.S. branch could be subjected to requirements under foreign laws or to political or economic decisions of a foreign government which conflict with domestic bank regulatory policies. In addition, a recognized advantage of operating through a branch, as opposed to subsidiary structure, is the ability to engage in transactions with the home office without significant operational restrictions that might otherwise be applied to transactions with affiliates of insured U.S. banks. Finally, insolvency of a foreign bank with a multinational branch structure may pose complicated and time-consuming issues regarding the resolution of the branch that could more likely be avoided in situations involving banking subsidiaries.

so only in subsidiary banks incorporated in the United States. Although the taking of retail deposits in insured branches is not presently a widespread practice by foreign banks, I pushed for enactment of this provision as a safeguard against any future expansion of this practice in order to better safeguard the bank insurance fund from losses by branches of banks whose full operations we do not oversee or control. In the past the FDIC has expressed concerns that in the event of insolvency of a foreign bank, assets could easily be shifted from the U.S. branch and out of U.S. jurisdiction while deposits could be shifted to the U.S. branch. Such practices, of course, would create new risks for the bank insurance fund and taxpayers who stand behind it. During his September 24, 1991 confirmation hearing William Taylor, Chairman of the FDIC, endorsed this provision.''

The proposed expansive approach to deposit insurance for wholesale U.S. branches also appears to raise additional concerns, including the following:

- The size and legal structure of cross-border wholesale branch operations, as opposed to similar operations through domestic banking subsidiaries, may pose additional risks to the deposit insurance fund. Regarding the size of the operations, for example, the trade association indicated that foreign banks hold over $3 trillion in assets through their U.S. operations, including over $1 trillion in assets in nearly 300 U.S. branches and agencies of foreign banks. Although it has been represented that only a small number of these branches and U.S. subsidiaries would be interested in obtaining deposit insurance, the potential for a larger number of branches seeking the benefit of FDIC deposit insurance could present a considerable and imprudent expansion of the deposit insurance safety net. Regarding the legal structure of cross-border wholesale branches, while the branch structure theoretically can provide more economic support from the foreign bank than a subsidiary structure, the livelihood of a branch is highly dependent on the continued economic viability of the foreign bank. Unlike a subsidiary bank, which is separately capitalized and can continue to operate independently of the foreign bank, if the foreign bank becomes insolvent, in all likelihood the bank's branches will also be rendered insolvent or require intervention.
- The potential benefit to the wholesale branch depositors of the liberalized approach may not be as significant for the branch's depositors as the potential benefits that may accrue to the foreign bank, through potentially reduced funding costs as a result of obtaining FDIC deposit insurance. This raises concerns, from a policy perspective, about whether this should be considered a proper use of the deposit insurance funds and about the FDIC's reputation as a deposit insurer. It also raises concerns about the potential for foreign citizens being confused or misled by foreign bank marketing of FDIC deposit insurance coverage for wholesale branch deposits.
- It may also be difficult to ensure that deposit insurance for wholesale branches would not be utilized as a mechanism to circumvent or weaken the subsidiary requirement imposed by section 6(d) of the IBA. For example, an argument might be made that an initial deposit for a nominal amount in excess of $100,000 qualifies as a ''wholesale deposit,'' even thought the balance in the account immediately falls below $100,000 and, even with subsequent deposits, the balance in the account never again exceeds the $100,000.

Based on the foregoing discussion, the FDIC continues to believe the statements made in the 1998 Final Rule are appropriate with regard to deposit insurance for wholesale U.S. branches of foreign banks, but welcomes public comments on this issue. The FDIC expects to take appropriate action after consideration of the comments received.

VI. Regulatory Flexibility Act Analysis

The FDIC is required by section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a)) to publish an initial regulatory flexibility analysis with this rulemaking or certify that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. For purposes of the analysis or certification, financial institutions with assets of $150 million or less are considered ''small entities.'' For the reasons stated below, the FDIC certifies, pursuant to 5 U.S.C. 605(b), that the amendments and revisions contained in this proposed rule will not, if promulgated through a final rule, have a significant economic impact on a substantial number of small entities.

The proposed rule makes primarily technical revisions to update, reorganize, and clarify the existing rules in subpart A of part 347 and subpart J of part 303. Subpart J of part 303 contains the procedural rules that implement part 347. The rules in subpart A of part 347 address issues related to the international activities and investments of insured state nonmember banks. In general, they implement the FDIC's statutory authority under section 18(d)(2) of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1828(d)(2)), regarding branches of insured state nonmember banks in foreign countries, and section 18(l) of the FDI Act, regarding insured state nonmember bank investments in foreign entities. As of December 31, 2003, there were approximately 4,833 state nonmember banks, but fewer than 50 of those institutions had foreign investments or foreign branches. Available information indicates that state nonmember banks with foreign investments or foreign branches are not small entities. For example, none of the state nonmember banks with foreign branches is a small entity, and none of the foreign investment applications processed in 2003 involved small entities.

The proposed rule also makes revisions to update, reorganize, and clarify the existing rules in subpart B of

347, as well as additional revisions and amendments that address supervisory issues. The rules in subpart B of part 347 principally address issues related to insured and noninsured U.S. branches of foreign banks under section 6 of the International Banking Act (IBA)(12 U.S.C. 3104). As of December 31, 2003, there were approximately 237 U.S. branches of foreign banks, including 12 insured branches. Of this number, there were approximately 71 U.S. branches of foreign banks that appear to qualify as small entities, including 6 insured branches. The 12 insured branches are presently subject to the FDIC's asset pledge and asset maintenance requirements, which are revised in sections 347.209 and 347.210 of the proposed rule. Although the revision of the asset pledge requirement to implement a risk-based approach may result in an increase in the amount of assets pledged for insured branches with low supervisory ratings, the FDIC does not believe this will affect the insured branches that qualify as small entities. The FDIC also is simplifying the asset maintenance calculation in section 347.210. The formula will require that third-party liabilities be calculated on a daily basis, rather than based upon the preceding quarter's average book value of the insured branch's liabilities (as required in existing section 347.211). This revision will apply to all insured branches, including the small entities, but the FDIC believes this calculation method will make compliance with the regulatory requirement less difficult for the affected institutions. Although the change may require some modifications to existing computer programs, these should not be significant because there should already be a daily reconcilement of assets and liabilities occurring in the branches. The requirement that the asset maintenance calculations be retained until the next Federal examination also should not result in a significant economic impact on the small entities because retention of each branch's liability calculations until the next Federal examination is already required under the existing asset maintenance rule. Other revisions being proposed to the rules affecting noninsured branches are not substantive and, thus, should have no significant economic impact on noninsured branches that qualify as small entities.

Finally, no amendments are being proposed to the rules in subpart C. The public merely is being given an opportunity, in this rulemaking proceeding, to comment on the accounting and reporting rules related to international lending that are contained in subpart C of part 347.

VII. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The FDIC has two OMB-approved information collections (3064–0125, Foreign Branching and Investment by Insured State Nonmember Banks, and 3064–0114, Foreign Banks) which cover the paperwork burden associated with Subparts A and B of Part 347. The information collections in 3064–0125 consist of applications related to establishing and closing a foreign branch; applications related to acquiring stock of a foreign organization; and records and reports which a nonmember bank must maintain once it has established a foreign branch or foreign organization. The information collections in 3064–0114 consist of applications to operate as a noninsured state-licensed branch of a foreign bank; applications from an insured state-licensed branch of a foreign bank to conduct activities which are not permissible for a federally-licensed branch; internal recordkeeping by insured branches of foreign banks; and reporting requirements related to an insured branch's pledge of assets to the FDIC. This proposal to amend Part 347, Subparts A and B will not result in any change in the current estimated paperwork burden associated with the regulation, therefore no submission has been made to OMB under the Paperwork Reduction Act.

VIII. Plain Language Requirement

Section 722 of the Gramm-Leach-Bliley Act of 1999 requires the federal banking agencies to use ''plain language'' in all proposed and final rules published after January 1, 2000. We invite your comments on how to make this proposal easier to understand. For example:

(1) Have we organized the material to suit your needs?

(2) Are the requirements in the rule clearly stated?

(3) Does the rule contain technical language or jargon that isn't clear?

(4) What else could we do to make the rule easier to understand?

IX. Assessment of Impact of Federal Regulation on Families

The FDIC has determined that the proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277, 112 Stat. 2681).

List of Subjects

12 CFR Part 303

Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 325

Banks, banking, Reporting and recordkeeping requirements.

12 CFR Part 327

Bank deposit insurance, Banks, banking, Savings associations.

12 CFR Part 347

Authority delegations (Government agencies), Bank deposit insurance, Banks, banking, Credit, Foreign banking, Investments, Reporting and recordkeeping requirements, United States investments abroad.

For the reasons set forth above and under the authority of 12 U.S.C. 1819(a)(Tenth), the FDIC Board of Directors hereby proposes to amend 12 CFR chapter III as follows:

PART 303—FILING PROCEDURES

Subpart J—International Banking

1. The authority citation for part 303 continues to read as follows:

Authority: 12 U.S.C. 378, 1813, 1815, 1817, 1818, 1819 (Seventh and Tenth), 1820, 1823, 1828, 1831a, 1831e, 1831o, 1831p-1, 1831w, 1835a, 1843(l), 3104, 3105, 3108, 3207; 15 U.S.C. 1601–1607.

2. Revise § 303.182 to read as follows:

§ 303.182 Establishing, moving or closing a foreign branch of an insured state nonmember bank.

(a) *Notice procedures for general consent.* Notice in the form of a letter from an eligible depository institution establishing or relocating a foreign branch pursuant to § 347.117(a) of this chapter must be provided to the appropriate FDIC office no later than 30 days after taking such action. The notice must include the location of the foreign branch, including a street address, and a statement that the foreign branch has

not been located on a site on the World Heritage List or on the foreign country's equivalent of the National Register of Historic Places (National Register), in accordance with section 402 of the National Historic Preservation Act Amendments of 1980 (NHPA Amendments Act) (16 U.S.C. 470a–2). The FDIC will provide written acknowledgment of receipt of the notice.

(b) *Filing procedures for other branch establishments*—(1) *Where to file.* An applicant seeking to establish a foreign branch other than under § 347.117(a) of this chapter shall submit an application to the appropriate FDIC office.

(2) *Content of filing.* A complete letter application must include the following information:

(i) The exact location of the proposed foreign branch, including the street address, and a statement whether the foreign branch will be located on a site on the World Heritage List or on the foreign country's equivalent of the National Register, in accordance with section 402 of the NHPA Amendments Act;

(ii) Details concerning any involvement in the proposal by an insider of the applicant, as defined in § 303.2(u) of this part, including any financial arrangements relating to fees, the acquisition of property, leasing of property, and construction contracts;

(iii) A brief description of the applicant's business plan with respect to the foreign branch; and

(iv) A brief description of the proposed activities of the branch and, to the extent any of the proposed activities are not authorized by § 347.115 of this chapter, the applicant's reasons why they should be approved.

(3) *Additional information.* The FDIC may request additional information to complete processing.

(c) *Processing*—(1) *Expedited processing for eligible depository institutions.* An application filed under § 347.118(a) of this chapter by an eligible depository institution as defined in § 303.2(r) of this part seeking to establish a foreign branch by expedited processing will be acknowledged in writing by the FDIC and will receive expedited processing, unless the applicant is notified in writing to the contrary and provided with the basis for that decision. The FDIC may remove the application from expedited processing for any of the reasons set forth in § 303.11(c)(2) of this part. Absent such removal, an application processed under expedited processing is deemed approved 45 days after receipt of a substantially complete application by the FDIC, or on such earlier date authorized by the FDIC in writing.

(2) *Standard processing.* For those applications that are not processed pursuant to the expedited procedures, the FDIC will provide the applicant with written notification of the final action when the decision is rendered.

(d) *Closing.* Notices of branch closing under § 347.121 of this chapter, in the form of a letter including the name, location, and date of closing of the closed branch, shall be filed with the appropriate FDIC office no later than 30 days after the branch is closed.

3. In § 303.183, revise the title and paragraphs (a), (b)(1), and (c)(1) to read as follows:

§ 303.183 Investment by insured state nonmember banks in foreign organization.

(a) *Notice procedures for general consent.* Notice in the form of a letter from an eligible depository institution making direct or indirect investments in a foreign organization pursuant to § 347.117(b) of this chapter shall be provided to the appropriate FDIC office no later than 30 days after taking such action. The FDIC will provide written acknowledgment of receipt of the notice.

(b) *Filing procedures for other investments*—(1) *Where to file.* An applicant seeking to make a foreign investment other than under § 347.117(b) of this chapter shall submit an application to the appropriate FDIC office.

* * * * *

(c) *Processing*—(1) *Expedited processing for eligible depository institutions.* An application filed under § 347.118(b) of this chapter by an eligible depository institution as defined in § 303.2(r) of this part seeking to make direct or indirect investments in a foreign organization will be acknowledged in writing by the FDIC and will receive expedited processing, unless the applicant is notified in writing to the contrary and provided with the basis for that decision. The FDIC may remove the application from expedited processing for any of the reasons set forth in § 303.11(c)(2) of this part. Absent such removal, an application processed under expedited processing is deemed approved 45 days after receipt of a substantially complete application by the FDIC, or on such earlier date authorized by the FDIC in writing.

* * * * *

4. In § 303.184, revise paragraph (b)(1) to read as follows:

§ 303.184 Moving an insured branch of a foreign bank.

* * * * *

(b) *Processing*—(1) *Expedited processing for eligible insured branches.* An application filed by an eligible insured branch as defined in § 303.181(c) of this part will be acknowledged in writing by the FDIC and will receive expedited processing if the applicant is proposing to move within the same state, unless the applicant is notified to the contrary and provided with the basis for that decision. The FDIC may remove an application from expedited processing for any of the reasons set forth in § 303.11(c)(2) of this part. Absent such removal, an application processed under expedited processing will be deemed approved on the latest of the following:

(i) The 21st day after the FDIC's receipt of a substantially complete application; or

(ii) The 5th day after expiration of the comment period described in paragraph (c) of this section.

* * * * *

5. In § 303.186, revise the title and paragraphs (a)(1) to read as follows:

§ 303.186 Exemptions from insurance requirements for a state branch of a foreign bank.

(a) *Filing procedures*—(1) *Where to file.* An application by a foreign bank for consent to operate as a noninsured state branch, as permitted by § 347.215(b) of this chapter, shall be submitted in writing to the appropriate FDIC office.

* * * * *

6. In § 303.187, revise the title and paragraphs (a)(1), (a)(2)(iv) and (b)(1) to read as follows:

§ 303.187 Approval for an insured state branch of a foreign bank to conduct activities not permissible for federal branches.

(a) *Filing procedures*—(1) *Where to file.* An application by an insured state branch seeking approval to conduct activities not permissible for a federal branch, as required by § 347.212(a) of this chapter, shall be submitted in writing to the appropriate FDIC office.

(2) * * *

(iv) A statement by the applicant of whether it is in compliance with §§ 347.209 and 347.210 of this chapter;

* * * * *

(b) *Divestiture or cessation*—(1) *Where to file.* Divestiture plans necessitated by a change in law or other authority, as required by § 347.212(e) of this chapter, shall be submitted in writing to the appropriate FDIC office.

* * * * *

PART 325—CAPITAL MAINTENANCE

7. The authority citation for part 325 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819 (Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, 2355, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note).

8. In § 325.103, revise paragraph (c) to read as follows:

§ 325.103 Capital measures and capital category definitions.

* * * * *

(c) *Capital categories for insured branches of foreign banks.* For purposes of the provisions of section 38 and this subpart, an insured branch of a foreign bank shall be deemed to be:

(1) Well capitalized if the insured branch:

(i) Maintains the pledge of assets required under § 347.209 of this chapter; and

(ii) Maintains the eligible assets prescribed under § 347.210 of this chapter at 108 percent of the insured branch's daily third-party liabilities; and

(iii) Has not received written notification from:

(A) The OCC to increase its capital equivalency deposit pursuant to 12 CFR 28.15(b), or to comply with asset maintenance requirements pursuant to 12 CFR 28.20; or

(B) The FDIC to pledge additional assets pursuant to § 347.209 of this chapter or to maintain a higher ratio of eligible assets pursuant to § 347.210 of this chapter.

(2) Adequately capitalized if the insured branch:

(i) Maintains the pledge of assets required under § 347.209 of this chapter; and

(ii) Maintains the eligible assets prescribed under § 347.210 of this chapter at 106 percent of the insured branch's daily third-party liabilities; and

(iii) Does not meet the definition of a well capitalized insured branch.

(3) Undercapitalized if the insured branch:

(i) Fails to maintain the pledge of assets required under § 347.209 of this chapter; or

(ii) Fails to maintain the eligible assets prescribed under § 347.210 of this chapter at 106 percent or more of the insured branch's daily third-party liabilities.

(4) Significantly undercapitalized if it fails to maintain the eligible assets prescribed under § 347.210 of this chapter at 104 percent of the insured branch's daily third-party liabilities.

(5) Critically undercapitalized if it fails to maintain the eligible assets prescribed under § 347.210 of this chapter at 102 percent or more of the insured branch's daily third-party liabilities.

* * * * *

PART 327—ASSESSMENTS

9. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1441, 1441b, 1813, 1815, 1817–1819; Pub. L. 104–208, 110 Stat. 3009–479 (12 U.S.C. 1821).

10. In § 327.4, revise paragraphs (a)(1)(i)(B)(1), (a)(1)(i)(B)(2), (a)(1)(ii)(B)(1), and (a)(1)(ii)(B)(2) to read as follows:

§ 327.4 Annual assessment rate.

(a) * * *

(1) * * *

(i) * * *

(B) * * *

(1) Maintains the pledge of assets required under § 347.209 of this chapter; and

(2) Maintains the eligible assets prescribed under § 347.210 of this chapter at 108 percent of the insured branch's daily third-party liabilities.

(ii) * * *

(B) * * *

(1) Maintains the pledge of assets required under § 347.209 of this chapter; and

(2) Maintains the eligible assets prescribed under § 347.210 of this chapter at 106 percent of the insured branch's daily third-party liabilities; and

* * * * *

11. Revise part 347 to read as follows:

PART 347—INTERNATIONAL BANKING

Subpart A—Foreign Banking and Investment by Insured State Nonmember Banks

Sec.
347.101 Authority, purpose, and scope.
347.102 Definitions.
347.103 Effect of state law on actions taken under this subpart.
347.104 Insured state nonmember bank investment in foreign organizations.
347.105 Permissible financial activities outside the United States.
347.106 Going concerns.
347.107 Joint ventures.
347.108 Portfolio investments.
347.109 Limitations on indirect investments in nonfinancial organizations.
347.110 Affiliate holdings.
347.111 Underwriting and dealing limits applicable to foreign organizations held by insured state nonmember banks.
347.112 Restrictions applicable to foreign organizations that act as futures commission merchants.
347.113 Restrictions applicable to activities by a foreign organization in the United States.
347.114 Extensions of credit to foreign organizations held by insured state nonmember banks; shares of foreign organizations held in connection with debts previously contracted.
347.115 Permissible activities for a foreign branch of an insured state nonmember bank.
347.116 Recordkeeping and supervision of the foreign activities of insured state nonmember banks.
347.117 General consent.
347.118 Expedited processing.
347.119 Specific consent.
347.120 Computation of investment amounts.
347.121 Requirements for insured state nonmember bank to close a foreign branch.
347.122 Limitations applicable to the authority provided in this subpart.

Subpart B—Foreign Banks

347.201 Authority, purpose, and scope.
347.202 Definitions.
347.203 Deposit insurance required for all branches of foreign banks engaged in domestic retail deposit activity in the same state.
347.204 Commitment to be examined and provide information.
347.205 Record maintenance.
347.206 Domestic retail deposit activity requiring deposit insurance by U.S. branch of a foreign bank.
347.207 Disclosure of supervisory information to foreign supervisors.
347.208 Assessment base deductions by insured branch.
347.209 Pledge of assets.
347.210 Asset maintenance.
347.211 Examination of branches of foreign banks.
347.212 FDIC approval to conduct activities that are not permissible for federal branches.
347.213 Establishment or operation of noninsured foreign branch.
347.214 Branch established under section 5 of the International Banking Act.
347.215 Exemptions from deposit insurance requirement.
347.216 Depositor notification.

Subpart C—International Lending

347.301 Purpose, authority, and scope.
347.302 Definitions.
347.303 Allocated transfer risk reserve.
347.304 Accounting for fees on international loans.
347.305 Reporting and disclosure of international assets.

Authority: 12 U.S.C. 1813, 1815, 1817, 1819, 1820, 1828, 3103, 3104, 3105, 3108, 3109; Title IX, Pub. L. 98–181, 97 Stat. 1153.

Subpart A—Foreign Banking and Investment by Insured State Nonmember Banks

§ 347.101 Authority, purpose, and scope.

(a) This subpart is issued pursuant to section 18(d) and (*l*) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d), 1828(*l*)).

(b) The rules in subpart A address the FDIC's requirements for insured state nonmember bank investments in foreign organizations, permissible foreign financial activities, loans or extensions of credit to or for the account of foreign organizations, and the FDIC's recordkeeping, supervision, and approval requirements. The rules also address the permissible activities for foreign branches of insured state nonmember banks, as well as the FDIC's requirements for establishing, operating, relocating and closing of branches in foreign countries.

§ 347.102 Definitions.

For the purposes of this subpart:

(a) An *affiliate* of an insured state nonmember bank means:

(1) Any entity of which the insured state nonmember bank is a direct or indirect subsidiary or which otherwise controls the insured state nonmember bank;

(2) Any organization which is a direct or indirect subsidiary of such entity or which is otherwise controlled by such entity; or

(3) Any other organization that is a direct or indirect subsidiary of the insured state nonmember bank or is otherwise controlled by the insured state nonmember bank.

(b) *Control* means the ability to control in any manner the election of a majority of an organization's directors or trustees; or the ability to exercise a controlling influence over the management and policies of an organization. An insured state nonmember bank is deemed to control an organization of which it is a general partner or its affiliate is a general partner.

(c) *Domestic* means United States.

(d) *Eligible* insured state nonmember bank means an eligible depository institution as defined in § 303.2(r) of this chapter.

(e) *Equity interest* means any ownership interest or rights in an organization, whether through an equity security, contribution to capital, general or limited partnership interest, debt or warrants convertible into ownership interests or rights, loans providing profit participation, binding commitments to acquire any such items, or some other form of business transaction.

(f) *Equity security* means voting or nonvoting shares, stock, investment contracts, or other interests representing ownership or participation in a company or similar enterprise, as well as any instrument convertible to any such interest at the option of the holder without payment of substantial additional consideration.

(g) *FRB* means the Board of Governors of the Federal Reserve System.

(h) *Foreign bank* means an organization that is organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands that:

(1) Is recognized as a bank by the bank supervisory or monetary authority of the country of its organization or the country in which its principal banking operations are located;

(2) Receives deposits to a substantial extent in the regular course of its business; and

(3) Has the power to accept demand deposits.

(i) *Foreign banking organization* means a foreign organization that is formed for the sole purpose of either holding shares of a foreign bank or performing nominee, fiduciary, or other banking services incidental to the activities of a foreign branch or foreign bank affiliate of the insured state nonmember bank.

(j) *Foreign branch* means an office or place of business located outside the United States, its territories, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands, at which banking operations are conducted, but does not include a representative office.

(k) *Foreign country* means any country other than the United States and includes any territory, dependency, or possession of any such country or of the United States.

(l) *Foreign organization* means an organization that is organized under the laws of a foreign country.

(m) *Insured state nonmember bank or bank* means a state bank, as defined by section 3(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)(2)), whose deposits are insured by the FDIC and that is not a member of the Federal Reserve System.

(n) *Indirectly* means investments held or activities conducted by a subsidiary of an organization.

(o) *Investment grade* means a security that is rated in one of the four highest categories by:

(1) Two or more NRSROs; or

(2) One NRSRO if the security is rated by only one NRSRO.

(p) *Loan or extension of credit* means all direct and indirect advances of funds to a person, government, or entity made on the basis of any obligation of that person, government, or entity to repay funds.

(q) *Organization or entity* means a corporation, partnership, association, bank, or other similar entity.

(r) *NRSRO* means a nationally recognized statistical rating organization as designated by the Securities and Exchange Commission.

(s) *Representative office* means an office that engages solely in representative functions such as soliciting new business for its home office or acting as liaison between the home office and local customers, but which has no authority to make business or contracting decisions other than those relating to the personnel and premises of the representative office.

(t) *Subsidiary* means any organization more than 50 percent of the voting equity interests of which are directly or indirectly held by another organization.

(u) *Tier 1 capital* means Tier 1 capital as defined in section 325.2 of this chapter.

(v) *Well capitalized* means well capitalized as defined in section 325.103 of this chapter.

§ 347.103 Effect of state law on actions taken under this subpart.

A bank may acquire and retain equity interests in a foreign organization or establish a foreign branch, subject to the requirements of this subpart, if it is authorized to do so by the law of the state in which the bank is chartered.

§ 347.104 Insured state nonmember bank investments in foreign organizations.

(a) *Investment in foreign banks or foreign banking organizations.* A bank may directly or indirectly acquire and retain equity interests in a foreign bank or foreign banking organization.

(b) *Investment in other foreign organizations.* A bank may only:

(1) acquire and retain equity interests in foreign organizations, other than foreign banks or foreign banking organizations in amounts of 50 percent or less of the foreign organization's voting equity interests, if the equity interest is held through a domestic or foreign subsidiary; and

(2) the bank meets its minimum capital requirements.

§ 347.105 Permissible financial activities outside the United States.

(a) *Limitation on authorized activities.* A bank may not directly or indirectly acquire or hold equity interests in a foreign organization that will result in the bank and its affiliates:

(1) Holding more than 50 percent, in the aggregate, of the voting equity interest in such foreign organization; or

(2) Controlling such foreign organization, unless the activities of a foreign organization are limited to those authorized under paragraph (b) of this section.

(b) *Authorized activities.* The following financial activities are authorized outside the United States:

(1) Commercial and other banking activities.

(2) Financing, including commercial financing, consumer financing, mortgage banking, and factoring, subject to compliance with any attendant restrictions contained in 12 CFR 225.28(b).

(3) Leasing real or personal property, acting as agent, broker or advisor in leasing real or personal property, subject to compliance with any attendant restrictions in 12 CFR 225.28(b).

(4) Acting as a fiduciary, subject to compliance with any attendant restrictions in 12 CFR 225.28(b).

(5) Underwriting credit life, credit accident and credit health insurance.

(6) Performing services for other direct or indirect operations of a domestic banking organization, including representative functions, sale of long-term debt, name saving, liquidating assets acquired to prevent loss on a debt previously contracted in good faith, and other activities that are permissible for a bank holding company under sections 4(a)(2)(A) and 4(c)(1)(C) of the Bank Holding Company Act.

(7) Holding the premises of a branch of an Edge corporation or insured state nonmember bank or the premises of a direct or indirect subsidiary, or holding or leasing the residence of an officer or employee of a branch or a subsidiary.

(8) Providing investment, financial, or economic services, subject to compliance with any attendant restrictions in 12 CFR 225.28(b).

(9) General insurance agency and brokerage.

(10) Data processing.

(11) Organizing, sponsoring, and managing a mutual fund if the fund's shares are not sold or distributed in the United States or to U.S. residents and the fund does not exercise management control over the firms in which it invests.

(12) Performing management consulting services, provided that such services when rendered with respect to the domestic market must be restricted to the initial entry.

(13) Underwriting, distributing, and dealing in debt securities outside the United States.

(14) With the prior approval of the FDIC under § 347.120(d), underwriting, distributing, and dealing in equity securities outside the United States.

(15) Operating a travel agency in connection with financial services offered outside the United States by the bank or others.

(16) Providing futures commission merchant services, subject to compliance with any attendant restrictions in 12 CFR 225.28(b).

(17) Engaging in activities that the FRB has determined in Regulation Y (12 CFR 225.28(b)) are closely related to banking under section 4(c)(8) of the Bank Holding Company Act.

(18) Engaging in other activities, with the prior approval of the FDIC.

(c) *Limitation on activities authorized under Regulation Y.* If a bank relies solely on the cross-reference to Regulation Y contained in paragraph (b)(17) of this section as authority to engage in an activity, compliance with any attendant restrictions on the activity that are contained in 12 CFR 225.28(b) is required.

(d) *Approval of other activities.* Activities that are not specifically authorized by this section, but that are authorized by 12 CFR 211.10 or FRB interpretations of activities authorized by that section, may be authorized by specific consent of the FDIC on an individual basis and upon such terms and conditions as the FDIC may consider appropriate. Activities that will be engaged in as principal (defined by reference to § 362.1(b) of this chapter), and that are not authorized by 12 CFR 211.10 or FRB interpretations of activities authorized under that section, must satisfy the requirements of part 362 of this chapter and be approved by the FDIC under this part as well as part 362 of this chapter.

§ 347.106 Going concerns.

Going concerns. If a bank acquires an equity interest in a foreign organization that is a going concern, no more than 5 percent of either the consolidated assets or revenues of the foreign organization may be attributable to activities that are not permissible under § 347.105(b).

§ 347.107 Joint ventures.

(a) *Joint ventures.* If a bank, directly or indirectly, acquires or holds an equity interest in a foreign organization that is a joint venture, and the bank or its affiliates do not control the foreign organization, no more than 10 percent of either the consolidated assets or revenues of the foreign organization may be attributable to activities that are not permissible under § 347.105(b).

(b) *Joint venture defined.* For purposes of this section, the term ''joint venture'' means any organization in which 20 percent or more but not in excess of 50 percent of the voting equity interests, in the aggregate, are directly or indirectly held by a bank or its affiliates.

§ 347.108 Portfolio investments.

(a) *Portfolio investments.* If a bank, directly or indirectly, acquires or holds an equity interest in a foreign organization as a portfolio investment and the foreign organization is not controlled, directly or indirectly, by the bank or its affiliates:

(1) No more than 10 percent of either the consolidated assets or revenues of the foreign organization may be attributable to activities that are not permissible under § 347.105(b); and

(2) Any loans or extensions of credit made by the bank and its affiliates to the foreign organization must be on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions between the bank or its affiliates and nonaffiliated organizations.

(b) *Portfolio investment defined.* For purposes of this section, the term ''portfolio investment'' means an investment in an organization in which less than 20 percent of the voting equity interests, in the aggregate, are directly or indirectly held by a bank or its affiliates.

§ 347.109 Limitations on indirect investments in nonfinancial foreign organizations.

(a) A bank may, through a subsidiary authorized by § 347.105 or 347.106, or an Edge corporation if also authorized by the FRB, acquire and hold equity interests in foreign organizations that are not foreign banks or foreign banking organizations and that engage generally in activities beyond those listed in § 347.105(b), subject to the following:

(1) The amount of the investment does not exceed 15 percent of the bank's Tier 1 capital;

(2) The aggregate holding of voting equity interests of one foreign organization by the bank and its affiliates must be less than:

(i) 20 percent of the foreign organization's voting equity interests; and

(ii) 40 percent of the foreign organization's voting and nonvoting equity interests;

(3) The bank or its affiliates must not otherwise control the foreign organization; and

(4) Loans or extensions of credit made by the bank and its affiliates to the foreign organization must be on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for

comparable transactions between the bank or its affiliates and nonaffiliated organizations.

(b) [Reserved]

§ 347.110 Affiliate holdings.

References in §§ 347.107, 347.108, and 347.109 to equity interests of foreign organizations held by an affiliate of a bank include equity interests held in connection with an underwriting or for distribution or dealing by an affiliate permitted to do so by § 362.8 or 362.18 of this chapter or section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)).

§ 347.111 Underwriting and dealing limits applicable to foreign organizations held by insured state nonmember banks.

A bank that holds an equity interest in one or more foreign organizations which underwrite, deal, or distribute equity securities outside the United States as authorized by section 347.105(b)(14) is subject to the following limitations:

(a) *Underwriting commitment limits.*

(1) The aggregate underwriting commitments by the foreign organizations for the equity securities of a single entity, taken together with underwriting commitments by any affiliate of the bank under the authority of 12 CFR 211.10(b), may not exceed the lesser of $60 million or 25 percent of the bank's Tier 1 capital, except as otherwise provided in this paragraph.

(2) Underwriting commitments in excess of this limit must be either:

(i) Covered by binding commitments from subunderwriters or purchasers; or

(ii) Deducted from the capital of the bank, with at least 50 percent of the deduction being taken from Tier 1 capital, with the bank remaining well capitalized after this deduction.

(b) *Distribution and dealing limits.* The equity securities of any single entity held for distribution or dealing by the foreign organizations, taken together with equity securities held for distribution or dealing by any affiliate of the bank under the authority of 12 CFR 211.10:

(1) May not exceed the lesser of $30 million or 5 percent of the bank's Tier 1 capital, subject to the following:

(i) Any equity securities acquired pursuant to any underwriting commitment extending up to 90 days after the payment date for the underwriting may be excluded from this limit;

(ii) Any equity securities of the entity held under the authority of §§ 347.105 through 347.109 or 12 CFR 211.10 for purposes other than distribution or dealing must be included in this limit; and

(iii) Up to 75 percent of the position in an equity security may be reduced by netting long and short positions in the same security, or offsetting cash positions against derivative instruments referenced to the same security so long as the derivatives are part of a prudent hedging strategy; and

(2) Must be included in calculating the general consent limits under § 347.117(b)(3) if the bank relies on the general consent provisions as authority to acquire equity interests of the same foreign entity for investment or trading.

(c) *Additional distribution and dealing limits.* With the exception of equity securities acquired pursuant to any underwriting commitment extending up to 90 days after the payment date for the underwriting, equity securities of a single entity held for distribution or dealing by all affiliates of the bank (this includes shares held in connection with an underwriting or for distribution or dealing by an affiliate permitted to do so by § 362.8 or 362.18 of this chapter or section 4(c)(8) of the Bank Holding Company Act), combined with any equity interests held for investment or trading purposes by all affiliates of the bank, must conform to the limits of § 347.105 through 347.109.

(d) *Combined limits.* The aggregate of the following may not exceed 25 percent of the bank's Tier 1 capital:

(1) All equity interests of foreign organizations held for investment or trading under § 347.109 or by an affiliate of the bank under the corresponding paragraph of 12 CFR 211.10.

(2) All underwriting commitments under paragraph (a) of this section, taken together with all underwriting commitments by any affiliate of the bank under the authority of 12 CFR 211.10, after excluding the amount of any underwriting commitment:

(i) Covered by binding commitments from subunderwriters or purchasers under paragraph (a)(1) of this section or the comparable provision of 12 CFR 211.10; or

(ii) Already deducted from the bank's capital under paragraph (a)(2) of this section, or the appropriate affiliate's capital under the comparable provisions of 12 CFR 211.10; and

(3) All equity securities held for distribution or dealing under paragraph (b) of this section, taken together with all equity securities held for distribution or dealing by any affiliate of the bank under the authority of 12 CFR 211.10, after reducing by up to 75 percent the position in any equity security by netting and offset, as permitted by paragraph (b)(1)(iii) of this section or the comparable provision of 12 CFR 211.10.

§ 347.112 Restrictions applicable to foreign organizations that act as futures commission merchants.

(a) If a bank acquires or retains an equity interest in a foreign organization that acts as a futures commission merchant pursuant to § 347.105(b)(16), the foreign organization may not be a member of an exchange or clearing association that requires members to guarantee or otherwise contract to cover losses suffered by other members unless the:

(1) foreign organization's liability does not exceed two percent of the bank's Tier 1 capital, or

(2) bank has obtained the prior approval of the FDIC under § 347.120(d).

(b) [Reserved]

§ 347.113 Restrictions applicable to activities by a foreign organization in the United States.

(a) A bank, acting under the authority provided in this subpart, may not directly or indirectly hold:

(1) equity interests of any foreign organization that engages in the general business of buying or selling goods, wares, merchandise, or commodities in the United States; or

(2) more than 5 percent of the equity interests of any foreign organization that engages in activities in the United States unless any activities in which the foreign organization engages in the United States are incidental to its international or foreign business.

(b) For purposes of this section:

(1) A foreign organization is not engaged in any business or activities in the United States unless it maintains an office in the United States other than a representative office.

(2) The following activities are incidental to international or foreign business:

(i) Activities that are permissible for an Edge corporation in the United States under 12 CFR 211.6: or

(ii) Other activities approved by the FDIC.

§ 347.114 Extensions of credit to foreign organizations held by insured state nonmember banks; shares of foreign organizations held in connection with debts previously contracted.

(a) *Loans or extensions of credit.* A bank that directly or indirectly holds equity interests in a foreign organization pursuant to the authority of this subpart may make loans or extensions of credit to or for the accounts of the organization without regard to the provisions of section 18(j) of the FDI Act (12 U.S.C. 1828(j)).

(b) *Debts previously contracted.* Equity interests acquired to prevent a

loss upon a debt previously contracted in good faith are not subject to the limitations or procedures of this subpart; however, they must be disposed of promptly but in no event later than two years after their acquisition, unless the FDIC authorizes retention for a longer period.

§ 347.115 Permissible activities for a foreign branch of an insured state nonmember bank.

In addition to its general banking powers and if permitted by the law of the state in which the bank is chartered, a foreign branch of a bank may conduct the following activities to the extent that they are consistent with banking practices in a foreign country where the bank maintains a branch:

(a) *Guarantees.* Guarantee debts, or otherwise agree to make payments on the occurrence of readily ascertainable events including, without limitation, nonpayment of taxes, rentals, customs duties, or costs of transport and loss or nonconformance of shipping documents, if:

(1) The guarantee or agreement specifies a maximum monetary liability; and

(2) To the extent the guarantee or agreement is not subject to a separate amount limit under state or federal law, the amount of the guarantee or agreement is combined with loans and other obligations for purposes of applying any legal lending limits.

(b) *Government obligations.* Engage in the following types of transactions with respect to the obligations of foreign countries, so long as aggregate investments, securities held in connection with distribution and dealing, and underwriting commitments do not exceed ten percent of the bank's Tier 1 capital:

(1) Underwrite, distribute and deal, invest in, or trade obligations of:

(i) The national government of the country in which the branch is located or its political subdivisions; and

(ii) An agency or instrumentality of such national government if supported by the taxing authority, guarantee, or full faith and credit of the national government.

(2) Underwrite, distribute and deal, invest in or trade obligations [11] rated as investment grade of:

(i) The national government of any foreign country or its political subdivisions, to the extent permissible under the law of the issuing foreign country; and

(ii) An agency or instrumentality of the national government of any foreign country to the extent permissible under the law of the issuing foreign country, if supported by the taxing authority, guarantee, or full faith and credit of the national government.

(c) *Local investments.*

(1) Acquire and hold local investments in:

(i) Equity securities of the central bank, clearing houses, governmental entities, and government sponsored development banks of the country in which the branch is located;

(ii) Other debt securities eligible to meet local reserve or similar requirements; and

(iii) Shares of automated electronic payment networks, professional societies, schools, and similar entities necessary to the business of the branch.

(2) Aggregate local investments (other than those required by the law of the foreign country or permissible under section 5136 of the Revised Statutes (12 U.S.C. 24 (Seventh)) by all the bank's branches in a single foreign country must not exceed 1 percent of the total deposits in all the bank's branches in that country as reported in the preceding year-end Report of Income and Condition (Call Report): [12]

(d) *Insurance.* Act as an insurance agent or broker.

(e) *Employee benefits program.* Pay to an employee of a branch, as part of an employee benefits program, a greater rate of interest than that paid to other depositors of the branch.

(f) *Repurchase agreements.* Engage in repurchase agreements involving securities and commodities that are the functional equivalents of extensions of credit.

(g) *Other activities.* Engage in other activities, with the prior approval of the FDIC.

(h) *Approval of other activities.* Activities that are not specifically authorized by this section, but that are authorized by 12 CFR 211.4 or FRB interpretations of activities authorized by that section, may be authorized by specific consent of the FDIC on an individual basis and upon such terms and conditions as the FDIC may consider appropriate. Activities that will be engaged in as principal (defined by reference to § 362.1(b) of this chapter), and that are not authorized by 12 CFR 211.4 or FRB interpretations of activities authorized under that section, must satisfy the requirements of part 362 of this chapter and be approved by the FDIC under this part as well as part 362 of this chapter.

§ 347.116 Recordkeeping and supervision of foreign activities of insured state nonmember banks.

(a) *Records, controls and reports.* A bank with any foreign branch, any investment in a foreign organization of 20 percent or more of the organization's voting equity interests, or control of a foreign organization must maintain a system of records, controls and reports that, at minimum, provide for the following:

(1) *Risk assets.* To permit assessment of exposure to loss, information furnished or available to the main office should be sufficient to permit periodic and systematic appraisals of the quality of risk assets, including loans and other extensions of credit. Coverage should extend to a substantial proportion of the risk assets in the branch or foreign organization, and include the status of all large credit lines and of credits to customers also borrowing from other offices or affiliates of the bank. Appropriate information on risk assets may include:

(i) A recent financial statement of the borrower or obligee and current information on the borrower's or obligee's financial condition;

(ii) Terms, conditions, and collateral;

(iii) Data on any guarantors;

(iv) Payment history; and

(v) Status of corrective measures employed.

(2) *Liquidity.* To enable assessment of local management's ability to meet its obligations from available resources, reports should identify the general sources and character of the deposits, borrowing, and other funding sources employed in the branch or foreign organization with special reference to their terms and volatility. Information should be available on sources of liquidity—cash, balances with banks, marketable securities, and repayment flows—such as will reveal their accessibility in time and any risk elements involved.

(3) *Contingencies.* Data on the volume and nature of contingent items such as loan commitments and guarantees or their equivalents that permit analysis of potential risk exposure and liquidity requirements.

(4) *Controls.* Reports on the internal and external audits of the branch or foreign organization in sufficient detail to permit determination of conformance to auditing guidelines. Appropriate audit reports may include coverage of:

(i) Verification and identification of entries on financial statements;

[11] If the obligation is an equity interest, it must be held through a subsidiary of the foreign branch and the insured state nonmember bank must meet its minimum capital requirements.

[12] If a branch has recently been acquired by the bank and the branch was not previously required to file a Call Report, branch deposits as of the acquisition date must be used.

(ii) Income and expense accounts, including descriptions of significant chargeoffs and recoveries;

(iii) Operations and dual-control procedures and other internal controls;

(iv) Conformance to head office guidelines on loans, deposits, foreign exchange activities, accounting procedures in compliance with applicable accounting standards, and discretionary authority of local management;

(v) Compliance with local laws and regulations; and

(vi) Compliance with applicable U.S. laws and regulations.

(b) *Availability of information to examiners; reports.*

(1) Information about foreign branches or foreign organizations must be made available to the FDIC by the bank for examination and other supervisory purposes.

(2) The FDIC may from time to time require a bank to make and submit such reports and information as may be necessary to implement and enforce the provisions of this subpart, and the bank shall submit an annual report of condition for each foreign branch pursuant to instructions provided by the FDIC.

§ 347.117 General consent.

(a) *General consent to establishment or relocation of foreign branch.* General consent of the FDIC is granted, subject to the written notification requirement contained in section 303.182(a) and consistent with the requirements of this subpart, for an:

(1) Eligible bank to establish a foreign branch conducting activities authorized by section 347.115 of this section in any foreign country in which:

(i) The bank already operates one or more foreign branches or foreign bank subsidiaries;

(ii) The bank's holding company operates a foreign bank subsidiary; or

(iii) An affiliated bank or Edge or Agreement corporation operates one or more foreign branches or foreign bank subsidiaries.

(2) Insured state nonmember bank to relocate an existing foreign branch within a foreign country.

(b) *General consent to invest in a foreign organization.* General consent of the FDIC is granted, subject to the written notification requirement contained in section 303.183(a) (unless no notification is required because the investment is acquired for trading purposes) and consistent with the requirements of this subpart, for an eligible bank to make investments in foreign organizations, directly or indirectly, if:

(1) The bank operates at least one foreign bank subsidiary or foreign branch, an affiliated bank or Edge or Agreement corporation operates at least one foreign bank subsidiary or foreign branch, or the bank's holding company operates at least one foreign bank subsidiary;

(2) In any instance where the bank and its affiliates will hold 20 percent or more of the foreign organization's voting equity interests or control the foreign organization, at least one bank has a foreign bank subsidiary or foreign branch in the country where the foreign organization will be located; [13] and

(3) The investment is within one of the following limits:

(i) The investment is acquired at net asset value from an affiliate;

(ii) The investment is a reinvestment of cash dividends received from the same foreign organization during the preceding 12 months; or

(iii) The total investment, directly or indirectly, in a single foreign organization in any transaction or series of transactions during a twelve-month period does not exceed 2 percent of the bank's Tier 1 capital, and such investments in all foreign organizations in the aggregate do not exceed:

(A) 5 percent of the bank's Tier 1 capital during a 12-month period; and

(B) Up to an additional 5 percent of the bank's Tier 1 capital if the investments are acquired for trading purposes.

§ 347.118 Expedited processing.

(a) *Expedited processing of branch applications.* An eligible bank may establish a foreign branch conducting activities authorized by § 347.115 in an additional foreign country, after complying with the expedited processing requirements contained in § 303.182(b) and (c)(1), if any of the following are located in two or more foreign countries:

(1) Foreign branches or foreign bank subsidiaries of the eligible bank;

(2) Foreign branches or foreign bank subsidiaries of banks and Edge or Agreement corporations affiliated with the eligible bank; and

(3) Foreign bank subsidiaries of the eligible bank's holding company.

(b) *Expedited processing of applications for investment in foreign organizations.* An investment that does not qualify for general consent but is otherwise in conformity with the limits and requirements of this subpart may be made 45 days after an eligible bank files a substantially complete application with the FDIC in compliance with the expedited processing requirements contained in § 303.183(b) and (c)(1), or within such earlier time as authorized by the FDIC.

§ 347.119 Specific consent.

General consent and expedited processing under this subpart do not apply in the following circumstances:

(a) *Limitation on access to supervisory information in foreign country.*

(1) Applicable law or practice in the foreign country where the foreign organization or foreign branch would be located would limit the FDIC's access to information for supervisory purposes; and

(i) A bank would hold 20 percent or more of the voting equity interests of a foreign organization or control such organization as a result of a foreign investment; or

(ii) A bank would be establishing a foreign branch.

(b) *World Heritage site.* A foreign branch of a bank would be located on a site on the World Heritage List or on the foreign country's equivalent of the National Register of Historic Places, in accordance with section 403 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–2).

(c) *Modification or suspension of general consent or expedited processing.* The FDIC at any time notifies the bank that the FDIC is modifying or suspending its general consent or expedited processing procedure.

(d) *Specific consent.* Direct or indirect investments in or activities of foreign organizations by banks, the establishment of foreign branches or issues regarding the types or amounts of activity that can be engaged in by foreign branches, which are not authorized under §§ 347.117 or 347.118 require prior review and specific consent of the FDIC.

§ 347.120 Computation of investment amounts.

In computing the amount that may be invested in any foreign organization under §§ 347.117 through 347.119, any investments held by an affiliate of a bank must be included.

§ 347.121 Requirements for insured state nonmember bank to close a foreign branch.

A bank must comply with the written notification requirement contained in §303.182(d) when it closes a foreign branch.

§ 347.122 Limitations applicable to the authority provided in this subpart.

The FDIC may impose such conditions on authority granted in this

[13] A list of these countries can be obtained from the FDIC's Internet Web Site at *http://www.fdic.gov.*

subpart as it considers appropriate. If a bank is unable or fails to comply with the requirements of this subpart or any conditions imposed by the FDIC regarding transactions under this subpart, the FDIC may require termination of any activities or divestiture of investments permitted under this subpart after giving the bank notice and a reasonable opportunity to be heard on the matter.

Subpart B—Foreign Banks

§ 347.201 Authority, purpose, and scope.

(a) This subpart is issued pursuant to sections 5(c) and 10(b)(4) of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1815(c) and 1820(b)(4)) and sections 6, 7, and 15 of the International Banking Act of 1978 (IBA) (12 U.S.C. 3104, 3105, and 3109).

(b) This subpart implements the insured branch asset pledge and examination commitment requirement for foreign banks in the FDI Act. It also implements the deposit insurance, permissible activity, and cross-border cooperation provisions of the IBA regarding the FDIC. Sections 347.203–347.211 apply to state and federal branches whose deposits are insured. Sections 347.204 and 347.207 are applicable to depository institution subsidiaries of a foreign bank. Section 347.212 applies to insured state branches and §§ 347.213 through 347.216 apply to state branches whose deposits are not insured by the FDIC.

§ 347.202 Definitions.

For the purposes of this subpart:

(a) *Affiliate* means any entity that controls, is controlled by, or is under common control with another entity. An entity shall be deemed to ''control'' another entity if the entity directly or indirectly owns, controls, or has the power to vote 25 percent or more of any class of voting securities of the other entity or controls in any manner the election of a majority of the directors or trustees of the other entity.

(b) *Branch* means any office or place of business of a foreign bank located in any state of the United States at which deposits are received. The term does not include any office or place of business deemed by the state licensing authority or the Comptroller of the Currency to be an agency.

(c) *Deposit* has the same meaning as that term in section 3(l) of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)).

(d) *Depository* means any insured state bank, national bank, or insured branch.

(e) *Domestic retail deposit activity* means the acceptance by a federal or state branch of any initial deposit of less than $100,000.

(f) *Federal branch* means a branch of a foreign bank established and operating under the provisions of section 4 of the International Banking Act of 1978 (12 U.S.C. 3102).

(g) *Foreign bank* means any company organized under the laws of a foreign country, any territory of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands, which engages in the business of banking. The term includes foreign commercial banks, foreign merchant banks and other foreign institutions that engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized and operating. Except as otherwise specifically provided by the Federal Deposit Insurance Corporation, banks organized under the laws of a foreign country, any territory of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands which are insured banks other than by reason of having an insured branch are not considered to be foreign banks for purposes of §§ 347.204, 347.205, 347.209, and 347.210.

(h) *Foreign business* means any entity including, but not limited to, a corporation, partnership, sole proprietorship, association, foundation or trust, which is organized under the laws of a foreign country or any United States entity which is owned or controlled by an entity which is organized under the laws of a foreign country or a foreign national.

(i) *Foreign country* means any country other than the United States and includes any colony, dependency or possession of any such country.

(j) *FRB* means the Board of Governors of the Federal Reserve System.

(k) *Home state* of a foreign bank means the state so determined by the election of the foreign bank, or in default of such election, by the Board of Governors of the Federal Reserve System.

(l) *Immediate family member of a natural person* means the spouse, father, mother, brother, sister, son or daughter of that natural person.

(m) *Initial deposit* means the first deposit transaction between a depositor and the branch where there is no existing deposit relationship. The initial deposit may be placed into different deposit accounts or into different kinds of deposit accounts, such as demand, savings or time. Deposit accounts that are held by a depositor in the same right and capacity may be added together for the purposes of determining the dollar amount of the initial deposit.

(n) *Insured bank* means any bank, including a foreign bank with an insured branch, the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act.

(o) *Insured branch* means a branch of a foreign bank any deposits of which branch are insured in accordance with the provisions of the Federal Deposit Insurance Act.

(p) *Large United States business* means any entity including, but not limited to, a corporation, partnership, sole proprietorship, association, foundation or trust which is organized under the laws of the United States or any state thereof, and:

(1) Whose securities are registered on a national securities exchange or quoted on the National Association of Securities Dealers Automated Quotation System; or

(2) Has annual gross revenues in excess of $1,000,000 for the fiscal year immediately preceding the initial deposit.

(q) A *majority owned subsidiary* means a company the voting stock of which is more than 50 percent owned or controlled by another company.

(r) *Noninsured branch* means a branch of a foreign bank deposits of which branch are not insured in accordance with the provisions of the Federal Deposit Insurance Act.

(s) *OCC* means the Office of the Comptroller of the Currency.

(t) *Person* means an individual, bank, corporation, partnership, trust, association, foundation, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other form of entity.

(u) *Significant risk to the deposit insurance fund* shall be understood to be present whenever there is a high probability that the Bank Insurance Fund administered by the FDIC may suffer a loss.

(v) *State* means any state of the United States or the District of Columbia.

(w) *State branch* means a branch of a foreign bank established and operating under the laws of any state.

(x) *Wholly owned subsidiary* means a company the voting stock of which is 100 percent owned or controlled by another company except for a nominal number of directors' shares.

§ 347.203 Deposit insurance required for all branches of foreign banks engaged in domestic retail deposit activity in the same state.

The FDIC will not insure deposits in any branch of a foreign bank unless the

foreign bank agrees that every branch established or operated by the foreign bank in the same state that engages in domestic retail deposit activity will be an insured branch.

§ 347.204 Commitment to be examined and provide information.

(a) A foreign bank that applies for insurance for a U.S. branch or depository institution subsidiary shall provide a written commitment (including a consent to U.S. court jurisdiction and designation of agent for service of process, acceptable to the FDIC) to the following terms:

(1)(i) The FDIC will be permitted to examine the foreign bank and its affiliates located outside of the United States to determine:

(A) The relationship between the U.S. branch or depository institution subsidiary and its affiliates; and

(B) The effect of such relationship on such U.S. branch or depository institution subsidiary.

(ii) The FDIC will be provided with any information about the foreign bank and its affiliates located outside of the United States that the FDIC requests to determine:

(A) The relationship between the U.S. branch or depository institution subsidiary and its affiliates; and

(B) The effect of such relationship on such U.S. branch or depository institution subsidiary.

(2) The FDIC will be allowed to examine the affairs of any office, agency, branch or affiliate of the foreign bank located in the United States and will be provided any information requested to determine:

(i) The relationship between the U.S. branch or depository institution subsidiary and such offices, agencies, branches or affiliates; and

(ii) The effect of such relationship on such U.S. branch or depository institution subsidiary.

(3) The FDIC will not process a deposit insurance application for any U.S. branch or depository institution subsidiary if the foreign bank fails to provide the written commitment required by paragraph (a) of this section.

(b)(1) The FDIC may waive compliance with the examination requirement contained in paragraph (a)(1)(i) of this section if the FRB has determined that the foreign bank is subject to comprehensive consolidated supervision, as required by section 7 of the International Banking Act (12 U.S.C. 3105).

(2) The FDIC may waive the commitment requirements in paragraph (a) of this section, or any portion thereof, if the foreign bank has made an equivalent commitment to another Federal banking agency which provides the FDIC the same rights and privileges that the FDIC would have if it obtained such commitment on its own behalf. If such waiver is granted, however, the foreign bank shall provide the FDIC with the commitments required by this section before terminating any commitments provided to any other Federal banking agency that provide a basis for such waiver.

(3) The FDIC will consider the existence and extent of any prohibition or restrictions on its ability to utilize the commitments required by paragraph (a)(1)(i) and (ii) of this section in determining whether to grant or deny a deposit insurance application for the U.S. branch or depository institution subsidiary.

(c) The commitment to permit examination (including a consent to U.S. court jurisdiction and designation of agent for service of process) shall be signed by an officer of the foreign bank who has been so authorized by the foreign bank's board of directors and in all instances will be executed in a manner acceptable to the FDIC and shall be included with the foreign bank's application for insurance. Any of the documents that are not in English shall be accompanied by an English translation.

§ 347.205 Record maintenance.

The records of each insured branch shall be kept as though it were a separate entity, with its assets and liabilities separate from the other operations of the head office, other branches or agencies of the foreign bank and its subsidiaries or affiliates. Each insured branch must keep a set of accounts and records in the words and figures of the English language that accurately reflects the business transactions of the insured branch on a daily basis. A foreign bank that has more than one insured branch in a state may treat such insured branches as one entity for record-keeping purposes and may designate one branch to maintain records for all the branches in the state.

§ 347.206 Domestic retail deposit activity requiring deposit insurance by U.S. branch of a foreign bank.

(a) *Domestic retail deposit activity.* To initiate or conduct domestic retail deposit activity requiring deposit insurance protection in any state after December 19, 1991, a foreign bank must establish one or more insured U.S. bank subsidiaries for that purpose.

(b) *Exception.* Paragraph (a) of this section does not apply to any bank organized under the laws of any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, the deposits of which are insured by the FDIC pursuant to the Federal Deposit Insurance Act.

(c) *Grandfathered insured branches.* Domestic retail deposit accounts with balances of less than $100,000 that require deposit insurance protection may be accepted or maintained in an insured branch of a foreign bank only if such branch was an insured branch on December 19, 1991.

(d) *Change in ownership of grandfathered insured branch.* The grandfathered status of an insured branch may not be transferred, except in certain merger and acquisition transactions that the FDIC determines are not designed, or motivated by the desire, to avoid compliance with section 6(d)(1) of the International Banking Act (12 U.S.C. 3104(d)(1)).

§ 347.207 Disclosure of supervisory information to foreign supervisors.

(a) *Disclosure by the FDIC.* The FDIC may disclose information obtained in the course of exercising its supervisory or examination authority to a foreign bank regulatory or supervisory authority, if the FDIC determines that disclosure is appropriate for bank supervisory or regulatory purposes and will not prejudice the interests of the United States.

(b) *Confidentiality.* Before making any disclosure of information pursuant to paragraph (a) of this section, the FDIC will obtain, to the extent necessary, the agreement of the foreign bank regulatory or supervisory authority to maintain the confidentiality of such information to the extent possible under applicable law. The disclosure or transfer of information to a foreign bank regulatory or supervisory authority under this section will not waive any privilege applicable to the information that is disclosed or transferred.

§ 347.208 Assessment base deductions by insured branch.

Deposits in an insured branch to the credit of the foreign bank or any of its offices, branches, agencies, or wholly owned subsidiaries may be deducted from the assessment base of the insured branch.

§ 347.209 Pledge of assets.

(a) *Purpose.* A foreign bank that has an insured branch must pledge assets for the benefit of the FDIC or its designee(s). Whenever the FDIC is obligated under section 11(f) of the Federal Deposit Insurance Act (12 U.S.C. 1821(f)) to pay the insured deposits of an insured branch, the assets

pledged under this section must become the property of the FDIC and be used to the extent necessary to protect the deposit insurance fund.

(b) *Amount of assets to be pledged.*

(1) For a newly insured branch, a foreign bank must pledge assets equal to at least 5 percent of the liabilities of the branch, based on the branch's projection of its liabilities at the end of the first three years of its operation. For all other insured branches, a foreign bank must pledge assets equal to the appropriate percentage applicable to the insured branch, as determined by reference to the risk-based assessment schedule contained in this paragraph, of the insured branch's average liabilities for the last 30 days of the most recent calendar quarter.[14]

(2) *Risk-based assessment schedule.* The risk-based asset pledge required by paragraph (b)(1) will be determined by utilizing the following risk-based assessment schedule:

Asset maintenance level	Supervisory risk subgroup		
	A*	B*	C*
Equal to or Greater than 108%	2	3	4
Equal to or Greater than 106%	4	5	6
Less than 106%	6	7	8

*Amount represents percent.

The appropriate asset pledge percentage will be determined based on the supervisory risk subgroup and asset maintenance level applicable to the insured branch.

(3) *Supervisory risk factors.* For purposes of this section, within each asset maintenance group, each institution will be assigned to one of three subgroups based on consideration by the FDIC of supervisory evaluations provided by the primary federal regulator for the insured branch. The supervisory evaluations include the results of examination findings by the primary federal regulator, as well as other information the primary federal regulator determines to be relevant. In addition, the FDIC will take into consideration such other information (such as state examination findings, if appropriate) as it determines to be relevant to the financial condition and the risk posed to the deposit insurance fund. The three supervisory subgroups are:

(i) *Subgroup "A".* This subgroup consists of financially sound institutions with only a few minor weaknesses;

(ii) *Subgroup "B".* This subgroup consists of institutions that demonstrate weaknesses which, if not corrected, could result in significant deterioration of the institution and increased risk of loss to the deposit insurance fund; and

(iii) *Subgroup "C".* This subgroup consists of institutions that pose a substantial probability of loss to the deposit insurance fund.

(4) The FDIC may require a foreign bank to pledge additional assets or to compute its pledge on a daily basis whenever the FDIC determines that the condition of the foreign bank or the insured branch is such that the assets pledged under this section will not adequately protect the deposit insurance fund. In requiring a foreign bank to pledge additional assets, the FDIC will consult with the primary regulator for the insured branch. Among the factors to be considered in imposing these requirements are the concentration of risk to any one borrower or group of related borrowers, the concentration of transfer risk related to any one country, including the country in which the foreign bank's head office is located or any other factor the FDIC determines is relevant.

(5) Each insured branch must separately comply with the requirements of this section. A foreign bank which has more than one insured branch in a state may, however, treat all of its insured branches in the same state as one entity and will designate one insured branch to be responsible for compliance with this section.

(c) *Depository.* A foreign bank must place pledged assets for safekeeping at any depository which is located in any state. However, a depository may not be an affiliate of the foreign bank whose insured branch is seeking to use the depository. A foreign bank must obtain the FDIC's prior written approval of the depository selected, and such approval may be revoked and dismissal of the depository required whenever the depository does not fulfill any one of its obligations under the pledge agreement. A foreign bank shall appoint and constitute the depository as its attorney in fact for the sole purpose of transferring title to pledged assets to the FDIC as may be required to effectuate the provisions of paragraph (a) of this section.

(d) *Assets that may be pledged.* Subject to the right of the FDIC to require substitution, a foreign bank may pledge any of the kinds of assets listed in this paragraph (d); such assets must be denominated in United States dollars. A foreign bank shall be deemed to have pledged any such assets for the benefit of the FDIC or its designee at such time as any such asset is placed with the depository, as follows:

(1) Negotiable certificates of deposit that are payable in the United States and that are issued by any state bank, national bank, or branch of a foreign bank which has executed a valid waiver of offset agreement or similar debt instruments that are payable in the United States and that are issued by any agency of a foreign bank which has executed a valid waiver of offset agreement; provided, that the maturity of any certificate or issuance is not greater than one year; and provided further, that the issuing branch or agency of a foreign bank is not an affiliate of the pledging bank or from the same country as the pledging bank's domicile;

(2) Treasury bills, interest bearing bonds, notes, debentures, or other direct obligations of or obligations fully guaranteed as to principal and interest by the United States or any agency or instrumentality thereof;

(3) Commercial paper that is rated P–1 or P–2, or their equivalent by a nationally recognized rating service; provided, that any conflict in a rating shall be resolved in favor of the lower rating;

[14] This average must be computed by using the sum of the close of business figures for the 30 calendar days of the most recent calendar quarter, ending with and including the last day of the calendar quarter, divided by 30. For days on which the branch is closed, however, balances from the previous business day are to be used in determining its average liabilities. The insured branch may exclude liabilities to other offices, agencies, branches, and wholly owned subsidiaries of the foreign bank. The value of the pledged assets must be computed based on the lesser of the principal amount (par value) or market value of such assets at the time of the original pledge and thereafter as of the last day of the most recent calendar quarter.

(4) Banker's acceptances that are payable in the United States and that are issued by any state bank, national bank, or branch or agency of a foreign bank; provided, that the maturity of any acceptance is not greater than 180 days; and provided further, that the branch or agency issuing the acceptance is not an affiliate of the pledging bank or from the same country as the pledging bank's domicile;

(5) General obligations of any state of the United States, or any county or municipality of any state of the United States, or any agency, instrumentality, or political subdivision of the foregoing or any obligation guaranteed by a state of the United States or any county or municipality of any state of the United States; provided, that such obligations have a credit rating within the top two rating bands of a nationally recognized rating service (with any conflict in a rating resolved in favor of the lower rating);

(6) Obligations of the African Development Bank, Asian Development Bank, Inter-American Development Bank, and the International Bank for Reconstruction and Development;

(7) Notes issued by bank holding companies or banks organized under the laws of the United States or any state thereof or notes issued by United States branches or agencies of foreign banks, provided, that the notes have a credit rating within the top two rating bands of a nationally recognized rating service (with any conflict in a rating resolved in favor of the lower rating) and that they are payable in the United States, and provided further, that the issuer is not an affiliate of the foreign bank pledging the note; or

(8) Any other asset determined by the FDIC to be acceptable.

(e) *Pledge agreement.* A foreign bank shall not pledge any assets unless a pledge agreement in form and substance satisfactory to the FDIC has been executed by the foreign bank and the depository. The agreement, in addition to other terms not inconsistent with this paragraph (e), shall give effect to the following terms:

(1) *Original pledge.* The foreign bank shall place with the depository assets of the kind described in paragraph (d) of this section, having an aggregate value in the amount as required pursuant to paragraph (b) of this section.

(2) *Additional assets required to be pledged.* Whenever the foreign bank is required to pledge additional assets for the benefit of the FDIC or its designees pursuant to paragraph (b)(4) of this section, it shall place (within two business days after the last day of the most recent calendar quarter, unless otherwise ordered) additional assets of the kind described in paragraph (d) of this section, having an aggregate value in the amount required by the FDIC.

(3) *Substitution of assets.* The foreign bank, at any time, may substitute any assets for pledged assets, and, upon such substitution, the depository shall promptly release any such assets to the foreign bank; provided, that:

(i) The foreign bank pledges assets of the kind described in paragraph (d) of this section having an aggregate value not less than the value of the pledged assets for which they are substituted and certified as such by the foreign bank; and

(ii) The FDIC has not by written notification to the foreign bank, a copy of which shall be provided to the depository, suspended or terminated the foreign bank's right of substitution.

(4) *Delivery of other documents.* Concurrently with the pledge of any assets, the foreign bank will deliver to the depository all documents and instruments necessary or advisable to effectuate the transfer of title to any such assets and thereafter, from time to time, at the request of the FDIC, deliver to the depository any such additional documents or instruments. The foreign bank shall provide copies of all such documents described in this paragraph (e)(4) to the appropriate regional director concurrently with their delivery to the depository.

(5) *Acceptance and safekeeping responsibilities of the depository.* (i) The depository will accept and hold any assets pledged by the foreign bank pursuant to the pledge agreement for safekeeping free and clear of any lien, charge, right of offset, credit, or preference in connection with any claim the depository may assert against the foreign bank and shall designate any such assets as a special pledge for the benefit of the FDIC or its designee. The depository shall not accept the pledge of any such assets unless, concurrently with such pledge, the foreign bank delivers to the depository the documents and instruments necessary for the transfer of title thereto as provided in this part.

(ii) The depository shall hold any such assets separate from all other assets of the foreign bank or the depository. Such assets may be held in book-entry form but must at all times be segregated on the records of the depository and clearly identified as assets subject to the pledge agreement.

(6) *Reporting requirements of the insured branch and the depository*—(i) *Initial reports.* Upon the original pledge of assets as provided in paragraph (e)(1) of this section:

(A) The depository shall provide to the foreign bank and to the appropriate FDIC regional director a written report in the form of a receipt identifying each asset pledged and specifying in reasonable detail with respect to each such asset the complete title, interest rate, series, serial number (if any), principal amount (par value), maturity date and call date; and

(B) The foreign bank shall provide to the appropriate regional director a written report certified as correct by the foreign bank which sets forth the value of each pledged asset and the aggregate value of all such assets, and which states that the aggregate value of all such assets is at least equal to the amount required pursuant to paragraph (b) of this section and that all such assets are of the kind described in paragraph (d) of this section.

(ii) *Quarterly reports.* Within ten calendar days after the end of the most recent calendar quarter:

(A) The depository shall provide to the appropriate regional director a written report specifying in reasonable detail with respect to each asset currently pledged (including any asset pledged to satisfy the requirements of paragraph (b)(4) of this section and identified as such), as of two business days after the end of the most recent calendar quarter, the complete title, interest rate, series, serial number (if any), principal amount (par value), maturity date, and call date, provided, that if no substitution of any asset has occurred during the reporting period, the reporting need only specify that no substitution of assets has occurred; and

(B) The foreign bank shall provide as of two business days after the end of the most recent calendar quarter to the appropriate regional director a written report certified as correct by the foreign bank which sets forth the value of each pledged asset and the aggregate value of all such assets, which states that the aggregate value of all such assets is at least equal to the amount required pursuant to paragraph (b) of this section and that all such assets are of the kind described in paragraph (d) of this section, and which states the average of the liabilities of each insured branch of the foreign bank computed in the manner and for the period prescribed in paragraph (b) of this section.

(iii) *Additional reports.* The foreign bank shall, from time to time, as may be required, provide to the appropriate regional director a written report in the form specified containing the information requested with respect to any asset then currently pledged.

(7) *Access to assets.* With respect to any asset pledged pursuant to the

pledge agreement, the depository will provide representatives of the FDIC or the foreign bank with access (during regular business hours of the depository and at the location where any such asset is held, without other limitation or qualification) to all original instruments, documents, books, and records evidencing or pertaining to any such asset.

(8) *Release upon the order of the FDIC.* The depository shall release to the foreign bank any pledged assets, as specified in a written notification of the appropriate regional director, upon the terms and conditions provided in such notification, including without limitation the waiver of any requirement that any assets be pledged by the foreign bank in substitution of any released assets.

(9) *Release to the FDIC.* Whenever the FDIC is obligated under section 11(f) of the Federal Deposit Insurance Act to pay insured deposits of an insured branch, the FDIC by written certification shall so inform the depository; and the depository, upon receipt of such certification, shall thereupon promptly release and transfer title to any pledged assets to the FDIC or release such assets to the foreign bank, as specified in the certification. Upon release and transfer of title to all pledged assets specified in the certification, the depository shall be discharged from any further obligation under the pledge agreement.

(10) *Interest earned on assets.* The foreign bank may retain any interest earned with respect to the assets currently pledged unless the FDIC by written notice prohibits retention of interest by the foreign bank, in which case the notice shall specify the disposition of any such interest.

(11) *Expenses of agreement.* The FDIC shall not be required to pay any fees, costs, or expenses for services provided by the depository to the foreign bank pursuant to, or in connection with, the pledge agreement.

(12) *Substitution of depository.* The depository may resign, or the foreign bank may discharge the depository, from its duties and obligations under the pledge agreement by giving at least 60 days written notice thereof to the other party and to the appropriate regional director. The FDIC, upon 30 days written notice to the foreign bank and the depository, may require the foreign bank to dismiss the depository if the FDIC in its discretion determines that the depository is in breach of the pledge agreement. The depository shall continue to function as such until the appointment of a successor depository becomes effective and the depository has released to the successor depository the pledged assets and documents and instruments to effectuate transfer of title in accordance with the written instructions of the foreign bank as approved by the FDIC. The appointment by the foreign bank of a successor depository shall not be effective until:

(i) The FDIC has approved in writing the successor depository; and

(ii) A pledge agreement in form and substance satisfactory to the FDIC has been executed.

(13) *Waiver of terms.* The FDIC may by written order waive compliance by the foreign bank or the depository with any term or condition of the pledge agreement.

§ 347.210 Asset maintenance.

(a) An insured branch of a foreign bank shall maintain on a daily basis eligible assets at an amount not less than 106 percent of the insured branch's daily liabilities, exclusive of liabilities due to the head office of the foreign bank, other branches, agencies, offices, or wholly owned subsidiaries. The FDIC, after consulting with the primary regulator of the insured branch, may require that a higher ratio of eligible assets be maintained if the financial condition of the insured branch warrants such action. Among the factors which will be considered in requiring a higher ratio of eligible assets are the concentration of risk to any one borrower or group of related borrowers; the concentration of transfer risk to any one country, including the country in which the foreign bank's head office is located; or any other factor the FDIC determines is relevant. Eligible assets must be payable in United States dollars.

(b) In determining eligible assets for the purposes of compliance with paragraph (a) of this section, the insured branch shall exclude the following:

(1) Any asset due from the foreign bank's head office, or its other branches, agencies, offices or affiliates;

(2) Any asset classified ''Value Impaired,'' to the extent of the required Allocated Transfer Risk Reserves or equivalent write down, or ''Loss'' in the most recent state or federal examination report;

(3) Any deposit of the insured branch in a bank unless the bank has executed a valid waiver of offset agreement;

(4) Any asset not supported by sufficient credit information to allow a review of the asset's credit quality, as determined at the most recent state or federal examination, as follows:

(i) Whether an asset has sufficient credit information will be a function of the size of the borrower and the location within the foreign bank of the responsibility for authorizing and monitoring extensions of credit to the borrower. For large, well known companies, when credit responsibility is located in an office of the foreign bank outside the insured branch, the insured branch must have adequate documentation to show that the asset is of good quality and is being supervised adequately by the foreign bank. In such cases, copies of periodic memoranda that include an analysis of the borrower's recent financial statements and a report on recent developments in the borrower's operations and borrowing relationships with the foreign bank generally would constitute sufficient information. For other borrowers, periodic memoranda must be supplemented by information such as copies of recent financial statements, recent correspondence concerning the borrower's financial condition and repayment history, credit terms and collateral, data on any guarantors, and where necessary, the status of any corrective measures being employed;

(ii) Subsequent to the determination that an asset lacks sufficient credit information, an insured branch may not include the amount of that asset among eligible assets until the FDIC determines that sufficient documentation exists. Such a determination may be made either at the next federal examination, or upon request of the insured branch, by the appropriate regional director;

(5) Any asset not in the insured branch's actual possession unless the insured branch holds title to such asset and the insured branch maintains records sufficient to enable independent verification of the insured branch's ownership of the asset, as determined at the most recent state or federal examination;

(6) Any intangible asset;

(7) Any other asset not considered bankable by the FDIC.

(c) A foreign bank which has more than one insured branch in a state may treat all of its insured branches in the same state as one entity for purposes of compliance with paragraph (a) of this section and shall designate one insured branch to be responsible for maintaining the records of the insured branches' compliance with this section.

(d) Asset maintenance calculations required by this rule shall be retained by the insured branch until the next federal examination.

§ 347.211 Examination of branches of foreign banks.

(a) *Frequency of on-site examination.* Each branch or agency of a foreign bank shall be examined on-site at least once during each 12-month period (beginning

on the date the most recent examination of the office ended) by:

(1) The FRB;

(2) The FDIC, if an insured branch;

(3) The OCC, if the branch or agency of the foreign bank is licensed by the OCC; or

(4) The state supervisor, if the office of the foreign bank is licensed or chartered by the state.

(b) *18-month cycle for certain small institutions*—(1) *Mandatory standards.* The FDIC may conduct a full-scope, on-site examination at least once during each 18-month period, rather than each 12-month period as provided in paragraph (a) of this section, if the insured branch:

(i) Has total assets of $250 million or less;

(ii) Has received a composite ROCA supervisory rating (which rates risk management, operational controls, compliance, and asset quality) of 1 or 2 at its most recent examination;

(iii) Satisfies the requirement of either the following paragraph (b)(iii)(A) or (B):

(A) The foreign bank's most recently reported capital adequacy position consists of, or is equivalent to, Tier 1 and total risk-based capital ratios of at least 6 percent and 10 percent, respectively, on a consolidated basis; or

(B) The insured branch has maintained on a daily basis, over the past three quarters, eligible assets in an amount not less than 108 percent of the preceding quarter's average third party liabilities (determined consistent with applicable federal and state law) and sufficient liquidity is currently available to meet its obligations to third parties;

(iv) Is not subject to a formal enforcement action or order by the FRB, FDIC, or the OCC; and

(v) Has not experienced a change in control during the preceding 12-month period in which a full-scope, on-site examination would have been required but for this section.

(2) *Discretionary standards.* In determining whether an insured branch that meets the standards of paragraph (b)(1) of this section should not be eligible for an 18-month examination cycle pursuant to this paragraph (b), the FDIC may consider additional factors, including whether:

(i) Any of the individual components of the ROCA supervisory rating of an insured branch is rated ''3'' or worse;

(ii) The results of any off-site monitoring indicate a deterioration in the condition of the insured branch;

(iii) The size, relative importance, and role of a particular insured branch when reviewed in the context of the foreign bank's entire U.S. operations otherwise necessitate an annual examination; and

(iv) The condition of the parent foreign bank gives rise to such a need.

(c) *Authority to conduct more frequent examinations.* Nothing in paragraphs (a) and (b) of this section limits the authority of the FDIC to examine any insured branch as frequently as it deems necessary.

§ 347.212 FDIC approval to conduct activities that are not permissible for federal branches.

(a) *Scope.* A foreign bank operating an insured state branch which desires to engage in or continue to engage in any type of activity that is not permissible for a federal branch, pursuant to the National Bank Act (12 U.S.C. 21 *et seq.*) or any other federal statute, regulation, official bulletin or circular, written order or interpretation, or decision of a court of competent jurisdiction, must file a written application for permission to conduct such activity with the FDIC.

(b) *Exceptions.* If the FDIC has already determined, pursuant to part 362 of this chapter, ''Activities and Investment of Insured State Banks,'' that an activity does not present a significant risk to the affected deposit insurance fund, no application is required under paragraph (a) of this section for a foreign bank operating an insured branch to engage or continue to engage in the same activity.

(c) *Agency activities.* A foreign bank operating an insured state branch is not required to submit an application pursuant to paragraph (a) of this section to engage in or continue engaging in an activity conducted as agent if the activity is:

(1) Permissible agency activity for a state-chartered bank located in the state which the state-licensed insured branch of the foreign bank is located;

(2) Permissible agency activity for a state-licensed branch of a foreign bank located in that state; and

(3) Permissible pursuant to any other applicable federal law or regulation.

(d) *Conditions of approval.* (1) Approval of such an application required by paragraph (a) of this section may be conditioned on the agreement by the foreign bank and its insured state branch to conduct the activity subject to specific limitations, which may include pledging of assets in excess of the asset pledge and asset maintenance requirements contained in §§ 347.209 and 347.210.

(2) In the case of an application to initially engage in an activity, as opposed to an application to continue to conduct an activity, the insured state branch shall not commence the activity until it has been approved in writing by the FDIC pursuant to this part and the FRB, and any and all conditions imposed in such approvals have been satisfied.

(e) *Divestiture or cessation.* (1) If an application for permission to continue to conduct an activity is not approved by the FDIC or the FRB, the applicant shall submit a plan of divestiture or cessation of the activity to the appropriate regional director.

(2) A foreign bank operating an insured state branch which elects not to apply to the FDIC for permission to continue to conduct an activity which is rendered impermissible by any change in statute, regulation, official bulletin or circular, written order or interpretation, or decision of a court of competent jurisdiction shall submit a plan of divestiture or cessation to the appropriate regional director.

(3) All plans of divestitures or cessation required by this paragraph must be completed within one year from the date of the disapproval, or within such shorter period as the FDIC may direct.

(f) *Procedures.* Procedures for applications under this section are set out in § 303.187.

§ 347.213 Establishment or operation of noninsured foreign branch.

(a) A foreign bank may establish or operate a state branch, as provided by state law, without federal deposit insurance whenever:

(1) The branch only accepts initial deposits in an amount of $100,000 or greater; or

(2) The branch meets the criteria set forth in §§ 347.214 or 347.215.

(b) [Reserved]

§ 347.214 Branch established under section 5 of the International Banking Act.

A foreign bank may operate any state branch as a noninsured branch whenever the foreign bank has entered into an agreement with the FRB to accept at that branch only those deposits as would be permissible for a corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 *et seq.*) and implementing rules and regulations administered by the FRB (12 CFR part 211).

§ 347.215 Exemptions from deposit insurance requirement.

(a) *Deposit activities not requiring insurance.* A state branch will not be considered to be engaged in domestic retail deposit activity that requires the foreign bank parent to establish an insured U.S. bank subsidiary if the state branch accepts initial deposits only in an amount of less than $100,000 that are derived solely from the following:

(1) Individuals who are not citizens or residents of the United States at the time of the initial deposit;

(2) Individuals who:

(i) Are not citizens of the United States;

(ii) Are residents of the United States; and

(iii) Are employed by a foreign bank, foreign business, foreign government, or recognized international organization;

(3) Persons (including immediate family members of natural persons) to whom the branch or foreign bank (including any affiliate thereof) has extended credit or provided other nondeposit banking services within the past twelve months or has entered into a written agreement to provide such services within the next twelve months;

(4) Foreign businesses, large United States businesses, and persons from whom an Edge or agreement corporation may accept deposits under 12 CFR 211.6(a)(1);

(5) Any governmental unit, including the United States government, any state government, any foreign government and any political subdivision or agency of any of the foregoing, and recognized international organizations;

(6) Persons who are depositing funds in connection with the issuance of a financial instrument by the branch for the transmission of funds or the transmission of such funds by any electronic means; and

(7) Any other depositor, but only if:

(i) The branch's average deposits under this paragraph (a)(7) do not exceed one percent of the branch's average total deposits, as calculated under paragraph (a)(7)(ii) if this section (*de minimis* exception).

(ii) For purposes of calculating this exception:

(A) The branch's average deposits under this paragraph and the average total deposits must be computed by summing the close of business figures for each of the last 30 calendar days, ending with and including the last day of the calendar quarter, and dividing the resulting sum by 30;

(B) For days on which the branch is closed, balances from the last previous business day are to be used;

(C) The branch may exclude deposits in the branch of other offices, branches, agencies or wholly owned subsidiaries of the bank to determine its average deposits;

(D) The branch must not solicit deposits from the general public by advertising, display of signs, or similar activity designed to attract the attention of the general public; and

(E) A foreign bank that has more than one state branch in the same state may aggregate deposits in such branches (excluding deposits of other branches, agencies or wholly owned subsidiaries of the bank) for the purpose of this paragraph (a)(7).

(b) *Application for an exemption.* (1) Whenever a foreign bank proposes to accept at a state branch initial deposits of less than $100,000 and such deposits are not otherwise excepted under paragraph (a) of this section, the foreign bank may apply to the FDIC for consent to operate the branch as a noninsured branch. The Board of Directors may exempt the branch from the insurance requirement if the branch is not engaged in domestic retail deposit activities requiring insurance protection. The Board of Directors will consider the size and nature of depositors and deposit accounts, the importance of maintaining and improving the availability of credit to all sectors of the United States economy, including the international trade finance sector of the United States economy, whether the exemption would give the foreign bank an unfair competitive advantage over United States banking organizations, and any other relevant factors in making this determination.

(2) Procedures for applications under this section are set out in § 303.186.

(c) *Transition period.* A noninsured state branch may maintain a retail deposit lawfully accepted prior to April 1, 1996 pursuant to regulations in effect prior to July 1, 1998:

(1) If the deposit qualifies pursuant to paragraph (a) or (b) of this section; or

(2) If the deposit does not qualify pursuant to paragraph (a) or (b) of this section, in the case of a time deposit, no later than the first maturity date of the time deposit after April 1, 1996.

§ 347.216 Depositor Notification.

Any state branch that is exempt from the insurance requirement pursuant to § 347.215 shall:

(a) Display conspicuously at each window or place where deposits are usually accepted a sign stating that deposits are not insured by the FDIC; and

(b) Include in bold face conspicuous type on each signature card, passbook, and instrument evidencing a deposit the statement ''This deposit is not insured by the FDIC''; or require each depositor to execute a statement which acknowledges that the initial deposit and all future deposits at the branch are not insured by the FDIC. This acknowledgment shall be retained by the branch so long as the depositor maintains any deposit with the branch. This provision applies to any negotiable certificates of deposit made in a branch on or after July 6, 1989, as well as to any renewals of such deposits which become effective on or after July 6, 1989.

Subpart C—International Lending

§ 347.301 Purpose, authority, and scope.

Under the International Lending Supervision Act of 1983 (12 U.S.C. 3901 *et seq.*) (ILSA), the Federal Deposit Insurance Corporation prescribes the regulations in this subpart relating to international lending activities of banks.

§ 347.302 Definitions.

For the purposes of this subpart:

(a) *Administrative cost* means those costs which are specifically identified with negotiating, processing and consummating the loan. These costs include, but are not necessarily limited to: Legal fees; costs of preparing and processing loan documents; and an allocable portion of salaries and related benefits of employees engaged in the international lending function. No portion of supervisory and administrative expenses or other indirect expenses such as occupancy and other similar overhead costs shall be included.

(b) *Banking institution* means an insured state nonmember bank.

(c) *Federal banking agencies* means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

(d) *International assets* means those assets required to be included in banking institutions' ''Country Exposure Report'' form (FFIEC No. 009).

(e) *International loan* means a loan as defined in the instructions to the ''Report of Condition and Income'' for the respective banking institution (FFIEC Nos. 031, 032, 033 and 034) and made to a foreign government, or to an individual, a corporation, or other entity not a citizen of, resident in, or organized or incorporated in the United States.

(f) *Restructured international loan* means a loan that meets the following criteria:

(1) The borrower is unable to service the existing loan according to its terms and is a resident of a foreign country in which there is a generalized inability of public and private sector obligors to meet their external debt obligations on a timely basis because of a lack of, or restraints on the availability of, needed foreign exchange in the country; and

(2) Either:

(i) The terms of the existing loan are amended to reduce stated interest or extend the schedule of payments; or

(ii) A new loan is made to, or for the benefit of, the borrower, enabling the

borrower to service or refinance the existing debt.

(g) *Transfer risk* means the possibility that an asset cannot be serviced in the currency of payment because of a lack of, or restraints on the availability of, needed foreign exchange in the country of the obligor.

§ 347.303 Allocated transfer risk reserve.

(a) *Establishment of Allocated Transfer Risk Reserve.* A banking institution shall establish an allocated transfer risk reserve (ATRR) for specified international assets when required by the FDIC in accordance with this section.

(b) *Procedures and standards*—(1) *Joint agency determination.* At least annually, the federal banking agencies shall determine jointly, based on the standards set forth in paragraph (b)(2) of this section, the following:

(i) Which international assets subject to transfer risk warrant establishment of an ATRR;

(ii) The amount of the ATRR for the specified assets; and

(iii) Whether an ATRR established for specified assets may be reduced.

(2) *Standards for requiring ATRR*—(i) *Evaluation of assets.* The federal banking agencies shall apply the following criteria in determining whether an ATRR is required for particular international assets:

(A) Whether the quality of a banking institution's assets has been impaired by a protracted inability of public or private obligers in a foreign country to make payments on their external indebtedness as indicated by such factors, among others, as whether:

(*1*) Such obligors have failed to make full interest payments on external indebtedness; or

(*2*) Such obligors have failed to comply with the terms of any restructured indebtedness; or

(*3*) A foreign country has failed to comply with any International Monetary Fund or other suitable adjustment program; or

(B) Whether no definite prospects exist for the orderly restoration of debt service.

(ii) *Determination of amount of ATRR.* (A) In determining the amount of the ATRR, the federal banking agencies shall consider:

(*1*) The length of time the quality of the asset has been impaired;

(*2*) Recent actions taken to restore debt service capability;

(*3*) Prospects for restored asset quality; and

(*4*) Such other factors as the federal banking agencies may consider relevant to the quality of the asset.

(B) The initial year's provision for the ATRR shall be ten percent of the principal amount of each specified international asset, or such greater or lesser percentage determined by the federal banking agencies. Additional provision, if any, for the ATRR in subsequent years shall be fifteen percent of the principal amount of each specified international asset, or such greater or lesser percentage determined by the federal banking agencies.

(3) *FDIC notification.* Based on the joint agency determinations under paragraph (b)(1) of this section, the FDIC shall notify each banking institution holding assets subject to an ATRR:

(i) Of the amount of the ATRR to be established by the institution for specified international assets; and

(ii) That an ATRR established for specified assets may be reduced.

(c) *Accounting treatment of ATRR*—(1) *Charge to current income.* A banking institution shall establish an ATRR by a charge to current income and the amounts so charged shall not be included in the banking institution's capital or surplus.

(2) *Separate accounting.* A banking institution shall account for an ATRR separately from the Allowance for Loan and Lease Losses, and shall deduct the ATRR from ''gross loans and leases'' to arrive at ''net loans and leases.'' The ATRR must be established for each asset subject to the ATRR in the percentage amount specified.

(3) *Consolidation.* A banking institution shall establish an ATRR, as required, on a consolidated basis. For banks, consolidation should be in accordance with the procedures and tests of significance set forth in the instructions for preparation of Consolidated Reports of Condition and Income (FFIEC Nos. 031, 032, 033 and 034).

(4) *Alternative accounting treatment.* A banking institution need not establish an ATRR if it writes down in the period in which the ATRR is required, or has written down in prior periods, the value of the specified international assets in the requisite amount for each such asset. For purposes of this paragraph (c)(4), international assets may be written down by a charge to the Allowance for Loan and Lease Losses or a reduction in the principal amount of the asset by application of interest payments or other collections on the asset; provided, that only those international assets that may be charged to the Allowance for Loan and Lease Losses pursuant to generally accepted accounting principles may be written down by a charge to the Allowance for Loan and Lease Losses. However, the Allowance for Loan and Lease Losses must be replenished in such amount necessary to restore it to a level which adequately provides for the estimated losses inherent in the banking institution's loan and lease portfolio.

(5) *Reduction of ATRR.* A banking institution may reduce an ATRR when notified by the FDIC or, at any time, by writing down such amount of the international asset for which the ATRR was established.

§ 347.304 Accounting for fees on international loans.

(a) *Restrictions on fees for restructured international loans.* No banking institution shall charge, in connection with the restructuring of an international loan, any fee exceeding the administrative cost of the restructuring unless it amortizes the amount of the fee exceeding the administrative cost over the effective life of the loan.

(b) *Accounting treatment.* Subject to paragraph (a) of this section, banking institutions shall account for fees on international loans in accordance with generally accepted accounting principles.

§ 347.305 Reporting and disclosure of international assets.

(a) *Requirements.* (1) Pursuant to section 907(a) of ILSA, a banking institution shall submit to the FDIC, at least quarterly, information regarding the amounts and composition of its holdings of international assets.

(2) Pursuant to section 907(b) of ILSA, a banking institution shall submit to the FDIC information regarding concentrations in its holdings of international assets that are material in relation to total assets and to capital of the institution, such information to be made publicly available by the FDIC on request.

(b) *Procedures.* The format, content and reporting and filing dates of the reports required under paragraph (a) of this section shall be determined jointly by the federal banking agencies. The requirements to be prescribed by the federal banking agencies may include changes to existing forms (such as revisions to the Country Exposure Report, Form FFIEC No. 009) or such other requirements as the federal banking agencies deem appropriate. The federal banking agencies also may determine to exempt from the requirements of paragraph (a) of this section banking institutions that, in the federal banking agencies' judgment, have de minimis holdings of international assets.

(c) *Reservation of Authority.* Nothing contained in this subpart shall preclude

the FDIC from requiring from a banking institution such additional or more frequent information on the institution's holdings of international assets as the agency may consider necessary.

By order of the Board of Directors.

Dated at Washington, DC, this 28th day of June, 2004.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

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Part III

Department of the Interior

Bureau of Indian Affairs

25 CFR Part 170

Indian Reservation Roads Program; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 170

RIN 1076–AE17

Indian Reservation Roads Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This final rule establishes policies and procedures governing the Indian Reservation Roads (IRR) Program. The IRR Program is a part of the Federal Lands Highway Program established to address transportation needs of tribes. The program is jointly administered by the Bureau of Indian Affairs (BIA) and Federal Highway Administration's (FHWA) Federal Lands Highway (FLH) Office. It expands transportation activities available to tribes and tribal organizations and provides guidance for planning, designing, constructing, and maintaining transportation facilities. It also establishes a funding distribution methodology called the Tribal Transportation Allocation Methodology (TTAM). The TTAM includes a factor for allocating IRR Program funds based on the relative needs of tribes and reservation or tribal communities for transportation assistance. It also addresses the administrative capacities of, and challenges faced by, various tribes including the cost of road construction, geographic isolation, and difficulty in maintaining all weather access to essential resources and services. The TTAM provides funding for Indian Reservation Roads High Priority Projects that would not otherwise have sufficient funding; and makes available a minimum allocation to tribes if funding levels are sufficient.

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

ADDRESSES: LeRoy Gishi, Chief, Division of Transportation, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., MS–320–SIB, Washington, DC 20240, Telephone 202–513–7711 or Fax 202–208–4696.

SUPPLEMENTARY INFORMATION:

I. Background

What Information Does This Section Address?

This section addresses:

- The Transportation Equity Act for the 21st Century (TEA–21), Public Law (Pub. L.) 105–178;
- The IRR Program;
- Publication of the NPRM;
- Public comments.

What Is the Transportation Equity Act for the 21st Century?

The Transportation Equity Act for the 21st Century (TEA–21), Pub. L. 105–178, 112 Stat. 107, signed into law in 1998, is a broad-based statute that authorizes and expands the use of Federal Highway Trust funds through fiscal year 2003. Congress has extended TEA–21 and authorized the use of Federal Highway Trust funds into fiscal year 2004. A new transportation authorization bill is currently before Congress.

TEA–21 contained several provisions that directly affect the Indian Reservation Roads (IRR) program. TEA–21:

- Authorized $1.6 billion for the IRR Program for fiscal years 1998–2003;
- Provided that an Indian tribal government may request to enter into contracts or agreements under the Indian Self-Determination and Education Assistance Act (ISDEAA), Pub. L. 93–638, as amended, for IRR Program roads and bridges;
- Established the Indian Reservation Roads Bridge Program (IRRBP), codified at 23 U.S.C. 202 (d)(3)(B) under which a minimum of $13 million of IRR Program funds was set aside for a nationwide priority program for improving deficient IRR bridges. (On May 8, 2003, the Federal Highway Administration published a final rule for the IRR bridge program (68 FR 24642, now found at 23 CFR 661); and
- Required negotiated rulemaking between representatives of Indian tribes and the Federal Government (Department of the Interior (DOI) and Department of Transportation (DOT)) to develop IRR Program procedures and a funding formula to distribute IRR Program funds.

What Is the Indian Reservation Roads Program?

The Indian Reservation Roads (IRR) Program is a part of the Federal Lands Highway Program established in 23 U.S.C. 204 to address transportation needs of tribes. The program is jointly administered by the Bureau of Indian Affairs (BIA) and Federal Highway Administration's (FHWA) Federal Lands Highway (FLH) Office. The IRR Program was established on May 26, 1928, by Pub. L. 520, 25 U.S.C. 318(a). It authorized the Secretary of Agriculture (which had responsibility for Federal roads at that time) to cooperate with state highway agencies and DOI to survey, construct, reconstruct, and maintain Indian reservation roads serving Indian lands. In 1982, under the Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97–424, Congress created the Federal Lands Highway Program (FLHP). This coordinated program addresses access needs to and within Indian and other Federal lands. The IRR Program is a funding category of this program. STAA expanded the IRR system to include tribally-owned public roads as well as state and county-owned roads. Each fiscal year FHWA determines the amount of funds available for construction. The BIA works with tribal governments and tribal organizations to develop an annual priority program of construction projects which is submitted to FHWA for approval based on available funding. FHWA allocates funds to BIA which distributes them for IRR projects on or near Indian reservations according to the annual approved priority program of projects (for further background information on the IRR Program see 67 FR 51328, August 7, 2002). The duties and responsibilities of BIA and FHWA are described in a Memorandum of Agreement between the two agencies.

What Is the Purpose of the IRR Program?

The purpose of the IRR Program is to provide safe and adequate transportation and public road access to and within Indian reservations, Indian lands, and communities for Indians and Alaska Natives, visitors, recreational users, resource users, and others, while contributing to economic development, self-determination, and employment of Indians and Alaska Natives. As of October 2003, the IRR system consisted of approximately 25,700 miles of BIA and tribally-owned public roads and 38,000 miles of state, county, and local government public roads.

How Is the IRR Program Funded?

From the DOT appropriation, FHWA reserves an amount specified in 23 U.S.C. 204 or in the DOT annual appropriations act. BIA and FHWA jointly administer the distribution of IRR Program funds under applicable laws and regulations.

Where Is Information on the TEA–21 Negotiated Rulemaking Process Found?

Information on the TEA–21 Negotiated Rulemaking process is found at 67 FR 51328, August 7, 2002.

How Did the Department Handle Public Comments to the Notice of Proposed Rulemaking (NPRM)?

The NPRM, published August 7, 2002, provided for a 60-day comment period which was extended an additional 30 days to November 7, 2002. The DOT's Dockets Management Facility received

electronic and written comments and posted them on its Web site at *http://dms.dot.gov.* We received responses from 1586 commenters. Most responses contained more than one comment on a variety of issues in the NPRM. At the close of the public comment period, DOI contracted with the U.S. Forest Service's Content Analysis Team to compile, organize, and summarize the public comments. The TEA–21 Negotiated Rulemaking Committee (Committee) reconvened in February and March, 2003, to review and consider the comment summation and make recommendations for the final rule based on public comments. All comments were carefully considered.

Some commenters made recommendations for changes that were not accepted or not acted upon for various reasons (such as requests for unnecessary detail, unclear requests, requests or comments that were unresponsive to the proposed rule or comments that were beyond the scope of the rule). Some commenters made statements of opinion or position, but requested or indicated no changes. Several commenters discussed issues that were the responsibility of other government entities and were therefore beyond the authority of the Secretary of the Interior to change. We did not adopt these changes. Some commenters requested modifications that required additional statutory authority and their comments could not be adopted. A few commenters made suggestions for grammatical and organizational changes which were adopted.

The Committee either accepted comments, accepted comments with modification(s), or rejected comments. DOI reviewed the Committee's recommendations on the public comments for the final rule. The discussion of changes from the NPRM to this final rule included in this preamble reflect major substantive public comments received on the NPRM. The full public comment compilation and summation report is available at *http://www.dot.gov.* or by contacting the Chief, Division of Transportation, Bureau of Indian Affairs, at the address provided in the **ADDRESSES** section of this preamble.

In addition to changes the Committee made based on public comments, DOI reviewed the rule for legal and policy issues and edited the rule for clarity, conciseness, and **Federal Register** format. Some sections were combined or rearranged and others were revised under Departmental or **Federal Register** requirements. Where questions and answers were found not to be entirely consistent in language, we revised them for consistency. We also made editorial and substantive changes to clarify or correct errors or omissions in the NPRM. These include changes to Subpart C—Indian Reservation Roads Program Funding. Because the funding methodology is central to this rule it was essential that DOI thoroughly understand the details and ultimate purpose of the tribally-proposed TTAM in order to implement it. On two separate occasions we verified the intent of the tribally-proposed TTAM with tribal committee representatives. Based on the verification of intent from the Committee and on public comments, we found errors in the data contained in the tables and appendices for Subpart C. The proposed funding model (the simplified approach) was the mathematical model published in the NPRM. This model was mathematically incomplete because it did not account for all possible combinations for use of eligible data. Because this distribution of data affected all tribes, the TTAM could not be implemented with the existing data. We corrected data errors and edited tables to make them consistent with Subpart C and to ensure implementation of the TTAM. We did not change defaults and items that tribal representatives negotiated. We made substantive changes in the IRRHPP sections because they were internally inconsistent. For example, the time lines for IRRHPP applications and approvals were inconsistent with availability of funding from FHWA. The TTAM published in this final rule reflects the intent of the proposed funding methodology developed under negotiated rulemaking.

Key Areas of Disagreement

The NPRM Preamble contained Key Areas of Disagreement upon which the TEA–21 Negotiated Rulemaking Committee was unable to reach consensus. For each of the disagreement items the tribal and Federal sides presented their views, followed by their respective proposed questions and answers on those issues in the NPRM. The Administrative Procedure Act requires notice and comment on proposed rules which necessitates including the disagreement item questions and answers in the NPRM. We included the Federal version of the questions and answers for disagreement items in the appropriate subparts of the NPRM for comment. In addition, for easy reference within the NPRM preamble, we listed the section numbers where we inserted the Federal proposed sections for each of the sections on disagreement items.

During consideration of the public comments, the tribal and Federal representatives discussed the disagreement items and, based on public comments, resolved six areas of disagreement from the NPRM. The Committee made recommendations for changes on these in the final rule and DOI adopted them, revising the relevant sections in the final rule. A discussion of the resolution of disagreement items is found below.

Committee Recommendations To Resolve Disagreement Items

Based on discussions of public comments, the tribal and Federal sides were able to resolve several disagreement items. Based on those agreements, the Committee made recommendations to the Secretary for resolving the following disagreement items. The section numbers cited below refer to the section numbers in the NPRM. See the Conversion Table for the section numbers in the final rule.

The first area of disagreement resolved is ''Eligibility'' in subpart B (§ 170.116). The disagreement issue was whether BIA or FHWA should make the determination on new proposed uses of IRR Program funds and the time period for BIA or FHWA to review any submission for a proposed new use. The Federal position was that FHWA approval was required for any new proposed use of IRR Program funds with a 60-day time period for review. The tribal position was that only BIA approval was required and the time for review should be shortened. The compromise, which is reflected in the new section (§ 170.117), requires that tribes send requests for new proposed uses of IRR Program funds only to BIA for approval and send copies of the requests to the FHWA. Also, by agreement of the tribal and Federal sides, we changed the time for review of any proposed new use of IRR Program funds from 60 days to 45 days.

The second area of disagreement resolved is ''Updating the IRRTIP'' in subpart D (§ 170.420). The issue involved how often Transportation Improvement Plans (TIPs) are updated. The tribal position recommended that updates to the IRRTIP occur on a quarterly basis and that BIA complete the updating process 45 days from date of receipt. The Federal side proposed that BIA submit TIP updates to FHWA on an annual basis only. The matter was resolved by providing clear definitions for and distinctions between an annual IRRTIP update and an IRRTIP amendment and including the time for BIA response. The final rule includes the following provisions: BIA updates

the IRRTIP annually so that it can be approved and distributed near the beginning of the fiscal year; at any time during the fiscal year, until July 15, the tribe may request an amendment to its approved IRRTIP; and, if BIA receives amendments after July 15, the amendments are incorporated into the following fiscal year IRRTIP update. In addition, the final rule includes the following: BIA Regional Offices must now review all information a tribe submits and provide a Regional response within 45 days; and if the proposed TIP amendment includes the addition of a project not listed on the current approved IRRTIP, the tribe must submit the proposed amendment to FHWA for approval. The change emphasizes tribes' annually updating the current three-year approved IRRTIP, while also allowing tribes to amend IRRTIPs throughout the year, if necessary.

The third area of disagreement resolved is ''Plans, Specifications, and Estimate (PS&E) Approval Authority'' in subpart D (§§ 170.480–481). The tribal and Federal sides disagreed on whether a tribe may assume the review and approval responsibility for PS&Es. During consideration of the public comments the tribal and Federal sides agreed on how to allow tribes to assume the review and approval authority. The final rule reflects the agreement in the PS&E sections by providing that a tribe may review and approve PS&Es for IRR-funded projects under certain circumstances where the function is included in the tribe's self-determination contract or self-governance agreement, or where the tribe is the owner of or is responsible for maintaining the transportation facility. The final rule also provides that for BIA-owned or tribally-owned transportation facilities, a tribe may assume responsibility to review and approve PS&E packages under a self-determination or self-governance agreement if the tribe provides assurances that a licensed professional engineer will review and certify that the PS&Es meet or exceed design health and safety standards referenced in the regulation. Also, an additional licensed professional engineer must perform a second level review at no less than 95 percent completion of the PS&E package. For a facility maintained by a public authority other than BIA or a tribe, in addition to satisfying the requirements set forth above (with limited exceptions), that other public authority will be provided an opportunity to review and approve the PS&E package when it is at least 75 percent, but not more than 95 percent complete.

The fourth area of disagreement resolved is ''IRR Construction Project Reports'' in subpart D (§§ 170.485–489). The tribal and Federal sides agreed, based on public comments, how to regulate IRR construction project closeouts. The final rule provides clear roles and responsibilities for all affected parties, *i.e.*, the Secretary; the tribe; BIA; and the facility owner, for: project inspection; closeout; audit; acceptance, and, the requirements for each process.

The fifth area of disagreement resolved is ''Contents of Rights-of-Way Documents'' in subpart D (§§ 170.500–502). The issue is whether 25 CFR part 169 is the appropriate authority for tribal IRR's over Indian lands. While there was some agreement between the tribal and Federal sides on the minimum content required in a right-of-way document, there was disagreement over the applicability of 25 CFR part 169 without appropriate qualifications for tribal IRR's over Indian lands. The tribal and Federal sides agreed, however, that relying on 25 CFR part 169 as the only reference for rights-of-way over Indian lands was not appropriate since tribes are not required to obtain rights-of-way when constructing IRRs across their own reservations. Both sides agreed that new language is necessary to make the distinctions clear about when 25 CFR applies to obtaining rights-of-way. However, adding new language to 25 CFR part 169 requires public notice and comment, and both sides agreed to delete the reference to 25 CFR part 169 in this rule. Therefore, 25 CFR part 169 remains the applicable regulation in certain circumstances for third parties' obtaining rights-of-way across Indian lands, but it is not referenced in the final rule.

The sixth area of disagreement resolved is ''Content of Stewardship Agreements'' in subpart F (§§ 170.701–705). Because the tribal and Federal sides agreed to revise the sections on PS&E package approval in the final rule, the sections on Stewardship Agreements are no longer applicable and we have deleted them.

Areas of Disagreement With No Committee Recommendation

The Committee was not able to resolve the key area of disagreement, ''General Issues'' in subpart A in the NPRM. The disagreement on availability of funds between the tribal and Federal sides on this subject is an issue of statutory interpretation. The tribal side's position is that TEA–21 requires that all IRR Program funds be made available under the requirements of the Indian Self-Determination and Education Assistance Act (ISDEAA). The Federal version is that under TEA–21, specifically section 1115(b) not all funds are required to be made available, but all funds that are made available must be made available in accordance with the requirements of ISDEAA. Many commenters supported the tribal view, however, the tribal and Federal Committee members were not able to resolve the disagreement over statutory interpretation. We have retained the Federal questions and answers for this item.

One of the key areas of disagreement, ''Self-Governance Compacts'' in subpart H was not resolved after consideration of the comments. The disagreement centers around the right to assume individual projects or, alternatively, an entire program comprised of individual projects. Commingled in this issue of disagreement are issues of the 6 percent Program Management and Oversight (PM&O) funding and issues of using project funds for Federal responsibilities. The authority for the 6 percent PM&O funding is the language in the annual DOI Appropriations Act. The authority for using project funds for Federal project responsibilities is ISDEAA language which mandates that the Secretary must assure health and safety in all projects. For the latter, the Federal side's position is that certain requirements apply to projects individually regardless of whether one or more projects are assumed collectively as a program. Thus, the tribal side's approach of eliminating Federal access to project funds to carry out project responsibilities would jeopardize the Federal Government's obligation to assure health and safety for individual construction projects. In addition, the tribal side's view would eliminate the Secretary's statutory right to use the 6 percent Program Management and Oversight funding, as needed. In other words, whether projects are assumed individually or collectively, the Federal side interprets ISDEAA as requiring the Secretary to assure health and safety for all construction. Many commenters supported the tribal view, but none presented a legal right to ignore the Secretary's discretion to use up to 6 percent of Program Management and Oversight funding or to ignore the Secretary's right to use project funds to carry out the Secretary's health and safety responsibilities under ISDEAA. Therefore, in the final rule we have retained the Federal questions and answers for this item.

Another key area of disagreement that was not resolved was ''Arbitration

Provisions'' in subpart H (§§ 170.941–952). Essentially, the tribal side elects to chose Alternative Dispute Resolution (ADR) procedures at their option. The Federal version is that ISDEAA and its implementing regulations for Indian self-determination contracts and self-governance agreements require that certain dispute procedures be utilized, but that ADR may be used only when both parties agree. For example, the Contract Disputes Act (CDA) is incorporated into ISDEAA and requires its own procedures once a contract or agreement is executed. While ADR may be used as an alternative, it is only appropriate when both parties agree. The tribal position would allow ADR unilaterally and solely at the tribe's option. Thus, with the tribal side's approach, a dispute could remain perpetually unresolved or as long as the tribe chooses. Many comments supported the tribal view, however, no commenters presented a legal basis to depart from the requirements of ISDEAA. We resolved this disagreement by retaining the Federal questions and answers for this item, with a modification. The modification adds ''for non-construction activities'' to § 170.941(c) to make clear that the Model Contract section of ISDEAA does not apply to construction activities.

Areas of Disagreement That Are Outside the Scope of Rulemaking

The Department found four of the Key Areas of Disagreement, ''Advance Funding'' in subpart E (§§ 170.614–618), ''Contractibility and Compactibility of TEA–21 Programs'' in subpart E (§§ 170.600–636), ''Availability of Contract Support Funding'' in subpart E (§§ 170.635–636), and ''Savings'' in subpart E (§ 170.620) to be outside the scope of this rulemaking. The discussion of these areas was included in the NPRM Preamble, however, so that the public would be aware of the Committee's discussions on these areas. We made no changes to the questions and answers pertaining to these issues in the NPRM.

Discussion of Public Comments

The discussion of comments below is keyed to specific sections of the NPRM, including subparts and subheadings. Only major, substantive public comments are discussed below. In some instances, several commenters are represented as one comment—having made similar or identical comments. Grammatical changes, minor wording revisions, and other purely style-oriented comments are not discussed; however, changes to the final rule reflect such public comments. The section number references are to the final rule.

Subpart A—Policies, Applicability, and Definitions

Comment: Change the term ''tribal contractor'' to ''tribal government'' as this is a more appropriate term with respect to Indian self-determination and tribal self-governance.

Response: A change throughout the final rule has been made to refer to ''Indian tribe or tribal organization'' rather than tribal contractor, where applicable, for consistency with the Indian Self-Determination and Education Assistance Act (ISDEAA).

Comment: Language should be included that would indicate that tribes be included in the development of policies, consistent with Federal rules and regulations.

Response: Language was added to indicate that the development of policies would be ''in consultation with Indian tribes.''

Comment: The rule should indicate that where different from ISDEAA, the IRR Program regulations should serve to advance—rather than retard—the Federal Government's policy of increasing tribal autonomy and discretion of this program.

Response: Language has been added that ''Where this part differs from provisions in the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA), this part should advance the policy of increasing tribal autonomy and discretion in program operation.'' (§ 170.2(b))

Comment: Tribes should only have to follow those IRR Program Policy and Guidance manuals and directives which are consistent with the regulations in this part and 25 CFR parts 900 and 1000. Tribes should not have to abide by any unpublished requirements, guidelines, manuals, or policy directives of the Secretary, unless otherwise required by law.

Response: This change was made and is reflected in § 170.3.

Comment: Delete the term ''Act'' and refer only to the Indian Self-Determination and Education Act (ISDEAA).

Response: Reference is made to ISDEAA and ''Act'' is removed from the text of the rule.

Comment: Delete the term ''Compact'' and refer instead to ''self-governance agreement.''

Response: Reference is made to ''self-governance agreement'' only and the term ''compact'' is deleted.

Comment: In the definition of the term ''construction,'' delete ''highway'' and add ''IRR Program transportation facility.''

Response: The reference to ''highway'' was changed to ''IRR Program transportation facility.''

Comment: A construction contract is not a project. The term ''Construction Contract'' should be rewritten by inserting ''contract for a'' and deleting ''or'' after ''self-determination.'' Items (1), (2) and (3) are inaccurate and unneeded.

Response: Under ISDEAA a construction contract is defined as a project. ''Contract for a'' was added and ''or'' was deleted after ''self-determination.'' Items (1), (2) and (3) remain in the rule to clarify restrictions. (§ 170.5)

Comment: Delete the term ''Contract'' since this is unnecessary when all types of contracts are otherwise explained by reference and within the context of the rule.

Response: ''Or a procurement document issued under Federal or tribal procurement acquisition regulations'' was added to the definition of ''Contract.'' (§ 170.5)

Comment: The term ''governmental subdivision of a tribe'' should be clearly (and narrowly) defined.

Response: The term ''governmental subdivision of a tribe'' is added and defined to be ''the unit of a federally-recognized tribe which is authorized to participate in the IRR Program activity on behalf of the tribe.'' (§ 170.5)

Comment: Add the term ''Indian Reservation Road (IRR)'' to the definitions section.

Response: The term ''Indian Reservation Road (IRR),'' as it is defined under 23 U.S.C. 101(a), has been added to the definitions section. (§ 170.5)

Comment: Add the term ''IRR Program Management Funds'' to the definitions section.

Response: The term ''IRR Program Management and Oversight Funds'' has been added to the definitions in subpart A, § 170.5 to mean ''those funds authorized by Congress in the annual appropriations acts to pay the cost of performing IRR Program management activities.''

Comment: Delete the reference to ''up to 2 percent planning funds'' and substitute a reference to planning funds authorized under 23 U.S.C. 204(j) to cover any future legislative language.

Response: The reference to planning funds authorized under 23 U.S.C. 204(j) or ''tribal transportation planning funds'' was substituted. ''Tribal transportation planning funds'' is defined in subpart A, § 170.5.

Comment: Within the term ''Rehabilitation,'' reference should be

made to all work, rather than just to major work. Rehabilitation is not confined only to bridge work.

Response: The term ''Rehabilitation'' references transportation facilities, rather than only bridges, and does not refer only to major work. (§ 170.5)

Comment: The term ''Transportation Improvement Program (TIP)'' should be better defined.

Response: The term ''TIP'' has been deleted and the definitions of TTIP, IRRTIP, and STIP are included in the definitions in subpart A, § 170.5.

Subpart B—Indian Reservation Roads Program Policy and Eligibility

Consultation, Collaboration, Coordination

Comment: Properly identify the Community Development Administration funds as being ''USDA Rural Development'' funds and reference the appropriate authority under the ''Federal Transit Administration.''

Response: These references were made in the final rule. (§ 170.105)

Comment: The rule should spell out the obligations of the States, MPOs, RPOs, and local governments to consult with tribes about planning for tribal transportation projects, including regionally significant projects.

Response: No change was made to the final rule as the obligations of these parties are clearly referenced in 23 U.S.C. and are incumbent upon all parties dealing with tribal transportation projects.

Eligible Uses of IRR Program Funds

Comment: Appendix A to subpart B should reflect the use of indirect cost in relation to non-construction administrative functions and equipment purchases in relation to administering the IRR Program generally.

Response: The section was revised by adding ''other eligible activities described in this part'' to A.37 and B.67 in appendix A to subpart B and adding ''or in this part'' to the end of § 170.116(f).

Comment: Provisions for cyclical maintenance activities should be clarified and reference to appropriate work under this activity should be illustrated.

Response: The rule has been changed to reflect ''routine maintenance'' and reference to ''patching or marking pavement,'' and ''bridge joints, drainage, and other work'' has been deleted in its entirety because maintaining bridge joints is an eligible activity and drainage is included in appurtenances. (§ 170.116) Eligible activities are adequately explained in appendix A to subpart B.

Comment: Under ISDEAA only BIA, not FHWA, may determine the eligibility for a tribe's proposed new use of IRR Program funds.

Response: The rule reflects that BIA will approve requests for new proposed uses of IRR Program funds for activities eligible under 25 U.S.C. and FHWA approves requests for new proposed uses of IRR Program funds for activities eligible under 23 U.S.C.

Comment: Approvals for new proposed uses should be completed in a more timely fashion—a response time of 45 days is recommended.

Response: The time line for written responses has been changed in the rule from 60 days to 45 days. (§ 170.117)

Comment: Include construction of public roads to BIA schools as an eligible activity.

Response: Eligibility of construction of public roads accessing public schools is already included in the list of allowable uses of IRR Program funds in appendix A of subpart B.

Use of IRR and Cultural Access Roads

Comment: Under Civil Justice Reform (Executive Order 12988), concern was raised with a tribe's ability to close a cultural access road. Further, under the Regulatory Flexibility Act, concern was raised about the many other non-Indian landowners served by tribally-owned roads who may be impacted by this rule.

Response: Section 170.120 is revised to reflect that IRR's must be open and available for public use.

Comment: IRRs must be open and available to public use because they are funded with public funds.

Response: The term ''generally'' was deleted from the answer. (§ 170.120)

IRR Housing Access Roads

Comment: Define the terms ''housing cluster'' and ''Indian community.''

Response: A definition for ''housing cluster'' was added as follows: ''Housing cluster means three or more existing or proposed housing units.'' § 170.127(c) The term ''Indian community'' was deleted because a housing cluster is necessarily part of an Indian community. ''On public rights-of-way'' was also added after ''housing streets'' in § 170.128 in order to make the answer consistent with § 170.127(a) which references ''public road.''

Toll, Ferry and Airport Facilities

Comment: Clarify that a tribe operating the IRR Program under ISDEAA may use 100 percent of IRR Program funds to provide for the local match.

Response: In the final rule, the question relating to this issue was changed to reflect the use of IRR Program funds to provide for the local match. (§ 170.130)

Recreation, Tourism, and Trails

Comment: Clarification should be made that tribes may use IRR Program funds for recreation, tourism, and trails.

Response: The clarification that tribes, tribal organizations, tribal consortiums, and BIA may use the funds has been made in the final rule. (§ 170.135).

Highway Safety Functions

Comment: Separate references should be made to (1) Highway Safety Programs and (2) IRR Programs to be consistent with the remaining list of Federal programs under which funds may be available for a tribe's highway safety programs and reference other funding Congress may authorize and appropriate.

Response: The final rule reflects the separate references and references other funding from Congress. (§ 170.141)

Subpart C—Indian Reservation Roads Program Funding

Tribal Transportation Allocation Methodology (TTAM)

Comment: Clarify takedowns and the order in which they are incorporated.

Response: The TTAM diagram was revised for clarification, the descriptions made more concise, and the process better defined. (§ 170.200)

IRR High Priority Project (IRRHPP)

Comment: What activities cannot be funded with the IRRHPP?

Response: The final rule identifies activities that cannot be funded with the IRRHPP. (§ 170.205(c))

Comment: Clarify what constitutes an emergency/disaster.

Response: Clarifications of emergency/disaster have been made. (§ 170.206)

Comment: How are IRRHPP applications ranked?

Response: Ranking clarifications were made in the final rule. (§ 170.209)

Comment: How are unspent funds handled?

Response: The final rule now states that upon completion of an IRRHPP, funds that are reserved but not expended are to be recovered and returned to the IRRHPP funding pool. (§ 170.213)

Comment: The schedule for IRRHPP proposals should be changed due to concerns about the lack of time to get projects awarded and underway.

Response: The final rule reflects the schedule change. (§ 170.212)

Population Adjustment Factor

Comment: The rule should better define the data used for PAF.

Response: The final rule provides that the population figures are those defined in § 170.220.

Relative Need Distribution Factor

Note: Most of the sections on the RNDF were placed into appendix C to subpart C.

Appendix C to Subpart C

Comment: Use of population figures developed under the Native American Housing Assistance and Self-Determination Act (NAHASDA) should not be qualified as ''interim'' and there should be a clarification that the American Indian and Alaska Native Service Population NAHASDA population figures will be used.

Response: The reference to ''interim'' was deleted and the clarification was made. (Appendix C to subpart C)

Comment: Is there a limit on how many proposed roads can be added to the inventory?

Response: The final rule reflects that there is no limit.

Comment: What is the definition of a proposed road and under what conditions can it be added to the inventory?

Response: The definition of a proposed road is included in § 170.5 and how it is added to the inventory is provided in § 170.443.

Comment: The designation of a road should reference that the national IRR Program bid tabulation data will be collected and input into the Cost-to-Construct database by BIADOT.

Response: This reference was made in the final rule. (Appendix C to subpart C)

Subpart D—Planning, Design, and Construction of Indian Reservation Roads Program Facilities

Transportation Planning

Comment: Re-order the sections in a sequential order.

Response: The sections were re-ordered, beginning with transportation planning through approval of the IRRTIP and providing documentation to States for inclusion in planning documents.

Comment: Tribes may perform certain aspects of transportation planning under ISDEAA and BIA must perform certain aspects.

Response: Those aspects of transportation planning that either a tribe or BIA must perform and aspects that either BIA or a tribe may perform have been clearly identified in the final rule. (§§ 170.401–402)

Comment: Remove references to Regional Planning Organizations (RPOs) and Metropolitan Planning Offices (MPOs) as they may give the misconception that this rule creates rural planning offices.

Response: The use of RPO and MPO was clarified to eliminate the misconception that ''Rural Planning Offices'' were being created. ''Other appropriate planning authorities'' was included in addition to States and their political subdivisions.

Transportation Improvement Program

Comment: BIA should update IRRTIPs quarterly.

Response: The provision for annual updates was retained in the final rule; however, the final rule provides that a tribe may request an amendment to the approved IRRTIP until July 15 of each year. (§§ 170.425 and 170.427)

Comment: BIA should review proposed changes to an approved IRRTIP within 45 days of receipt.

Response: BIA will review and respond to amendments within 45 days of receipt. (§ 170.427)

Comment: The requirement for, development of, and uses of a long-range transportation plan (LRTP) should be clarified and redundancies within the sections eliminated.

Response: The final rule makes these clarifications through the use of new questions and answers. Clarification of what comprises the LRTP has been made to include only the health and safety concerns relating to the transportation improvements; the inclusion of additional methods for public involvement in the development of the LRTP in allowing the tribe or BIA to post notices in accordance with local practice; clarifications to illustrate the requirements of a properly convened public meeting and its statutory notice. In addition, the requirement for the use of a consultant to approve the tribal LRTP has been deleted.

Public Hearings

Comment: Clarify how BIA or a tribe determines the need for a public hearing and what funds are available for the hearing.

Response: The final rule clarifies how the need for a public hearing is determined and what funds are available. (§§ 170.435–436)

Comment: When a public meeting is held, a courtesy copy of the notice should be provided to the affected tribe and/or the BIA Regional Office.

Response: This recommendation has been accepted in the final rule. (§ 170.438)

Comment: Environmental and/or archaeological clearances should be included in the public hearing process.

Response: These clearances are referenced in the final rule. (§ 170.439)

Comment: Are there any distinctions in funding for funding public hearings for IRR planning and funding for public hearings for projects?

Response: Transportation planning public hearings are funded by tribal transportation planning funds or IRR Program construction funds and project public hearings are funded by construction funds. (§ 170.436)

Comment: Clarifications need to be made with respect to when the public must be notified before project activities begin and the responsibility BIA and/or the tribe must bear to provide such notice.

Response: The final rule clarifies public notice requirements for both the tribe and BIA. (§§ 170.438–441)

IRR Inventory

Comment: Move sections on technical aspects of the inventory from subpart C to subpart D.

Response: The sections were moved from subpart C to subpart D.

Comment: References to Atlas maps and functional classifications are not required, too technical, and not important to the intent of this section.

Response: These references have been deleted.

Comment: The IRR inventory is a comprehensive database—not a list of information.

Response: The final rule indicates that the inventory is a comprehensive database. (§§ 170.5 and 170.442)

Comment: Delete the section relating to the accuracy of the database because it addressed only roads and was not relevant to other transportation facilities.

Response: The section was deleted.

Comment: The surface type section is only for coding purposes in the inventory and should be removed from this section.

Response: The surface type section has been removed.

Comment: It should be made clear that the IRR Inventory is used for other purposes in addition to the Relative Need Distribution Factor.

Response: The use of the IRR inventory has been clarified. (§ 170.442)

Comment: The section regarding ''accuracy provisions'' for all eligible transportation facilities is confusing and adds nothing substantive to the understanding of eligible transportation facilities. Recommend deleting this section.

Response: This section was deleted in its entirety.

Comment: The functional classification system categories used by the States and those used in the IRR Program should be consistent.

Response: We have included the complete definitions that meet the simplified approach in appendix C of subpart C. Therefore, we have deleted this section and all other sections related to functional classification and surface type in subpart D.

Review and Approval of Plans, Specifications, and Estimates (PS&Es)

Comment: Tribes should be able to assume review and approval authority for PS&Es for IRR-funded projects under a self-determination contract or a self-governance agreement.

Response: We have created a new subheading, *Review and Approval of Plans, Specifications, and Estimates.* The final rule includes provisions that a tribe may perform this task where the function is included in the tribe's self-determination contract or self-governance agreement, or where the tribe is the owner of or is responsible for maintaining the transportation facility. In addition, for BIA-owned or tribally-owned transportation facilities, a tribe may assume responsibility to review and approve PS&E packages under a self-determination contract or self-governance agreement so long as a tribe provides assurances that a licensed professional engineer will review and certify that the PS&Es meet or exceed design, health and safety standards referenced in these regulations. For a facility maintained by a public authority other than BIA or a tribe, a tribe must satisfy these requirements and provide the public authority an opportunity to review and approve PS&E packages. The final rule reflects the tribes' ability to ensure health and safety, inclusion of health and safety standards in self-determination contracts and self-governance agreements, and appropriate coordination with relevant authorities in the approval process. (§§ 170.460–463)

Comment: Some items listed as part of a PS&E package are supplemental, are not part of the package, and should be deleted.

Response: The final rule states which items are supplemental to a PS&E package. (§ 170.460)

Construction and Construction Monitoring [and Rights-of-Way]

Comment: Delete ''where feasible'' and replace ''consultation'' with ''coordination.''

Response: In the final rule ''where feasible'' was deleted and ''coordination'' was substituted for ''consultation.'' (§ 170.471)

Comment: References to 25 CFR part 169, ''rights-of-way,'' pertain to third parties and not to tribes building IRRs on their reservations.

Response: References to ''Rights-of-Way'' have been removed from the final rule although 25 CFR part 169 remains the authority for third parties on Indian lands.

Comment: Who has final acceptance responsibility of the IRR Construction Project Report?

Response: In the rewrite of the project closeout and audits sections (which have been combined), we indicate that the facility owner has final acceptance on the project and report. (§ 170.473)

Appendix A to Subpart D

Comment: This Appendix should be characterized to acknowledge the IRR Program's responsibilities to effectively manage a broad range of cultural resources of which archaeological resources are only a part.

Response: The Appendix has been re-titled as ''Cultural Resource and Environmental Requirements for the IRR Program.''

Comment: Reference should be made to other implementing regulations, *e.g.*, the Native American Graves Protection and Repatriation Act, the National Historic Preservation Act, and the Archaeological Resource Protection Act.

Response: We have added ''other applicable Federal laws and regulations'' to encompass these (and other) implementing regulations, as appropriate.

Appendix B to Subpart D

Comment: Add ''AASHTO Guidelines of Geometric Design of Very Low-Volume Local Roads'' to the list of Design Standards for the IRR Program.

Response: This reference has been added to appendix B to subpart D.

Subpart E—Service Delivery for Indian Reservation Roads

Funding Process

Comment: The term ''TTAM'' should replace ''IRR Relative Need Formula'' to be consistent with subpart C.

Response: The term ''TTAM'' has been appropriately referenced in this subpart.

Comment: Publishing a notice of availability of funds in the **Federal Register** is an undue burden on the Federal Government and presents conflicts with other time lines in this rule.

Response: We have revised this responsibility in the final rule by separating items BIA will publish in the **Federal Register** and the items that regional offices will provide to tribes upon publication of the notice of availability of funds. This will allow BIA to publish the amount of funding available in a manner that does not conflict with other time lines established in this rule and reduces the administrative burden. (§ 170.600)

Miscellaneous Provisions

Comment: Add a provision for consulting with a tribe before using a force account even after a tribe declines a self-determination contract or self-governance agreement.

Response: Because divulging bidding information is contrary to the Federal procurement regulations, we simply added more complete information about force accounts in the final rule. (§ 170.605)

Contracts and Agreements Under ISDEAA

Comment: What protections are there if the tribe fails to substantially perform the contracted work?

Response: We have clarified the final rule to indicate the sanctions (and protections) available when a tribe fails to substantially perform the contracted work. (§ 170.621)

Subpart F—Program Oversight and Accountability

Comment: Some sections of this subpart should be removed because they more appropriately deal with PS&Es and not program stewardship.

Response: The section on PS&Es has been revised to include the concerns that were referenced in this subpart. Consequently, their reference has been deleted from subpart F.

Subpart G—BIA Road Maintenance

Comment: Change the term ''Motorized Trails'' to ''vehicle trails.''

Response: We have changed the reference to ''motorized vehicle trails.'' (§ 170.803)

Comment: Include a provision that the Secretary provide to the affected tribe a draft copy of the findings that an IRR transportation facility is not being maintained due to insufficient funding prior to providing the report to Congress under 23 U.S.C. 204.

Response: The final rule provides that if BIA determines that an IRR transportation facility is not being maintained under IRR TFMMS standards due to insufficient funding, under 23 U.S.C. 204, BIA must continue to request annual funding for road maintenance programs on Indian reservations. (§ 170.811). In addition,

the report is provided to the Secretary of Transportation not to Congress.

Comment: The circumstances surrounding a temporary closure of or restricted access to an IRR transportation facility should be clarified to include private landowners in the decision-making process.

Response: The final rule includes consultation with applicable private landowners in addition to the tribe and also indicates that consultation is not required whenever the conditions involve immediate safety and life-threatening situations. (§ 170.813)

Comment: Include provisions ''including runway lighting'' and ''boat ramps.''

Response: These references have been added to the final rule. (§ 170.803)

Comment: Provision should be made for catastrophic failure or natural disaster.

Response: These provisions have been added to the final rule in discussion of the circumstances when closure of an IRR transportation facility is warranted. (§ 170.813)

Comment: Recommended deleting from the answer the remainder of the sentence after the words ''local governments'' in § 170.822.

Response: The entire section was deleted.

Comment: Recommended moving §§ 170.816–820 on bridge inspections from subpart G to subpart D since bridge inspections are funded from the IRR Program rather than the Road Maintenance Program.

Response: The sections on bridge inspections have been moved to Subpart D for clarity. We added a subheading for IRR bridge inspections under subpart D. (§§ 170.504–507)

Subpart H—Miscellaneous

Tribal Transportation Departments

Comment: Noted that the provision in § 170.932 conflicts with a U.S. Supreme Court decision.

Response: The section has been modified to reflect recent Federal case decisions.

Comment: Switch the order of § 170.938 and § 170.939 for clarity.

Response: These sections are now § 170.931 and § 170.932. We also added ''see appendix A, subpart B'' after ''activities'' in § 170.931.

Comment: It should be made clear that IRR Program funds can be used for transportation planning and administration.

Response: This clarification has been made in the final rule. (§ 170.931)

Resolving Disputes

Comment: The tribes should have the option of choosing the Alternative Dispute Resolution Act (ADR) to settle disputes arising out of their self-determination contracts or self-governance agreements.

Response: The Contract Disputes Act is incorporated by reference into ISDEAA and applies to disputes after contracts or agreements are awarded. We clarified that the Contract Disputes Act is available for dispute resolution techniques or procedures for construction and the Model Contract is available for non-construction by moving ''and the implementing regulations'' from the end of the sentence to follow ''ISDEAA'' and noting that ''non-construction activities'' applies only to the Model Contract. However, for non-construction activities under the Model Contract, alternative dispute resolution options are available—including the ADR. Section 170.934 was revised because it was ambiguous as written.

II. Summary of Regulations

Subpart A—Policies, Applicability, and Definitions

This subpart outlines the authority under which this rule is established. The purpose and scope of this rule is defined with respect to 23 U.S.C. 202(d) and 204 and the IRR Program and this subpart provides interpretation of the language used throughout 23 U.S.C.

The subpart further outlines the policies, guidance manuals, directives, and procedures that will govern the IRR Program under direct service, self-determination contracts, and self-governance agreements and also includes definitions used throughout the rule.

Subpart B—Indian Reservation Roads Program Policy and Eligibility

This subpart:

- Explains the Federal, tribal, state, and local governments coordination, collaboration, and consultation responsibilities and how these efforts can effectively assist the tribal governments in meeting their transportation needs;
- Lists both the eligible and non-eligible activities for IRR Program funding;
- Discusses the use of all eligible Indian Reservations Roads and other transportation facilities eligible for construction, including cultural access roads, housing access roads, toll roads, recreation, tourism, trails, airport access roads, transit facilities, and seasonal transportation routes;
- Covers the highway safety aspects of the IRR Program and those activities, functions, and equipment that may be eligible for funding under this program;

In addition, this subpart also includes:

- Transportation research activities;
- Education and training opportunities available to tribes and BIA through Local Technical Assistance Programs and other Federal, state, and local organizations; and
- How IRR Program funds may be used for education and training.

Subpart C—Indian Reservation Roads Program Funding

This subpart covers the Tribal Transportation Allocation Methodology and the Relative Need Distribution Factor used to distribute IRR Program funds, including:

- An overview of the allocation of IRR Program Funds;
- The Transportation Planning Program (under 23 U.S.C. 204(j));
- The Relative Need Distribution Factor for IRR Construction;
- The IRR High Priority Projects Program (IRRHPP); and
- The Population Adjustment Factor (PAF).

It also covers the following factors used in the Relative Need Distribution Factor:

- Cost-to-Construct;
- Vehicle Miles Traveled; and
- Population.

This subpart also includes:

- General Data Appeals;
- The IRR Inventory; and
- Long-Range Transportation Planning.

Subpart D—Planning, Design, and Construction of Indian Reservation Roads Program Facilities

This subpart discusses:

- The transportation planning responsibilities and requirements consistent with 23 U.S.C. 134 and 135;
- Funding sources for transportation planning;
- The requirements for developing a Transportation Improvement Program and Long-Range Transportation Plans including the requirements for public hearings and input into their development.

This subpart also:

- Defines the IRR inventory, its components, and how it is developed and used;
- Includes the environmental and archaeological requirements applicable to projects under this program and whether IRR Program funds can be used for these requirements;
- Outlines design, construction, and construction monitoring standards;

• Includes closeout procedures for IRR Program construction projects and identifies the roles of and the responsible entities for such procedures;
• Discusses the processes and procedures used at the various office levels of the IRR Program to ensure that the program is being carried under these regulations and the governing laws; and
• Outlines the management systems that BIA must develop and maintain for oversight and management of the IRR Program.

Subpart E—Service Delivery for Indian Reservation Roads

This subpart tells how ISDEAA can be used:
• To contract for programs under the IRR Program;
• In self-governance agreements;
• In consortium contracts and agreements;
• In multiple-year agreements;
• For rights of first refusal;
• In applicability of advance payments for ISDEAA contracts and agreements;
• For contingency funds; and
• For cost overruns.

This subpart also covers:
• Indian preference versus local preference in contracting;
• Contract enforcement;
• The applicability of the Buy Indian Act and the Buy American Act to the IRR Program;
• The applicability of the Federal Acquisition Regulations and Davis Bacon wage rates with respect to self-determination contracts or self-governance agreements;
• Force account work;
• Waivers of regulations;
• The Federal Tort Claims Act;
• Technical assistance available to tribes planning to contract for IRR Program activities and/or functions; and
• Savings.

Subpart F—Program Oversight and Accountability

This subpart discusses:
• Oversight roles and responsibilities for the IRR Program;
• Memoranda of Understanding; and
• Program accountability.

Subpart G—BIA Road Maintenance

This subpart covers:
• BIA Transportation Facility Maintenance Program and its eligible activities and facilities including roads, bridges, airports, and others;
• Maintenance funding;
• Facility ownership;
• Maintenance responsibilities to the traveling public;
• Maintenance management system requirements;
• Maintenance standards;
• Mandated bridge inspection requirements and standards; and
• Provisions for emergency maintenance.

Subpart H—Miscellaneous

This subpart provides information on:
• The transport of hazardous and nuclear waste;
• Indian preference and tribal employment rights;
• The applicability of tribal taxes and fees for IRR Projects;
• The Emergency Relief Program;
• Establishing and operating tribal transportation departments and the eligible activities and/or functions for which these organizations can contract;
• Tribal regulations of oversize and overweight vehicles;
• Reporting requirements;
• Tribal employment rights;
• Alternative dispute resolution procedures to resolve IRR program disputes; and
• Research activities available under the IRR Program.

III. Procedural Requirements

A. Regulatory Planning and Review (Executive Order 12866)

This final rule is a significant regulatory action requiring review by the Office of Management and Budget. The Office of Management and Budget has reviewed this final rule under Executive Order 12866. This final rule will have budgetary effects of entitlement, grants, user fees, or loan programs or the rights or obligations of their recipients. Funding for the IRR Program in fiscal year 2003 is $275 million and is expected to increase in future years. It is anticipated that the IRR Program will receive more than $2 billion dollars over the next six years with the passage of a new Transportation authorization. The DOT, FHWA, allocates funds to DOI, BIA. BIA distributes the funds to each of its 12 regions based on the existing funding formula for the benefit of tribes in each region. This final rule will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities. This final rule enables Indian tribes to be more directly involved in the care, upgrade, safety, and improvement of their transportation facilities. This rule sets forth policies and guidelines under which FHWA, BIA, and tribes that contract with BIA conduct the IRR Program. It also includes a funding methodology for distributing IRR Program funds. It covers current practices of DOT and DOI. DOT representatives have participated in this negotiated rulemaking, concur in all consensus items, and have provided comments on all disputed items. This final rule raises novel legal or policy issues that are contained in the Disagreement Items section of the Preamble. It also provides policy and guidance under the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, and under the Transportation Equity Act for the 21st Century, Pub. L. 105–178, as they relate to the IRR Program which has been in effect since 1983.

B. Regulatory Flexibility Act

DOI certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Indian tribes are not considered to be small entities for purposes of this Act.

C. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This final rule is a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)) because it has an annual effect on the economy of $100 million or more. The yearly amount of IRR Program funds is approximately $275 million.

This final rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions. Actions under this final rule will distribute Federal funds to Indian tribal governments and tribal organizations for transportation planning, construction, and maintenance.

This rule 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.

D. Unfunded Mandates Reform Act

This final rule would not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This final rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1532).

E. Takings Implication Assessment (Executive Order 12630)

This final rule does not have significant takings implications. This final rule does not pertain to taking of

private property interests, nor does it impact private property.

F. Federalism (Executive Order 12612)

This final rule does not have significant federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of States.

G. Civil Justice Reform (Executive Order 12988)

This final rule does not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

H. Paperwork Reduction Act

This rulemaking requires an information collection from 10 or more parties and a submission under the Paperwork Reduction Act of 1995, Pub. L. 104–13, is required. Accordingly, The Department prepared an OMB form 83–I for review and approval by OMB. Having reviewed the submissions of the Department with respect to the burden hours of each part of this rulemaking, along with any comments that were submitted by the reviewing public, OMB has approved the information collection requirements contained in this rulemaking and has assigned OMB control number 1076–0161. The expiration date of this control number is October 31, 2005. This approval by OMB was necessitated by the requirements inherent in the revisions to 25 CFR part 170. Revisions to part 170 are in furtherance of a Departmental initiative to implement the Transportation Equity Act for the 21st Century (TEA–21) and set policies and procedures governing the IRR Program. The information provided through information collection requirements is used by DOI, BIA, to determine how funds appropriated by Congress under TEA–21 will be allocated to various tribal governments in implementing the IRR program. The information is particularly used in assisting tribal governments to meet reporting and application requirements for their participation in the IRR program, and is reflected in subparts C or D of this rulemaking. The total estimated burden hours for this information collection is 31,470 hours and is required to obtain or retain a benefit under 25 CFR part 170 pursuant to 5 CFR 1320.9. The public is invited to make any additional comments it may have concerning the accuracy of this burden estimate and any suggestions for reducing such burden.

I. National Environmental Policy Act

DOI has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). Specific projects under the IRR Program will require NEPA review through an Environmental Assessment or Environmental Impact Statement.

J. Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

Pursuant to Executive Order 13175 of November 6, 2000, Consultation and Coordination with Indian Tribal Governments, we have consulted with tribal representatives throughout the process of developing this rule through negotiated rulemaking. We conducted consultation at the Negotiated Rulemaking Committee's 23 meetings, accepted oral and written comments at all Committee meetings, maintained Committee information on the IRR Web site, provided periodic newsletters and other mailings, provided updates at intertribal and other Indian Reservation Roads transportation-related meetings, and sent periodic letters to tribal leaders. As part of the negotiated rulemaking process with tribes, we reviewed and considered public comments to the NPRM with the Negotiated Rulemaking Committee to make recommendations to the Secretary for the final rule. We have evaluated any potential effects on federally-recognized Indian tribes and have determined that there are no potential adverse effects. The final rule expands tribal participation in and responsibilities for various transportation-related activities of the IRR program. We consulted with tribal governments and tribal organizations as part of the negotiated rulemaking process throughout the comment period after publication of this final rule.

IV. Reference Tables

The following tables are provided to allow the reader to locate specific matters of interest under particular subheadings from the NPRM and determine if those sections have been relocated in the final rule.

NPRM subpart	NPRM subheading	NPRM section Nos.
Subpart A	General Provisions and Definitions	§ 170.1–§ 170.6
Subpart B	Indian Reservation Roads Program Policy and Eligibility.	
	Consultation, Collaboration, Coordination	§ 170.100–§ 170.112
	Eligibility for IRR Funding	§ 170.114–§ 170.116
	Use of IRR and Cultural Access Roads	§ 170.120–§ 170.126
	Seasonal Transportation Routes	§ 170.130–§ 170.138
	IRR Housing Access and Toll Roads	§ 170.140–§ 170.148
	Recreation, Tourism, Trails	§ 170.150–§ 170.154
	Highway Safety Functions	§ 170.155–§ 170.159
	Non-Road Transportation	§ 170.160–§ 170.162
	Transit Facilities	§ 170.163–§ 170.170
	IRR Program Coordinating Committee	§ 170.171–§ 170.177
	Indian Local Technical Assistance Program (LTAP)	§ 170.178–§ 170.192
	LTAP Sponsored Education and Training Opportunities	§ 170.193–§ 170.194
Subpart C	Indian Reservation Roads Program Funding	§ 170.225–§ 170.232
	Tribal Transportation Allocation Methodology for IRR Construction	§ 170.235–§ 170.236
	IRR High Priority Projects (IRRHPP)	§ 170.245–§ 170.257
	Population Adjustment Factor (PAF)	§ 170.263–§ 170.267
	Relative Need Distribution Factor	§ 170.270–§ 170.282
	General Data Appeals	§ 170.285–§ 170.288
	IRR Inventory and Long-Range Transportation Planning (LRTP)	§ 170.290–§ 170.299
	Long-Range Transportation Planning	§ 170.300–§ 170.303
	Flexible Financing	§ 170.350–§ 170.357
Subpart D	Planning, Design, and Construction of Indian Reservation Roads Program Facilities.	
	Transportation Planning	§ 170.400–§ 170.436

NPRM subpart	NPRM subheading	NPRM section Nos.
	Public Hearings	§ 170.437–§ 170.445
	IRR Inventory	§ 170.446–§ 170.460
	Environment and Archeology	§ 170.461–§ 170.462
	Design	§ 170.464–§ 170.469
	Construction and Construction Monitoring and Rights-of-Way	§ 170.472–§ 170.502
	Program Reviews and Management Systems	§ 170.510–§ 170.516
Subpart E	Service Delivery for Indian Reservation Roads	§ 170.600–§ 170.636
Subpart F	Program Oversight and Accountability	§ 170.700–§ 170.708
Subpart G	BIA Road Maintenance	§ 170.800–§ 170.823
Subpart H	Miscellaneous.	
	Hazardous and Nuclear Waste Transportation	§ 170.900–§ 170.907
	Reporting Requirements and Indian Preference	§ 170.910–§ 170.923
	Emergency Relief	§ 170.924–§ 170.932
	Tribal Transportation Departments	§ 170.936–§ 170.940
	Arbitration Provisions	§ 170.941–§ 170.943
	Other Miscellaneous Provisions	§ 170.950–§ 170.952

BILLING CODE 4310–LH–P

NPRM	Final	NPRM	Final	NPRM	Final	NPRM	Final	NPRM	Final	NPRM	Final	NPRM	Final	NPRM	Final	NPRM	Final
.1	-	.145	.130	.185	.167	.276	App C	.410	.403	.449	.443	.491	.474	.630	.625	.823	.813
.2	.1	.146	.130	.186	.168	.278	App C	.411	.5	.450	.443	.500	-	.631	.626	.900	.900
.3	.2	.147	.130	.187	.169	.279	App C	.412	.422	.451	-	.501	-	.632	.624	.901	.901
.4	.3	.148	.131	.188	.170	.282	App C	.413	.421	.452	-	.502	-	.633	.622	.902	.902
.5	.4	.150	.135	.189	.170	.285	.231	.414	.422	.453	.445	.510	.500	.634	.623	.903	.903
.6	.5	.151	.136	.190	.171	.286	.231	.415	.424	.454	-	.511	.500	.635	.607	.904	.904
.100	.100	.152	.135	.191	.164	.287	.231	.416	.415	.455	.445	.512	.500	.636	.608	.905	.905
.101	.101	.153	.137	.192	.170	.288	.232	.417	.423	.456	-	.513	.501	.700	.700	.906	.905
.102	.102	.154	.138	.193	.175	.290	.227	.418	.420	.457	-	.514	.502	.701	-	.907	.906
.103	.103	.155	.141	.194	.176	.291	.227	.419	.426	.458	-	.515	.503	.702	-	.910	.910
.104	.103	.156	.142	.225	.200	.292	.228	.420	.426	.459	-	.516	-	.703	-	.915	.911
.105	.104	.157	.143	.226	.200	.294	.226	.421	.429	.460	.443	.600	.610	.704	-	.916	.911
.106	.105	.158	.144	.232	.201	.295	.227	.422	.428	.461	.450	.601	A to E	.705	462	.918	.912
.107	.106	.159	.145	.235	.200	.296	.444	.423	.428	.462	.451	.602	.612	.706	.701	.919	.913
.108	.107	.160	.132	.236	.202	.297	.227	.424	.425	.464	.454	.603	.610	.707	.462	.920	.914
.109	.109	.161	.132	.245	.205	.298	.227	.425	.425	.465	.454	.604	.613	.708	.462	.921	.915
.110	.110	.162	.132	.246	.206	.299	.157	.426	.427	.466	.455	.605	.601	.800	.5	.922	.916
.111	.111	.163	.5	.247	.208	.300	.225	.427	.410	.467	.456	.606	.601	.801	.800	.923	.917
.112	.101	.164	.148	.248	.209	.301	.410	.428	.411	.468	.457	.608	.610	.802	.804	.924	.920
.114	.115	.165	.150	.249	.209	.302	.411	.429	.410	.469	.456	.609	.611	.803	.802	.925	.921
.115	.116	.166	.149	.250	.212	.303	.228	.430	.413	.472	.454	.610	.600	.804	.801	.926	.922
.116	.117	.167	.150	.251	.210	.350	.300	.431	.412	.473	.470	.611	.614	.805	.803	.927	.923
.120	.120	.168	.151	.252	.210	.351	.300	.432	.414	.474	.470	.612	.611	.806	.810	.928	.923
.121	.121	.169	.152	.253	.205	.352	.300	.433	.426	.475	.471	.613	.615	.807	.805	.929	.924
.122	.121	.170	.151	.254	.209	.353	.300	.434	.428	.476	.471	.614	.611	.808	.801	.930	.925
.123	.121	.171	.155	.255	.211	.354	.301	.435	.425	.477	.471	.615	.611	.809	.806	.931	.926
.124	.121	.172	.155	.256	.212	.355	.302	.436	.427	.478	.471	.616	.611	.810	.807	.932	.927
.125	.122	.173	.156	.257	.214	.356	.301	.437	.413	.479	.472	.617	.611	.811	.808	.936	.930
.126	.121	.174	.158	.263	.220	.357	.303	.438	.435	.480	.461	.618	.616	.812	.809	.937	.930
.130	.123	.175	.158	.264	.220	.400	.400	.439	.436	.481	.462	.619	.617	.813	.810	.938	.932
.135	.124	.176	.158	.265	.221	.401	.401	.440	.435	.482	.471	.620	.618	.814	.803	.939	.931
.136	.124	.177	.158	.266	.220	.402	.402	.441	.437	.483	.473	.621	.620	.815	.811	.940	.933
.137	.124	.178	.161	.267	.220	.403	-	.442	.438	.484	.474	.622	.619	.816	.505	.941	.934
.138	.124	.179	.166	.270	.223	.404	.403	.443	.439	.485	.473	.623	.621	.817	.506	.942	.934
.140	.127	.180	.162	.271	App C	.405	.405	.444	.440	.486	.473	.624	.702	.818	.507	.943	.935
.141	.127	.181	.163	.272	App C	.406	.403	.445	.441	.487	.474	.625	.602	.819	.504	.950	-
.142	.128	.182	.163	.273	App C	.407	.404	.446	.442	.488	.473	.626	.605	.820	.504	.951	.941
.143	.128	.183	.165	.274	App C	.408	.406	.447	.442	.489	.474	.627	.605	.821	.812	.952	.942
.144	.130	.184	.166	.275	App C	.409	.415	.448	.444	.490	.474	.628	.606	.822	-		

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List of Subjects in 25 CFR Part 170

Highways and roads, Indians—lands.

Dated: February 26, 2004.

David Anderson,

Assistant Secretary—Indian Affairs.

Editorial Note: This document was received in the Office of the Federal Register on July 9, 2004.

■ For the reasons stated in the preamble, the Department of the Interior, Bureau of Indian Affairs, revises part 170 in title 25 of the Code of Federal Regulations as follows:

PART 170—INDIAN RESERVATION ROADS PROGRAM

Subpart A—Policies, Applicability, and Definitions

Sec.
170.1 What does this part do?
170.2 What is the IRR Program and BIA Road Maintenance Program policy?
170.3 When do other requirements apply to the IRR Program?
170.4 What is the effect of this part on existing tribal rights?
170.5 What definitions apply to this part?
170.6 Information collection.

Subpart B—Indian Reservation Roads Program Policy and Eligibility

Consultation, Collaboration, Coordination

170.100 What do the terms ''consultation, collaboration, and coordination'' mean?
170.101 What is the IRR Program consultation and coordination policy?
170.102 How do the Departments consult, collaborate, and coordinate with tribal governments?
170.103 What goals and principles guide the Secretaries?
170.104 Must the Secretary consult with tribal governments before obligating IRR Program funds?
170.105 Are funds available for consultation, collaboration, and coordination activities?
170.106 When must State governments consult with tribes?
170.107 Should planning organizations and local governments consult with tribes when planning for transportation projects?
170.108 Should Indian tribes and BIA consult with States' planning organizations and local governments in the development of their IRRTIP?
170.109 How do the Secretaries prevent discrimination or adverse impacts?
170.110 How can State and local governments prevent discrimination or adverse impacts?
170.111 What can a tribe do if discrimination or adverse impacts occur?

Eligible Uses of IRR Program Funds

170.115 What activities may be funded with IRR Program funds?
170.116 What activities are not eligible for IRR Program funding?
170.117 How can a tribe determine whether a new use of funds is allowable?

Use of IRR and Cultural Access Roads

170.120 What restrictions apply to the use of an Indian Reservation Road?
170.121 What is a cultural access road?
170.122 Can a tribe close a cultural access road?

Seasonal Transportation Routes

170.123 What are seasonal transportation routes?
170.124 Does the IRR Program cover seasonal transportation routes?

IRR Housing Access Roads

170.127 What terms apply to access roads?
170.128 Are housing access roads and housing streets eligible for IRR Program funding?

Toll, Ferry and Airport Facilities

170.130 How can tribes use Federal highway funds for toll and ferry facilities?
170.131 How can a tribe find out more about designing and operating a toll facility?
170.132 When can a tribe use IRR Program funds for airport facilities?

Recreation, Tourism and Trails

170.135 Can a tribe use Federal funds for its recreation, tourism, and trails program?
170.136 How can a tribe obtain funds?
170.137 What types of activities can a recreation, tourism, and trails program include?
170.138 Can roads be built in roadless and wild areas?

Highway Safety Functions

170.141 What Federal funds are available for a tribe's highway safety activities?
170.142 How can tribes obtain funds to perform highway safety projects?
170.143 How can IRR Program funds be used for highway safety?
170.144 What are eligible highway safety projects?
170.145 Are other funds available for a tribe's highway safety efforts?

Transit Facilities

170.148 What is a tribal transit program?
170.149 How do tribes identify transit needs?
170.150 What Federal funds are available for a tribe's transit program?
170.151 May a tribe or BIA use IRR Program funds as matching funds?
170.152 What transit facilities and activities are eligible for IRR Program funding?

IRR Program Coordinating Committee

170.155 What is the IRR Program Coordinating Committee?
170.156 What are the IRR Program Coordinating Committee's responsibilities?
170.157 What is the IRR Program Coordinating Committee's role in the funding process?
170.158 How does the IRR Program Coordinating Committee conduct business?

Indian Local Technical Assistance Program

170.161 What is the Indian Local Technical Assistance Program?
170.162 How is the Indian LTAP funded?
170.163 How are Indian LTAP recipients selected?
170.164 How are tribal representatives nominated and chosen for the selection committee?
170.165 May a tribe enter into a contract or agreement for Indian LTAP funds?
170.166 What services do Indian LTAP centers provide?
170.167 How does a tribe obtain services from an Indian LTAP center?
170.168 Do Indian LTAP centers offer services similar to those of State LTAPs?
170.169 What can a tribe do if Indian LTAP services are unsatisfactory?
170.170 How are Indian LTAP centers managed?
170.171 How are tribal advisory technical panel members selected?

Indian LTAP-Sponsored Education and Training Opportunities

170.175 What Indian LTAP-sponsored transportation training and educational opportunities exist?
170.176 Where can tribes get scholarships and tuition for Indian LTAP-sponsored education and training?
Appendix A to Subpart B—Allowable Uses of IRR Program Funds
Appendix B to Subpart B—Sources of Tribal Transportation Training and Education Opportunities

Subpart C—Indian Reservation Roads Program Funding

Tribal Transportation Allocation Methodology (TTAM)

170.200 How does BIA allocate IRR Program funds?
170.201 How does BIA allocate and distribute tribal transportation planning funds?
170.202 Does the Relative Need Distribution Factor allocate funding among tribes?

IRR High Priority Project (IRRHPP)

170.205 What is an IRR High Priority Project (IRRHPP)?
170.206 How is an emergency/disaster defined?
170.207 What is the intent of IRRHPP emergency/disaster funding?
170.208 What funding is available for IRRHPP?
170.209 How will IRRHPP applications be ranked and funded?
170.210 How may a tribe apply for IRRHPP?
170.211 What is the IRRHPP Funding Priority List?
170.212 What is the timeline for IRRHPPs?
170.213 How long are IRRHPP funds available for a project?
170.214 How does award of an emergency/disaster project affect projects on the FPL?

Population Adjustment Factor

170.220 What is the Population Adjustment Factor?

170.221 What funding is available for distribution using the PAF?

Relative Need Distribution Factor

170.223 What is the Relative Need Distribution Factor (RNDF)?

IRR Inventory and Long-Range Transportation Planning (LRTP)

170.225 How does the LRTP process relate to the IRR Inventory?
170.226 How will this part affect the IRR Inventory?
170.227 How does BIA develop and use the IRR Inventory?
170.228 Are all facilities included in the IRR Inventory used to calculate CTC?

General Data Appeals

170.231 May a tribe challenge the data BIA uses in the RNDF?
170.232 How does a tribe appeal a disapproval from the BIA Regional Director?

Flexible Financing

170.300 May tribes use flexible financing to finance IRR transportation projects?
170.301 Can a tribe use IRR Program funds to leverage other funds or pay back loans?
170.302 Can BIA regional offices borrow IRR Program funds from each other?
170.303 Can a tribe apply for loans or credit from a State infrastructure bank?
Appendix A to Subpart C—IRR High Priority Project Scoring Matrix
Appendix B to Subpart C—Population Adjustment Factor
Appendix C to Subpart C—Relative Need Distribution Factor
Appendix D to Subpart C—Cost to Construct

Subpart D—Planning, Design, and Construction of Indian Reservation Roads Program Facilities

Transportation Planning

170.400 What is the purpose of transportation planning?
170.401 What is BIA's role in transportation planning?
170.402 What is the tribal role in transportation planning?
170.403 What IRR Program funds can be used for transportation planning?
170.404 What happens when a tribe uses its IRR Program construction funds for transportation planning?
170.405 Can tribal transportation planning funds be used for road construction and other projects?
170.406 How must tribes use planning funds?
170.407 What happens to unobligated planning funds?

Long-Range Transportation Planning

170.410 What is the purpose of tribal long-range transportation planning?
170.411 What can a long-range transportation plan include?
170.412 How is the tribal IRR long-range transportation plan developed and approved?
170.413 What is the public role in developing the long-range transportation plan?
170.414 How is the tribal long-range transportation plan used and updated?
170.415 What is pre-project planning?

Transportation Improvement Program

170.420 What is the tribal priority list?
170.421 What is the Tribal Transportation Improvement Program (TTIP)?
170.422 What is the IRR Transportation Improvement Program (IRRTIP)?
170.423 How are projects placed on the IRRTIP?
170.424 How does the public participate in developing the IRRTIP?
170.425 How does BIA update the IRRTIP?
170.426 What is the approval process for the IRRTIP?
170.427 How may an IRRTIP be amended?
170.428 How is the State Transportation Improvement Program related to the IRRTIP?

Public Hearings

170.435 How does BIA or the tribe determine the need for a public hearing?
170.436 How are public hearings for IRR planning and projects funded?
170.437 How must BIA or a tribe inform the public when no hearing is held?
170.438 How must BIA or a tribe inform the public when a hearing is held?
170.439 How is a public hearing conducted?
170.440 How can the public learn the results of a public hearing?
170.441 Can a decision resulting from a hearing be appealed?

IRR Inventory

170.442 What is the IRR Inventory?
170.443 How can a tribe list a proposed transportation facility in the IRR Inventory?
170.444 How is the IRR Inventory updated?
170.445 What is a strip map?

Environmental and Archeological Requirements

170.450 What archeological and environmental requirements must the IRR Program meet?
170.451 Can IRR Program funds be used for archeological and environmental compliance?

Design

170.454 What design standards are used in the IRR Program?
170.455 How are design standards used in IRR projects?
170.456 When can a tribe request an exception from the design standards?
170.457 Can a tribe appeal a denial?

Review and Approval of Plans, Specifications, and Estimates

170.460 What must a project package include?
170.461 May a tribe approve plans, specifications, and estimates?
170.462 When may a self-determination contract or self-governance agreement include PS&E review and approval?
170.463 What should the Secretary do if a design deficiency is identified?

Construction and Construction Monitoring

170.470 What are the IRR construction standards ?
170.471 How are projects administered?
170.472 What construction records must tribes and BIA keep?
170.473 What happens when a construction project ends?
170.474 Who conducts the project closeout?

Program Reviews and Management Systems

170.500 What program reviews do the Secretaries conduct?
170.501 What happens when the review process identifies areas for improvement?
170.502 Are management systems required for the IRR Program?
170.503 How are IRR Program management systems funded?

Bridge Inspection

170.504 When and how are bridge inspections performed?
170.505 How must bridge inspections be coordinated?
170.506 What are the minimum qualifications for certified bridge inspectors?
170.507 Who reviews bridge inspection reports?
Appendix A to Subpart D—Cultural Resource and Environmental Requirements for the IRR Program
Appendix B to Subpart D—Design Standards for the IRR Program

Subpart E—Service Delivery for Indian Reservation Roads

Funding Process

170.600 What must BIA include in the notice of availability of funds?
170.601 What happens to the unused portion of IRR Program management and oversight funds reserved by the Secretary?
170.602 If a tribe incurs unforeseen construction costs, can it get additional funds?

Miscellaneous Provisions

170.605 When may BIA use force account methods in the IRR Program?
170.606 How do legislation and procurement requirements affect the IRR Program?
170.607 Can a tribe use its allocation of IRR Program funds for contract support costs?
170.608 Can a tribe pay contract support costs from Department of the Interior or BIA appropriations?

Contracts and Agreements Under ISDEAA

170.610 What IRR Program functions may a tribe assume under ISDEAA?
170.611 What special provisions apply to ISDEAA contracts and agreements?
170.612 How are non-contractible functions funded?
170.613 When does BIA determine the amount of funds needed for non-contractible non-project related functions?
170.614 Can a tribe receive funds before BIA publishes the notice of funding availability?

170.615 Can a tribe receive advance payments for non-construction activities?
170.616 How are advance payments made when additional IRR Program funds are made available after execution of the self-governance agreement?
170.617 May a tribe include a contingency in its proposal budget?
170.618 Can a tribe keep savings resulting from project administration?
170.619 Do tribal preference and Indian preference apply to IRR Program funding?
170.620 How do ISDEAA's Indian preference provisions apply?
170.621 What if a tribe fails to substantially perform work under a contract or agreement?
170.622 What IRR programs, functions, services, and activities are subject to the self-governance construction regulations?
170.623 How are IRR Program projects and activities included in a self-governance agreement?
170.624 Is technical assistance available?
170.625 What regulations apply to waivers?
170.626 How does a tribe request a waiver of a Department of Transportation regulation?
Appendix A to Subpart E—IRR Program functions that are not otherwise contractible

Subpart F—Program Oversight and Accountability

170.700 What is the IRR Program stewardship plan?
170.701 May a direct service tribe and BIA Region sign a Memorandum of Understanding?
170.702 What activities may the Secretary review and monitor?

Subpart G—BIA Road Maintenance

170.800 Who owns IRR transportation facilities?
170.801 What is the BIA Road Maintenance Program?
170.802 How is road maintenance funded?
170.803 What facilities are eligible under the BIA Road Maintenance Program?
170.804 How is BIA's Road Maintenance Program related to the IRR Program?
170.805 What are the local, tribal, and BIA roles in transportation facility maintenance?
170.806 What is an IRR Transportation Facilities Maintenance Management System (IRR TFMMS)?
170.807 What must BIA include when it develops an IRR Transportation Facilities Maintenance Management System?
170.808 Can BIA Road Maintenance Program funds be used to improve IRR transportation facilities?
170.809 Can a tribe perform road maintenance under a self-determination contract or self-governance agreement?
170.810 To what standards must an IRR transportation facility be maintained?
170.811 What happens if lack of funds results in inadequate maintenance?
170.812 What is emergency maintenance?
170.813 When can access to IRR transportation facilities be restricted?
Appendix A to Subpart G—List of Activities Eligible for Funding Under BIA Transportation Facility Maintenance Program

Subpart H—Miscellaneous Provisions

Hazardous and Nuclear Waste Transportation

170.900 What is the purpose of the provisions relating to transportation of hazardous and nuclear waste?
170.901 What standards govern transportation of radioactive and hazardous materials?
170.902 What is the role of State, tribal, and local governments?
170.903 Who notifies tribes of the transport of radioactive waste?
170.904 Who responds to an accident involving a radioactive or hazardous materials shipment?
170.905 How can tribes obtain training in handling hazardous material?
170.906 Who cleans up radioactive and hazardous material spills?

Reporting Requirements and Indian Preference

170.910 What information on the IRR Program or projects must BIA provide to tribes?
170.911 Are Indians entitled to employment and training preferences?
170.912 Does Indian employment preference apply to Federal-aid Highway Projects?
170.913 Do tribal-specific employment rights and contract preference laws apply?
170.914 What is the difference between tribal employment preference and Indian employment preference?
170.915 May tribal employment taxes or fees be included in an IRR project budget?
170.916 May tribes impose taxes or fees on those performing IRR Program services?
170.917 Can tribes receive direct payment of tribal employment taxes or fees?

Emergency Relief

170.920 What is the purpose of the provisions relating to emergency relief?
170.921 What emergency or disaster assistance programs are available?
170.922 How can States get Emergency Relief Program funds to repair IRR System damage?
170.923 What qualifies for ERFO funding?
170.924 What happens if DOT denies an ERFO claim?
170.925 Is ERFO funding supplemental to IRR Program funding?
170.926 Can a tribe administer approved ERFO repairs under a self-determination contract or a self-governance agreement?
170.927 How can FEMA Program funds be used to repair damage?

Tribal Transportation Departments

170.930 What is a tribal transportation department?
170.931 Can tribes use IRR Program funds to pay tribal transportation department operating costs?
170.932 Are there other funding sources for tribal transportation departments?
170.933 Can tribes regulate oversize or overweight vehicles?

Resolving Disputes

170.934 Are alternative dispute resolution procedures available?
170.935 How does a direct service tribe begin the alternative dispute resolution process?

Other Miscellaneous Provisions

170.941 May tribes become involved in transportation research?
170.942 Can a tribe use Federal funds for transportation services for a tribe's Welfare-to-Work, Temporary Assistance to Needy Families, and other quality-of-life improvement programs?

Authority: Pub. L. 105–178, 112 Stat. 107; 5 U.S.C. 565; 23 U.S.C. 101(a), 202, 204, 308; 25 U.S.C. 47, 25 U.S.C. 450.

Subpart A—Policies, Applicability, and Definitions

§ 170.1 What does this part do?

This part provides rules and a funding formula for the Department of the Interior (DOI) in implementing the Indian Reservation Roads (IRR) Program. Included in this part are other Title 23 programs administered by the Secretary and implemented by tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act of 1975, as amended (ISDEAA).

§ 170.2 What is the IRR Program and BIA Road Maintenance Program policy?

(a) It is the policy of the Secretary of the Interior and the Secretary of Transportation (Secretaries) to do the following in relation to the IRR and BIA Road Maintenance Programs:

(1) Provide a uniform and consistent set of rules;

(2) Foster knowledge of the programs by providing information about them and the opportunities that they create;

(3) Facilitate tribal planning, conduct, and administration of the programs;

(4) Encourage the inclusion of these programs under self-determination contracts or self-governance agreements;

(5) Make available all contractible administrative functions under self-determination contracts or self-governance agreements; and

(6) Implement policies, procedures, and practices in consultation with Indian tribes to ensure the letter, spirit, and goals of Federal transportation programs are fully implemented.

(b) Where this part differs from provisions in the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA), this part should advance the policy of

increasing tribal autonomy and discretion in program operation.

(c) This part is designed to enable Indian tribes to participate in all contractible IRR and BIA Road Maintenance programs. The Secretary of the Interior will afford Indian tribes the flexibility, information, and discretion to design roads programs under self-determination contracts and self-governance agreements to meet the needs of their communities consistent with this part.

(d) The Secretaries recognize that programs, functions, services, and activities, regardless of how they are administered, are an exercise of Indian tribes' self-determination and self-governance.

(1) The tribe is responsible for managing the day-to-day operation of its contracted Federal programs, functions, services, and activities.

(2) The tribe accepts responsibility and accountability to the beneficiaries under self-determination contracts and self-governance agreements for:

(i) Use of the funds; and

(ii) Satisfactory performance of all activities funded under the contract or agreement.

(3) The Secretary will continue to discharge the trust responsibilities to protect and conserve the trust resources of tribes and the trust resources of individual Indians.

(e) The Secretary should interpret Federal laws and regulations to facilitate including programs covered by this part in the government-to-government agreements authorized under ISDEAA.

(f) The administrative functions referenced in paragraph (a)(5) of this section are contractible without regard to the organizational level within the Department of the Interior that carries out these functions. Including IRR Program administrative functions under self-determination contracts and self-governance agreements does not limit or reduce the funding for any program or service serving any other tribe.

(g) The Secretary is not required to reduce funding for a tribe under these programs to make funds available to another tribe.

(h) This part must be liberally construed for the benefit of tribes and to implement the Federal policy of self-determination and self-governance.

(i) Any ambiguities in this part must be construed in favor of the tribes so as to facilitate and enable the transfer of programs authorized by 23 U.S.C. 202 and title 25 U.S.C.

§ 170.3 When do other requirements apply to the IRR Program?

IRR Program Policy and Guidance Manuals and directives apply to the IRR Program only if they are consistent with this part and 25 CFR parts 900 and 1000. See 25 CFR part 900.5 for when a tribe must comply with other unpublished requirements.

§ 170.4 What is the effect of this part on existing tribal rights?

This part does not:

(a) Affect the sovereign immunity from suit enjoyed by tribes;

(b) Terminate or reduce the trust responsibility of the United States to tribes or individual Indians;

(c) Require a tribe to assume a program relating to the IRR Program; or

(d) Impede awards by other agencies of the United States or a State to tribes to administer programs under any other law.

§ 170.5 What definitions apply to this part?

AASHTO means the American Association of State Highway and Transportation Officials.

Annual Funding Agreement means a negotiated agreement of the Secretary to fund, on an annual basis, the programs, functions, services, and activities transferred to a tribe under the Indian Self-Determination and Education Assistance Act, as amended.

Appeal means a request by a tribe or consortium for an administrative review of an adverse agency decision.

BIA means the Bureau of Indian Affairs of the Department of the Interior.

BIADOT means the Bureau of Indian Affairs, Division of Transportation.

BIA force account means the performance of work done by BIA employees.

BIA Road System means the Bureau of Indian Affairs Road System under the IRR system. It includes those existing and proposed IRR's for which BIA has or plans to obtain legal right-of-way. BIA has the primary responsibility to improve and maintain the roads on this system.

CFR means the United States Code of Federal Regulations.

Construction means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of an IRR transportation facility, as defined in 23 U.S.C. 101. This includes bond costs and other related costs of bonds or other debt financing instruments. It also includes costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. The term includes—

(1) Locating, surveying, and mapping (including establishing temporary and permanent geodetic markers in accordance with specifications of the U.S. Geological Survey);

(2) Resurfacing, restoration, and rehabilitation;

(3) Acquiring rights-of-way;

(4) Providing relocation assistance; acquiring replacement housing sites; and acquiring, rehabilitating, relocating, and constructing replacement housing;

(5) Eliminating hazards of railway grade crossings;

(6) Eliminating roadside obstacles;

(7) Making improvements that facilitate and control traffic flow, such as grade separation of intersections, widening lanes, channelizing traffic, installing traffic control systems, and establishing passenger loading and unloading areas; and

(8) Making capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

Construction contract means a fixed price or cost reimbursement self-determination contract for a construction project, except that such term does not include any contract—

(1) That is limited to providing planning services and construction management services (or a combination of such services);

(2) For the housing improvement program or roads maintenance program of the BIA administered by the Secretary of the Interior; or

(3) For the health facility maintenance and improvement program administered by the Secretary of Health and Human Services.

Consultation means government-to-government communication in a timely manner by all parties about a proposed or contemplated decision in order to:

(1) Secure meaningful tribal input and involvement in the decision-making process; and

(2) Advise the tribe of the final decision and provide an explanation.

Contract means a self-determination contract as defined in section 4(j) of ISDEAA or a procurement document issued under Federal or tribal procurement acquisition regulations.

Days means calendar days, except where the last day of any time period specified in this part falls on a Saturday, Sunday, or a Federal holiday, the period shall carry over to the next business day unless otherwise prohibited by law.

Design means services performed by licensed design professionals related to preparing drawings, specifications, and other design submissions specified in the contract or agreement, as well as services provided by or for licensed design professionals during the bidding/negotiating, construction, and operational phases of the project.

DOI means the Department of the Interior.

FHWA means the Federal Highway Administration of the Department of Transportation.

FTA means the Federal Transit Administration of the Department of Transportation.

Governmental subdivision of a tribe means a unit of a federally-recognized tribe which is authorized to participate in an IRR Program activity on behalf of the tribe.

Indian means a person who is a member of a Tribe or as otherwise defined in 25 U.S.C. 450b.

Indian Reservation Road (IRR) means a public road that is located within or provides access to an Indian reservation or Indian trust land, or restricted Indian land that is not subject to fee title alienation without the approval of the Federal government, or Indian or Alaska Native Villages, groups, or communities in which Indians and Alaska Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

IRR Bridge Program means the program authorized under 23 U.S.C. 202(d)(4) using IRR Program funds for the improvement of deficient IRR highway bridges.

IRR Inventory means a comprehensive database of all transportation facilities eligible for IRR Program funding by tribe, reservation, BIA agency and region, Congressional district, State, and county. Other specific information collected and maintained under the IRR Program includes classification, route number, bridge number, current and future traffic volumes, maintenance responsibility, and ownership.

IRR Program means a part of the Federal Lands Highway Program established in 23 U.S.C. 204 to address transportation needs of tribes.

IRR Program construction funds means the pool of funds BIA distributes according to the Relative Need Distribution Factor.

IRR Program funds means the funds covered in chapter 2 of title 23 U.S.C. and the associated program management costs. These funds are used for:

(1) Transportation planning, research, and engineering; and

(2) Construction of highways, roads, parkways, or transit facilities within or providing access to Indian lands, communities, and Alaska Native villages.

IRR Program management and oversight funds means those funds authorized by Congress to pay the cost of performing IRR Program management activities.

IRR System means all the roads and bridges that comprise the IRR.

IRR transportation facilities means public roads, bridges, drainage structures, culverts, ferry routes, marine terminals, transit facilities, boardwalks, pedestrian paths, trails, and their appurtenances, and other transportation facilities as designated by the tribe and the Secretary.

IRR Transportation Improvement Program (IRRTIP) means a list developed by BIA of projects programmed for construction in the next 3 to 5 years.

ISDEAA means the Indian Self-Determination and Education Assistance Act of 1975, Public Law 93–638, as amended.

Maintenance means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

NBI means the national bridge inventory, which is the database of structural and appraisal data collected to fulfill the requirements of the National Bridge Inspection Standards, as defined in 23 CFR part 650, subpart C. Each State and BIA must maintain an inventory of all bridges that are subject to the NBI standards and provide this data to the Federal Highway Administration (FHWA). The NBI is maintained and monitored by the FHWA Office of Bridge Technology.

Office of Self-Governance (OSG) means the office within the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, that is responsible for implementing and developing tribal self-governance.

Program means any program, function, service, activity, or portion thereof.

Project Planning means project-related activities that precede the design phase of a transportation project. Examples of these activities are: Collecting data on traffic, accidents, or functional, safety or structural deficiencies; corridor studies; conceptual studies, environmental studies; geotechnical studies; archaeological studies; project scoping; public hearings; location analysis; preparing applications for permits and clearances; and meetings with facility owners and transportation officials.

Proposed road means a road which does not currently exist and needs to be constructed.

Public Authority means a Federal, State, county, town, or township, Indian tribe, municipal, or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

Public road means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

Real Property means any interest in land together with the improvements, structures, and fixtures and appurtenances.

Regionally significant project means a project that modifies a facility that serves regional transportation needs and would normally be included in the modeling of a metropolitan area's transportation network. The term includes work on principal arterial highways and all fixed guideway transit facilities that offer a significant alternative to regional highway travel. (''Regional transportation needs'' includes access to and from the area outside of the region; major planned developments such as new retail malls, sports complexes, *etc.*; or transportation terminations, as well as most terminals themselves).

Rehabilitation means the work required to restore the structural integrity of transportation facilities as well as work necessary to correct safety defects.

Relocation means the adjustment of transportation facilities and utilities required by a highway project. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on the new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It also means constructing a replacement facility that is both functionally equivalent to the existing facility and necessary for continuous operation of the utility service, the project economy, or sequence of highway construction.

Relocation Services means payment and assistance authorized by the Uniform Relocation and Real Property Acquisitions Policy Act, 42 U.S.C. 4601 *et seq.*, as amended.

Rest area means an area or site established and maintained within or adjacent to the highway right-of-way or under public supervision or control for the convenience of the traveling public.

Secretaries means the Secretary of the Interior and the Secretary of Transportation.

Secretary means the Secretary of the Interior or her/his designee authorized to act on behalf of the Secretary.

Secretary of Transportation means the Secretary of Transportation or a designee authorized to act on behalf of the Secretary.

State transportation agency means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term ''State'' would be considered equivalent to ''State transportation agency'' if the context so implies.

STIP means Statewide Transportation Improvement Program. It is a financially constrained, multi-year list of transportation projects. The STIP is developed under 23 U.S.C. 134 and 135, and 49 U.S.C. 5303–5305. The Secretary of Transportation reviews and approves the STIP for each State.

Transit means services, equipment, and functions associated with the public movement of people served within a community or network of communities.

Transportation planning means developing land use, economic development, traffic demand, public safety, health and social strategies to meet transportation current and future needs.

Tribal transportation planning funds means funds referenced in 23 U.S.C. 204(j).

Tribe means any tribe, nation, band, pueblo, rancheria,colony, or community, including any Alaska Native village or regional or village corporation as defined or established under the Alaska Native Claims Settlement Act that is federally recognized by the U.S. government for special programs and services provided by the Secretary to Indians because of their status as Indians.

TTIP means Tribal Transportation Improvement Program. It is a multi-year financially constrained list of proposed transportation projects developed by a tribe from the tribal priority list or the long-range transportation plan.

U.S.C. means the United States Code.

§ 170.6 Information Collection.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. *et seq.* and assigned clearance number 1076–0161. This information collection is specifically found in subparts C and D of this part and represent a total reporting burden to the public of 31,470 hours or an average of 56.5 hours per respondent. A Federal agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. Comments and suggestions on the burden estimate or any other aspect of the form should be sent directly to the Office of Management and Budget; Attention: Interior Desk Officer; Washington, DC 20503; and a copy of the comments should be sent to the Information Collection Clearance Officer, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240.

Subpart B—Indian Reservation Roads Program Policy and Eligibility

Consultation, Collaboration, Coordination

§ 170.100 What do the terms ''consultation, collaboration, and coordination'' mean?

(a) Consultation means government-to-government communication in a timely manner by all parties about a proposed or contemplated decision in order to:

(1) Secure meaningful tribal input and involvement in the decision-making process; and

(2) Advise the tribe of the final decision and provide an explanation.

(b) Collaboration means that all parties involved in carrying out planning and project development work together in a timely manner to achieve a common goal or objective.

(c) Coordination means that each party:

(1) Shares and compares in a timely manner its transportation plans, programs, projects, and schedules with the related plans, programs, projects, and schedules of the other parties; and

(2) Adjusts its plans, programs, projects, and schedules to optimize the efficient and consistent delivery of transportation projects and services.

§ 170.101 What is the IRR Program consultation and coordination policy?

(a) The IRR Program's government-to-government consultation and coordination policy is to foster and improve communication, cooperation, and coordination among tribal, Federal, state, and local governments and other transportation organizations when undertaking the following, similar, or related activities:

(1) Identifying high-accident locations and locations for improving both vehicle and pedestrian safety;

(2) Developing State, metropolitan, regional, IRR, and tribal transportation improvement programs that impact tribal lands, communities, and members;

(3) Developing short- and long-range transportation plans;

(4) Developing IRR Program transportation projects;

(5) Developing environmental mitigation measures necessary to protect and/or enhance Indian lands and the environment, and counteract the impacts of the projects;

(6) Developing plans or projects to replace or rehabilitate deficient IRR bridges;

(7) Developing plans or projects for disaster and emergency relief response and the repair of eligible damaged IRR transportation facilities;

(8) Assisting in the development of State and tribal agreements related to the IRR Program;

(9) Developing and improving transit systems serving Indian lands and communities; and

(10) Assisting in the submission of discretionary grant applications for State and Federal funding for IRR transportation facilities.

(b) Tribes and State and Federal Government agencies may enter into intergovernmental Memoranda of Agreement (MOA) to streamline and facilitate consultation, collaboration, and coordination.

§ 170.102 How do the Departments consult, collaborate, and coordinate with tribal governments?

The Department of the Interior and the Department of Transportation operate within a government-to-government relationship with federally recognized tribes. As a critical element of this relationship, these agencies should assess the impact of Federal transportation policies, plans, projects, and programs on tribal rights and interests to ensure that these rights and concerns are appropriately considered.

§ 170.103 What goals and principles guide the Secretaries?

When undertaking transportation activities affecting tribes, the Secretaries should, to the maximum extent permitted by law:

(a) Establish regular and meaningful consultation and collaboration with affected tribal governments, including facilitating the direct involvement of tribal governments in short- and long-range Federal transportation planning efforts;

(b) Promote the rights of tribal governments to govern their own internal affairs;

(c) Promote the rights of tribal governments to receive direct transportation services from the Federal Government or to enter into agreements to directly operate any tribally related transportation programs serving tribal members;

(d) Ensure the continuation of the trust responsibility of the United States to tribes and Indian individuals;

(e) Reduce the imposition of unfunded mandates upon tribal governments;

(f) Encourage flexibility and innovation in the implementation of the IRR Program;

(g) Reduce, streamline, and eliminate unnecessarily restrictive transportation policies, guidelines, or procedures;

(h) Ensure that tribal rights and interests are appropriately considered during program development;

(i) Ensure that the IRR Program is implemented consistent with tribal sovereignty and the government-to-government relationship; and

(j) Consult with, and solicit the participation of, tribes in the development of the annual BIA budget proposals.

§ 170.104 Must the Secretary consult with tribal governments before obligating IRR Program funds?

Yes. Before obligating IRR program funds on any project that is for direct service activities, the Secretary must consult with the affected tribe to determine the tribal preferences concerning the project. The Secretary must provide information in accordance with § 170.600 within 30 days of the Notice of Availability of Funds publication in the **Federal Register**.

§ 170.105 Are funds available for consultation, collaboration, and coordination activities?

To fund consultation, collaboration, and coordination of IRR Program activities, tribes may use:

(a) The tribes' IRR Program allocations;

(b) Tribal Priority Allocation (TPA) funds;

(c) Administration for Native Americans (ANA) funds;

(d) Economic Development Administration (EDA) funds;

(e) United States Department of Agriculture (USDA) Rural Development funds;

(f) Community Development Block Grant (CDBG) funds; Indian Housing Block Grant (IHBG) funds;

(g) Indian Health Service Tribal Management Grant (IHSTMG) funds;

(h) General funds of the tribal government; and

(i) Any other funds available for the purpose of consultation, collaboration, and coordination activities.

§ 170.106 When must State governments consult with tribes?

Each State must develop the State Transportation Improvement Program (STIP) in consultation with tribes and BIA in those areas under Indian tribal jurisdiction. This includes providing for a fully coordinated transportation planning process that coordinates transportation planning efforts carried out by the State with transportation planning efforts carried out by tribes. The statewide and metropolitan planning organization requirements are in 23 U.S.C. 134 and 135. Regulations can be found at 23 CFR part 450.

§ 170.107 Should planning organizations and local governments consult with tribes when planning for transportation projects?

Yes. The Department's policy is to foster and improve communication, cooperation, and coordination among metropolitan planning organizations (MPOs), regional planning organizations (RPOs), local governments, municipal governments, and tribes on transportation matters of common concern. Accordingly, planning organizations and local governments should consult with tribal governments when planning for transportation projects.

§ 170.108 Should Indian tribes and BIA consult with States' planning organizations and local governments in the development of their IRRTIP?

Yes.

(a) All regionally significant IRR Program projects must be:

(1) Developed in cooperation with State and metropolitan planning organizations; and

(2) Included in appropriate Federal Lands Highway Program transportation improvement programs for inclusion in state and metropolitan plans.

(b) BIA and tribes are encouraged to consult with States, metropolitan and regional planning organizations, and local and municipal governments, on transportation matters of common concern.

§ 170.109 How do the Secretaries prevent discrimination or adverse impacts?

In administering the IRR Program, the Secretaries ensure that nondiscrimination and environmental justice principles are integral program elements. The Secretaries consult with tribes early in the program development process to identify potential discrimination and to recommend corrective actions to avoid disproportionately high and adverse effects on tribes and Native American populations.

§ 170.110 How can State and local governments prevent discrimination or adverse impacts?

(a) Under 23 U.S.C. 134 and 135, and 23 CFR part 450, State and local government officials should consult and work with tribes early in the development of programs to:

(1) Identify potential discrimination; and

(2) Recommend corrective actions to avoid disproportionately high and adverse effects on tribes and Native American populations.

(b) Examples of adverse effects include, but are not limited to:

(1) Impeding access to tribal communities or activities;

(2) Creating excessive access to culturally or religiously sensitive areas;

(3) Negatively affecting natural resources, trust resources, tribal businesses, religious, and cultural sites;

(4) Harming indigenous plants and animals; and

(5) Impairing the ability of tribal members to engage in commercial, cultural, and religious activities.

§ 170.111 What can a tribe do if discrimination or adverse impacts occur?

If discrimination or adverse impacts occur, a tribe should take the following steps in the order listed:

(a) Take reasonable steps to resolve the problem directly with the State or local government involved;

(b) Contact BIA, FHWA, or the Federal Transit Authority (FTA), as appropriate, to report the problem and seek assistance in resolving the problem.

Eligible Uses if IRR Program Funds

§ 170.115 What activities may be funded with IRR Program funds?

(a) IRR Program funds may be used:

(1) For all of the items listed in appendix A to this subpart;

(2) For other purposes identified in this part; or

(3) For other purposes recommended by the IRR Program Coordinating Committee under the procedures in Appendix A to Subpart B (35) and § 170.156 and approved by FHWA or BIA pursuant to § 170.117.

(b) Each of the items listed in Appendix A must be interpreted in a manner that permits, rather than prohibits, a proposed use of funds.

§ 170.116 What activities are not eligible for IRR Program funding?

IRR Program funds cannot be used for any of the following:

(a) Routine maintenance work such as: grading shoulders and ditches; cleaning culverts; snow removal, roadside mowing, normal sign repair and replacement, painting roadway structures, and the maintaining, cleaning, or repair of bridge appurtenances;

(b) Structures and erosion protection unrelated to transportation and roadways;

(c) General reservation planning not involving transportation;

(d) Landscaping and irrigation systems not involving transportation programs and projects;

(e) Work performed on projects that are not included on an FHWA-approved IRR Transportation Improvement Program (TIP), unless otherwise authorized by the Secretary of the Interior and the Secretary of Transportation;

(f) Purchase of equipment unless authorized by Federal law or in this part; or

(g) Condemnation of land for recreational trails.

§ 170.117 How can a tribe determine whether a new use of funds is allowable?

(a) A tribe that proposes new uses of IRR Program funds must ask BIA in writing whether the proposed use is eligible under Federal law. The tribe must also provide a copy of its inquiry to FHWA.

(1) In cases involving eligibility questions that refer to 25 U.S.C., BIA will determine whether the new proposed use of IRR Program funds is allowable and provide a written response to the requesting tribe within 45 days of receiving the written inquiry. Tribes may appeal a denial of a proposed use by BIA under 25 CFR part 2. The address is: Department of the Interior, BIA, Division of Transportation, 1849 C Street, NW., MS 4058–MIB, Washington, DC 20240.

(2) In cases involving eligibility questions that refer to the IRR Program or 23 U.S.C., BIA will refer an inquiry to FHWA for decision. FHWA must provide a written response to the requesting tribe within 45 days of receiving the written inquiry from the tribe. Tribes may appeal denials of a proposed use by the FHWA to: FHWA, 400 7th St., SW., HFL–1, Washington, DC 20590.

(b) To the extent practical, the deciding agency must consult with the IRR Program Coordinating Committee before denying a request. BIA and FHWA will send copies of all eligibility determinations to the IRR Program Coordinating Committee and BIA Regional offices.

(c) If either BIA or FHWA fails to issue the requesting tribe a timely response to the eligibility inquiry, the proposed use will be deemed to be allowable for that specific project.

Use of IRR and Cultural Access Roads

§ 170.120 What restrictions apply to the use of an Indian Reservation Road?

Indian Reservation Roads (IRRs) must be open and available for public use. However, the public authority having jurisdiction over these roads may:

(a) Restrict road use or close roads temporarily when required for public safety, fire prevention or suppression, fish or game protection, low load capacity bridges, prevention of damage to unstable roadbeds, or as contained in §§ 170.122 and 170.813;

(b) Conduct engineering and traffic analysis to determine maximum speed limits, maximum vehicular size, and weight limits, and identify needed traffic control devices; and

(c) Erect, maintain, and enforce compliance with signs and pavement markings.

§ 170.121 What is a cultural access road?

(a) A cultural access road is a public road that provides access to sites for cultural purposes as defined by individual tribal traditions, which may include, for example:

(1) Sacred and medicinal sites;

(2) Gathering medicines or materials such as grasses for basket weaving; or

(3) Other traditional activities, including, but not limited to, subsistence hunting, fishing and gathering.

(b) A tribal government may unilaterally designate a tribal road as a cultural access road. A cultural access road designation is an entirely voluntary and internal decision made by the tribe to help it and other public authorities manage, protect, and preserve access to locations that have cultural significance.

(c) In order for a tribal government to designate a non-tribal road as a cultural access road, it must enter into an agreement with the public authority having jurisdiction over the road.

(d) Cultural access roads may be included in the IRR Inventory if they meet the definition of an IRR.

§ 170.122 Can a tribe close a cultural access road?

(a) A tribe with jurisdiction over a cultural access road can close it. The tribe can do this:

(1) During periods when the tribe or tribal members are involved in cultural activities; and

(2) In order to protect the health and safety of the tribal members or the general public.

(b) Cultural access roads designated through an agreement with a public authority may only be closed according to the provisions of the agreement. See § 170.121(c).

Seasonal Transportation Routes

§ 170.123 What are seasonal transportation routes?

Seasonal transportation routes are non-recreational transportation routes in the IRR Inventory that provide access to Indian communities or villages and may not be open for year-round use. They include snowmobile trails, ice roads, and overland winter roads.

§ 170.124 Does the IRR Program cover seasonal transportation routes?

Yes. IRR Program funds can be used to build seasonal transportation routes and a tribe may request that BIA include seasonal transportation routes in the IRR Inventory.

(a) Standards for seasonal transportation routes are found in the design standards identified in appendix B to subpart D. A tribe can also develop or adopt standards that are equal to or exceed these standards.

(b) Construction of a seasonal transportation route requires a right-of-way or use permit.

IRR Housing Access Roads

§ 170.127 What terms apply to access roads?

(a) *IRR housing access road* means a public road on the IRR System that provides access to a housing cluster.

(b) *IRR housing street* means a public road on the IRR System that provides access to adjacent homes within a housing cluster.

(c) *Housing cluster* means three or more existing or proposed housing units.

§ 170.128 Are housing access roads and housing streets eligible for IRR Program funding?

Yes. IRR housing access roads and housing streets on public rights-of-way are eligible for construction, reconstruction, and rehabilitation funding under the IRR Program. Tribes, following the transportation planning process as required in subpart D, may include housing access roads and housing street projects on the Tribal Transportation Improvement Program (TTIP). IRR Program funds are available after the projects are listed on the FHWA-approved IRRTIP.

Toll, Ferry and Airport Facilities

§ 170.130 How can tribes use Federal highway funds for toll and ferry facilities?

(a) A tribe can use Federal-aid highway funds, including IRR Program funds, to study, design, construct, and operate toll highways, bridges, and tunnels, as well as ferry boats and ferry terminal facilities. The following table shows how a tribe can initiate construction of these facilities.

To initiate construction of a . . .	A tribe must . . .
(1) Toll highway, bridge, or tunnel	(i) Meet and follow the requirements set forth in 23 U.S.C. 129; and (ii) If IRR Program funds are used, enter into a self-tunnel governance agreement or self-determination contract with the Secretary of the Interior.
(2) Ferry boat or ferry terminal	Meet and follow the requirements set forth in 23 U.S.C. 129(c).

(b) A tribe can use IRR Program funds to fund 100 percent of the conversion or construction of a toll facility.

(c) If a tribe obtains non-IRR Program Federal funding for the conversion or construction of a toll facility, these funds will cover a maximum of 80 percent of the project cost. In this case, the tribe may use IRR Program funds for the required 20 percent local match.

§ 170.131 How can a tribe find out more about designing and operating a toll facility?

Information on designing and operating a toll highway, bridge or tunnel is available from the International Bridge, Tunnel and Turnpike Association. The Association publishes a variety of reports, statistics, and analyses. The Web site is located at *http://www.ibtta.org.* Information is also available from FHWA.

§ 170.132 When can a tribe use IRR Program funds for airport facilities?

(a) A tribe can use IRR Program funds for construction of airport and heliport access roads, if the access roads are open to the public.

(b) A tribe cannot use IRR Program funds to construct or improve runways, airports or heliports. Funds for these uses are available under the Airport Improvement Program (AIP) from the Federal Aviation Administration (FAA). (See FAA Advisory Circular No. 150/5370–10A.)

Recreation, Tourism and Trails

§ 170.135 Can a tribe use Federal funds for its recreation, tourism, and trails program?

Yes. A tribe, tribal organization, tribal consortium, or BIA may use IRR Program funds for recreation, tourism, and trails programs if the programs are included in the IRRTIP. Additionally, the following Federal programs for recreation, tourism, and trails are possible sources of Federal funding:

(a) IRR Program (23 U.S.C. 204);

(b) Surface Transportation Program—Transportation Enhancement (23 U.S.C. 133);

(c) National Scenic Byway Program (23 U.S.C. 162);

(d) Recreational Trails Program (23 U.S.C. 206);

(e) National Highway System (23 U.S.C. 104);

(f) Public Lands Discretionary Program (23 U.S.C. 204);

(g) Other funding from other Federal departments; and

(h) Other funding that Congress may authorize and appropriate.

§ 170.136 How can a tribe obtain funds?

(a) To receive funding for programs that serve recreation, tourism, and trails' goals, a tribe should:

(1) Identify a program meeting the eligibility guidelines for the funds and have it ready for development; and

(2) Have a viable project ready for improvement or construction, including necessary permits.

(b) FHWA provides Federal funds to the States for recreation, tourism, and trails under 23 U.S.C. 104, 133, 162, 204, and 206. States solicit proposals from tribes and local governments in their transportation planning process. A tribe may ask:

(1) To administer these programs under the State's locally administered project program; or

(2) That for projects that are otherwise contractible under Public Law 93–638 (25 U.S.C. 450 *et seq.*), that the State return the funds to FHWA and have them transferred to BIA for tribal self-determination contracts or self-governance agreements under ISDEAA.

(c) Congress provides funds under 23 U.S.C. 205 and 214 for activities for Federal agencies. A tribe can contract with all agencies within the Department of the Interior under ISDEAA for this work.

(d) In order to use National Scenic Byway funds, the project must be on a road designated as a State or Federal scenic byway.

(e) In order to expend non-IRR Program Federal funds for its recreation, tourism, and trails programs, a tribe must ensure that the project is on an approved TIP or STIP.

§ 170.137 What types of activities can a recreation, tourism, and trails program include?

(a) The following are examples of activities that tribes and tribal organizations may perform under a recreation, tourism, and trails program:

(1) Transportation planning for tourism and recreation travel;

(2) Adjacent vehicle parking areas;

(3) Development of tourist information and interpretative signs;

(4) Provision for non-motorized trail activities including pedestrians and bicycles;

(5) Provision for motorized trail activities including all terrain vehicles, motorcycles, snowmobiles, *etc.*;

(6) Construction improvements that enhance and promote safe travel on trails;

(7) Safety and educational activities;

(8) Maintenance and restoration of existing recreational trails;

(9) Development and rehabilitation of trailside and trailhead facilities and trail linkage for recreational trails;

(10) Purchase and lease of recreational trail construction and maintenance equipment;

(11) Safety considerations for trail intersections;

(12) Landscaping and scenic enhancement (see 23 U.S.C. 319);

(13) Bicycle Transportation and pedestrian walkways (see 23 U.S.C. 217); and

(14) Trail access roads.

(b) The items listed in paragraph (a) of this section are not the only activities that are eligible for recreation, tourism, and trails funding. The funding criteria may vary with the specific requirements of the programs.

(c) Tribes may use IRR Program funds for any activity that is eligible for Federal funding under any provision of title 23 U.S.C.

§ 170.138 Can roads be built in roadless and wild areas?

Under 25 CFR part 265 no roads can be built in roadless and wild areas on Indian reservations.

Highway Safety Functions

§ 170.141 What Federal funds are available for a tribe's highway safety activities?

Federal funds available for a tribe's highway safety activities include, but are not limited to, the following which may be amended, repealed, or added to:

(a) The tribes' IRR Program allocations under 23 U.S.C. 204;

(b) Highway Safety Program funds under 23 U.S.C. 402;

(c) Occupant protection program funds under 23 U.S.C. 405;

(d) Alcohol traffic safety program funds under 23 U.S.C. 408;

(e) Alcohol-impaired driver countermeasures under 23 U.S.C. 410;

(f) Funding for highway safety activities from the U.S. Department of Health and Human Services (HHS);

(g) Indian Highway Safety Program 25 CFR 181; and

(h) Other funding that Congress may authorize and appropriate.

§ 170.142 How can tribes obtain funds to perform highway safety projects?

There are two methods to obtain National Highway Traffic Safety Administration (NHTSA) and other FHWA safety funds for highway safety projects:

(a) FHWA provides safety funds to BIA under 23 U.S.C. 402. BIA annually solicits proposals from tribes for use of these funds. Proposals are processed under 25 CFR part 181. Tribes may obtain a contract or agreement under ISDEAA for these projects.

(b) FHWA provides funds to the States under 23 U.S.C. 402, 405, 408, and 410. States annually solicit proposals from tribes and local governments. Tribes may request:

(1) To administer these programs under the State's locally administered project program; or

(2) That for projects that are otherwise contractible under Public Law 93–638 (25 U.S.C. 450 *et seq.*), that the State return the funds to FHWA and have them transferred to BIA for tribal self-determination contracts or self-governance agreements under ISDEAA.

§ 170.143 How can IRR Program funds be used for highway safety?

A tribe, tribal organization, tribal consortium, or BIA may fund projects to improve highway safety. Those projects that are not fully funded by the BIA-administered Indian Highway Safety Program must be incorporated into the FHWA-approved IRRTIP if IRR Program funds are used to complete funding of the project.

§ 170.144 What are eligible highway safety projects?

The following are examples of activities that can be considered as highway safety projects:

(a) Highway alignment improvement;

(b) Bridge widening;

(c) Pedestrian paths/sidewalks and bus shelters;

(d) Installation and replacement of signs when designated as, or made part of, a highway safety project;

(e) Construction improvements that enhance and promote safe travel on IRRs, such as guardrail construction and traffic markings;

(f) Development of a safety management system;

(g) Education and outreach highway safety programs, such as use of child safety seats, defensive driving, and Mothers Against Drunk Drivers;

(h) Development of a highway safety plan designed to reduce traffic accidents and deaths, injuries, and property damage;

(i) Collecting data on traffic-related deaths, injuries and accidents;

(j) Impaired driver initiatives;

(k) Child safety seat programs; and

(l) Purchasing necessary specific traffic enforcement equipment, such as radar equipment, breathalyser, video cameras.

§ 170.145 Are other funds available for a tribe's highway safety efforts?

Yes. Tribes may seek grant and program funding for highway safety activities from appropriate Federal, state, and local agencies and private grant organizations.

Transit Facilities

§ 170.148 What is a tribal transit program?

A tribal transit program is the planning, administration, acquisition, and operation and maintenance of a system associated with the public movement of people served within a community or network of communities on or near Indian reservations, lands, villages, communities, and pueblos.

§ 170.149 How do tribes identify transit needs?

Tribes identify transit needs during the tribal transportation planning process (see subpart D). Transit projects using IRR Program funds must be included in the FHWA-approved IRRTIP.

§ 170.150 What Federal funds are available for a tribe's transit program?

Title 23 U.S.C. authorizes the use of IRR Program funds for transit facilities as defined in this part. Additionally, there are many sources of Federal funds that may help support tribal transit programs. These include the Federal programs listed in this section. Note that each program has its own terms and conditions of assistance. For further information on these programs and their use for transit, contact the FTA Regional Transit Assistance Program (RTAP) National Transit Resource Center at *http://www.ctaa.org/ntrc*.

(a) U.S. Department of Agriculture (USDA): community facilities loans; rural development loans; business and industrial loans; rural enterprise grants; commerce, public works and economic development grants; and economic adjustment assistance.

(b) U.S. Department of Housing and Urban Development (HUD): community development block grants, supportive housing, tribal housing loan guarantees, resident opportunity and support services.

(c) U.S. Department of Labor: Native American employment and training, welfare-to-work grants.

(d) DOT: Welfare-to-Work, Indian Reservation Roads Program, transportation and community and systems preservation, Federal transit capital improvement grants, public transportation for non-urbanized areas, capital assistance for elderly and disabilities transportation, education, and Even Start.

(e) HHS: programs for Native American elders, community service block grants, job opportunities for low-income individuals, Head Start (capital or operating), administration for Native Americans programs, Medicaid, HIV Care Grants, Healthy Start, and the Indian Health Service.

§ 170.151 May a tribe or BIA use IRR Program funds as matching funds?

(a) A tribe may use 23 U.S.C. 204 IRR Program funds provided under a self-determination contract or self-governance agreement to meet matching or cost participation requirements for any Federal or non-Federal transit grant or program.

(b) BIA may use 23 U.S.C. 204 IRR Program funds to pay local matching funds for transit facilities and transit activities funded under 23 U.S.C. 104.

§ 170.152 What transit facilities and activities are eligible for IRR Program funding?

Transit facilities and activities eligible for IRR Program funding include, but are not limited to:

(a) Acquiring, constructing, supervising or inspecting new, used or refurbished equipment, buildings, facilities, buses, vans, water craft, and other vehicles for use in mass transportation;

(b) Transit-related intelligent transportation systems;

(c) Rehabilitating, remanufacturing, and overhauling a transit vehicle;

(d) Preventive maintenance;

(e) Leasing transit vehicles, equipment, buildings, and facilities for use in mass transportation;

(f) Third-party contracts for otherwise eligible transit facilities and activities;

(g) Mass transportation improvements that enhance economic and community development, such as bus shelters in shopping centers, parking lots, pedestrian improvements, and support facilities that incorporate other community services;

(h) Passenger shelters, bus stop signs, and similar passenger amenities;

(i) Introduction of new mass transportation technology;

(j) Provision of fixed route, demand response services, and non-fixed route paratransit transportation services (excluding operating costs) to enhance access for persons with disabilities;

(k) Radio and communication equipment to support tribal transit programs; and

(l) Transit capital project activities authorized by 49 U.S.C. 5302 (a)(1).

IRR Program Coordinating Committee

§ 170.155 What is the IRR Program Coordinating Committee?

(a) Under this part, the Secretaries will establish an IRR Program Coordinating Committee that:

(1) Provides input and recommendations to BIA and FHWA in developing IRR Program policies and procedures; and

(2) Supplements government-to-government consultation by coordinating with and obtaining input from tribes, BIA, and FHWA.

(b) The Committee consists of 12 tribal regional representatives (one from each BIA Region) and two non-voting Federal representatives (FHWA and BIA). The Secretary of the Interior will select one alternate tribal member from each BIA Region to attend committee meetings in the absence of the regional representative.

(c) The Secretary must select regional tribal representatives and alternates from nominees officially selected by the region's tribes.

(1) To the extent possible, the Secretary must make the selection so that there is representation from a broad cross-section of large, medium, and small tribes.

(2) Each tribal representative must be a tribal governmental official or employee with authority to act for the tribal government.

(d) For purposes of continuity, the Secretary will appoint the initial tribal representative and alternate from each BIA region to either a 1-, 2-, or 3-year term so that only one-third of the tribal representatives and alternates change every year. Thereafter, all appointments must be for a term of 3 years.

(e) The Secretary of the Interior will provide guidance regarding the replacement of representatives should the need arise.

§ 170.156 What are the IRR Program Coordinating Committee's responsibilities?

(a) Committee responsibilities are to provide input and recommendations to BIA and FHWA during the development or revision of:

(1) BIA/FHWA IRR Program Stewardship Plan;

(2) IRR Program policy and procedures;

(3) IRR Program eligible activities determination;

(4) IRR Program transit policy;

(5) IRR Program regulations;

(6) IRR Program management systems policy and procedures;

(7) IRR Program fund distribution formula (as outlined in § 170.157); and

(8) National tribal transportation needs.

(b) The Committee may establish work groups to carry out its responsibilities; and

(c) The Committee also reviews and provides recommendations on IRR Program national concerns (including the implementation of this part) brought to its attention.

§ 170.157 What is the IRR Program Coordinating Committee's role in the funding process?

The Committee's role is to provide input and recommendations to BIA and FHWA regarding:

(a) New IRR Inventory Data Format and Form;

(b) Simplified Cost to Construct (CTC) Methodology (including formula calculations, formula program and design, and bid tab methodology);

(c) Cost Elements;

(d) Over-Design Issues;

(e) Inflation Impacts on $1 Million Cap for IRRHPP and Emergency Projects (including the IRRHPP Ranking System and emergency/disaster expenditures report); and

(f) The impact of including funded but non-constructed projects in the CTC calculation.

§ 170.158 How does the IRR Program Coordinating Committee conduct business?

The Committee holds at least two meetings a year. Additional Committee meetings may be called with the consent of one-third of the Committee members or by BIA or FHWA. The Committee conducts business at its meetings as follows:

(a) A quorum consists of eight Committee members of which a majority must be tribal committee members.

(b) The Committee will operate by consensus or majority vote, as determined by the Committee in its protocols.

(c) Any Committee member can submit an agenda item to the Chair.

(d) The Committee will work through a committee-approved annual work plan and budget.

(e) Annually, the Committee must elect from among the Committee membership a Chair, a Vice-Chair, and other officers. These officers will be responsible for preparing for and conducting Committee meetings and summarizing meeting results. These officers will also have other duties that the Committee may prescribe.

(f) The Committee must keep the Secretary and the tribes informed through an annual accomplishment report provided within 90 days after the end of each fiscal year.

(g) The Committee's budget will be funded through the IRR Program management and oversight funds, not to exceed $150,000 annually.

Indian Local Technical Assistance Program

§ 170.161 What is the Indian Local Technical Assistance Program?

The Indian Local Technical Assistance Program (Indian LTAP) is authorized under 23 U.S.C. 504(b), and §§ 170.161 through 170.176 are provided for information only. The Program assists tribal governments and other IRR Program participants in extending their technical capabilities by providing them greater access to transportation technology, training, and research opportunities.

§ 170.162 How is the Indian LTAP funded?

FHWA uses Highway Trust Funds to fund the Indian LTAP. BIA may use IRR Program management and oversight funds for Indian LTAP centers. These funds may be used to operate Indian LTAP centers and to develop training materials and products for these centers. The Indian LTAP centers should apply for supplemental funding from other sources to accommodate their needs.

§ 170.163 How are Indian LTAP recipients selected?

(a) FHWA announces Indian LTAP grant, cooperative agreement, and contracting opportunities in the **Federal Register**. The announcements state that tribal governments, a consortium of tribal governments, State transportation departments, or universities are eligible for these awards; indicate the funds available; and provide eligibility criteria.

(b) FHWA sends the information in paragraph (a) of this section to BIA for distribution to tribal governments and consortia. BIA must provide written notice to tribal governments and consortia.

(c) A selection committee of Federal and tribal representatives (see § 170.164) reviews the proposals of eligible applicants and recommends award recipients. FHWA selects and notifies

award recipients consistent with applicable law.

§ 170.164 How are tribal representatives nominated and chosen for the selection committee?

In its written notice to tribal governments announcing opportunities under the Indian LTAP, FHWA requests nominations within each Indian LTAP's service area for representatives to serve on the selection committee. Forty-five days after receiving the request for nominations, FHWA will notify tribal governments of the nominees for the service area. Each tribe then has 30 days to notify FHWA of its selection from the nominees.

§ 170.165 May a tribe enter into a contract or agreement for Indian LTAP funds?

Yes. If selected for an award as an Indian LTAP Center, a tribe will enter into a cooperative agreement with the FHWA and be subject to the guidelines of the agreement.

§ 170.166 What services do Indian LTAP centers provide?

(a) Indian LTAP centers provide transportation technology transfer services, including education, training, technical assistance and related support services to tribal governments and IRR Program participants. Indian LTAPs will:

(1) Develop and expand tribal expertise in road and transportation areas;

(2) Improve IRR Program performance;

(3) Enhance tribal transportation planning, project selection, transit and freight programs;

(4) Develop transportation training and technical resource materials and present workshops;

(5) Improve tribal tourism and recreational travel programs;

(6) Help tribes deal more effectively with transportation-related problems by developing and sharing tribal transportation technology and traffic safety systems and information with other transportation agencies;

(7) Operate Indian technical centers in cooperation with State transportation departments and universities;

(8) Provide technical assistance on transportation technology and enhance new technology implementation in cooperation with the private sector;

(9) Develop educational programs to encourage and motivate interest in transportation careers among Native American students; and

(10) Act as information clearinghouses for tribal governments and Indian-owned businesses on transportation-related topics.

(b) Unless otherwise stated in an Indian LTAP agreement, an Indian technical assistance program center must, at a minimum:

(1) Maintain a current mailing list including, at a minimum, each tribe and IRR Program participant within the service area;

(2) Publish a quarterly newsletter and maintain a Web site;

(3) Conduct or coordinate 10 workshops per year;

(4) Maintain a library of technical publications and video tapes;

(5) Provide technical assistance to IRR Program participants;

(6) Hold two advisory committee meetings a year;

(7) Develop a yearly action plan in consultation with the advisory committee;

(8) Coordinate with State LTAPs, other Indian technical centers, Rural Technical Assistance Program (RTAP) centers, tribal governments, and local planning and transportation agencies to share and exchange publications, videotapes, training material, and conduct joint workshops;

(9) Consult with tribes and IRR Program participants concerning technical assistance and training desired; and

(10) Prepare an annual report and distribute this report to service area tribes.

§ 170.167 How does a tribe obtain services from an Indian LTAP center?

A tribe that wants to obtain services should contact the Indian LTAP center serving its service area or its BIA regional road engineer. Information about the centers and the services provided can be found on the World Wide Web at the following address: *http://www.ltap.org.*

§ 170.168 Do Indian LTAP centers offer services similar to those of State LTAPs?

Yes. However, Indian LTAP centers are primarily responsible for increasing the capacity of tribal governments to administer transportation programs. State LTAPs also provide services to local and rural governments, including tribal governments. Indian LTAP centers should coordinate education and training opportunities with State LTAP centers to maximize resources.

§ 170.169 What can a tribe do if Indian LTAP services are unsatisfactory?

A tribal government can address concerns over quality of services to the Indian LTAP Center Director, FHWA, and BIA. If the center does not adequately address these concerns in writing within 30 calendar days, the tribal government may request any or all of the following:

(a) A special meeting with the Center's Director and staff to address the concern;

(b) A review of the Center's performance by FHWA and BIA or;

(c) Services from other Indian LTAP centers.

§ 170.170 How are Indian LTAP centers managed?

(a) Each Indian LTAP center is managed by its Center Director and staff, with the advice of its technical panel under the Indian LTAP agreements. FHWA, BIA, and tribes review the performance of the Indian LTAP centers.

(b) Each Indian LTAP center has a technical panel consisting of one BIA Regional Road Engineer, one FHWA representative, one state DOT representative, and at least five tribal representatives from the service area. The technical panel may, among other activities:

(1) Recommend center policies;

(2) Review and approve the annual action plan for submission to FHWA for approval;

(3) Provide direction on the areas of technical assistance and training;

(4) Review and approve the annual report for submission to FHWA for approval;

(5) Develop recommendations for improving center operation services and budgets; and

(6) Assist in developing goals and plans for obtaining or using supplemental funding.

(c) The technical panel must meet at least twice a year. Tribal representatives may request IRR Program funding to cover the cost of participating in these committee meetings.

§ 170.171 How are tribal advisory technical panel members selected?

(a) The Indian LTAP center requests nominations from tribal governments and consortia within the service area for tribal transportation representatives to serve on the technical panel.

(b) Tribes from the service area select tribal panel members from those nominated.

Indian LTAP-Sponsored Education and Training Opportunities

§ 170.175 What Indian LTAP-sponsored transportation training and educational opportunities exist?

There are many programs and sources of funding that provide tribal transportation training and education opportunities. Each program has its own terms and conditions of assistance. For

further information on these programs and their use for tribal transportation education and training opportunities, contact the regional Indian LTAP center or BIA regional road engineer. Appendix B to this subpart contains a list of programs and funding sources.

§ 170.176 Where can tribes get scholarships and tuition for Indian LTAP-sponsored education and training?

Tribes can get tuition and scholarship assistance for Indian LTAP-sponsored education and training from the following sources:

(a) Indian LTAP centers;

(b) BIA-appropriated funds (for approved training); and

(c) IRR Program funds (for education and training opportunities and technical assistance programs related to developing skills for performing IRR Program activities).

Appendix A to Subpart B—Allowable Uses of IRR Program Funds

A. IRR Program funds can be used for the following planning and design activities:

1. Planning and design of IRR transit facilities eligible for IRR construction funding.
2. Planning and design of IRR roads and bridges.
3. Planning and design of transit facilities that provide access to or are located within an Indian reservation or community.
4. Transportation planning activities, including planning for tourism and recreational travel.
5. Development, establishment, and implementation of tribal transportation management systems such as safety, bridge, pavement, and congestion management.
6. Tribal transportation plans and transportation improvement programs (TIPS).
7. Coordinated technology implementation program (CTIP) projects.
8. Traffic engineering and studies.
9. Identification and evaluation of accident prone locations.
10. Tribal transportation standards.
11. Preliminary engineering studies.
12. Interagency program/project formulation, coordination and review.
13. Environmental studies and archeological investigations directly related to transportation programs and projects.
14. Costs associated with obtaining permits and/or complying with tribal, Federal, state, and local environmental, archeological and natural resources regulations and standards.
15. Development of natural habitat and wetland conservation and mitigation plans, including plans authorized under the Water Resources Development Act of 1990, 104 Stat. 4604 (Water Resources Development Act).
16. Architectural and landscape engineering services related to transportation programs.
17. Engineering design related to transportation programs, including permitting activities.
18. Inspection of bridges and structures.
19. Indian local technical assistance program (LTAP) centers.
20. Highway and transit safety planning, programming, studies and activities.
21. Tribal employment rights ordinance (TERO) fees.
22. Purchase or lease of advanced technological devices used for transportation planning and design activities such as global positioning units, portable weigh-in-motion systems, hand held data collection units, related hardware and software, *etc.*
23. Planning, design and coordination for Innovative Readiness Training projects.
24. Transportation planning and project development activities associated with border crossings on or affecting tribal lands.
25. Public meetings and public involvement activities.
26. Leasing or rental of equipment used in transportation planning or design programs.
27. Transportation-related technology transfer activities and programs.
28. Educational activities related to bicycle safety.
29. Planning and design of mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project.
30. Evaluation of community impacts such as land use, mobility, access, social, safety, psychological, displacement, economic, and aesthetic impacts.
31. Acquisition of land and interests in land required for right-of-way, including control of access thereto from adjoining lands, the cost of appraisals, cost of examination and abstract of title, the cost of certificate of title, advertising costs, and any fees incidental to such acquisition.
32. Cost associated with relocation activities including financial assistance for displaced businesses or persons and other activities as authorized by law.
33. On the job education including classroom instruction and pre-apprentice training activities related to transportation planning.
34. Other eligible activities as approved by FHWA.
35. Any additional activities identified by IRR Program Coordinating Committee guidance and approved by the appropriate Secretary (see § 170.156).
36. Indirect general and administrative costs; and
37. Other eligible activities described in this part.

B. IRR Program funds can be used for the following construction and improvement activities:

1. Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for IRR roads and highway bridges including bridges and structures under 20 feet in length, including the replacement of low-water crossings, regardless of length, with bridges.
2. Construction or reconstruction of IRR roads and bridges necessary to accommodate other transportation modes.
3. Construction of toll roads, highway bridges and tunnels, and toll and non-toll ferry boats and terminal facilities, and approaches thereto (except when on the Interstate System) to the extent permitted under 23 U.S.C. 129.
4. Construction of projects for the elimination of hazards at railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings.
5. Installation of protective devices at railway-highway crossings.
6. Transit facilities, whether publicly or privately owned, that serve Indian reservations and other communities or that provide access to or are located within an Indian reservation or community (see §§ 170.148 through 170.152 for additional information).
7. Engineered pavement overlays that add to the structural value and design life or increase the skid resistance of the pavement.
8. Tribally-owned, post-secondary vocational school roads and bridges.
9. Road sealing.
10. Double bituminous surface and chip seals that are part of a predefined stage of construction or form the final surface of low volume roads.
11. Seismic retrofit, replacement, rehabilitation, and painting of highway bridges.
12. Application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions on highway bridges, and approaches thereto and other elevated structures.
13. Installation of scour countermeasures for highway bridges and other elevated structures.
14. Special pedestrian facilities built in lieu of streets or roads, where standard street or road construction is not feasible.
15. Interpretive signs, standard traffic regulatory and guide signs that are culturally relevant (native language, symbols, *etc.*) that are a part of transportation projects.
16. Traffic barriers and bridge rails.
17. Engineered spot safety improvements.
18. Planning and development of rest areas, recreational trails, parking areas, sanitary facilities, water facilities, and other facilities that accommodate the traveling public.
19. Public approach roads and interchange ramps that meet the definition of an Indian reservation road.
20. Construction of roadway lighting and traffic signals.
21. Adjustment or relocation of utilities directly related to roadway work, not required to be paid for by local utility companies.
22. Conduits crossing under the roadway to accommodate utilities that are part of future development plans.
23. Restoration of borrow and gravel pits created by projects funded from the IRR Program.
24. Force account and day labor work, including materials and equipment rental, being performed in accordance with approved plans and specifications.
25. Experimental features where there is a planned monitoring and evaluation schedule.
26. Capital and operating costs for traffic monitoring, management, and control facilities and programs.

27. Safely accommodating the passage of vehicular and pedestrian traffic through construction zones.

28. Construction engineering including contract/project administration, inspection, and testing.

29. Construction of temporary and permanent erosion control, including landscaping and seeding of cuts and embankments.

30. Landscape and roadside development features.

31. Marine terminals as intermodal linkages.

32. Construction of visitor information centers, kiosks, and related items.

33. Other appropriate public road facilities such as visitor centers as determined by the Secretary of Transportation.

34. Facilities adjacent to roadways to separate pedestrians and bicyclists from vehicular traffic for operational safety purposes, or special trails on separate rights-of-way.

35. Construction of pedestrian walkways and bicycle transportation facilities, such as a new or improved lane, path, or shoulder for use by bicyclists and a traffic control device, shelter, or parking facility for bicycles.

36. Facilities adjacent to roadways to separate modes of traffic for safety purposes.

37. Acquisition of scenic easements and scenic or historic sites provided they are part of an approved project or projects.

38. Debt service on bonds or other debt financing instruments issued to finance IRR construction and project support activities.

39. Any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and individuals with disabilities, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

40. Fringe and corridor parking facilities including access roads, buildings, structures, equipment improvements, and interests in land.

41. Adjacent vehicular parking areas.

42. Costs associated with obtaining permits and/or complying with tribal, Federal, state, and local environmental, archeological, and natural resources regulations and standards on IRR projects.

43. Seasonal transportation routes, including snowmobile trails, ice roads, overland winter roads, and trail markings. (See §§ 170.123 through 170.124.)

44. Tribal fees such as employment taxes (TERO), assessments, licensing fees, permits, and other regulatory fees.

45. On the job education including classroom instruction and pre-apprentice training activities related to IRR construction projects such as equipment operations, surveying, construction monitoring, testing, inspection and project management.

46. Installation of advance technological devices on IRR transportation facilities such as permanent weigh-in-motion systems, informational signs, intelligent transportation system hardware, *etc.*

47. Tribal, cultural, historical, and natural resource monitoring, management and mitigation.

48. Mitigation activities required by tribal, state, or Federal regulatory agencies and 42 U.S.C. 4321, *et seq.*, the National Environmental Policy Act (NEPA).

49. Leasing or rental of construction equipment.

50. Coordination and construction materials for innovative readiness training projects such as the Department of Defense (DOD), the American Red Cross, the Federal Emergency Management Agency (FEMA), *etc.*

51. Emergency repairs on IRR roads, bridges, trails, and seasonal transportation routes.

52. Public meetings and public involvement activities.

53. Construction of roads on dams and levees.

54. Transportation enhancement activities as defined in 23 U.S.C. 101(a).

55. Modification of public sidewalks adjacent to or within IRR transportation facilities.

56. Highway and transit safety infrastructure improvements and hazard eliminations.

57. Transportation control measures such as employer-based transportation management plans, including incentives, shared-ride services, employer-sponsored programs to permit flexible work schedules and other activities, other than clause (xvi) listed in section 108(f)(1)(A) of the Clean Air Act, (42 U.S.C. 7408(f)(1)(A)).

58. Necessary environmental restoration and pollution abatement.

59. Trail development and related activities as identified in §§ 170.135–170.138.

60. Development of scenic overlooks and information centers.

61. Natural habitat and wetlands mitigation efforts related to IRR road and bridge projects, including:

a. Participation in natural habitat and wetland mitigation banks, including banks authorized under the Water Resources Development Act, and

b. Contributions to tribal, statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, including efforts authorized under the Water Resources Development Act.

62. Mitigation of damage to wildlife, habitat and ecosystems caused as a result of a transportation project.

63. Construction of permanent fixed or moveable structures for snow or sand control.

64. Cultural access roads.

65. Other eligible items as approved by the Federal Highway Administration (FHWA).

66. Any additional activities identified by IRR Program Coordinating Committee and approved by the appropriate Secretary (see § 170.156).

67. Other eligible activities described in this part.

Appendix B to Subpart B—Sources of Tribal Transportation Training and Education Opportunities

The following is a list of some of the many governmental sources for tribal transportation training and education opportunities. There may be other non-governmental, tribal, or private sources not listed here.

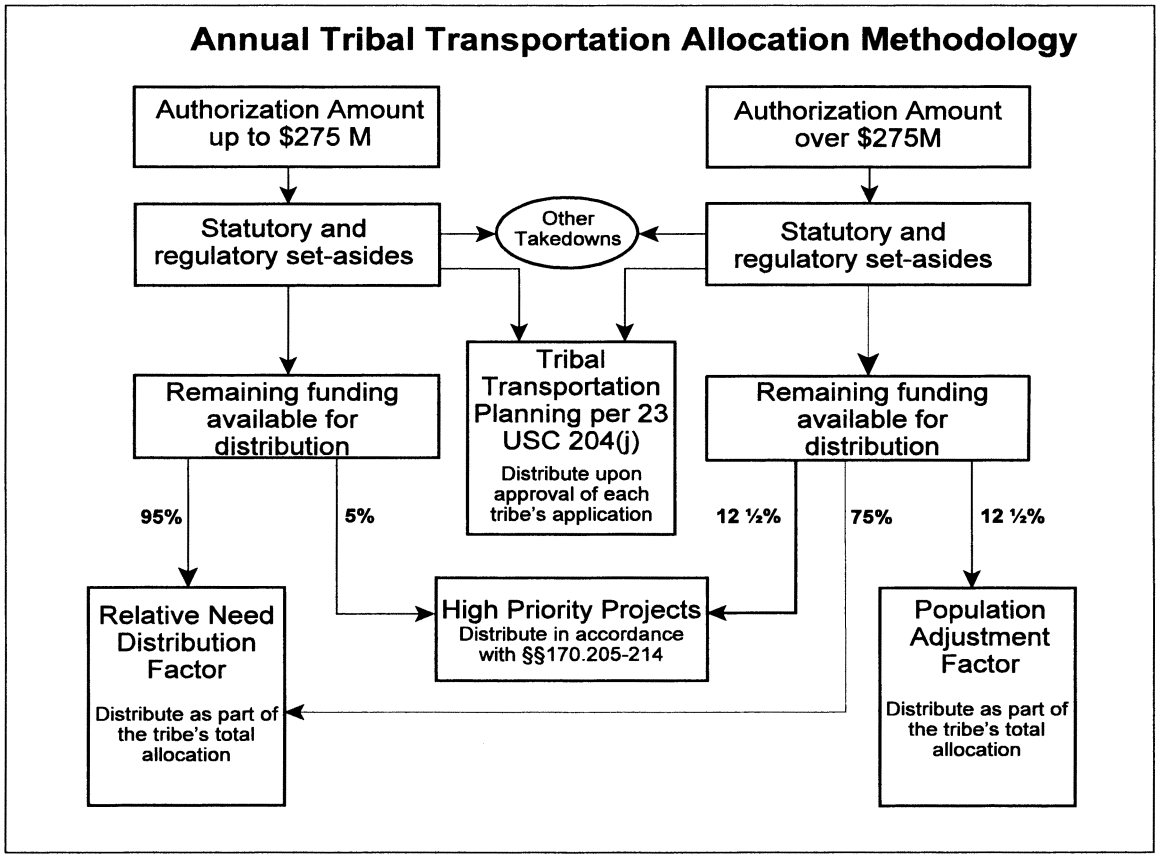
1. National Highway Institute training courses and fellowships
2. State and local technical assistance program workshops
3. Indian local technical assistance program workshops
4. FHWA and FTA Research Fellowships
5. Dwight David Eisenhower Transportation Fellowship (23 U.S.C. 504)
6. Intergovernmental personnel agreement assignments
7. BIA transportation cooperative education program
8. BIA force account operations
9. Federal Transit Administration workshops
10. State Departments of Transportation
11. Federal-aid highway construction and technology training including skill improvement programs under 23 U.S.C. 140 (b)(c)
12. Other funding sources identified in § 170.150 (Transit)
13. Department of Labor work force development
14. Indian Employment, Training, and Related Services Demonstration Act, Public Law 102–477
15. Garrett Morgan Scholarship (FHWA)
16. NTRC—National Transit Resource Center
17. CTER—Council for Tribal Employment Rights
18. BIA Indian Highway Safety Program
19. FHWA/STIPDG and NSTISS Student Internship Programs (Summer Transportation Internship Program for Diverse Groups and National Summer Transportation Institute for Secondary Students)
20. Environmental Protection Agency (EPA)
21. Department of Commerce (DOC)
22. Department of Housing and Urban Development Community Planning and Development

Subpart C—Indian Reservation Roads Program Funding

Tribal Transportation Allocation Methodology (TTAM)

§ 170.200 How does BIA allocate IRR Program funds?

This section sets forth the Tribal Transportation Allocation Methodology (TTAM) that BIA uses to allocate IRR Program funds. After appropriate statutory and regulatory set-asides, as well as other takedowns, the remaining funds are allocated as follows:



(a) A statutorily determined percentage to a tribal transportation planning program (under 23 U.S.C. 204(j)); and

(b) The remainder to a pool of funds designated as ''Remaining funding available for distribution.'' This ''Remaining funding available for distribution'' pool is further allocated as follows:

(1) 5 percent to a discretionary pool for IRR High Priority Projects (IRRHPP); and

(2) 95 percent to pool for distribution by the following Relative Need Distribution Factor (RNDF) as defined in § 170.223:

(50 percent Cost to Construct + 30 percent Vehicle Miles Traveled + 20 percent Population)

(3) If the annual authorization is greater than $275 million, then the amount above $275 million, after appropriate statutory and regulatory set-asides, as well as other takedowns are applied, will be allocated as follows:

(i) 12.5 percent to the IRRHPP (§ 170.205);

(ii) 12.5 percent to the Population Adjustment Factor (PAF) (§ 170.220); and

(iii) 75 percent to the RNDF (§ 170.223).

§ 170.201 How does BIA allocate and distribute tribal transportation planning funds?

Upon request of a tribal government and approval by the BIA Regional Office, BIA allocates tribal transportation planning funds described in § 170.403 pro rata according to the tribes' relative need percentage from the RNDF described in § 170.223. The tribal transportation planning funds will be distributed in accordance with the BIA procedures for self-governance tribes that negotiate tribal transportation planning in their annual funding agreements and to BIA Regional Offices for all other tribes.

§ 170.202 Does the Relative Need Distribution Factor allocate funding among tribes?

Yes. The RNDF determines the amount of funding available to allocate to the tribes for their approved IRR projects and activities under 23 U.S.C. 202(d)(2). The IRR Program construction funds are allocated pro rata according to the tribes' relative need percentage from the Funding Formula.

(a) The IRR Program construction funds will be distributed in accordance with the BIA procedures for self-governance tribes that negotiate IRR construction projects into their AFA, and distributed to BIA Regional Offices for all other tribes.

(b) In order for a tribe's IRR Program allocation to be expended on a construction project, the project must be included in an FHWA-approved Transportation Improvement Program (TIP).

IRR High Priority Project (IRRHPP)

§ 170.205 What is an IRR High Priority Project (IRRHPP)?

(a) The IRRHPP is a special funding pool that can be used:

(1) By a tribe whose annual allocation is insufficient to complete its highest priority project;

(2) By a governmental subdivision of a tribe that is authorized to administer the tribe's IRR Program funding and whose annual allocation is insufficient to complete its highest priority project; or

(3) By any tribe for an emergency/disaster on any IRR transportation facility.

(b) Eligible applicants may have only one IRRHPP application pending at any time. This includes emergency/disaster applications.

(c) IRRHPP funds cannot be used for transportation planning, research, routine maintenance activities, and items listed in § 170.116.

§ 170.206 How is an emergency/disaster defined?

(a) An emergency/disaster is damage to an IRR transportation facility that:

(1) Renders the facility impassable or unusable; and

(2) Is caused by either a natural disaster over a widespread area or catastrophic failure from an external cause.

(b) Some examples of natural disasters are: floods, droughts, earthquakes, tornadoes, landslides, avalanches, and severe storms.

(c) An example of a catastrophic failure is the collapse of a highway bridge after being struck by a barge, truck, or landslide.

§ 170.207 What is the intent of IRRHPP emergency/disaster funding?

The intent of IRRHPP emergency/disaster funding is to provide funding for a project that contains eligible work and would be approved for FHWA–ERFO Program funding except that the disaster dollar threshold for eligibility in the FHWA–ERFO program has not been met. Applicants are encouraged to apply for FHWA–ERFO Program funding if the project meets the requirements of the program.

§ 170.208 What funding is available for IRRHPP?

The IRRHPP funding level (see chart in § 170.200) for the year is:

(a) Authorization Amount up to $275 million—5 percent of the pool of funds designated as ''Remaining funding available for distribution''; plus

(b) Authorization Amount over $275 million—12.5 percent the amount above $275 million after appropriate statutory and regulatory set-asides, as well as other takedowns.

§ 170.209 How will IRRHPP applications be ranked and funded?

(a) BIADOT and the Federal Lands Highway (FLH) Program office will determine eligibility and fund IRRHPP applications subject to availability of funds and the following criteria:

(1) Existence of safety hazards with documented fatality and injury accidents;

(2) Number of years since the tribe's last IRR Program construction project completed;

(3) Readiness to proceed to construction or IRRBP design need;

(4) Percentage of project cost matched by other non-IRR Program funds (projects with a greater percentage of other matched funds rank ahead of lesser matches);

(5) Amount of funds requested (smaller requests receive greater priority);

(6) Challenges caused by geographic isolation; and

(7) All weather access for: employment, commerce, health, safety, educational resources, and housing.

(b) Funding is limited to the estimated cost of repairing damage to the IRR transportation facility up to a maximum of $1 million per application.

(c) A project submitted as an emergency/disaster must be at least 10 percent of a tribe's relative need distribution.

(d) BIA's regional roads engineer or the tribe, if it has plans, specifications, and estimates (PS&E) approval authority will certify the cost estimate in approving the plans, specifications, and estimates for the IRRHPP.

(e) The Project Scoring Matrix is found in appendix A to subpart C.

§ 170.210 How may a tribe apply for IRRHPP?

A tribe may apply for IRRHPP funds by submitting a complete application to BIADOT. The application must include:

(a) Project scope of work (deliverables, budget breakdown, timeline);

(b) Amount of IRRHPP funds requested;

(c) Project information addressing ranking criteria identified in § 170.209, or the nature of the emergency/disaster;

(d) Documentation that the project meets the definition of an IRR transportation facility and is in the IRR Inventory;

(e) Documentation of official tribal action requesting the IRRHPP project; and

(f) Documentation from the tribe providing authority for BIA to place the project on an IRRHPP TIP if the project is selected and approved.

§ 170.211 What is the IRRHPP Funding Priority List?

The IRRHPP Funding Priority List (FPL) is the ranked IRRHPPs approved for funding under § 170.209.

(a) The number of projects on the FPL is limited by the amount of IRRHPP funds available at the beginning of the fiscal year.

(b) BIA will place all projects on the FPL on an IRRHPP TIP and forward them to FHWA for approval.

§ 170.212 What is the timeline for IRRHPPs?

(a) BIA will accept IRRHPP applications until December 31 each year for projects during the following year. BIA processes IRRHPP applications as shown in the following table:

By . . .	BIA will . . .
(1) January 31	Notify all applicants and Regions in writing of acceptance of applications.
(2) March 31	Coordinate with FLH to rank all accepted applications in accordance with Appendix A to Subpart C, develop the FPL, and return unaccepted applications to the applicant with an explanation of the deficiencies.
(3) April 15	Notify all accepted applicants of the projects included on the FPL.
(4) May 15	Distribute funds to BIA Regions or in accordance with procedures of the Office of Self-Governance for selected IRRHPP.

(b) If total funding for accepted projects does not equal the total funds available for IRRHPP, the remaining funds will be redistributed by the Relative Need Distribution Factor in accordance with Appendix C to subpart C.

(c) All IRRHPP funds must be obligated on or before August 15. If it is anticipated that these funds cannot be obligated by the end of the fiscal year, IRRHPP funds assigned to an approved project must be returned to FHWA by August 1. BIA will redistribute these funds the following fiscal year to those approved projects. (See § 170.213.)

§ 170.213 How long are IRRHPP funds available for a project?

Any project not under contract for construction within 3 fiscal years of its initial listing on an FPL will forfeit its unexpended funding. Applicants may request, in writing, a one-time, 1-year extension of this deadline from BIA. Upon completion of an IRRHPP, funds that are reserved but not expended are to be recovered and returned to the IRRHPP funding pool.

§ 170.214 How does award of an emergency/disaster project affect projects on the FPL?

(a) A tribe may submit an emergency/disaster project any time during the fiscal year. BIA considers these projects a priority and funds them as follows:

(1) If a tribe submits a project before the issuance of the FPL and it is determined as eligible for IRRHPP funds, BIA will provide funding before providing funding for the other approved projects on the FPL; or

(2) If a tribe submits a project after the issuance of the FPL and the distribution of the IRRHPP funds, BIA will provide funding when funds provided to the FPL projects is returned to BIA due to their inability to be obligated. (See § 170.212(c).)

(b) If BIA uses funding previously designated for a project on the FPL to fund a emergency/disaster project, the FPL project that lost its funding will move to the top of the FPL for the following year.

Population Adjustment Factor

§ 170.220 What is the Population Adjustment Factor?

The Population Adjustment Factor (PAF) is a special portion of the total IRR Program distribution calculated annually that provides for broader participation in the IRR Program by tribes (or a governmental subdivision of a tribe authorized to administer the tribe's IRR Program funding). The PAF is based upon the population ranges and distribution factors in appendix B to subpart C. The population data used is the American Indian and Alaska Native Service Population developed by the Department of Housing and Urban Development, under the Native American Housing Assistance and Self-Determination Act (NAHASDA), (25 U.S.C. 4101 *et seq.*). Appendix B to subpart C explains how the PAF is derived. The funds generated by the PAF can be used for transportation planning or IRR projects.

§ 170.221 What funding is available for distribution using the PAF?

When the annual authorization for the IRR Program is greater than $275 million, 12.5 percent of the amount above $275 million after the appropriate statutory and regulatory set-asides, as well as other takedowns, is available for distribution using the PAF.

Relative Need Distribution Factor

§ 170.223 What is the Relative Need Distribution Factor (RNDF)?

The Relative Need Distribution Factor (RNDF) is a mathematical formula used for distributing the IRR Program construction funds. The RNDF is derived from a combination of the cost to construct, vehicle miles traveled, and population. Appendix C to subpart C explains how the RNDF is derived and applied.

IRR Inventory and Long-Range Transportation Planning (LRTP)

§ 170.225 How does the LRTP process relate to the IRR Inventory?

The LRTP process (see subpart D) is a uniform process that identifies the transportation needs and priorities of the tribes. The IRR Inventory is derived from transportation facilities identified through LRTP. It is also a means for identifying projects for the IRRHPP Program.

§ 170.226 How will this part affect the IRR Inventory?

The IRR Inventory defined in this part will expand the IRR Inventory for funding purposes to include:

(a) All roads, highway bridges, and other eligible transportation facilities that were previously approved in the BIA Road System in 1992 and each following year;

(b) All Indian reservation roads constructed using Highway Trust funds since 1983;

(c) All designated IRR routes (25 CFR 170.442–170.444);

(d) Non-road transportation related facilities; and

(e) Other applicable IRR transportation facilities.

§ 170.227 How does BIA develop and use the IRR Inventory?

The IRR Inventory as defined in § 170.442 identifies the transportation need by providing the data that BIA uses to generate the Cost to Construct (CTC) and Vehicle Miles Traveled (VMT) components of RNDF. The IRR Inventory is developed through the LRTP process, as described in §§ 170.410 through 170.415. BIA Regional offices maintain, certify, and enter the data for their region's portion of the IRR Inventory database. Only project-specific transportation activities are included in the IRR Inventory.

§ 170.228 Are all facilities included in the IRR Inventory used to calculate CTC?

No. Projects/facilities proposed to receive construction funds on an approved IRRTIP are not eligible for future inclusion in the calculation of the CTC portion of the formula for a period of 5 years thereafter.

General Data Appeals

§ 170.231 May a tribe challenge the data BIA uses in the RNDF?

(a) A tribe may submit a request to the BIA Regional Director to revise the data for the tribe that BIA uses in the RNDF. The request must include the tribe's data and written support for its contention that the tribal data is more accurate than BIA's.

(b) A tribe may submit a data correction request at any time. In order to impact the distribution in a given fiscal year, a data correction request must be approved, or any subsequent appeals resolved, by June 1 of the prior fiscal year.

(c) The BIA Regional Director must respond within 30 days of receiving a data correction request under this section.

(1) Unless the BIA Regional Director determines that the existing BIA data is more accurate, the BIA Regional Director must approve the tribe's data correction request and accept the tribe's corrected data.

(2) If the BIA Regional Director disapproves the tribe's request, the decision must include a detailed written explanation of the reasons for the disapproval, copies of any supporting documentation (other than the tribe's request) that the BIA Regional Director relied upon in reaching the decision, and notice of the tribe's right to appeal the decision.

(3) If the BIA Regional Director does not approve the tribe's request within 30 days of receiving the request, the request must be deemed disapproved.

§ 170.232 How does a tribe appeal a disapproval from the BIA Regional Director?

(a) Within 30 days of receiving a disapproval, or within 30 days of a disapproval by non-action of the BIA Regional Director, a tribe may file a written notice of appeal to the Director, Bureau of Indian Affairs, with a copy provided to the BIA Regional Director; and

(b) Within 30 days of receiving an appeal, the Director, Bureau of Indian Affairs must issue a written decision upholding or reversing the BIA Regional Director's disapproval. This decision must include a detailed written explanation of the reasons for the disapproval, copies of any supporting documentation that the Director, Bureau of Indian Affairs relied upon in reaching the decision (other than the tribe's request or notice of appeal), and notice of the tribe's right to appeal the decision to the Interior Board of Indian Appeals under 25 CFR part 2.

Flexible Financing

§ 170.300 May tribes use flexible financing to finance IRR transportation projects?

Yes. Tribes may use flexible financing in the same manner as States to finance IRR transportation projects, unless otherwise prohibited by law.

(a) Tribes may issue bonds or enter into other debt financing instruments under 23 U.S.C. 122 with the expectation of payment of IRR Program funds to satisfy the instruments.

(b) Under 23 U.S.C. 183, the Secretary of Transportation may enter into an agreement for secured loans or lines of credit for IRR projects meeting the requirements contained in 23 U.S.C. 182. Tribes or BIA may service Federal credit instruments. The secured loans or lines of credit must be paid from tolls, user fees, or other dedicated revenue sources.

(c) Tribes may use IRR Program funds as collateral for loans or bonds to finance IRR projects. Upon the request of a tribe, a BIA region will provide necessary documentation to banks and other financial institutions.

170.301 Can a tribe use IRR Program funds to leverage other funds or pay back loans?

(a) A tribe can use IRR Program funds to leverage other funds.

(b) A tribe can use IRR Program funds to pay back loans or other finance instruments for a project that:

(1) The tribe paid for in advance of the current year using non-IRR Program funds; and

(2) Was included in FHWA-approved IRRTIP.

170.302 Can BIA regional offices borrow IRR Program funds from each other?

Yes. A BIA Regional office, in consultation with tribes, may enter into agreements to borrow IRR Program funds to assist another BIA regional office in financing the completion of an IRR project. These funds must be repaid within the next fiscal year. These agreements cannot be executed during the last year of a transportation authorization act unless Congress has authorized IRR Program funds for the next year.

§ 170.303 Can a tribe apply for loans or credit from a State infrastructure bank?

Yes. Upon the request of a tribe, BIA region will provide necessary documentation to a State infrastructure bank to facilitate obtaining loans and other forms of credit for an IRR project. A state infrastructure bank is a state or multi-state fund that can offer loans and other forms of credit to help project sponsors, such as tribes, pay for transportation projects.

APPENDIX A TO SUBPART C.—IRR HIGH PRIORITY PROJECT SCORING MATRIX

Score	10	5	3	1	0
Accident and fatality rate for candidate route [1].	Severe	X	Moderate	Minimal	No accidents.
Years since last IRR construction project completed.	Never	Last project more than 10 years ago.	Last project 5–9 years ago	Last project within last 1 to 4 years.	Currently has project.
Readiness to Proceed to Construction or IRRBP Design Need.	PS&E Complete and approved.	Bridge Replacement PS&E development Project.	Bridge Rehabilitation PS&E development Project.	Non-bridge PS & E development Project.	X.
Percentage of Project matched by other funds.	X	80 percent or more by other funds.	20–79 percent by other funds.	1–19 percent	No other funds.
Amount of funds requested [2].	X	250,000 or less	250,001–500,000	500,001–750,000	Over 750,000.
Geographic isolation	No external access to community.	Substandard Primary access to community.	Substandard Secondary access to community.	Substandard access to tribal facility.	X.
All weather access for: —Employment —Commerce —Health —Safety —Educational Resources —Housing	Addresses all 6 elements	Addresses 4 or 5 elements.	Addresses 3 elements	Addresses 2 elements	Addresses 1 element.

[1] National Highway Traffic Safety Board standards.
[2] Total funds requested, including preliminary engineering, construction, and construction engineering.

Appendix B to Subpart C—Population Adjustment Factor

1. The Population Adjustment Factor allows for participation in the IRR Program by all tribes. This component of the funding formula creates a special calculation of funding which is available in accordance with the TTAM each fiscal year for a tribe based on the population range within which the tribe is included. The following table shows how BIA develops the PAF.

Population range	Distribution factor*	Number of tribes**	Funding amount per tribe
Less than 25	1	N_1	MBA*** × 1
25–100	3.5	N_2	MBA × 3.5
101–1000	5.0	N_3	MBA × 5.0
1001–10,000	6.5	N_4	MBA × 6.5
10,001+	8	N_5	MBA × 8

* Multiplier used to determine the PAF funding for the population ranges. For example, if $1000 is available for the first population range (less than 25), then the second population range (25–100) will receive $3,500 or 3.5 times the amount available to the first population range.

** The number of tribes changes yearly.

*** The Minimum Base Allocation (MBA) is the dollar value to be multiplied by the distribution factor for each population range to determine the distribution of the PAF.

2. The following example shows how the PAF applies to a total IRR Program authorization for the allocation year of $375 million. The five steps to calculate the Population Adjustment Factor are applied as follows:

Step 1. For each population range, multiply the Distribution Factor by the total number of tribes identified in the population range to determine the Step Factor;

Step 2. Add the Step Factors determined in Step 1 above to derive a Total Step Factor;

Step 3. Calculate the $A = IRR Program authorization available in the allocation year by taking the Total IRR Program authorization for the allocation year ($375M for this example) minus the appropriate statutory and regulatory set-asides, as well as other takedowns ($25M for this example)

$375M − $25M = $350M;

Step 4. Derive a Minimum Base Allocation by taking 12½ per cent of the difference (from Step 3) and dividing it by the Total Step Factor. The mathematical equation for the Base Allocation is as follows:

$$\mathrm{MBA} = \left(\frac{12\tfrac{1}{2}\% \times (\$\mathrm{A} - \$275\mathrm{M})}{\left(\mathrm{N}_1 + 3.5\mathrm{N}_2 + 5\mathrm{N}_3 + 6.5\mathrm{N}_4 + 8\mathrm{N}_5\right)} \right)$$

MBA = Minimum Base Allocation
Distribution Factors = 1, 3.5, 5, 6.5, and 8
$A = IRR Program Authorization Available in the Allocation Year
$275M = Base Reference Amount
n = The nth Population Range
1 . . . 5 = Population Ranges 1 through 5
N_n = Number of tribes in the nth Population Range

For the example above, the formula yields:

$$\mathrm{MBA} = \frac{12\tfrac{1}{2}\% \times (\$350\mathrm{M} - \$275\mathrm{M})}{17 + 3.5(66) + 5(309) + 6.5(137) + 8(29)} = \frac{\$9{,}375{,}000}{2{,}915.50} = \$3{,}215.57$$

Step 5. Calculate Population Adjustment Factor within each Population Range by multiplying the Distribution Factor for the Population Range by the Minimum Base Allocation.

The mathematical equation for the Population Adjustment Factor calculation is as follows:

$PAF_n = DF_n$ X MBA

Where:

PAF = Population Adjustment Factor
DF = Distribution Factor
n = The nth Population Range
MBA = Minimum Base Allocation

For example, for $DF_1 = 1.00$; $PAF_1 = 1 \times \$3{,}215.57 = \$3{,}215.57$

For example, for $DF_3 = 5.00$; $PAF_3 = 5 \times \$3{,}215.57 = \$16{,}077.86$

The following table illustrates the results of the above calculations for all population ranges:

Population range (step)	# of tribes	Distribution factor	Step factor	Tribal PAF per population range	Total funding per step
Less than 25	17	1	17	$3,215.57	$54,664.72
25–100	66	3.5	231	11,254.50	742,797.12
101–1000	309	5	1545	16,077.36	4,968,058.65
1001–10,000	137	6.5	890.50	20,901.22	2,863,466.82
10,001 +	29	8	232	25,724.58	746,012.69
Totals	.....	Total Step Factor = 2,915.50		.....	9,375,000

Appendix C to Subpart C—Relative Need Distribution Factor

The Relative Need Distribution Factor (RNDF) is a mathematical formula for distributing the IRR Program construction funds using the following three factors: Cost to Construct (CTC), Vehicle Miles Traveled (VMT), and Population (POP).

1. What Is the Formula for the RNDF?

The Relative Need Distribution Factor is as follows:

$$\mathrm{A} = \alpha \times \{\mathrm{CTC} \div \mathrm{Total\ C}\} + \beta \times \{\mathrm{VMT} \div \mathrm{Total\ VMT}\} + \delta \times \{\mathrm{POP} \div \mathrm{Total\ POP}\}$$

Where:

A = percent Relative Need for an individual tribe
CTC = Total Cost to Construct calculated for an individual tribe
Total C = Total Cost to Construct calculated for all tribes shown in the IRR Inventory
VMT = Total vehicle miles traveled for all routes in the IRR Inventory for a given tribe
Total VMT = Total vehicle miles traveled for all routes for all tribes in the IRR Inventory
POP = Population of an individual tribe
Total POP = Total population for all tribes
α, β, δ, = 0.50, 0.30, 0.20 respectively = Coefficients reflecting relative weight given to each formula factor

Example:

Tribe X has the following data:

CTC = $51,583,000 ..... Total CTC = $10,654,171,742
VMT = 45,680 ..... Total VMT = 10,605,298
POP = 4,637 ..... Total POP = 1,010,236

A = 0.50 [CTC ÷ Total CTC] + 0.30[VMT ÷ Total VMT] + 0.20[POP ÷ Total POP]

A = 0.50 [51,583,000 ÷ 10,654,171,742] + 0.30 [45,680 ÷ 10,605,298] + 0.20 [4,637 ÷ 1,010,236]

A = 0.00242 + 0.00129 + 0.00092

A = 0.00463 or 0.463 percent

If IRR Program construction funds available for the fiscal year are $226,065,139
Then the allocation amount would be: $226,065,139 × 0.00463 = $1,046,682.

2. How Does BIA Estimate Construction Costs?

The methodology for calculating the Cost to Construct is explained in Appendix D of this subpart.

3. What Is the Cost to Construct for an Individual Tribe?

The Cost to Construct for an individual tribe is the sum of all eligible and approved project costs from the tribe's IRR Inventory.

4. What Is the Cost to Construct Component in the RNDF?

The Cost to Construct component is the total estimated cost of a tribe's transportation projects as a percentage of the total estimated cost nationally of all tribes' transportation facilities. Costs are derived from the IRR inventory of eligible IRR transportation facilities developed and approved by BIA and tribal governments through Long-Range Transportation Planning.

5. May the Cost to Construct Component of the RNDF Be Modified?

Yes, BIA and FHWA, with input and recommendations provided by the IRR Program Coordinating Committee, may consider revisions to the data elements used in calculating the Cost to Construct component.

6. What Is the Source of the Construction Cost Used To Generate the CTC?

(a) The construction cost will be derived from the average of the following three project bid tabulation sources:

(1) Tribal bid tabulations or local BIA bid tabulations;

(2) State bid tabulations for the region of the State in which the tribe's project will be constructed;

(3) National IRR Program bid tabulations.

(b) If one or more of these bid tabulation sources is unavailable, use the average of the available sources.

(c) BIADOT will collect the national IRR Program bid tabulation data and enter it into the Cost to Construct database.

7. What Is the VMT Component and How Is It Calculated?

VMT is a measure of the current IRR transportation system use. BIA calculates VMT using the sum of the length of IRR route segments in miles multiplied by the Average Daily Traffic (ADT) of the route segment.

8. What IRR Route Sections Does BIA Use To Calculate VMT?

All IRR route sections in the IRR Inventory are used to calculate VMT, but percentage factors are applied in accordance with Appendix C to subpart C, question (10).

9. What Is the Population Component and How Is It Determined?

The population component is a factor used to define a portion of transportation need based on the number of American Indian or Alaska Native people served. The population data used will be the American Indian and Alaska Native Service Population developed by the Department of Housing and Urban Development, under the Native American Housing Assistance and Self-Determination Act (NAHASDA), (25 U.S.C. 4101 *et seq.*).

10. Do All IRR Transportation Facilities in the IRR Inventory Count at 100 Percent of Their CTC and VMT?

No. The CTC and VMT must be computed at the non-Federal share requirement for matching funds for any transportation facility that is added to the IRR inventory and is eligible for funding for construction or reconstruction with Federal funds, other than Federal Lands Highway Program funds.

However, if a facility falls into one or more of the following categories, then the CTC and VMT factors must be computed at 100 percent:

(1) The transportation facility was approved, included, and funded at 100 percent of CTC and VMT in the IRR Inventory for funding purposes prior to the issuance of these regulations.

(2) The facility is not eligible for funding for construction or reconstruction with Federal funds, other than Federal Lands Highway Program funds; or

(3) The facility is eligible for funding for construction or reconstruction with Federal funds, however, the public authority responsible for maintenance of the facility provides certification of maintenance responsibility and its inability to provide funding for the project.

Appendix D to Subpart C—Cost To Construct

Cost to Construct

(Appendix D includes Tables 1–8 which BIA Division of Transportation developed based on internal IRR data and the negotiated rulemaking process.) This method utilizes the concepts of the Bureau of Indian Affairs' ''*Simplified Approach to Compute the Cost to Construct*''. The concept has been modified to include computing costs for High Capacity Roads (multi-lane roads), non-road projects (snowmobile trails, boardwalks, footpaths, etc.) and other eligible transportation facility projects.

The theory behind this concept is based on the procedure that information gathered during any inventory update can be used to compare the existing conditions to defined Adequate Standard Characteristics. This comparison can then be used to determine the total cost required to bring the transportation facility road up to a necessary Adequate Standard. The IRR Inventory database is used to determine the costs of a new transportation facility or in the case of an existing facility, the costs that will be necessary to improve the facility from it's existing condition to an adequate standard. Therefore, the Cost to Construct for a particular facility is the cost required to improve the facility's existing condition to a condition that would meet the Adequate Standard Characteristics (see Table 1). For roadways, the recommended design of the geometrics and surface type vary based on the road's functional classification and average daily traffic and will use four categories of cost. The four categories are Grade and Drain Costs, Aggregate Costs, Pavement Costs, and Incidental Costs. For bridges, costs are derived from costs in the National Bridge Inventory as well as the National Bridge Construction unit cost data developed by FHWA. For other transportation IRR transportation facilities, an inventory of needs must be developed with associated costs for new and existing IRR transportation facilities based on long range transportation planning. The BIA Regions and tribes must ensure the IRR Inventory is sufficiently updated to provide all the necessary information indicating the need, the condition and the construction cost data to compute the cost to construct of any proposed or existing facility.

Basic Procedures

The IRR Inventory, based on transportation planning must be developed for those tribes without data and updated for those tribes that have an existing IRR Inventory. Once the IRR Inventory database is current and all IRR transportation facilities needs are identified and verified, the Cost to Construct for those IRR transportation facilities can be developed.

The procedure for determining the cost to construct of a proposed transportation facility is computed through the following step-by-step process:

(a) Determine the Future ADT of the transportation facility as applicable, based upon tribal transportation planning or set default future ADT (see Table 2);

(b) Determine the Class of transportation facility *e.g.*, rural local, rural major collector, or other transportation facility, utilizing future ADT and based upon tribal transportation planning (see Table 1);

(c) Identify, if appropriate, transportation facility terrain as flat, rolling, or mountainous;

(d) Set Adequate Standard based on Class, and/or future ADT, and Terrain (see Table 1);

(e) Identify the transportation facility's construction cost per unit (*e.g.*, cost per mile, cost per linear foot) for the applicable components of construction: Aggregate, Paving, Grade/Drain, Incidental, or other costs associated with the transportation facility;

(f) Multiply the construction cost per unit for each component of construction by the length of the proposed road or other appropriate unit of the transportation facility to determine the cost for each component of construction; and

(g) Calculate the cost for the proposed road or transportation facility by adding together the costs for each component of construction.

The procedure for determining the cost to reconstruct or rehabilitate an existing transportation facility is determined in the same manner as a proposed transportation facility, except that the existing condition of the project is evaluated to determine the

remaining percentage of cost of each applicable component of construction that will be included in the cost for reconstruction. The steps are:

(1) Evaluate existing condition of road or transportation facility in accordance with applicable management systems, guidelines or other requirements;

(2) Identify the percentage of required cost for each component of applicable construction costs for the transportation facility by determining the Adequate Standards Characteristics (see Table 1) and existing condition of the transportation facility and by applying the applicable percent cost requirement tables for aggregate, paving, grade/drain, incidental, and bridge (see Tables 4–8);

(3) Multiply the construction cost per unit for each component of construction by the corresponding percent of cost required (see Tables 4–8) and by the length of the road or other appropriate unit of the transportation facility to determine the reconstruction cost for each component; and

(4) Calculate the reconstruction cost for the road or transportation facility by adding together the reconstruction costs for each component of construction.

Average daily traffic (ADT) is acquired through actual traffic counts on the roadway sections. Where current ADT is practical to acquire, it should be acquired and future ADT calculated by projecting the current ADT at 2 percent per year for 20 years. If the road is proposed, the ADT impractical to acquire, or a current ADT does not exist, then BIA will assign a default current ADT and calculate future ADT by projecting the default current ADT at 2 percent per year for 20 years to form the basis of the Adequate Standard (see Table 1). Table 2 summarizes the default current and default future ADT by class of road.

Functional Classification: Functional classification means an analysis of a specific transportation facility taking into account current and future traffic generators, and their relationship to connecting or adjacent BIA, state, county, Federal, and/or local roads and other intermodal facilities. Functional classification is used to delineate the difference between the various road and/or intermodal transportation facility standards eligible for funding under the IRR Program. As a part of the IRR Inventory system management, all IRR transportation facilities included on or added to the IRR Inventory must be classified according to the following functional classifications:

(a) *Class 1:* Major arterial roads providing an integrated network with characteristics for serving traffic between large population centers, generally without stub connections and having average daily traffic volumes of 10,000 vehicles per day or more with more than two lanes of traffic.

(b) *Class 2:* Rural minor arterial roads providing an integrated network having the characteristics for serving traffic between large population centers, generally without stub connections. May also link smaller towns and communities to major resort areas that attract travel over long distances and generally provide for relatively high overall travel speeds with minimum interference to through traffic movement. Generally provide for at least inter-county or inter-State service and are spaced at intervals consistent with population density. This class of road will have less than 10,000 vehicles per day.

(c) *Class 3:* Streets that are located within communities serving residential areas.

(d) *Class 4:* Rural Major Collector Road is a collector to rural local roads.

(e) *Class 5:* Rural Local Road that is either a section line and/or stub type roads that collect traffic for arterial type roads, make connections within the grid of the IRR System. This class of road may serve areas around villages, into farming areas, to schools, tourist attractions, or various small enterprises. Also included are roads and motorized trails for administration of forest, grazing, mining, oil, recreation, or other use purposes.

(f) *Class 6:* City Minor Arterial Streets that are located within communities, and serve as access to major arterials.

(g) *Class 7:* City Collector Streets that are located within communities and serve as collectors to the city local streets.

(h) *Class 8:* This classification encompasses all non-road projects such as paths, trails, walkways, or other designated types of routes for public use by foot traffic, bicycles, trail bikes, snowmobile, all terrain vehicles or other uses to provide for the general access of non-vehicular traffic.

(i) *Class 9:* This classification encompasses other transportation facilities such as public parking facilities adjacent to IRR routes and scenic byways, rest areas, and other scenic pullouts, ferry boat terminals, and transit terminals.

(j) *Class 10:* This classification encompasses airstrips that are within the boundaries of the IRR System grid and are open to the public. These airstrips are included for inventory and maintenance purposes only.

(k) *Class 11:* This classification indicates an overlapping of a previously inventoried section or sections of a route and is used to indicate that it is not to be used for accumulating needs data. This class is used for reporting and identification purposes only.

Construction Need: All existing and proposed transportation facilities in the IRR Inventory must have a Construction Need (CN) which is used in the Cost to Construct calculations. These transportation facilities are assigned a CN by the tribe during the long-range transportation planning and inventory update process using certain guidelines which are: Ownership or responsibility of the facility, whether it is within or provides access to reservations, groups, villages and communities in which the majority of the residents are Indian, and whether it is vital to the economic development of Indian tribes. As part of the IRR Inventory management, all facilities included on or added to the IRR Inventory must be designated a CN which are defined as follows:

(a) *Construction Need 0:* Transportation facilities which have been improved to their acceptable standard or projects/facilities proposed to receive construction funds on an approved IRRTIP are not eligible for future inclusion in the calculation of the CTC portion of the formula for a period of 5 years thereafter.

(b) *Construction Need 1:* Existing BIA roads needing improvement.

(c) *Construction Need 2:* Construction need other than BIA roads needing improvement.

(d) *Construction Need 3:* Substandard or other roads for which no improvements are planned, maintenance only.

(e) *Construction Need 4:* Roads which do not currently exist and need to be constructed, proposed roads.

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TABLE 1 - ADEQUATE STANDARD CHARACTERISTICS

The cost to construct of a particular transportation facility is defined as the cost required to improve the transportation facility from its existing condition to a condition that would meet the Adequate Standard Characteristics. Table 1 presents the Adequate Standard Characteristics.

ADEQUATE STANDARD NUMBER	1 2 3	4 5 6	7 8 9	10 11 12	13 14 15	16	17	18	19	20	21	
TERRAIN***	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FUTURE ADT used in ADS assignment	N/A	FADT>=400	FADT<400	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BIA CLASS	1 MAJOR ARTERIAL	2 RURAL MINOR ARTERIALS		4 RURAL MAJOR COLLECTOR	5 RURAL LOCAL	6 CITY MINOR ARTERIAL	7 CITY COLLECTOR	3* CITY LOCAL	8 MOTORIZED/ NON-MOTORIZED TRAILS	9 OTHER TRANSPOR-TATION FACILITIES	10 AIRSTRIPS	11 Overlapping Routes
CALCULATED VALUES												
FUTURE SURFACE TYPE (EXISTING)	PAVED	PAVED	PAVED	FADT UNDER 50 -EARTH FADT 50-250 - GRAVEL FADT OVER 250 - PAVED		FADT UNDER 50 -EARTH FADT 50-250 - GRAVEL FADT OVER 250 - PAVED			DEPENDS ON FACILITY	N/A	N/A	N/A
FUTURE SURFACE TYPE (PROPOSED)	PAVED	PAVED	PAVED	FADT UNDER 50 -EARTH FADT 50-250 - GRAVEL FADT OVER 250 - PAVED	FADT UNDER 50 - EARTH FADT 50-400 - GRAVEL FADT OVER 400 - PAVED	FADT UNDER 50 -EARTH FADT 50-250 - GRAVEL FADT OVER 250 - PAVED			DEPENDS ON FACILITY	N/A	N/A	N/A
DEFAULT CURRENT ADT /DEFAULT FUTURE ADT**	must exist	ADT 100 FADT 149		ADT 50 FADT 74	ADT 50 FADT 74	ADT 50 FADT 74	ADT 50 FADT 74	ADT 25 FADT 37	ADT 20 FADT 30	N/A	N/A	N/A
RECOMMENDED DESIGN												
MINIMUM ROADWAY WIDTH (INCLUDING SHOULDERS)	66'	36'	32'	32'	28'	50' TOTAL PARKING 7' TURNING 12'	21' TO 38' DEPENDING ON TURNING LANES AND PARKING		DEPENDS ON FACILITY	N/A	N/A	N/A
SHOULDER WIDTH	6' MINIMUM	6'	4'	4'	2'	N/A			N/A	N/A	N/A	N/A
SHOULDER TYPE	PAVED	PAVED	PAVED	PAVED/GRAVEL/EARTH		N/A			N/A	N/A	N/A	N/A

* Local Class 3 roads may be earth, gravel or paved, depending on tribal customs, economics, or environmental considerations.
** Use default future ADT for proposed roads or where impractical to acquire ADT or ADT does not exist. (See Table 2 Default ADT and Default Future ADT). Where current ADT is practical to acquire, it should be acquired and projected to a future ADT at 2 per cent per year for 20 years.
*** (1)=Flat; (2)=Rolling; (3)=Mountainous

Table 2.—Default Current ADT and Default Future ADT

Table 2 summarizes the default current and default future ADT by class of road. Default future ADT is calculated by projecting default current ADT at 2 percent per year for 20 years. 2 percent per year for 20 years yields a factor of 1.485.

TABLE 2.—DEFAULT CURRENT ADT AND DEFAULT FUTURE ADT

IRR Class No.	Default current and default future ADT*
1	N/A, Must Exist
2	100 * 1.485 = 149
3	25 * 1.485 = 37
4	50 * 1.485 = 74
5	50 * 1.485 = 74
6	50 * 1.485 = 74
7	50 * 1.485 = 74
8	20 * 1.485 = 30
9	N/A**
10	N/A**
11	N/A**

* Default Future ADT is used for proposed roads or when impractical to acquire current ADT or when current ADT does not exist.

** Class 9, 10, and 11 are point features in the inventory and do not have an ADT. All multiplication is rounded.

Table 3.—Future Surface Type

Table 3 summarizes all possible scenarios of the future surface type either required or based on the various future ADT thresholds for each type or class of road in the inventory.

TABLE 3.—FUTURE SURFACE TYPE

Const. need	IRR class No.	Future ADT	Future surface type
0,1,2,3	1	Any	Paved
0,1,2,3	2	Any	Paved
0,1,2,3	3,6,7	< 50	Earth
		50 – 250	Gravel
		> 250	Paved
0,1,2,3	4,5	< 50	Earth
		50 – 250	Gravel
		> 250	Paved
0,1,2,3,4	8	N/A	N/A*
0,1,2,3,4	9	N/A	N/A**
0,1,2,3,4	10	N/A	N/A***
4***	1	N/A****	N/A****
4	2	ANY	Paved
4	3,6,7	< 50	Earth
		50 – 250	Gravel
		> 250	Paved
4	4	< 50	Earth
		50 – 250	Gravel
		> 250	Paved
4	5	< 50	Earth
		50 – 250	Gravel
		> 250	Paved

* Class 8 does not have a future surface type. Per mile costs are applied independent of future surface type.
** Class 9 does not have a future surface type. Costs are independent of future surface type.
*** Class 10 does not have a future surface type. These are airstrips and is used for identification purposed only.
**** Class 1 with Construction Need of 4 does not apply. Class 1 roads must exist.

Table 4.—Percent of Grade and Drain Cost Required

Grade and Drain costs include the cost for constructing a roadbed to an adequate standard and providing adequate drainage. Specifically it includes the necessary earthwork to build the roadbed to the required horizontal and vertical geometric parameters above the surrounding terrain and provide for proper drainage away from the foundation with adequate cross drains.

Table 4 summarizes the percentage of grade and drain costs required based on the existing roadbed condition observed in an inventory update.

TABLE 4.—PERCENT OF GRADE AND DRAIN COST REQUIRED

Code	Roadbed condition	Percent grade and drain cost required (Percent)
0	Proposed Road	100
1	Primitive Trail	100
2	Bladed Unimproved Earth Road, Poor Drainage, Poor Alignment	100
3	Minimum Built-up Roadbed (Shallow cuts and fills) with inadequate drainage and alignment that generally follows existing ground.	100
4	A designed and constructed roadbed with some drainage and alignment improvements required.	100

TABLE 4.—PERCENT OF GRADE AND DRAIN COST REQUIRED—Continued

Code	Roadbed condition	Percent grade and drain cost required (Percent)
5	A roadbed constructed to the adequate standards with good horizontal and vertical alignment and proper drainage.	0
6	A roadbed constructed to adequate standards with curb and gutter on one side	0
7	A roadbed constructed to adequate standards with curb and gutter on both sides	0

Table 5.—Percent of Aggregate Surface Cost Required

Table 5 summarizes the percentage of aggregate surface costs required based on all possible scenarios of existing surface type conditions and calculated future surface type.

TABLE 5.—PERCENT OF AGGREGATE SURFACE COST REQUIRED

Existing surface type	Future surface type		
	Paved (percent)	Gravel (percent)	Earth (percent)
Proposed	100	100	0.
Primitive	100	100	0.
Earth	100	100	0.
Gravel	100	*100	0.
Bituminous < 2″	100	0	0.
Bituminous > 2″	0 or 100	0	0.
Concrete	0 or 100	0	0.

*If the Surface Condition Index (SCI) is 40 or less indicating that reconstruction will be required, then 100 percent of the aggregate cost will be required. If greater than 40, then none of the aggregate cost will be applied.

Table 6.—Percent of Pavement Surface Cost Required

Table 6 Summarizes the percentage of pavement surface costs for existing conditions required based on all possible scenarios of existing surface type conditions and calculated future surface type. Pavement overlays are calculated at 100 percent of the pavement costs.

TABLE 6.—PERCENT OF PAVEMENT SURFACE COST REQUIRED

Existing surface type	Future surface type		
	Paved (percent)	Gravel (percent)	Earth (percent)
Proposed	100	100	0.
Primitive	100	100	0.
Earth	100	100	0.
Gravel	100	100	0.
Bituminous < 2″	100	0	0.
Bituminous > 2″	*0 or 100	0	0.
Concrete	*0 or 100	0	0.

*If the Surface Condition Index (SCI) is 60 or less indicating that reconstruction will be required, then 100 percent of the aggregate cost will be required. If greater than 60, then none of the aggregate cost will be applied.

Table 7.—Percent of Incidental Construction Cost Required

Incidental cost items are generally required if a project includes construction or reconstruction of the roadbed. Some incidental items are included in all road improvement projects, while others are only required for specific projects. Table 7 summarizes the incidental construction determination estimating procedure for each of the Roadbed Category Codes. As shown in Table 4, roadbed condition codes 0 through 2 will require 65 percent of the incidental costs for construction because they generally will not require maintenance of traffic during construction. If maintenance of traffic is required as will generally be the case for roadbed condition codes 3 and 4, the minimum percentage of incidental costs for these roadbed condition codes will be 75 percent. It is assumed that improvement roadbed condition codes 5, 6 and 7 will primarily be paving projects with little or no earthwork involved and the minimum percentage of the total incidental construction cost for these projects will be 30 percent.

TABLE 7.—PERCENT OF INCIDENTAL CONSTRUCTION COST REQUIRED

Code	Roadbed condition	New alignment (percent)	Maintenance of traffic required (percent)
0	Proposed road	65	N/A
1	Primitive trail	65	N/A
2	Bladed unimproved earth road, poor drainage, poor alignment	65	N/A
3	Minimum built-up roadbed (shallow cuts and fills) with inadequate drainage and alignment that generally follows existing ground.	N/A	75
4	A designed and constructed roadbed with some drainage and alignment improvements required.	N/A	75
5	A roadbed constructed to the adequate standards with good horizontal and vertical alignment and proper drainage. Requiring surfacing.	N/A	30
6	A roadbed constructed to adequate standards with curb and gutter on one side. Requiring surfacing.	N/A	30
7	A roadbed constructed to adequate standards with curb and gutter on both sides. Requiring surfacing.	N/A	30

Table 7 only accounts for those incidental construction costs normally found on a typical project. The construction items found in Table 8 may or may not be on any particular project and the cost of these items is 25 percent. Add the percentage required (from 0 to 25 percent) based on the Regional recommendation with verification. If there are no additional items required, use the default of zero.

TABLE 8.—PERCENT OF ADDITIONAL INCIDENTAL CONSTRUCTION COST

Additional incidental construction item	Percent of total incidental construction cost
Fencing	1
Landscaping	9
Structural concrete	9
Traffic signals	3
Utilities	3

Subpart D—Planning, Design, and Construction of Indian Reservation Roads Program Facilities

Transportation Planning

§ 170.400 What is the purpose of transportation planning?

The purpose of transportation planning is to fulfill goals by developing strategies to meet transportation needs. These strategies address current and future land use, economic development, traffic demand, public safety, health, and social needs.

§ 170.401 What is BIA's role in transportation planning?

Except as provided in § 170.402, the functions and activities that BIA must perform for the IRR Program are:

(a) Preparing the regional IRRTIP;

(b) Updating the IRR Inventory from data updates;

(c) Preparing IRR Inventory data updates as needed;

(d) Coordinating with States and their political subdivisions, and appropriate planning authorities on regionally significant IRR projects;

(e) Providing technical assistance to tribal governments;

(f) Developing IRR Program budgets including transportation planning cost estimates;

(g) Facilitating public involvement;

(h) Participating in transportation planning and other transportation-related meetings;

(i) Performing traffic studies;

(j) Performing preliminary project planning;

(k) Conducting special transportation studies;

(l) Developing short and long-range transportation plans;

(m) Mapping;

(n) Developing and maintaining management systems;

(o) Performing transportation planning for operational and maintenance facilities; and

(p) Researching rights-of-way documents for project planning.

§ 170.402 What is the tribal role in transportation planning?

(a) All tribes must prepare a tribal TIP (TTIP) or tribal priority list.

(b) Tribes with a self-determination contract or self-governance agreement may assume any of the following planning functions:

(1) Coordinating with States and their political subdivisions, and appropriate planning authorities on regionally significant IRR projects;

(2) Preparing IRR Inventory data updates;

(3) Facilitating public involvement;

(4) Performing traffic studies;

(5) Developing short- and long-range transportation plans;

(6) Mapping;

(7) Developing and maintaining tribal management systems;

(8) Participating in transportation planning and other transportation related meetings;

(9) Performing transportation planning for operational and maintenance facilities;

(10) Developing IRR Program budgets including transportation planning cost estimates;

(11) Conducting special transportation studies, as appropriate;

(12) Researching rights-of-way documents for project planning; and

(13) Performing preliminary project planning.

§ 170.403 What IRR Program funds can be used for transportation planning?

Funds as defined in 23 U.S.C. 204(j) are specifically reserved for a tribal government's transportation planning. Tribes may also identify transportation planning as a priority in their tribal priority list or TTIP and request the use of up to 100 percent of their IRR Program construction funds for transportation planning.

§ 170.404 What happens when a tribe uses its IRR Program construction funds for transportation planning?

In order for IRR Program construction funds to be concentrated on the projects within the inventory, a tribe may use up to $35,000 or 5 percent of its IRR Program construction funds, whichever is greater, for transportation planning. If a tribe exceeds this threshold, BIA will subtract the amount over the threshold from the tribe's CTC for the following year.

§ 170.405 Can tribal transportation planning funds be used for road construction and other projects?

Yes, any tribe can request to have its planning funds as defined in 23 U.S.C. 204(j) transferred into construction funds for use on any eligible and

approved IRR project. (Also see § 170.407.)

§ 170.406 How must tribes use planning funds?

(a) IRR Program funds as defined in 23 U.S.C. 204(j) are only available upon request of a tribal government and approved by the BIA Regional Office. These funds support development and implementation of tribal transportation planning and associated strategies for identifying transportation needs, including:

(1) Attending transportation planning meetings;

(2) Pursuing other sources of funds; and

(3) Developing the tribal priority list or any of the transportation functions/activities as defined in the FHWA IRR Program Transportation Planning Procedures and Guidelines (TPPG) or listed in § 170.402.

(b) A tribe may ask the BIA regional office to enter into a self-determination contract or self-governance agreement for transportation planning activities and functions under ISDEAA or it may request a travel authorization to attend transportation planning functions and related activities using these funds. (See appendix A of subpart B for use of IRR Program Funds.)

§ 170.407 What happens to unobligated planning funds?

Once all tribal governments' requests for tribal transportation planning funds have been satisfied for a given fiscal year or no later than August 15, the BIA regional office may use the remaining funds for construction after consultation with the affected tribal governments.

Long-Range Transportation Planning

§ 170.410 What is the purpose of tribal long-range transportation planning?

(a) The purpose of long-range transportation planning is to clearly demonstrate a tribe's transportation needs and to fulfill tribal goals by developing strategies to meet these needs. These strategies should address future land use, economic development, traffic demand, public safety, and health and social needs.

(b) The time horizon for long-range transportation planning should be 20 years to match state transportation planning horizons. A tribe may develop a long-range transportation plan under ISDEAA or may ask BIA to develop the plan on the tribe's behalf.

§ 170.411 What may a long-range transportation plan include?

A comprehensive long-range transportation plan may include:

(a) An evaluation of a full range of transportation modes and connections between modes such as highway, rail, air, and water, to meet transportation needs;

(b) Trip generation studies, including determination of traffic generators due to land use;

(c) Social and economic development planning to identify transportation improvements or needs to accommodate existing and proposed land use in a safe and economical fashion;

(d) Measures that address health and safety concerns relating to transportation improvements;

(e) A review of the existing and proposed transportation system to identify the relationships between transportation and the environment;

(f) Cultural preservation planning to identify important issues and develop a transportation plan that is sensitive to tribal cultural preservation;

(g) Scenic byway and tourism plans;

(h) Measures that address energy conservation considerations;

(i) A prioritized list of short and long-term transportation needs; and

(j) An analysis of funding alternatives to implement plan recommendations.

§ 170.412 How is the tribal IRR long-range transportation plan developed and approved?

(a) The tribal IRR long-range transportation plan is developed by:

(1) A tribe working through a self-determination contract or self-governance agreement or other funding sources; or

(2) BIA upon request of, and in consultation with, a tribe. The tribe and BIA need to agree on the methodology and elements included in development of the IRR long-range transportation plan along with time frames before work begins.

(b) During the development of the IRR long-range transportation plan, the tribe and BIA should jointly conduct a midpoint review.

(c) The public reviews a draft IRR long-range transportation plan as required by § 170.413. The plan is further refined to address any issues identified during the public review process. The tribe then approves the IRR long-range transportation plan.

§ 170.413 What is the public role in developing the long-range transportation plan?

BIA or the tribe must solicit public involvement. If there are no tribal policies regarding public involvement, a tribe must use the procedures shown below. Public involvement begins at the same time long-range transportation planning begins and covers the range of users, from stakeholders and private citizens to major public and private entities. Public involvement may be handled in either of the following two ways:

(a) *For public meetings,* BIA or a tribe must:

(1) Advertise each public meeting in local public newspapers at least 15 days before the meeting date. In the absence of local public newspapers, BIA or the tribe may post notices under local acceptable practices;

(2) Provide at the meeting copies of the draft long-range transportation plan;

(3) Provide information on funding and the planning process; and

(4) Provide the public the opportunity to comment, either orally or in writing.

(b) *For public notices,* BIA or a tribe must:

(1) Publish a notice in the local and tribal newspapers when the draft long-range transportation plan is complete. In the absence of local public newspapers, BIA or the tribe may post notices under local acceptable practices; and

(2) State in the notice that the long-range transportation plan is available for review, where a copy can be obtained, whom to contact for questions, where comments may be submitted, and the deadline for submitting comments (normally 30 days).

§ 170.414 How is the tribal long-range transportation plan used and updated?

The tribal government uses its IRR long-range transportation plan in its development of a tribal priority list or TTIP. To be consistent with State and MPO planning practices, the tribe or BIA (for direct service tribes) should:

(a) Review the IRR long-range transportation plan annually; and

(b) Update the plan every 5 years.

§ 170.415 What is pre-project planning?

(a) Pre-project planning is part of overall transportation planning and includes the activities conducted before final project approval on the IRR Transportation Improvement Program (IRRTIP). These activities include;

(1) Preliminary project cost estimates;

(2) Certification of public involvement;

(3) Consultation and coordination with States and/or MPO's for a regionally significant projects;

(4) Preliminary needs assessments; and

(5) Preliminary environmental and archeological reviews.

(b) The BIA regional office must work cooperatively with tribal, state, regional, and metropolitan transportation planning organizations concerning the

leveraging of funds from non-IRR Program sources and identification of other funding sources to expedite the planning, design, and construction of projects on the IRRTIP.

Transportation Improvement Program

§ 170.420 What is the tribal priority list?

The tribal priority list is a list of all transportation projects that the tribe wants funded. The list:

(a) May or may not identify projects in order of priority;

(b) Is not financially constrained; and

(c) Is provided to BIA by official tribal action, unless the tribal government submits a Tribal Transportation Improvement Program (TTIP).

§ 170.421 What is the Tribal Transportation Improvement Program (TTIP)?

The TTIP:

(a) Must be consistent with the tribal long-range transportation plan;

(b) Must contain all IRR Program funded projects programmed for construction in the next 3 to 5 years;

(c) Must identify the implementation year of each project scheduled to begin within the next 3 to 5 years;

(d) May include other Federal, State, county, and municipal, transportation projects initiated by or developed in cooperation with the tribal government;

(e) Will be reviewed and updated as necessary by the tribal government;

(f) Can be changed only by the tribal government; and

(g) Must be forwarded to BIA by resolution or by tribally authorized government action for inclusion into the IRRTIP.

§ 170.422 What is the IRR Transportation Improvement Program (IRRTIP)?

The IRRTIP:

(a) Is financially constrained;

(b) Must include eligible projects from tribal TTIPs;

(c) Is selected by tribal governments from TTIPs or other tribal actions;

(d) Is organized by year, State, and tribe; and

(e) May include non-IRR projects for inclusion into the State Transportation Improvement Program (STIP).

§ 170.423 How are projects placed on the IRRTIP?

(a) BIA selects projects from the TTIP or tribal priority list for inclusion on the IRRTIP as follows:

(1) The tribal government develops a list of detailed tasks and information for each project from the tribal priority list or TTIP;

(2) BIA includes this project information in its region-wide control schedule without change, unless the funding required exceeds the amount available to the tribe;

(3) BIA must include projects that are scheduled in the next 3 to 5 years; and

(4) BIA develops the IRRTIP after consulting with the tribes and taking their priorities into account.

(b) A tribe that does not generate enough annual funding under the IRR Program funding formula to complete a project may either:

(1) Submit its tribal priority list to the appropriate BIA Region, which will develop the region-wide control schedule after consulting with the tribe and taking its priorities into account; or

(2) Enter a consortium of tribes and delegate authority to the consortium to develop the TTIP and tribal control schedule;

(3) Enter into agreement with other tribes to permit completion of the project; or

(4) Apply for IRRHPP funding under subpart C.

(c) In order to get a project on the IRRTIP, tribes may seek flexible financing alternatives as described in subpart C.

§ 170.424 How does the public participate in developing the IRRTIP?

Public involvement is required in the development of the IRRTIP.

(a) BIA or the tribe must publish a notice in local and tribal newspapers when the draft tribal or IRRTIP is complete. In the absence of local public newspapers, the tribe or BIA may post notices under local acceptable practices. The notice must indicate where a copy can be obtained, contact person for questions, where comments may be submitted, and the deadline for submitting comments.

(b) BIA or the tribe may hold public meetings at which the public may comment orally or in writing.

(c) BIA, the tribe, the State transportation agency or MPO may conduct public involvement activities.

§ 170.425 How does BIA update the IRRTIP?

The IRRTIP annual update allows incorporation of transportation projects planned for the next 3 to 5 years. Each BIA regional office updates the IRRTIP for each State in its service area to reflect changes in the TTIPs or tribal project listings.

(a) During the first quarter of the fiscal year each BIA Regional Office notifies tribes of the update and provides projected IRR Program funding amounts and a copy of the previous year's regional IRRTIP.

(b) The tribe reviews any new transportation planning information, priority lists, and TTIP and forwards an updated TTIP or project listing to BIA Regional Office on or before July 15.

(c) The BIA regional office reviews all submitted information with the tribes. BIA adds agreed-upon updates, including previously approved amendments (see § 170.427), to the IRRTIP so that the Secretaries can approve the new updated IRRTIP before the start of the next fiscal year.

§ 170.426 What is the approval process for the IRRTIP?

The approval process for the IRRTIP is:

(a) The BIA Regional Office forwards the IRRTIP to the Secretaries for review and approval;

(b) Federal Lands Highway Office will provide copies of the approved IRRTIP to the FHWA division office for transmittal to the State transportation agency for inclusion in the State Transportation Improvement Program (STIP). The approved IRRTIP will be returned to BIA;

(c) BIA sends copies of the approved IRRTIP to BIA Regional Offices and tribal governments; and

(d) Within 10 working days of receiving the approved IRRTIP and IRR Program funds, BIA enters the projects into the Federal finance system.

§ 170.427 How may an IRRTIP be amended?

(a) A tribe may amend the IRRTIP by changing its TTIP on or before July 15 and submitting the changed TTIP to BIA for inclusion in the IRRTIP. BIA's regional office will review all submitted information with the tribe and provide a written response (approving, denying, or requesting additional information) within 45 days. If the proposed IRRTIP amendment contains a project not listed on the current approved IRRTIP, BIA must submit the proposed amendment to FHWA for final approval.

(b) BIA may amend the IRRTIP:

(1) To add or delete projects or reflect significant changes in scope at any time if requested by the tribe; and

(2) To reduce funding or reschedule a project after consulting with the affected tribe and obtaining its consent, if practical.

(c) The Secretary may not reduce funding for or reschedule a project that is the subject of a negotiated agreement, except under the terms of the agreement.

(d) BIA amends the IRRTIP using the same public involvement process used to develop the original IRRTIP.

§ 170.428 How is the State Transportation Improvement Program related to the IRRTIP?

The annual update of the IRRTIP for each State in a BIA regional office's service area should be coordinated with the State transportation agencies. This will ensure that approved IRRTIP updates and amendments are included with the STIP.

Public Hearings

§ 170.435 How does BIA or the tribe determine the need for a public hearing?

The tribe, or BIA after consultation with the appropriate tribe and other involved agencies, determines whether or not a public hearing is needed for an IRRTIP, long-range transportation plan or project. A public hearing must be held if a project:

(a) Is a new route or facility;

(b) Would significantly change the layout or function of connecting or related roads or streets;

(c) Would cause a substantial adverse effect on adjacent property; or

(d) Is controversial or expected to be controversial in nature.

§ 170.436 How are public hearings for IRR planning and projects funded?

(a) Public hearings for IRR planning are funded as follows:

(1) Public hearings for TTIPS and long-range transportation plans conducted by tribes are funded using the funds defined in title 23 U.S.C. 204(j) or IRR Program construction funds; and

(2) Public hearings for a tribe's long-range transportation plan conducted by BIA at the tribe's request are funded using the tribes' funds as defined in title 23 U.S.C. 204(j) or IRR Program construction funds.

(b) Public hearings for IRR projects conducted by either tribes or BIA are funded using IRR Program construction funds.

§ 170.437 How must BIA or a tribe inform the public when no hearing is held?

(a) When no public hearing for an IRR project is scheduled, either the tribe or BIA must give adequate notice to the public before project activities are scheduled to begin. The notice should include:

(1) Project location;

(2) Type of improvement planned;

(3) Dates and schedule for work;

(4) Name and address where more information is available; and

(5) Provisions for requesting a hearing.

(b) If the work is not to be performed by the tribe, BIA must send a copy of the notice to the affected tribe.

§ 170.438 How must BIA or a tribe inform the public when a hearing is held?

When BIA or a tribe holds a hearing under this part, it must notify the public of the hearing by publishing a notice.

(a) The public hearing notice is a document containing:

(1) Date, time, and place of the hearing;

(2) Planning activities or project location;

(3) Proposed work to be done, activities to be conducted, *etc.;*

(4) Where preliminary plans, designs or specifications may be reviewed; and

(5) How and where to get more information.

(b) BIA or the tribe must publish the notice:

(1) By posting and/or publishing the notice at least 30 days before the public hearing. A second notice for a hearing is optional; and,

(2) By sending a courtesy copy of the notice to the affected tribe(s) and BIA Regional Office.

§ 170.439 How is a public hearing conducted?

(a) *Who conducts the hearing.* A tribal or Federal official is appointed to preside over the public hearing. The official presiding over the hearing must maintain a free and open discussion of the issues.

(b) *Record of hearing.* The presiding official is responsible for compiling the official record of the hearing. A record of a hearing is a summary of oral testimony and all written statements submitted at the hearing. Additional written comments made or provided at the hearing, or within 5 working days of the hearing, will be made a part of the record.

(c) *Hearing process.*

(1) The presiding official explains the purpose of the hearing and provides an agenda;

(2) The presiding official solicits public comments from the audience on the merits of IRR projects and activities; and

(3) The presiding official informs the hearing audience of the appropriate procedures for a proposed IRR project or activity, that may include, but are not limited to:

(i) Project development activities;

(ii) Rights-of-way acquisition;

(iii) Environmental and archeological clearance;

(iv) Relocation of utilities and relocation services;

(v) Authorized payments allowed by the Uniform Relocation and Real Property Acquisition Policies Act, 42 U.S.C. 4601 *et seq.*, as amended;

(vi) Draft transportation plan; and

(vii) The scope of the project and its effect on traffic during and after construction.

(d) *Availability of information.* Appropriate maps, plats, project plans and specifications will be available at the hearing for public review. Appropriate officials are present to answer questions.

(e) *Opportunity for comment.* Comments are received as follows:

(1) Oral statement at the hearing;

(2) Written statement submitted at the hearing;

(3) Written statement sent to the address noted in the hearing notice within 5 working days following the public hearing.

§ 170.440 How can the public learn the results of a public hearing?

Results of a public hearing are available as follows:

(a) Within 20 working days of the completion of the public hearing, the presiding official issues a hearing statement summarizing the results of the public hearing and the determination of needed further action.

(b) The presiding official posts the hearing statement at the hearing site. The public may request a copy. The hearing statement outlines appeal procedures.

§ 170.441 Can a decision resulting from a hearing be appealed?

Yes. A decision resulting from the public hearing may be appealed pursuant to 25 CFR part 2.

IRR Inventory

§ 170.442 What is the IRR Inventory?

(a) The IRR Inventory is a comprehensive database of all transportation facilities eligible for IRR Program funding by tribe, reservation, BIA agency and region, Congressional district, State, and county. Other specific information collected and maintained under the IRR Program includes classification, route number, bridge number, current and future traffic volumes, maintenance responsibility, and ownership.

(b) Elements of the inventory are used in the Relative Need Distribution Factor. BIA or tribes can also use the inventory to assist in transportation and project planning, justify expenditures, identify transportation needs, maintain existing IRR transportation facilities, and develop management systems.

§ 170.443 How can a tribe list a proposed transportation facility in the IRR Inventory?

A proposed IRR transportation facility is any transportation facility, including a highway bridge, that will serve public

transportation needs, is eligible for construction under the IRR Program and does not currently exist. To be included in the IRR inventory, a proposed transportation facility must:

(a) Be supported by a tribal resolution or other official tribal authorization;

(b) Address documented transportation needs as developed by and identified in tribal transportation planning efforts, such as the long-range transportation plan;

(c) Be eligible for IRR Program funding; and

(d) Be open to the public when built.

§ 170.444 How is the IRR Inventory updated?

The IRR Inventory data for a tribe is updated on an annual basis as follows:

(a) Each BIA Regional Office provides the tribes in its region copies of the IRR Inventory by November 1st of each year;

(b) The tribe reviews the data and submits changes (together with a strip map of each change) to the BIA Regional Office along with authorizing resolutions or similar official authorization by March 15;

(c) The BIA Regional Office reviews each tribe's submission for errors or omissions and provides the tribe with its revised inventory by May 15;

(d) The tribe must correct any errors or omissions by June 15;

(e) Each BIA Regional Office certifies its data and enters the data into the IRR Inventory by July 15;

(f) BIA provides each tribe with copies of the Relative Need Distribution Factor distribution percentages by August 15; and

(g) BIADOT approves submissions from BIA Regional Offices before they are included in the National IRR Inventory.

§ 170.445 What is a strip map?

A strip map is a graphic representation of a section of road or other transportation facility being added to or modified in the IRR Inventory. Each strip map submitted with an IRR Inventory change must:

(a) Define the facility's location with respect to State, county, tribal, and congressional boundaries;

(b) Define the overall dimensions of the facility and the accompanying inventory data;

(c) Include a table that provides the IRR Inventory information about the transportation facility.

Environmental and Archeological Requirements

§ 170.450 What archeological and environmental requirements must the IRR Program meet?

(a) The archeological and environmental requirements with which BIA must comply on the IRR Program are contained in Appendix A to this subpart.

(b) The archeological and environmental requirements for tribes that enter into self-determination contracts or self-governance agreements for the IRR Program are in 25 CFR 900.125 and 1000.243.

§ 170.451 Can IRR Program funds be used for archeological and environmental compliance?

Yes. For approved IRR projects, IRR Program funds can be used for environmental and archeological work consistent with 25 CFR 900.125(c)(6) and (c)(8) and 25 CFR 1000.243(b) and applicable tribal laws for:

(a) Road and bridge rights-of-way;

(b) Borrow pits and aggregate pits associated with IRR activities staging areas;

(c) Limited mitigation outside of the construction limits as necessary to address the direct impacts of the construction activity as determined in the environmental analysis and after consultation with the affected tribe(s) and the appropriate Secretary(s); and

(d) Construction easements.

Design

§ 170.454 What design standards are used in the IRR Program?

(a) Appendix B to this subpart lists design standards that BIA may use for the IRR program.

(b) BIA may also use FHWA-approved State or tribal design standards.

(c) Tribes may propose road and bridge design standards to be used in the IRR Program that are consistent with or exceed applicable Federal standards. The standards may be negotiated between BIA and the tribe and included in a self-determination contract or self-governance agreement.

§ 170.455 How are design standards used in IRR projects?

The standards in this section must be applied to each construction project consistent with a minimum 20-year design life for highway projects and 75-year design life for highway bridges. The design of IRR projects must take into consideration:

(a) The existing and planned future use of the IRR transportation facility in a manner that is conducive to safety, durability, and economy of maintenance;

(b) The particular needs of each locality, and the environmental, scenic, historic, aesthetic, community, and other cultural values and mobility needs in a cost-effective manner; and

(c) Access and accommodation for other modes of transportation.

§ 170.456 When can a tribe request an exception from the design standards?

A tribe can request an exception from the design standards in Appendix B of this subpart under the conditions in this section. The tribe must submit its request for a design exception to the BIA Regional Office for approval. If the BIA Regional Office has design exception approval authority within their IRR Stewardship Plan with FHWA, they may approve or decline the request; otherwise BIA forwards the request to FHWA. The engineer of record must submit written documentation with appropriate supporting data, sketches, details, and justification based on engineering analysis.

(a) FHWA or BIA may grant exceptions for:

(1) Experimental features on projects; and

(2) Projects where conditions warrant that exceptions be made.

(b) FHWA or BIA can approve a project design that does not conform to the minimum criteria only after giving due consideration to all project conditions, such as:

(1) Maximum service and safety benefits for the dollar invested;

(2) Compatibility with adjacent features; and

(3) Probable time before reconstruction of the project due to changed conditions or transportation demands.

(c) FHWA or BIA have 30 days from receiving the request to approve or decline the exception.

§ 170.457 Can a tribe appeal a denial?

Yes. If BIA denies a design exception request made by a tribe, the decision may be appealed to FHWA. Tribes may appeal the denial of a design exception to: FHWA, 400 7th St., SW., HFL–1, Washington, DC 20590. If FHWA denies a design exception, the tribe may appeal the decision to the next higher level of review within the Department of Transportation at the Office of the FHWA Administrator, 400 7th Street, SW., HOA–1, Washington, DC 20590.

Review and Approval of Plans, Specifications, and Estimates

§ 170.460 What must a project package include?

(a) The minimum requirements for a project package are:

(1) Plans;

(2) Specifications; and

(3) Estimates.

(b) In order to receive project approval the following additional items are required:

(1) A tribal resolution or other authorized document supporting the project;

(2) Right-of-way clearances;

(3) Required environmental, archeological, and cultural clearances; and

(4) Identification of design exceptions if used in the plans.

(c) A tribe may include additional items at its option.

§ 170.461 May a tribe approve plans, specifications, and estimates?

A tribe may review and approve plan, specification, and estimate (PS&E) project packages for IRR Program funded projects when:

(a) This function is included in the tribe's self-determination contract or self-governance agreement; or

(b) The tribe is the owner of the IRR transportation facility or is responsible for maintaining the facility. In this case, the tribe must have at least 30 days to review and approve the proposed PS&E package.

§ 170.462 When may a self-determination contract or self-governance agreement include PS&E review and approval?

(a) For a BIA or tribally-owned facility, the tribe may assume responsibility to review and approve PS&E packages under a self-determination contract or self-governance agreement if the tribe specifies in the contract or agreement that:

(1) A licensed professional engineer will supervise design and approval of the PS&E package;

(2) A licensed professional engineer will certify that the PS&E meets or exceeds the design, health, and safety standards in appendix B to subpart D for an IRR transportation facility;

(3) An additional licensed professional engineer (either a BIA engineer or, if the tribe chooses, a non-BIA engineer) will review the PS&E package when it is at least 95 percent complete; and

(4) If the project is to be performed by the tribe, the tribe will provide a copy of the certification and approved PS&E package to BIA before the solicitation of the project or notice to proceed.

(b) For a facility maintained by a public authority other than BIA or a tribe, in addition to satisfying the requirements of paragraph (a) of this section:

(1) The public authority must have a chance to review and approve the PS&E when it is between 75 percent and 95 percent complete, unless an agreement between the tribe and the public authority states otherwise;

(2) If a licensed professional engineer performs the review and approval when the PS&E provided is at least 95 percent complete, the second level review requirement in paragraph (a)(2) of this section is satisfied; and

(3) The tribe must allow the public authority at least 30 days for review and approval. If the public authority does not meet this deadline or an extension granted by the tribe, the tribe may proceed with the review in accordance with paragraph (a)(2) of this section.

(c) If a BIA engineer does not complete a review within 30 days under paragraph (a)(2) of this section, the tribe may contract its own engineer to perform the review.

§ 170.463 What should the Secretary do if a design deficiency is identified?

If a review under § 170.462 identifies a design deficiency that may jeopardize public health and safety if the facility is completed, the Secretary must:

(a) For a tribally-approved PS&E package, immediately notify the tribe of the design deficiency and request that the tribe promptly resolve the deficiency in accordance with the standards in appendix B to subpart D; and

(b) For a BIA-approved PS&E package, promptly resolve the deficiency in accordance with the standards in appendix B to subpart D and notify the tribe of the required design changes.

Construction and Construction Monitoring

§ 170.470 What are the IRR construction standards?

(a) Appendix B to this subpart lists design standards that may be used for roads and bridges.

(1) Tribes may propose road and highway bridge construction standards that are consistent with or exceed these standards.

(2) BIA may also use FHWA-approved, State or tribal road and highway bridge construction standards.

(b) For designing and building eligible intermodal projects funded by the IRR Program, tribes must use either:

(1) Nationally recognized standards for comparable projects; or

(2) Tribally adopted standards that meet or exceed nationally recognized standards for comparable projects.

§ 170.471 How are projects administered?

(a) When a tribe carries out an IRR project under ISDEAA, BIA will monitor performance under the requirements of 25 CFR 900.130 and 900.131(b)(9) or 25 CFR 1000.243 and 1000.249(c) and (e), as appropriate. If BIA discovers a problem during an on-site monitoring visit, BIA must promptly notify the tribe and, if asked, provide technical assistance.

(b) BIA or the tribal government, as provided for under the contract or agreement, is responsible for day-to-day project inspections except for BIA monitoring under paragraph (a) of this section.

(c) BIA must process substantial changes in the scope of a construction project in coordination with the affected tribe.

(d) The tribe, other contractors, and BIA may perform quality control.

(e) Only the licensed professional engineer may change an IRR project's plans, specifications, and estimates (PS&E) during construction.

(1) For substantial changes, the original approving agency must review the change. The approving agency is the Federal, tribal, State, or local entity with PS&E approval authority over the project.

(2) In making any substantial change, the approving agency must consult with the affected tribe and the entity having maintenance responsibility.

(3) A change that exceeds the limits of available funding may be made only with the approving agency's consent.

§ 170.472 What construction records must tribes and BIA keep?

The following table shows which IRR construction records BIA and tribes must keep and the requirements for access.

Record keeper	Records that must be kept	Access
(a) Tribe	All records required by ISDEAA and 25 CFR 900.130–131 or 25 CFR 1000.243 and 1000.249, as appropriate.	BIA is allowed access to tribal IRR construction records as required under 25 CFR 900.130, 900.131 or 25 CFR 1000.243 and 1000.249, as appropriate.
(b) BIA	Completed daily reports of construction activities appropriate to the type of construction it is performing.	Upon reasonable advance request by a tribe, BIA must provide reasonable access to records.

§ 170.473 What happens when a construction project ends?

(a) At the end of a construction project, the agency or organization responsible for the project must make a final inspection. The inspection determines whether the project has been completed in reasonable conformity with the PS&E.

(1) Appropriate officials from the tribe, BIA, and FHWA should participate in the inspection, as well as contractors and maintenance personnel.

(2) All project information must be made available during final inspection and used to develop the IRR construction project closeout report. Some examples of project information are: Daily diaries, weekly progress reports, subcontracts, subcontract expenditures, salaries, equipment expenditures, as-built drawings, *etc.*

(b) An IRR construction project closeout is the final accounting of all IRR construction project expenditures. It is the closing of the financial books of the Federal Government for that construction project. Closeout occurs after:

(1) The final project inspection concludes; and

(2) The facility owner makes final acceptance of the project.

§ 170.474 Who conducts the project closeout?

The following table shows who must conduct the IRR construction project closeout and develop the report.

If the project was completed by . . .	then . . .	and the closeout report must . . .
(a) BIA	The regional engineer or designee is responsible for closing out the project and preparing the report.	(1) Summarize the construction project records to ensure compliance requirements have been met; (2) Review the bid item quantities and expenditures to ensure reasonable conformance with the PS&E and modifications; (3) Be completed within 120 calendar days of the date of acceptance of the IRR. construction project; and (4) Be provided to the affected tribes and the Secretaries.
(b) A tribe	Agreements negotiated under ISDEAA specify who is responsible for closeout and preparing the report.	(1) Meet the requirements of ISDEAA; (2) Comply with 25 CFR 900.130(d) and 131(b) (10) and 25 CFR 1000.249, as applicable; (3) Be completed within 120 calendar days of the date of acceptance of the project; and (4) Be provided to all parties specified in the agreements negotiated under ISDEAA.

Program Reviews and Management Systems

§ 170.500 What program reviews do the Secretaries conduct?

(a) BIADOT and FHWA annually conduct informal program reviews to examine program procedures and identify improvements. BIA must notify tribes of these informal program reviews. Tribes may send representatives to these meetings at their own expense. These reviews may be held in conjunction with either a national BIA transportation meeting or an IRR Program Coordinating Committee meeting.

(b) FHWA, BIA, and affected tribes periodically conduct an IRR Program process review of each BIA regional office's processes, controls, and stewardship. The review provides recommendations to improve the processes and controls of the following activities that a BIA Regional Office performs:

(1) Program Management and Oversight;

(2) Transportation planning;

(3) Design;

(4) Contract administration;

(5) Construction;

(6) Financial management; and

(7) Systems management and existing stewardship agreements.

(c) After the IRR process review, the review team must:

(1) Conduct an exit interview during which it makes a brief oral report of findings and recommendations to the BIA Regional Director and staff; and

(2) Provide a written report of its findings and recommendations to the reviewed office, BIA, all participants, and affected tribal governments and organizations.

§ 170.501 What happens when the review process identifies areas for improvement?

When the review process identifies areas for improvement:

(a) The regional office must develop a corrective action plan;

(b) BIADOT and FHWA review and approve the plan;

(c) FHWA may provide technical assistance during the development and implementation of the plan; and

(d) The reviewed BIA regional office implements the plan and reports either annually or biennially to BIADOT and FHWA on implementation accomplishments.

§ 170.502 Are management systems required for the IRR Program?

(a) To the extent appropriate, the Secretaries must, in consultation with tribes, develop and maintain the following systems for the IRR Program:

(1) Pavement management;

(2) Safety management;

(3) Bridge management; and

(4) Congestion management.

(b) Other management systems may include the following:

(1) Public transportation facilities;

(2) Public transportation equipment; and

(3) Intermodal transportation facilities and systems.

(c) All management systems for the IRR Program must meet the requirements of 23 CFR part 973.

(d) A tribe may enter into an ISDEAA contract or agreement to develop, implement, and maintain an alternative tribal management system for that tribe, provided that such systems are consistent with Federal management systems.

§ 170.503 How are IRR Program management systems funded?

BIA uses IRR Program management funds to develop the nationwide IRR Program management systems. If a tribe elects to develop its own tribal management system based on the nationwide management system requirements in 23 CFR part 973, it may use for this purpose either:

(a) The funds defined in 23 U.S.C. 204(j) for IRR Program tribal transportation planning; or

(b) IRR Program construction funds.

Bridge Inspection

§ 170.504 When and how are bridge inspections performed?

IRR bridge inspections must be performed at least every 2 years to update the NBI using criteria that meets or exceeds applicable Federal standards (23 CFR 650.305).

(a) Federal standards for bridge inspections are found in 23 CFR part 650, subpart C.

(b) Tribes may develop alternative bridge inspection standards, provided that these standards meet or exceed applicable Federal standards.

§ 170.505 How must bridge inspections be coordinated?

This section applies to bridge inspectors working for BIA; for tribes under an ISDEAA contract or self-governance agreement; or for State, county, or local governments. Before performing an inspection, inspectors must:

(a) Notify affected tribes and State and local governments that an inspection will occur;

(b) Offer tribal and State and local governments the opportunity to accompany the inspectors; and

(c) Otherwise coordinate with tribal and State and local governments.

§ 170.506 What are the minimum qualifications for certified bridge inspectors?

The person responsible for the bridge inspection team must meet the qualifications for bridge inspectors as defined in 23 CFR part 650, subpart C.

§ 170.507 Who reviews bridge inspection reports?

The person responsible for the bridge inspection team must send a copy of the inspection report to the BIA regional office. The regional office:

(a) Reviews the report and furnishes a copy to the affected tribe for review, comment, and use in programming transportation projects; and

(b) Sends the report to BIADOT for quality assurance and inclusion in the National Bridge Inventory (NBI).

Appendix A to Subpart D—Cultural Resource and Environmental Requirements for the IRR Program

All BIA work for the IRR Program must comply with cultural resource and environmental requirements under applicable Federal laws and regulations, including, but not limited to:

1. 16 U.S.C. 1531, Endangered Species Act.
2. 16 U.S.C. 4601, Land and Water Conservation Fund Act (Section 6(f)).
3. 16 U.S.C. 661–667d, Fish and Wildlife Coordination Act.
4. 23 U.S.C. 138, Preservation of Parklands.
5. 25 U.S.C. 3001–3013, Native American Graves Protection and Repatriation Act.
6. 33 U.S.C. 1251, Federal Water Pollution Control Act and Clean Water Act.
7. 42 U.S.C. 7401, Clean Air Act.
8. 42 U.S.C. 4321, National Environmental Policy Act.
9. 49 U.S.C. 303, Preservation of Parklands.
10. 7 U.S.C. 4201, Farmland Protection Policy Act.
11. 50 CFR part 402, Endangered Species Act regulations.
12. 7 CFR part 658, Farmland Protection Policy Act regulations.
13. 40 CFR part 93, Air Quality Conformity and Priority Procedures for use in Federal-aid Highway and Federally-Funded Transit Programs.
14. 23 CFR part 771, Environmental Impact and Related Procedures.
15. 23 CFR part 772, Procedures for Abatement of Highway Traffic Noises and Construction Noises.
16. 23 CFR part 777, Mitigation of Impacts To Wetlands and Natural Habitat.
17. 36 CFR part 800, Protection of Historic Properties.
18. 40 CFR parts 260–271, Resource Conservation and Recovery Act.
19. Applicable tribal/State laws.
20. Other applicable Federal laws and regulations.

Appendix B to Subpart D—Design Standards for the IRR Program

Depending on the nature of the project, tribes may use the following design standards. Additional standards may also apply. To the extent that any provisions of these standards are inconsistent with ISDEAA, these provisions do not apply.

1. AASHTO Policy on Geometric Design of Highways and Streets.
2. AASHTO A Guide for Transportation Landscape and Environmental Design.
3. AASHTO Roadside Design Guide, latest edition.
4. AASHTO Guide for Selecting, Locating and Designing Traffic Barriers, latest edition.
5. AASHTO Standard Specifications for Highway Bridges, latest edition.
6. AASHTO Guidelines of Geometric Design of Very Low-Volume Local Roads (ADT less than or equal to 400).
7. FHWA Federal Lands Highway, Project Development and Design Manual.
8. FHWA Flexibility in Highway Design.
9. FHWA Roadside Improvements for Local Road and Streets.
10. FHWA Improving Guardrail Installations and Local Roads and Streets.
11. 23 CFR part 625, Design Standards for Highways.
12. 23 CFR part 630, Preconstruction Procedures.
13. 23 CFR part 633, Required Contract Provisions.
14. 23 CFR part 635, Construction and Maintenance.
15. 23 CFR part 645, Utilities.
16. 23 CFR part 646, Railroads.
17. 23 U.S.C. 106, PS&E.
18. 23 U.S.C. 109, Standards.
19. DOT Metric Conversion Plan, October 31, 1991.
20. MUTCD Manual of Uniform Traffic Safety Devices, latest edition.
21. Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, latest edition.

Subpart E—Service Delivery for Indian Reservation Roads

Funding Process

§ 170.600 What must BIA include in the notice of availability of funds?

(a) Upon receiving the total fiscal year of IRR Program funding from FHWA, BIA will publish a notice of availability of funds in the **Federal Register** that includes the following:

(1) The total funding available to each region for IRR transportation planning, design, and construction projects based on each region's Relative Need Distribution Factor (RNDF) defined in subpart C;

(2) The total funding available to each tribe based on its RNDF, along with prior year information on IRR Program funding by tribe that identifies over-funded or advance-funded tribes; and

(3) A listing of FHWA-approved IRRTIP projects for each State within each BIA region.

(b) Upon publication of the notice under this section, each BIA Regional Office must provide to each tribe within its region:

(1) A proposed project listing used to develop the region's control schedule;

(2) An offer to provide the tribe with technical assistance in preparing contract proposals;

(3) The various options available to the tribe for IRR construction projects

(force account methods, direct service, self-determination contract, and self-governance agreement); and

(4) A request for a response from the tribe within 30 days.

§ 170.601 What happens to the unused portion of IRR Program management and oversight funds reserved by the Secretary?

BIA distributes any unused IRR Program management and oversight funds to its Regional Offices using the RNDF (see subpart C). The Regional Offices use the funds for additional construction activities.

§ 170.602 If a tribe incurs unforeseen construction costs, can it get additional funds?

Yes. To the extent feasible, the Secretary must pay for all costs incurred resulting from unforeseen circumstances of the construction process (*i.e.*, cost overruns). If the Secretary is unable to fund the unforeseen costs in a cost reimbursable contract, the tribe may suspend performance of the contract until sufficient additional funds are awarded. (See 25 CFR 900.130(e).)

Miscellaneous Provisions

§ 170.605 When may BIA use force account methods in the IRR Program?

BIA may use force account methods in the IRR Program unless the tribe elects otherwise to enter into a self-determination contract or a self-governance agreement for the IRR Program. However, BIA must continue to consult with the tribe before using a force account under this situation. The applicable FAR and Federal law apply to BIA force account project activities.

§ 170.606 How do legislation and procurement requirements affect the IRR Program?

Other legislation and procurement requirements apply to the IRR Program as shown in the following table.

Legislation, regulation or other requirement	Applies to tribes under self-determination contracts	Applies to tribes under self-governance agreements	Applies to activities performed by the Secretary
Buy Indian Act	No	No	Yes.
Buy American Act	No	No	Yes.
Federal Acquisition Regulation (FAR)	No[1]	No	Yes.
Federal Tort Claims Act	Yes	Yes	Yes.
Davis-Bacon Act	Yes[2]	Yes[2]	Yes.

[1] Unless agreed to by the tribe or tribal organization under ISDEAA, 25 U.S.C. 450j(a), and 25 CFR part 900.115.
[2] Does not apply when tribe performs work with its own employees.

§ 170.607 Can a tribe use its allocation of IRR Program funds for contract support costs?

Yes. Contract support costs are an eligible item out of a tribe's IRR Program allocation and need to be included in a tribe's project construction budget.

§ 170.608 Can a tribe pay contract support costs from Department of the Interior or BIA appropriations?

No. Contract support costs for IRR construction projects cannot be paid out of Department of the Interior or BIA appropriations.

Contracts and Agreements Under ISDEAA

§ 170.610 What IRR Program functions may a tribe assume under ISDEAA?

A tribe may assume all IRR Program functions and activities that are otherwise contractible under a self-determination contract or self-governance agreement following the requirements in 25 CFR parts 900 or 1000.

(a) Tribes may use IRR Program project funds contained in their contracts or annual funding agreements for contractible supportive administrative functions.

(b) Appendix A to this subpart contains a list of non-contractible functions and activities that cannot be included in contracts or agreements.

§ 170.611 What special provisions apply to ISDEAA contracts and agreements?

(a) *Multi-year contracts and agreements.* The Secretary can enter into a multi-year IRR Program self-determination contract and self-governance agreement with a tribe under sections 105(c)(1)(A) and (2) of ISDEAA. The amount of such contracts or agreements is subject to the availability of appropriations.

(b) *Consortia.* Under Title I and Title IV of ISDEAA, tribes and multi-tribal organizations are eligible to assume IRR Programs under consortium contracts or agreements. For an explanation of self-determination contracts, refer to Title I, 25 U.S.C. 450f. For an explanation of self-governance agreements, see Title IV, 25 U.S.C. 450b(l) and 458b(b)(2).

(c) *Advance payments.* The Secretary and the tribe must negotiate a schedule of advance payments as part of the terms of a self-determination contract in accordance with 25 CFR 900.132.

(d) *Design and construction contracts.* The Secretary can enter into a design/construct IRR Program self-determination contract that includes both the design and construction of one or more IRR projects. The Secretary may make advance payments to a tribe:

(1) Under a self-determination design/construct contract for construction activities based on progress, need, and the payment schedule negotiated under 25 CFR 900.132; and

(2) Under a self-governance agreement in the form of annual or semiannual installments as indicated in the agreement.

§ 170.612 How are non-contractible functions funded?

(a) All non-contractible IRR program functions are funded by IRR Program management and oversight funds.

(b) All non-contractible IRR project functions are funded by IRR Program construction funds.

§ 170.613 When does BIA determine the amount of funds needed for non-contractible non-project related functions?

Each fiscal year the Secretary will develop national and regional BIA IRR Program budgets. Within the first quarter of each fiscal year BIA will publish a copy of the national and regional IRR budgets.

§ 170.614 Can a tribe receive funds before BIA publishes the notice of funding availability?

A tribe can receive funds before BIA publishes the notice of funding availability required by § 170.600(a)(1) only if the tribe has a negotiated self-determination contract or self-governance agreement.

§ 170.615 Can a tribe receive advance payments for non-construction activities?

Yes. BIA must make advance payments to a tribe for non-construction

activities under 25 U.S.C. 450*l* for self-determination contracts on a quarterly, semiannual, lump-sum, or other basis proposed by a tribe and authorized by law.

§ 170. 616 How are advance payments made when additional IRR Program funds are made available after execution of the self-governance agreement?

When additional IRR Program funds are available, following the procedures in 25 CFR 1000.104, tribes can request to use the additional funds for IRR Program activities or projects and have an addendum to the agreement executed.

§ 170.617 May a tribe include a contingency in its proposal budget?

(a) A tribe with a self-determination contract may include a contingency amount in its proposed budget in accordance with 25 CFR 900.127(e)(8).

(b) A tribe with a self-governance agreement may include a project-specific line item for contingencies if the tribe does not include its full IRR Program funding allocation in the agreement.

(c) The amounts in both paragraphs (a) and (b) of this section must be within the RNDF allocation or within the negotiated ISDEAA contract or agreement.

§ 170.618 Can a tribe keep savings resulting from project administration?

When actual costs of the projects under contracts or agreements for construction projects are less than the estimated costs, the Secretary will determine the use of the excess funds after consultation with the tribe. (See 25 U.S.C. 450e–2.)

§ 170.619 Do tribal preference and Indian preference apply to IRR Program funding?

Tribal preference and Indian preference apply to IRR Program funding as shown in the following table:

If . . .	Then . . .
(a) A contract serves a single tribe.	Section 7(c) under Title I of ISDEAA allows tribal employment or contract preference laws, including tribe local preference laws, to govern.
(b) A contract serves more than one tribe.	Section 7(b) under Title I of ISDEAA applies.
(c) A self-governance agreement exists under Title IV of ISDEAA.	25 CFR 1000.406 applies.

§ 170.620 How do ISDEAA's Indian preference provisions apply?

This section applies when the Secretary or a tribe enters into a cooperative agreement with a State or local government for an IRR construction project. The tribe and the parties may choose to incorporate the provisions of section 7(b) of ISDEAA in a cooperative agreement.

§ 170.621 What if a tribe fails to substantially perform work under a contract or agreement?

If a tribe fails to substantially perform work under a contract or agreement:

(a) For self-determination contracts, the Secretary must use the monitoring and enforcement procedures in 25 CFR 900.131(a)–(b) and ISDEAA, part 900 subpart L (appeals); and

(b) For self-governance agreements, the Secretary must use the monitoring and enforcement procedures in 25 CFR part 1000 subpart K.

§ 170.622 What IRR programs, functions, services, and activities are subject to the self-governance construction regulations?

All IRR Program design and construction projects and activities, whether included separately or under a program in the agreement, are subject to the regulations in 25 CFR 1000 subpart K, including applicable exceptions.

§ 170.623 How are IRR Program projects and activities included in a self-governance agreement?

To include an IRR Program project or activity in a self-governance agreement, the following information is required:

(a) A line item for each project or activity;

(b) Sufficient detail to describe the work as included in the FHWA-approved IRRTIP and Control Schedule; and

(c) All other information required under 25 CFR 1000 subpart K.

§ 170.624 Is technical assistance available?

Yes. Technical assistance is available from BIA for tribes with questions about contracting the IRR Program or IRR projects. For tribes with questions about self-governance agreements for the IRR Program or IRR project(s), technical assistance is available from the Office of Self-Governance and BIA. Technical assistance can include, but is not limited to, assistance in the preparation of self-determination contract proposal(s) and self-governance agreements.

§ 170.625 What regulations apply to waivers?

The following regulations apply to waivers:

(a) For self-determination contracts, 25 CFR 900.140–148;

(b) For self-governance agreements, 25 CFR 1000.220–232; and

(c) For direct service, 25 CFR 1.2.

§ 170.626 How does a tribe request a waiver of a Department of Transportation regulation?

A tribe must follow the procedures in ISDEAA, Title I, and 25 CFR 900.140–148 for self-determination contracts and Title IV, 25 CFR 1000.220–232 for tribal self-governance agreements. A courtesy copy of the request should be sent to the Secretary of Transportation at: 400 7th St., SW., HFL–1, Washington, DC 20590. When a waiver request is outside the Secretary's authority, the Secretary should forward the request to the Secretary of Transportation.

Appendix A to Subpart E—IRR Program Functions That Are Not Otherwise Contractible

The program functions listed in this appendix cannot be included in a self-determination contract or self-governance agreement. (23 U.S.C. 202(d)(3)(B))

A. IRR project-related pre-contracting activities:

1. Notifying tribes of available funding including the right of first refusal; and

2. Providing technical assistance.

B. IRR project-related contracting activities:

1. Providing technical assistance;

2. Reviewing all scopes of work under 25 CFR 900.122;

3. Evaluating proposals and making declination decisions, if warranted;

4. Performing declination activities;

5. Negotiating and entering into contracts or agreements with State, tribal, and local governments and other Federal agencies;

6. Processing progress payments or contract payments;

7. Approving contract modifications;

8. Processing claims and disputes with tribal governments; and

9. Closing out contracts or agreements.

C. Planning activities:

1. Reviewing IRR transportation improvement programs developed by tribes or other contractors;

2. Reviewing IRR long-range transportation plans developed by tribes or other contractors; and

3. Performing other Federal responsibilities identified in the IRR Transportation Planning Procedures and Guidelines manual.

D. Environmental and historical preservation activities:

1. Reviewing and approving all items required for environmental compliance; and

2. Reviewing and approving all items required for archaeological compliance.

E. Processing rights-of-way:

1. Reviewing rights-of-way applications and certifications;

2. Approving rights-of-way documents;

3. Processing grants and acquisition of rights-of-way requests for tribal trust and allotted lands under 25 CFR part 169;

4. Responding to information requests;

5. Filing Affidavit of Completion Forms; and

6. Performing custodial functions related to storing rights-of-way documents.

F. Conducting project development and design under 25 CFR 900.131:

1. Participating in the plan-in-hand reviews on behalf of BIA as facility owner;

2. Reviewing and/or approving plans, specifications, and cost estimates (PS&E's) for health and safety assurance on behalf of BIA as facility owner;

3. Reviewing PS&E's to assure compliance with NEPA as well as all other applicable Federal laws; and

4. Reviewing PS&E's to assure compliance with or exceeding Federal standards for IRR design and construction.

G. Construction:

1. Making application for clean air/clean water permits as facility owner;

2. Ensuring that all required State/tribal/Federal permits are obtained;

3. Performing quality assurance activities;

4. Conducting value engineering activities as facility owner;

5. Negotiating with contractors on behalf of Federal Government;

6. Approving contract modifications/change orders;

7. Conducting periodic site visits;

8. Performing all Federal Government required project-related activities contained in the contract documents and required by 25 CFR parts 900 and 1000;

9. Conducting activities to assure compliance with safety plans as a jurisdictional responsibility hazardous materials, traffic control, OSHA, *etc.*;

10. Participating in final inspection and acceptance of project documents as-built drawings on behalf of BIA as facility owner; and

11. Reviewing project closeout activities and reports.

H. Other activities:

1. Performing other non-contractible required IRR project activities contained in this part, ISDEAA and part 1000; and

2. Other Title 23 non-project-related management activities.

I. BIADOT program management:

1. Developing budget on needs for the IRR Program;

2. Developing legislative proposals;

3. Coordinating legislative activities;

4. Developing and issuing regulations;

5. Developing and issuing IRR planning, design, and construction standards;

6. Developing/revising interagency agreements;

7. Developing and approving IRR Program stewardship agreements in conjunction with FHWA;

8. Developing annual IRR Program obligation and IRR Program accomplishments reports;

9. Developing reports on IRR Program project expenditures and performance measures for the Government Performance and Results Act (GPRA);

10. Responding to/maintaining data for congressional inquiries;

11. Developing and maintaining funding formula and its database;

12. Allocating IRR Program and other transportation funding;

13. Providing technical assistance to tribe/tribal organizations/agencies/regions;

14. Providing national program leadership for: National Scenic Byways Program, Public Lands Highways Discretionary Program, Transportation Enhancement Program, Indian Local Technical Assistance Program, Recreational Travel and Tourism, Transit Program, ERFO Program, Presidential initiatives (Millennium Trails, Lewis & Clark, Western Tourism Policy Group);

15. Participating in and supporting tribal transportation association meetings;

16. Coordinating with and monitoring Indian Local Technical Assistance Program centers;

17. Planning, coordinating, and conducting BIA/tribal training;

18. Developing information management systems to support consistency in data format, use, *etc.*, with the Secretary of Transportation for the IRR Program;

19. Participating in special transportation related workgroups, special projects, task forces and meetings as requested by tribes;

20. Participating in national, regional, and local transportation organizations;

21. Participating in and supporting FHWA Coordinated Technology Implementation program;

22. Participating in national and regional IRR Program meetings;

23. Consulting with tribes on non-project related IRR Program issues;

24. Participating in IRR Program, process, and product reviews;

25. Developing and approving national indefinite quantity service contracts;

26. Assisting and supporting the IRR Coordinating Committee;

27. Processing IRR Bridge program projects and other discretionary funding applications or proposals from tribes;

28. Coordinating with FHWA;

29. Performing stewardship of the IRR Program;

30. Performing oversight of the IRR Program and its funded activities;

31. Performing any other non-contractible IRR Program activity included in this part; and

32. Determining eligibility of new uses of IRR Program funds.

J. BIADOT Planning:

1. Maintaining the official IRR inventory;

2. Reviewing long-range transportation plans;

3. Reviewing and approving IRR transportation improvement programs;

4. Maintaining nationwide inventory of IRR strip and atlas maps;

5. Coordinating with tribal/State/regional/local governments;

6. Developing and issuing procedures for management systems;

7. Distributing approved IRR transportation improvement programs to BIA regions;

8. Coordinating with other Federal agencies as applicable;

9. Coordinating and processing the funding and repair of damaged Indian Reservation Roads with FHWA;

10. Calculating and distributing IRR transportation planning funds to BIA regions;

11. Reprogramming unused IRR transportation planning funds at the end of the fiscal year;

12. Monitoring the nationwide obligation of IRR transportation planning funds;

13. Providing technical assistance and training to BIA regions and tribes;

14. Approving Atlas maps;

15. Reviewing IRR inventory information for quality assurance; and

16. Advising BIA regions and tribes of transportation funding opportunities.

K. BIADOT engineering:

1. Participating in the development of design/construction standards with FHWA;

2. Developing and approving design/construction/maintenance standards;

3. Conducting IRR Program/product reviews; and

4. Developing and issuing technical criteria for management systems.

L. BIADOT responsibilities for bridges:

1. Maintaining BIA National Bridge Inventory information/database;

2. Conducting quality assurance of the bridge inspection program;

3. Reviewing and processing IRR Bridge program applications;

4. Participating in second level review of IRR bridge PS–E's; and

5. Developing criteria for bridge management systems.

M. BIADOT responsibilities to perform other non-contractible required IRR Program activities contained in this part.

N. BIA regional offices program management:

1. Designating IRR System roads;

2. Notifying tribes of available funding;

3. Developing state IRR transportation improvement programs;

4. Providing FHWA-approved IRR transportation improvement programs to tribes;

5. Providing technical assistance to tribes/tribal organizations/agencies;

6. Funding common services as provided as part of the region/agency/BIA Division of Transportation IRR Program costs;

7. Processing and investigating non-project related tort claims;

8. Preparing budgets for BIA regional and agency IRR Program activities;

9. Developing/revising interagency agreements;

10. Developing control schedules/transportation improvement programs;

11. Developing regional IRR Program stewardship agreements;

12. Developing quarterly/annual IRR Program obligation and program accomplishments reports;

13. Developing reports on IRR project expenditures and performance measures for Government Performance and Results Act (GPRA);

14. Responding to/maintaining data for congressional inquiries;

15. Participating in Indian transportation association meetings;

16. Participating in Indian Local Technical Assistance Program (LTAP) meetings and workshops;

17. Participating in BIA/tribal training development highway safety, work zone safety, *etc*;

18. Participating in special workgroups, task forces, and meetings as requested by tribes and BIA region/agency personnel;

19. Participating in national, regional, or local transportation organizations meetings and workshops;
20. Reviewing Coordinated Technology Implementation Program project proposals;
21. Consulting with tribal governments on non-project related program issues;
22. Funding costs for common services as provided as part of BIA IRR region/agency/contracting support costs;
23. Reviewing IRR Atlas maps;
24. Processing Freedom of Information Act (FOIA) requests;
25. Monitoring the obligation and expenditure of all IRR Program funds allocated to BIA region;
26. Performing activities related to the application for ERFO funds, administration, and oversight of such funds; and
27. Participating in IRR Program, process, and product reviews.

O. BIA regional offices' planning:
1. Coordinating with tribal/State/regional/local government;
2. Coordinating and processing the funding and repair of damaged Indian Reservation Roads with tribes;
3. Reviewing and approving IRR Inventory data;
4. Maintaining, reviewing, and approving the management systems databases;
5. Reviewing and approving IRR State transportation improvement programs; and
6. Performing Federal responsibilities identified in the IRR Transportation Planning Procedures and Guidelines manual.

P. BIA regional offices' engineering:
1. Approving tribal standards for the IRR Program use;
2. Developing and implementing new engineering techniques in the IRR Program; and
3. Providing technical assistance.

Q. BIA regional offices' responsibilities for bridges:
1. Reviewing and processing IRR bridge program applications;
2. Reviewing and processing IRR bridge inspection reports and information; and
3. Ensuring the safe use of roads and bridges.

R. BIA regional offices' other responsibilities for performing other non-contractible required IRR Program activities contained in this part.

Subpart F—Program Oversight and Accountability

§ 170.700 What is the IRR Program stewardship plan?

The IRR Program stewardship plan delineates the respective roles and responsibilities of BIA and FHWA in the administration of the IRR Program and the process used for fulfilling those roles and responsibilities.

§ 170.701 May a direct service tribe and BIA Region sign a Memorandum of Understanding?

Yes. An IRR Program tribal/BIA region MOU is a document that a direct service tribe and BIA may enter into to help define the roles, responsibilities and consultation process between the regional BIA office and the Indian tribal government. It describes how the IRR Program will be carried out by BIA on the tribe's behalf.

§ 170.702 What activities may the Secretary review and monitor?

The Secretary reviews and monitors the performance of construction activities under 25 CFR 900 subpart J and 25 CFR 1000 subpart K.

Subpart G—BIA Road Maintenance

§ 170.800 Who owns IRR transportation facilities?

Public authorities such as tribes, States, counties, local governments, and the Federal Government own IRR transportation facilities.

§ 170.801 What is the BIA Road Maintenance Program?

The BIA Road Maintenance Program covers the distribution and use of the funds provided by Congress in the annual Department of the Interior appropriations acts for maintaining transportation facilities. Appendix A to this subpart contains a list of activities that are eligible for funding under the BIA road maintenance program.

§ 170.802 How is road maintenance funded?

(a) The U.S. Congress funds a BIA program for the maintenance of IRR transportation facilities as defined in this part through annual appropriations for the Department of the Interior.

(b) The States, counties, and local governments fund the maintenance of IRR transportation facilities that they own or have agreed to maintain.

(c) Tribal governments, at their discretion, may also provide for the maintenance of IRR transportation facilities.

§ 170.803 What facilities are eligible under the BIA Road Maintenance Program?

(a) The following public transportation facilities are eligible for maintenance under the BIA Road Maintenance Program:

(1) BIA transportation facilities listed in paragraph (b) of this section;

(2) Non-BIA transportation facilities, if the tribe served by the facility feels that maintenance is required to ensure public health, safety, and economy, and if the tribe executes an agreement with the owning public authority within available funding;

(3) Tribal transportation facilities such as public roads, highway bridges, trails, and bus stations; and

(4) Other transportation facilities as approved by the Secretary.

(b) The following BIA transportation facilities are eligible for maintenance under paragraph (a)(1) of this section:

(1) BIA road systems and related road appurtenances such as signs, traffic signals, pavement striping, trail markers, guardrails, etc.;

(2) Highway bridges and drainage structures;

(3) Airport runways and heliport pads, including runway lighting;

(4) Boardwalks;

(5) Adjacent parking areas;

(6) Maintenance yards;

(7) Bus stations;

(8) System public pedestrian walkways, paths, bike and other trails;

(9) Motorized vehicle trails;

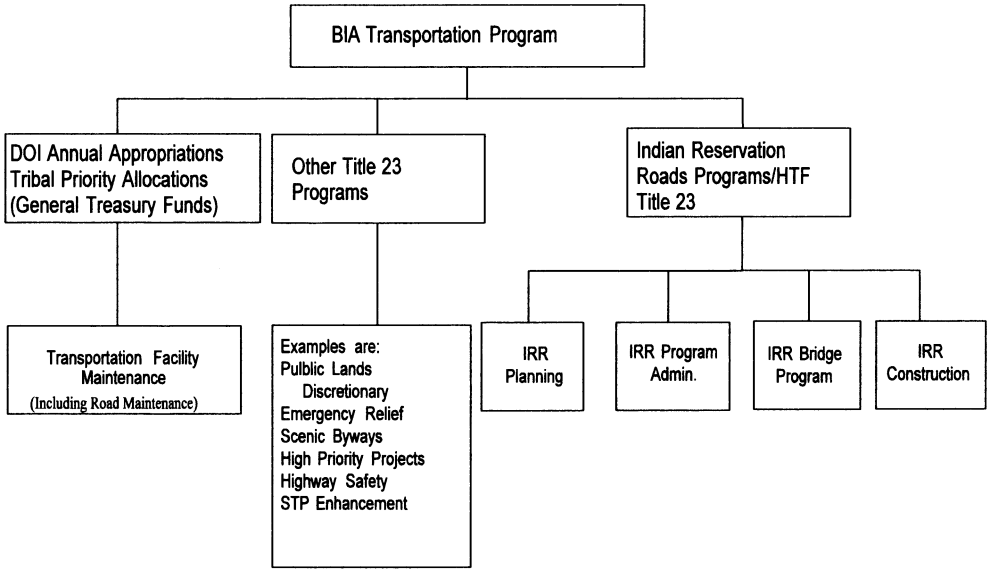
(10) Public access roads to heliports and airports;

(11) BIA and tribal post-secondary school roads and parking lots built with IRR Program funds; and

(12) Public ferry boats and boat ramps.

§ 170.804 How is BIA's Road Maintenance Program related to the IRR Program?

The following chart illustrates how BIA's Road Maintenance Program is related to other Title 23 U.S.C. programs:



§ 170.805 What are the local, tribal, and BIA roles in transportation facility maintenance?

(a) State, county, and local governments normally perform the maintenance of their IRR transportation facilities.

(b) Tribes may perform or provide for their maintenance responsibilities by formal agreement or other contracts with any other, State, county, or local government.

(c) BIA's responsibility includes preparing annual budget requests under 23 U.S.C. 204(c) that include a report of the shortfalls in each BIA Region in appropriations of BIA Road Maintenance dollars.

§ 170.806 What is an IRR Transportation Facilities Maintenance Management System?

An IRR Transportation Facilities Maintenance Management System (TFMMS) is a tool BIA and tribes will use to budget, prioritize, and schedule transportation facility maintenance activities. It will be used to extend the service life of an IRR transportation facility, ensure safety, and report future funding needs to the Secretary. BIA will develop the IRR TFMMS.

§ 170.807 What must BIA include when it develops an IRR Transportation Facilities Maintenance Management System?

(a) At a minimum, an IRR TFMMS system must include components for:

(1) Uniformly collecting, processing, and updating data;

(2) Predicting facility deterioration;

(3) Identifying alternative actions;

(4) Projecting maintenance costs;

(5) Tracking and reporting of actual maintenance costs and activities accomplished;

(6) Forecasting short- and long-term budget needs;

(7) Recommended programs and schedules for implementation within policy and budget constraints;

(8) Tracking and reporting unmet needs; and

(9) Ability to produce various reports, including customized reports.

(b) The minimum data requirements include:

(1) Cost of maintenance activity per mile broken down by surface type and frequency of activity;

(2) Cost of bridge maintenance by surface area of deck and frequency of activity;

(3) Cost of maintenance of other inter-modal facilities;

(4) Information from other IRR Program management systems;

(5) Future needs; and

(6) Basic facility data including but not limited to route, bridge number, maintenance activity code, facility inspection dates.

§ 170.808 Can BIA Road Maintenance Program funds be used to improve IRR transportation facilities?

No. BIA Road Maintenance Program funds cannot be used to improve roads or other IRR transportation facilities to a higher road classification, standard, or capacity.

§ 170.809 Can a tribe perform road maintenance under a self-determination contract or self-governance agreement?

Yes. Any tribe may enter into a self-determination contract or self-governance agreement to conduct BIA or tribal transportation facility maintenance under ISDEAA and 25 CFR part 900 or 1000. The self-determination contract or self-governance agreement does not relieve BIA of its responsibility for maintenance.

§ 170.810 To what standards must an IRR transportation facility be maintained?

IRR transportation facilities must be maintained, subject to availability of funding, in accordance with the IRR TFMMS. The Secretary will develop these standards with the input of the IRR Program Coordinating Committee. The Secretary must accept as interim standards any tribal maintenance standards that meet or exceed applicable Federal standards. Interim standards must include any of the following:

(a) Appropriate National Association of County Engineers maintenance standards;

(b) AASHTO road and bridge maintenance manuals, latest edition; or

(c) Other applicable Federal, State, tribal, or local government maintenance standards as may be negotiated in an ISDEAA road maintenance self-determination contract or self-governance agreement.

§ 170.811 What happens if lack of funds results in inadequate maintenance?

If BIA determines that an IRR transportation facility is not being maintained under IRR TFMMS standards due to insufficient funding, the Secretary will notify the facility owner, and if tribal or BIA owned, continue to request annual maintenance funding for that facility. In addition, the Secretary will report these findings to Secretary of Transportation under 23 U.S.C. 204. The Secretary will provide a draft copy of the report to the affected tribe for comment before forwarding it to Secretary of Transportation.

§ 170.812 What is emergency maintenance?

Emergency maintenance is work that must be accomplished immediately because of life threatening circumstances due to a catastrophic failure or natural disaster. Examples of emergency maintenance include: ice and snow control, traffic control, work in slide areas, repairs to drainage washouts, retrieving hazardous materials, suppressing wild fires, and repairing the ravages of other disasters.

§ 170.813 When can access to IRR transportation facilities be restricted?

IRR transportation facilities must be open and available for public use, as are IRRs (§ 170.120).

(a) The Secretary may, in consultation with a tribe and applicable private landowners, restrict or temporarily close an IRR transportation facility to public use for the following reasons:

(1) Because of unsafe conditions;

(2) Because of natural disasters;

(3) For fish or game protection;

(4) To prevent traffic from causing damage to the facility; and

(5) For reasons deemed to be in the public interest such as fire prevention or suppression as approved by the Secretary.

(b) Consultation is not required whenever the above conditions involve immediate safety or life-threatening situations.

(c) Certain IRR transportation facilities owned by the tribes or BIA may be permanently closed when the tribal government and the Secretary agree. Once this agreement is reached, BIA must remove the facility from the IRR System.

Appendix A to Subpart G—List of Activities Eligible for Funding Under BIA Transportation Facility Maintenance Program

The following activities are eligible for BIA Transportation Facility Maintenance Program. The list is not all-inclusive.

1. Cleaning and repairing ditches and culverts.
2. Stabilizing, removing, and controlling slides, drift sand, mud, ice, snow, and other impediments.
3. Adding additional culverts to prevent roadway and adjoining property damage.
4. Repairing, replacing or installing traffic control devices, guardrails and other features necessary to control traffic and protect the road and the traveling public.
5. Removing roadway hazards.
6. Repairing or developing stable road embankments.
7. Repairing parking facilities and appurtenances such as striping, lights, curbs, etc.
8. Repairing transit facilities and appurtenances such as bus shelters, striping, sidewalks, etc.
9. Training maintenance personnel.
10. Administering the BIA Transportation Facility Maintenance Program.
11. Performing environmental/archeological mitigation associated with transportation facility maintenance.
12. Leasing, renting, or purchasing of maintenance equipment.
13. Paying utilities cost for roadway lighting and traffic signals.
14. Purchasing maintenance materials.
15. Developing, implementing, and maintaining an IRR Transportation Facility Maintenance Management System (TFMMS).
16. Performing pavement maintenance such as pot hole patching, crack sealing, chip sealing, surface rejuvenation, and thin overlays (less than 1 inch).
17. Performing erosion control.
18. Controlling roadway dust.
19. Re-graveling roads.
20. Controlling vegetation through mowing, noxious weed control, trimming, *etc.*
21. Making bridge repairs.
22. Paying the cost of closing of transportation facilities due to safety or other concerns.
23. Maintaining airport runways, heliport pads, and their public access roads.
24. Maintaining and operating BIA public ferry boats.
25. Making highway alignment changes for safety reasons. These changes require prior notice to the Secretary.
26. Making temporary highway alignment or relocation changes for emergency reasons.
27. Maintaining other IRR intermodal transportation facilities provided that there is a properly executed agreement with the owning public authority within available funding.

Subpart H—Miscellaneous Provisions

Hazardous and Nuclear Waste Transportation

§ 170.900 What is the purpose of the provisions relating to transportation of hazardous and nuclear waste?

Sections 170.900 through 170.907 on transportation of nuclear and hazardous waste are provided for information only, they do not create any legal responsibilities or duties for any person or entity, and are not intended to create any basis for a cause of action under the Federal Tort Claims Act.

§ 170.901 What standards govern transportation of radioactive and hazardous materials?

DOT, the International Atomic Energy Agency, the U.S. Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency have established standards and regulations for the shipment of radioactive and hazardous materials. Legal authority includes, but is not limited to, 23 U.S.C. 141; 23 U.S.C. 127; 49 CFR parts 107, 171–180; 10 CFR part 71.

§ 170.902 What is the role of State, tribal, and local governments?

State, tribal, and local governments typically provide for the safety of their residents and other persons and protection of resources within their jurisdictions. With respect to radioactive and hazardous materials, some State, tribal, and local governments enact legislation, execute cooperative agreements, designate alternate transportation routes, develop emergency response plans, perform emergency response, issue permits, conduct vehicle inspections, enforce traffic laws, and perform highway construction and maintenance. These activities must not conflict with Federal laws and regulations.

§ 170.903 Who notifies tribes of the transport of radioactive waste?

The Department of Energy (DOE) has elected, by policy, to notify tribes of DOE shipments through their jurisdiction.

§ 170.904 Who responds to an accident involving a radioactive or hazardous materials shipment?

Tribal, Federal, local, and State police, fire departments, and rescue squads are often the first to respond to transportation accidents involving radioactive or hazardous materials. If radioactive materials are involved, DOE typically:

(a) Ensures that appropriate State and tribal agencies are contacted and coordinate any necessary Radiological Assistance Program team activities; and

(b) Dispatches a Radiological Assistance Program team that may include nuclear engineers, health physicists, industrial hygienists, public affairs specialists, and other personnel who provide related services.

§ 170.905 How can tribes obtain training in handling hazardous material?

(a) Tribes cannot use IRR Program funds to train personnel to handle radioactive and hazardous material.

(b) Tribes can seek training from DOE, EPA, NRC, OSHA, States, and other sources. Funding is available from DOT under the Hazardous Materials Uniform Safety Act, EPA for monitoring and FEMA for general preparedness.

§ 170.906 Who cleans up radioactive and hazardous material spills?

The carrier is typically responsible for cleanup of a radioactive or hazardous material spill with assistance from the shipper using established standards and guidelines. The carrier should work with the appropriate tribal, local, State and Federal agencies to address all cleanup issues, such as arranging or

repackaging of the cargo, if necessary, and disposing of contaminated materials.

Reporting Requirements and Indian Preference

§ 170.910 What information on the IRR Program or projects must BIA provide to tribes?

At the written request of a tribe, BIA must provide available information on the IRR Program or projects to a tribe within a reasonable time.

§ 170.911 Are Indians entitled to employment and training preferences?

(a) Federal law gives hiring and training preferences, to the greatest extent feasible, to Indians for all work performed under the IRR Program.

(b) Under 25 U.S.C. 450e(b) and 23 U.S.C. 204(e), Indian organizations and Indian-owned economic enterprises are entitled to a preference, to the greatest extent feasible, in the award of contracts, subcontracts and sub-grants for all work performed under the IRR Program.

§ 170.912 Does Indian employment preference apply to Federal-aid Highway Projects?

(a) Tribal, State, and local governments may provide an Indian employment preference for Indians living on or near a reservation on projects and contracts that meet the definition of an Indian Reservation Road. (See 23 U.S.C. 101(a)(12) and 140(d), and 23 CFR 635.117(d).)

(b) Tribes may target recruiting efforts toward Indians living on or near Indian reservations, Indian lands, Alaska Native villages, pueblos, and Indian communities.

(c) Tribes and tribal employment rights offices should work cooperatively with State and local governments to develop contract provisions promoting employment opportunities for Indians on eligible federally funded transportation projects. Tribal, State, and local representatives should confer to establish Indian employment goals for these projects.

§ 170.913 Do tribal-specific employment rights and contract preference laws apply?

Yes. When a tribe or consortium administers an IRR Program or project intended to benefit that tribe or a tribe within the consortium, the benefitting tribe's employment rights and contracting preference laws apply. (See § 170.619 and 25 U.S.C. 450e(c).)

§ 170.914 What is the difference between tribal preference and Indian preference?

Indian preference is a hiring preference for Indians in general. Tribal preference is a preference adopted by a tribal government that may or may not include a preference for Indians in general, Indians of a particular tribe, Indians in a particular region, or any combination thereof.

§ 170.915 May tribal employment taxes or fees be included in an IRR project budget?

Yes. The cost of tribal employment taxes or fees may be included in the budget for an IRR program or project, except for BIA force account.

§ 170.916 May tribes impose taxes or fees on those performing IRR Program services?

Yes. Tribes, as sovereign nations, may impose taxes and fees for IRR Program activities. When a tribe administers IRR programs or projects under ISDEAA, its tribal employment and contracting preference laws, including taxes and fees, apply.

§ 170.917 Can tribes receive direct payment of tribal employment taxes or fees?

This section applies to non-tribally administered IRR projects. Tribes can request that BIA pay tribal employment taxes or fees directly to them under a voucher or other written payment instrument, based on a negotiated payment schedule. Tribes may consider requesting direct payment of tribal employment taxes or fees from other transportation departments in lieu of receiving their payment from the contractor.

Emergency Relief

§ 170.920 What is the purpose of the provisions relating to emergency relief?

Sections 170.920 through 170.927 relating to emergency relief are provided for information only and do not change the provisions of 23 CFR part 668 or existing guidance on emergency relief.

§ 170.921 What emergency or disaster assistance programs are available?

(a) FHWA operates two emergency relief programs:

(1) The Emergency Relief (ER) Program, which provides disaster assistance for Federal-aid highways owned by State, county and local governments; and

(2) The Emergency Relief for Federally Owned Roads (ERFO) Program, which provides disaster assistance for Federal roads, including Indian Reservation Roads, that have been damaged due to natural disasters (floods, hurricanes, tornadoes, *etc.*).

(b) The Federal Emergency Management Agency (FEMA) may be considered as an alternate funding source to repair damage that is ineligible under the ER or ERFO Programs.

§ 170.922 How can States get Emergency Relief Program funds to repair IRR System damage?

States can request emergency relief program funds to repair damage to Federal-aid highways caused by natural disasters or catastrophic failures. It is the responsibility of individual States to request these funds.

§ 170.923 What qualifies for ERFO funding?

(a) Tribes can use ERFO funding to repair damage to IRR transportation facilities (including roads, bridges, and related structures) caused by natural disaster over a widespread area or by a catastrophic failure from any external cause. The Secretary of Transportation determines eligible repairs under 23 CFR 668, subpart B.

(1) Examples of natural disasters include, but are not limited to, floods, earthquakes, tornadoes, landslides, avalanches or severe storms, such as saturated surface conditions and high-water table caused by precipitation over an extended period of time.

(2) An example of a catastrophic failure includes, but is not limited to, a bridge collapse after being struck by a barge, truck or a landslide.

(b) Structural deficiencies, normal physical deterioration, and routine heavy maintenance do not qualify for ERFO funding.

§ 170.924 What happens if DOT denies an ERFO claim?

The appealing tribe or the facility owner (if the tribe is not the owner) may appeal the finding or determination to the Secretary of Transportation at: FHWA, 400 7th St., SW., HFL–1, Washington, DC 20590. If the tribe is appealing it must provide a courtesy copy of its appeal to BIA.

§ 170.925 Is ERFO funding supplemental to IRR Program funding?

Yes. If ERFO funds are approved and available, they can be used to supplement IRR construction and maintenance funds for FHWA-approved repairs. If IRR construction or maintenance funds are used to address an approved claim when ERFO funds are unavailable, the next authorized ERFO funds may be used to reimburse the construction or maintenance funds expended.

§ 170.926 Can a tribe administer approved ERFO repairs under a self-determination contract or a self-governance agreement?

Yes.

§ 170.927 How can FEMA Program funds be used to repair damage?

(a) A tribe can request FEMA Program funds for emergency repairs to damaged

roads not on the IRR System if the President has declared a major disaster or emergency. The tribe makes the request by submitting an SF 424, Application for Federal Assistance, directly to FEMA, as described in FEMA Response and Recovery Directorate 9512.4 (Dec. 28, 1999).

(b) Tribes can ask States to seek FEMA Program funds to repair damage to roads not on the IRR System.

Tribal Transportation Departments

§ 170.930 What is a tribal transportation department?

A tribal transportation department is a department, commission, board, or official of any tribal government charged by its laws with the responsibility for highway construction. Tribal governments, as sovereign nations, have inherent authority to establish their own transportation departments under their own tribal laws. Tribes may staff and organize transportation departments in any manner that best suits their needs. Tribes can receive technical assistance from Indian LTAP centers, BIA regional road engineers, or AASHTO to establish a tribal transportation department.

§ 170.931 Can tribes use IRR Program funds to pay tribal transportation department operating costs?

Yes. Tribes can use IRR Program funds to pay the cost of planning, administration, and performance of approved IRR Program activities (see appendix A, subpart B). Tribes can also use BIA road maintenance funds to pay the cost of planning, administration, and performance of maintenance activities under this part.

§ 170.932 Are there other funding sources for tribal transportation departments?

There are many sources of funds that may help support a tribal transportation department. The following are some examples of additional funding sources:

(a) Tribal general funds;

(b) Tribal Priority Allocation;

(c) Tribal permits and license fees;

(d) Tribal fuel tax;

(e) Federal, State, private, and local transportation grants assistance;

(f) Tribal Employment Rights Ordinance fees (TERO); and

(g) Capacity building grants from Administration for Native Americans and other organizations.

§ 170.933 Can tribes regulate oversize or overweight vehicles?

Yes. Tribal governments can regulate travel on roads under their jurisdiction and establish a permitting process to regulate the travel of oversize or overweight vehicles, in accordance with applicable Federal law. BIA may, with the consent of the affected tribe, establish a permitting process to regulate the travel of oversize or overweight vehicles on BIA-system roads.

Resolving Disputes

§ 170.934 Are alternative dispute resolution procedures available?

(a) Federal agencies should use mediation, conciliation, arbitration, and other techniques to resolve disputes brought by IRR Program beneficiaries. The goal of these alternative dispute resolution (ADR) procedures is to provide an inexpensive and expeditious forum to resolve disputes. Federal agencies should resolve disputes at the lowest possible staff level and in a consensual manner whenever possible.

(b) Except as required in 25 CFR part 900 and part 1000, tribes operating under a self-determination contract or self-governance agreement are entitled to use dispute resolution techniques prescribed in:

(1) The ADR Act, 5 U.S.C. 571–583;

(2) The Contract Disputes Act, 41 U.S.C. 601–613; and

(3) The Indian Self-Determination and Education Assistance Act and the implementing regulations (including for non-construction the mediation and alternative dispute resolution options listed in 25 U.S.C. 4501 (model contract section (b)(12)).

§ 170.935 How does a direct service tribe begin the alternative dispute resolution process?

(a) To begin the ADR process, a direct service tribe must write to the BIA Regional Director or the Chief of BIA Division of Transportation. The letter must:

(1) Ask to begin one of the alternative dispute resolution (ADR) procedures in the Administrative Dispute Resolution Act of 1996, 5 U.S.C. 571–583 (ADR Act); and

(2) Explain the factual and legal basis for the dispute.

(b) ADR proceedings will be governed by procedures in the ADR Act and the implementing regulations.

Other Miscellaneous Provisions

§ 170.941 May tribes become involved in transportation research?

Yes. Tribes may:

(a) Participate in Transportation Research Board meetings, committees, and workshops sponsored by the National Science Foundation;

(b) Participate in and coordinate the development of tribal and IRR transportation research needs;

(c) Submit transportation research proposals to States, FHWA, AASHTO, and FTA;

(d) Prepare and include transportation research proposals in their IRRTIPS;

(e) Access Transportation Research Information System Network (TRISNET) database; and

(f) Participate in transportation research activities under Intergovernmental Personnel Act agreements.

§ 170.942 Can a tribe use Federal funds for transportation services for a tribe's Welfare-to-Work, Temporary Assistance to Needy Families, and other quality-of-life improvement programs?

(a) A tribe can use IRR Program funds:

(1) To coordinate transportation-related activities to help provide access to jobs and make education, training, childcare, healthcare, and other services more accessible to tribal members; and

(2) As the matching share for other Federal, State, and local mobility programs

(b) To the extent authorized by law additional grants and program funds are available for the purposes in paragraph (a)(1) of this section from other programs administered by the Departments of Transportation, Health and Human Services, and Labor.

(c) Tribes should also apply for Federal and State public transportation and personal mobility program grants and funds.

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Federal Register

Monday,
July 19, 2004

Part IV

Federal Communications Commission

Wireless Telecommunications Bureau Lists Private Land Mobile Licenses Cancelled as a Result of the Spectrum Audit; Notice

FEDERAL COMMUNICATIONS COMMISSION

[DA 04–1563]

Wireless Telecommunications Bureau Lists Private Land Mobile Licenses Cancelled as a Result of the Spectrum Audit

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document informs of the call signs of licenses that have cancelled automatically as a result of their construction and operational status. Such cancellation was discovered as a result of the Private Land Mobile Radio (PLMR) Spectrum Audit conducted by the Bureau.

DATES: Effective June 8, 2004.

ADDRESSES: FCC, PLMR Spectrum Audit, 1270 Fairfield Road, Gettysburg, PA 17325, or fax (717) 338–2696.

FOR FURTHER INFORMATION CONTACT: Kelly Lawver, Public Safety & Critical Infrastructure Division, Wireless Telecommunications Bureau, (717) 338–2605.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released on June 8, 2004. For additional information on the PLMR spectrum Audit, please visit the PLMR audit Web site at *http://wireless.fcc.gov/licensing/audits/plmrs* or call 1–888–225–5322 and select option 2. Federal Communications Commission.

1. The Bureau has been conducting an audit of the construction and operational status of certain PLMR stations, involving approximately 420,000 call signs. As part of the audit, the Bureau sent letters to licensees inquiring about the construction and operational status of the subject call signs. The audit includes most PLMR Stations (radio services IG, YG, PW, YW) licensed on frequencies below 512 MHz that are subject to frequency coordination and rule-based construction and operational requirements. Part 90 of the Commission's rules governing PLMR facilities requires construction within a specified time and requires that stations remain operational in order for the FCC license to remain valid. Specifically, when a licensee fails to construct its authorized PLMR facilities within the requisite construction period or discontinues operation for a consecutive period of one year, the license cancels automatically and the licensee is required to notify the FCC.

2. The Bureau announced in two *Public Notices* earlier this year how it intended to handle both audit letters that were returned to the Commission as undeliverable and audit letters that were delivered but for which no response has been received by the Commission. Specifically, the FCC stated in these *Public Notices* that a failure to respond within the specified time frame would result in the licenses in question being deemed to have cancelled automatically. In regard to those licensees who have not responded to the audit, the Bureau stated that on February 27, 2004, it would send out a third and final letter. Licensees were given until March 31, 2004, to provide a response. In the case of undeliverable letters, the Bureau stated licensees had 30 days from publication of the *Public Notice* in the **Federal Register** to respond to avoid a presumption that the licenses have cancelled automatically.

3. The Bureau has not received a valid response within the specified time frame to any of the audit letters for the station licenses (call signs) that are set forth in Attachment A. Consequently, these station licenses have been deemed to have cancelled automatically pursuant to 47 CFR 90.155(a) or 90.157 of the Commission's rules as of the deadlines established in the February 9, 2004, *Public Notices.* Action will be taken in the Universal Licensing System (ULS) to reflect the termination of these licenses.

Once a license has been placed in terminated status in ULS, applicants may apply for frequency coordination and file an application with the Commission.

Federal Communications Commission.

D'wana R. Terry,

Chief, Public Safety and Critical Infrastructure Division, WTB.

BILLING CODE 6712–01–M

Attachment A

Callsign	Radio Service	Licensee	State
KA26590	IG	MDOI INC	TX
KA2774	PW	OXFORD, VILLAGE OF	MI
KA3917	IG	SCRANTON TIMES	PA
KA40009	IG	GADSDEN, CITY OF	AL
KA40058	IG	HOUMANN, JIM:HOUMANN, CHET	ND
KA42246	IG	HOUSTON FLEA MARKET INC	TX
KA42563	IG	MUIRFIELD VILLAGE GOLF CLUB	OH
KA4305	IG	CITY OF LOS ANGELES DEPARTMENT OF WATER & POWER	CA
KA43600	IG	SHAPLEY, CHARLES P	MO
KA48204	PW	PRESQUE ISLE, COUNTY OF	MI
KA52811	IG	R & R INDUSTRIES INC	MA
KA53323	IG	ELK RIDGE LOG INC	WA
KA53447	PW	PIERCE, TOWNSHIP OF	OH
KA53918	IG	B M I INC	MI
KA61058	IG	THISTLE, RONALD F	MA
KA62473	PW	KENTUCKY, COMMONWEALTH OF DBA KY EMERGENCY MANAGEMENT	KY
KA64283	IG	SAINT MARY MEDICAL CENTER	WA
KA64769	IG	SOUTHERN WAREHOUSING & DISTRIBUTION LTD	FL
KA65089	IG	DUN & BRADSTREET	NJ
KA65696	IG	PARSONS INFRASTRUCTURE & TECHNOLOGY GROUP	CA
KA66353	IG	BALTIMORE MARINE INDUSTRIES INC	MD
KA66406	IG	CAPITAL CITY PRESS INC	LA
KA6660	IG	CONDEA VISTA COMPANY	TX
KA67688	IG	METRO PAVING CO INC	MO
KA68194	IG	GARIBALDIS ENTERPRISES	CA
KA68357	IG	BUXTON OIL CO INC	NH
KA69713	IG	OBEC CONSULTING ENGINEERS	OR
KA7099	IG	Nine Mile Point Nuclear Station,LLC	MD
KA72901	IG	SCHINDLER ELEVATOR CORPORATION	NJ
KA72982	IG	THE PROMENADE	MD
KA73397	IG	MIDWEST SPEEDWAYS INC	WI
KA73546	IG	HERITAGE SQUARE	TX
KA78195	IG	SEAWAY FOOD TOWN INC	OH
KA78301	IG	Dresser, Inc.	TX
KA78325	IG	SCHINDLER ELEVATOR	NJ
KA96512	IG	PM REALTY GROUP	TX
KAA245	IG	YELLOW & CITY CAB CO	KS
KAD598	PW	RED OAK VETERINARY CLINIC	IA
KAE933	IG	FOODSERVICE MANAGEMENT GROUP INC	FL
KAG551	PW	COOK, RICHARD L	MO
KAH411	IG	MIKE HOPKINS DIST CO INC	TX
KAH535	PW	CEDAR RAPIDS, CITY OF	IA
KAJ418	IG	KOPSA, LEO E	IA
KAM394	IG	CROOKSTON IMPLEMENT CO INC	MN
KAM826	IG	AIRGAS SOUTHWEST INC	TX
KAM951	IG	TERRA INTERNATIONAL INC	IA
KAM983	IG	RAY KREBSBACH & SONS	IA
KAN247	IG	BROCE CONSTRUCTION CO INC	KS
KAN892	PW	HIAWATHA, CITY OF	KS
KAO274	IG	MALINE, THOMAS G	NE
KAP406	IG	DYNEGY IT INC	TX
KAP554	IG	AWARE OPERATING SERVICES INC	TX
KAQ533	PW	CALIFORNIA, STATE OF	CA
KAQ708	PW	PENNSYLVANIA, COMMONWEALTH OF	PA
KAR785	PW	PIMA, COUNTY OF	AZ
KAS233	IG	D CHAMPINEY CONSTRUCTION INC	MA
KAS553	IG	EVANSTON TWP HIGH SCHOOL DISTRICT 202	IL
KAS626	PW	UNIVERSITY OF PUERTO RICO	PR
KAS928	IG	CULVER FARMS INC	NY
KAS947	IG	PARIS AND SONS INC	IA
KAV501	PW	CALIFORNIA, STATE OF	CA
KAV709	PW	YORKFIELD FIRE PROTECTION DISTRICT	IL
KAW704	IG	LEISURE POOLS INC	MA
KAY533	PW	LOS ANGELES, CITY OF	CA
KB24004	IG	GALDE, DARRELL O	TN
KB24008	IG	HILLTOP EAST WEST	NY
KB25632	IG	WASHINGTON ATHLETIC CLUB	WA
KB2833	IG	SCHOOL CITY OF HOBART	CA
KB29032	IG	BASSETT HIGH SCHOOL	VA
KB2932	IG	HERTZ CORP	NY

		CORPORATION	
KA78367	IG	LIVERMORE VALLEY UNIFIED SCHOOL DISTRICT	CA
KA79058	PW	LOUISIANA, STATE OF	LA
KA80526	IG	WILEY & ASSOCIATES INC	AZ
KA81486	IG	DISNEYLAND RESORT	CA
KA84059	IG	CLIFFWOOD PRODUCTION CO	TX
KA84738	IG	M & E PACIFIC INC	HI
KA86787	IG	CHAMBERLAIN HIGH SCHOOL	FL
KA87273	IG	ST LUCIE CATHOLIC CHURCH	FL
KA87736	PW	PUERTO RICO, COMMONWEALTH OF	PR
KA87881	PW	KENTUCKY, COMMONWEALTH OF	KY
KA89316	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
KA91056	IG	METHODIST HOSPITAL	TX
KA92586	IG	RUARCH ASSOCIATES LLC	VA
KA95595	IG	MIDTOWN MOTOR INN CORP	MA
KA95997	PW	BREITING, TOWNSHIP OF	MN
Callsign	Radio Service	Licensee	State
KB46867	IG	AUTOMATED OIL PRODUCTIONS INC	TX
KB46873	IG	GATX TERMINALS	WA
KB47851	IG	RITANGELA CONSTRUCTION CORP	NY
KB47900	IG	J A YANSICK LUMBER CO INC	NY
KB48594	IG	KELLOGG SUPPLY INC	CA
KB48615	IG	REDMAN HOMES INC	FL
KB49450	IG	BRUSATE, WAYNE	MI
KB49592	IG	THE WATERFORD	CO
KB50463	IG	PIEDMONT AVIATION SERVICES INC	VA
KB50477	IG	BON MARCHE	WA
KB50979	IG	DUPAGE COUNTY FAIR ASSOCIATION	IL
KB51417	IG	NEAL FRENCH FARMS INC	AR
KB52387	IG	PRESTON TRUCKING CO INC	MD
KB52871	IG	CONAGRA INC	IL
KB52966	IG	LYDA INC	TX
KB53564	IG	CHARTER PLAINS HOSPITAL	TX
KB54211	IG	FREDERICK, RICHARD	OH
KB54228	IG	WEITZ COMPANY	IA
KB54818	IG	HALL ENGINEERING COMPANY	MI
KB60545	IG	CLINES LANDING	TX

KB29461	IG	MITCHELL COLLEGE	CT
KB30042	IG	NEWMAN, CITY OF	IL
KB30787	IG	COMMUTER TRANSPORTATION COMPANY DBA COMMUTER EXPRESS	MI
KB31749	IG	CALGON CHEMICALS	TX
KB35440	IG	1350 ALA MOANA BLVD	HI
KB35567	IG	BRINK MARINI TRUCKING INC	CA
KB37095	IG	RAY A SCHOPPERT LOGGING INC	OR
KB37756	IG	TREBOR MANAGEMENT CORP	NY
KB38925	IG	SUPERIOR CONCRETE PIPE CORP	OH
KB41208	PW	FRANKLIN, CITY OF	OH
KB41393	IG	EGLESTON CHILDRENS HOSPITAL	GA
KB41640	IG	MAC DERMID IMAGING TECHNOLOGY INC	DE
KB42425	IG	BOSTON UNIVERSITY MEDICAL CENTER	MA
KB42856	PW	WESTMORELAND, TOWN OF	NH
KB45352	IG	OWENS ILLINOIS INC	CA
Callsign	Radio Service	Licensee	State
KB64591	IG	STEVEDORING SERVICES OF AMERICA	WA
KB64812	IG	MOSS REALTY INC	PA
KB64999	IG	SONOCO PRODUCTS CO	IN
KB65125	IG	GALES VILLAGE SUPERMARKET	OH
KB65318	IG	SAINT ROSE OF LIMA CHURCH	TX
KB65341	IG	NAPCO PLASTICS	OH
KB65389	IG	GRANATO FARMS	TX
KB65396	IG	POMPANO AEGEAN CONDOMINIUM ASSOC INC	FL
KB65682	IG	SCHINDLER ELEVATOR CORPORATION	NJ
KB65806	IG	POWERBRACE CORPORATION	WI
KB65907	IG	FREEMAN, DAVID	NY
KB65916	IG	CARRIAGE INDUSTRIES INC	GA
KB66045	IG	PROVINCIAL TOWERS INC	PA
KB66157	PW	CUYUNA, CITY OF	MN
KB66165	IG	MERCY HOSPITAL	CA
KB66326	IG	IMPERIAL GROUP	TN
KB66456	IG	LUCAS WESTERN INC DBA LUCAS AEROSPACE CARGO SYSTEMS	GA
KB66569	IG	JOE VAN FOODS INC	IA
KB66637	IG	COATS AMERICAN	GA
KB66755	IG	SHOW MANAGEMENT	FL

		ASSOCIATION	
KB61051	PW	COOK, COUNTY OF	IL
KB61093	IG	DISTINCTIVE PALMS NURSERIES INC	FL
KB61152	IG	FABRICUT CORPORATION	OK
KB61174	IG	GREATER CIN HZRDS MTRLS CTRL COMM INC	OH
KB61343	IG	C K NEWCOMB & ASSOCIATES	OH
KB61521	IG	HERTZ CORP	NY
KB6158	PW	GREATER LAWRENCE SANITARY DISTRICT	MA
KB61832	PW	NORRISTOWN VOLUNTEER FIRE DEPARTMENT	PA
KB61867	IG	BALTIMORE MARINE INDUSTRIES INC	MD
KB62056	IG	CHIRIGOS, NICK	PA
KB62079	IG	LESSNER ELECTRIC CORP	NJ
KB62111	IG	SWANTON SUPER VALU	OH
KB62181	IG	THIRD & OAK CORPORATION DBA TREYTON OAK TOWERS	KY
KB62189	IG	RACON INC	WA
KB62407	IG	BRIDGESTONE FIRESTONE INC	OH
KB62532	IG	ST LOUIS CARDINALS LP	MO
KB62681	IG	JUSTIN SIENA HIGH SCHOOL	CA
KB62696	IG	HOPKINS, ALAN L	MD
KB62768	PW	EMMETT RESCUE SQUAD INC	MI
KB62900	IG	HERMES ABRASIVES LTD	VA
KB63021	IG	CHEFF, ED	MT
KB63037	IG	CITY LIQUIDATORS	OR
KB63046	IG	FRIENDSHIP HOUSE INC	IN
KB63152	IG	NATIONAL CAR RENTAL	WA
KB63204	IG	BUFFALO SHEET METALS INC	NY
KB63654	IG	BASHFORD MANOR MALL	KY
KB6371	IG	SCHINDLER ELEVATOR CORP	NJ
KB64361	IG	WESTINGHOUSE ELECTRIC CO LLC	PA
KB64462	IG	MEAD COATED BOARD MEAD SOUTHERN WOOD PRODUCTS	AL
KB64558	IG	CROSS KEYS MAINTENANCE CORP	MD
KB64582	IG	GIBRALTAR MANAGEMENT CO INC	NY
Callsign	Radio Service	Licensee	State
KB71792	IG	MONTGOMERY ISLAND TIMBER CO INC	MS

KB66779	IG	SIPPICAN OCEAN SYSTEMS INC	MA
KB66932	IG	BRECKENRIDGE ON THE LAKE	MO
KB66956	IG	FAST FORWARD SECURITY INC	NJ
KB66999	IG	MAMMOTH UNIFIED SCHOOL DISTRICT	CA
KB67143	IG	REXAM METALLIZING	TN
KB67324	IG	PHYSICAL DISTRIBUTION SERVICE INC	CA
KB67492	IG	LAKE REGION GRAIN COOPERATIVE	ND
KB67632	IG	LITTLETON HIGH SCHOOL	CO
KB67659	IG	MUNDY CONTRACT MAINTENANCE INC	TX
KB67897	IG	ATLAS IRON PROCESSORS INC	OH
KB67911	IG	ATTITASH ALPINE EUDCATIONAL FOUNDATION	MA
KB68071	IG	RENO AIR RACING ASSOCIATION INC	NV
KB68224	IG	EKCO HOUSEWARES INC	IL
KB68515	PW	LAWRENCE MUNICIPAL AIRPORT	MA
KB6880	IG	COPPERWELD CORP	IL
KB68809	IG	REYNOLDS METALS COMPANY	VA
KB68916	IG	FLUSHING HOUSE	NY
KB69279	IG	MARTIKI COAL CORPORATION	KY
KB69312	IG	MCDONALDS OF WOLF ROAD	NY
KB69515	IG	NEGWER MATERIAL CO	MO
KB69708	IG	SCHEEL UNLIMITED	TX
KB69861	IG	MID OHIO CONTRACTING	OH
KB69976	IG	AUTO PLACEMENT CENTER	NH
KB70167	IG	AMERICAN STOCK EXCHANGE	NY
KB70377	IG	UNITED DEFENSE L P	AL
KB70813	IG	DALLAS ATHLETIC COUNTRY CLUB	TX
KB70941	IG	HPM CORPORATION	OH
KB70950	IG	FISHER SCIENTIFIC COMPANY	NJ
KB71362	IG	LOPEZ LAKE MARINA	CA
KB71470	IG	ANGIEL ELECTRICAL CONTRACTORS	TX
KB71515	IG	GOLF O RAMA CORP	NH
Callsign	Radio Service	Licensee	State
KB80329	IG	BON MARCHE	WA

KB71840	IG	HACKETT, RUSSELL H	NC
KB71905	IG	WINTER HAVEN HOSPITAL INC	FL
KB72258	IG	CELLAR DOOR PRODUCTIONS OF VA INC	VA
KB72269	IG	PROTECTORS PRIVATE SECURITY SERVICES INC	NJ
KB72604	IG	SMITH, ALAN P	SC
KB72620	IG	PCS PHOSPHATE	NC
KB72667	IG	PAYLESS CASHWAYS INC	TX
KB73063	IG	NORTHERN AMERICAN MORTGAGE CO	CA
KB73269	IG	JOSEPH CAMPBELL COMPANY	TX
KB73463	IG	STANADYNE DIESEL SYSTEMS	DC
KB73484	IG	SIKESTON PUBLIC SCHOOLS	MO
KB73750	IG	KUPERAVAGE, JOE	PA
KB73905	IG	HOLIDAY INN	IL
KB74040	IG	POMERADO HOSPITAL	CA
KB74266	IG	GOODWIN, JOHN A	MA
KB74280	IG	G C G C FAIR CORP	MD
KB74440	IG	PPV INC	NC
KB74592	IG	OERTHER FOODS INC	FL
KB74596	IG	OERTHER FOODS INC	FL
KB74666	IG	POLO RALPH LAUREN INC	NY
KB74867	IG	LSI LOGIC CORPORATION	CA
KB75302	IG	SEVENTH WONG CORP	NY
KB75568	IG	MC DONALDS RESTAURANT 06099	MA
KB75592	IG	ORE IDA FOODS	ID
KB75727	IG	LACEY TOWNSHIP HIGH SCHOOL	NJ
KB75821	IG	M H TECHNOLOGIES	TX
KB76057	IG	PILGRIM INDUSTRIES INC	TX
KB76133	IG	NORTH FULTON REGIONAL HOSPTIAL	GA
KB76722	IG	SAVANNAH CORP	KY
KB76724	IG	ODESSA CORP	WV
KB76759	IG	MC DONALDS CORPORATION	UT
KB76922	IG	COLORADO STATE BANK	CO
KB76969	IG	MC DONALDS CORPORATION	TX
KB77040	IG	STONERIDGE COUNTRY CLUB	CA
KB77052	IG	400 MONROE ASSOCIATES	MI
KB77062	IG	COUNTRY CLUB OF	FL
KB80785	IG	REFCO INC	IL
KB80790	IG	UNITED DEFENSE GROUND SYSTEMS	PA
KB80979	IG	JOHN C TOMBARELLO & SONS INC	MA
KB81373	IG	PORT JEFFERSON SECURITY SERVICES	NY
KB81737	IG	BALTIMORE MARINE INDUSTRIES INC	MD
KB81911	IG	REYNOLDS METALS CO	WA
KB82701	IG	THERMO ELECTRON CORPORATION	FL
KB82728	IG	SPANISH OAKS SECURITY	NV
KB83213	IG	HOLIDAY INN OF TERRE HAUTE	IN
KB83846	IG	FAIRVIEW SOUTHDALE HOSPITAL	MN
KB83869	IG	Dresser, Inc.	TX
KB84042	IG	KROESCHELL ENGINEERING CO	IL
KB84195	IG	COLD SPRING GRANITE CO	NY
KB84990	IG	MIDAS INTERNATIONAL	IL
KB85933	IG	CAMBRIDGE PARK APTS	OH
KB86221	IG	UNION CAMP CORP	NJ
KB86774	IG	RYOBI DIE CASTING (USA), INC.	IN
KB86794	IG	COMSEC SYSTEMS OF NORTHERN NEW ENGLAND DBA EASTERN SECURITY SYSTEMS	CT
KB87133	IG	VANOVER, ELDON:WALSH, JACK:ROSA, JOE DBA PARK HAVEN APARTMENTS	CA
KB87982	IG	REDLEY ENTERPRISES	WA
KB88038	IG	COURTYARD BY MARRIOTT	VA
KB88173	PW	NORTHEAST STATE TECHNICAL COMMUNITY COLLEGE	TN
KB88324	IG	ECONO RAIL CORPORATION	TX
KB88525	IG	BALTIMORE MARINE INDUSTRIES INC	MD
KB88656	IG	BOR SON CONSTRUCTION INC	MN
KB88853	IG	CALVARY TEMPLE	TX
KB89870	IG	HOLLYWOOD MOBILE ESTATES	FL
KB91014	IG	NATIONAL HERITAGE INSURANCE	TX
KB91045	IG	WINDEMULLER ELECTRIC INC	MI
KB91275	IG	RESPONDEK Railroad Corp	IL
KB91284	IG	SCHINDLER ELEVATOR CORP	NJ
KB91885	IG	WESTLAKE POLYMERS CORPORATION	LA
KB92043	IG	Mukluk Telephone Company, Inc.	AK
KB92460	IG	YACHT AND RACQUET CLUB INC	FL
KB92571	IG	AMTRAN CORP	AR
KB92593	IG	TAMBRANDS INC	ME

		SARASOTA HOMEOWNERS ASSOCIATION INC	
KB77069	IG	WESTERN RESERVE ACADEMY	OH
KB77428	IG	TROPICANA INC	FL
KB77434	IG	PEMBROKE SQUARE ASSOCIATES	VA
KB77476	IG	G M ASSOCIATES INC	CA
KB77602	IG	PROSPERITY FOODS CORP	MN
KB77634	IG	LUNKEN AIR PARK INC	OH
KB77726	IG	UNIVERSITY OF NORTHERN COLORADO	CO
KB78272	IG	KENMORE WEST SENIOR HIGH SCHOOL	NY
KB78274	IG	Petersburg Hospital Company, LLC	TN
KB78366	IG	QUALITY INN	LA
KB78423	IG	GLEN COVE CITY SCHOOL DISTRICT	NY
KB79237	IG	VINFRED INTERIOR SYSTEMS CO INC	PA
KB79457	IG	KENTUCKY EASTER SEAL SOCIETY	KY
KB79790	IG	BURKICK INC	WI
Callsign	Radio Service	Licensee	State
KB94155	IG	Mukluk Telephone Company, Inc.	AK
KB94486	IG	MAZDA MOTORS OF AMERICA INC	CA
KB94494	IG	DORAL INN	NY
KB94919	PW	BRISTOL RESCUE SQUAD INC	VT
KB95176	IG	GENNAROS RESTAURANT	IL
KB95486	IG	BESSEMER, CITY OF	AL
KB95981	PW	ARIZONA, STATE OF	AZ
KBA879	PW	DISTRICT OF COLUMBIA GOVERNMENT	DC
KBA969	IG	PAGE AVJET CORPORATION	DC
KBB566	IG	ERNST, MATTHEW J DBA MATTS SERVICE CENTER	NY
KBC724	IG	RUSSELL MEDICAL CENTER	AL
KBD73	PW	JEFFERSON, COUNTY OF	AL
KBD995	IG	WHITESEL BROTHERS INC	VA
KBE679	IG	ZARSKY LUMBER CO INC	TX
KBF42	PW	DISTRICT OF COLUMBIA GOVERNMENT	DC
KBF466	PW	HOUSING AUTHORITY OF ST LANDRY PARISH	LA
KBH371	PW	CALIFORNIA, STATE OF	CA
KBH595	IG	TORRES, JOHN C:TORRES, MACARIA DBA CITY TAXI	NM
KBH643	PW	DISTRICT OF COLUMBIA GOVERNMENT	DC
KBH664	IG	CHARLES WRIGHT CO INC	NM

KB92755	IG	DOSS CONSTRUCTIVE IDEAS INC	TN
KB93365	IG	SCRIPPS MEMORIAL HOSPITAL	CA
KB93634	IG	WALLACE H CAMPBELL & CO INC	MD
KB93778	PW	INDIAN RIVER, COUNTY OF	FL
KB93953	IG	Mukluk Telephone Company, Inc.	AK
KB93954	IG	Mukluk Telephone Company, Inc.	AK
KB93955	IG	Mukluk Telephone Company, Inc.	AK
KB93956	IG	Mukluk Telephone Company, Inc.	AK
KB93957	IG	Mukluk Telephone Company, Inc.	AK
KB93958	IG	Mukluk Telephone Company, Inc.	AK
KB93961	IG	Mukluk Telephone Company, Inc.	AK
KB93973	IG	Mukluk Telephone Company, Inc.	AK
KB93974	IG	Mukluk Telephone Company, Inc.	AK
KB94136	IG	ARMY DISTAFF FOUNDATION INC	DC
Callsign	Radio Service	Licensee	State
KCK440	IG	TALLADEGA, CITY OF	AL
KCL517	PW	CALIFORNIA, STATE OF	CA
KCP924	IG	SLICK CONSTRUCTION CO INC	LA
KCP964	IG	MC CRAVEN, GLADYS	AL
KCQ335	IG	PLUMMERS OIL SERVICE INC	MA
KCQ372	PW	Laidlaw Transit, Inc.	NY
KCQ687	IG	SKIP CONVERSE INC	LA
KCQ756	IG	SHERARD IV, JOHN H	MS
KCS730	IG	METROPOLITAN TOW SERVICE	PR
KCU449	IG	SRONCE AUTOMOTIVE SUPPLY INC	NC
KCU85	PW	KING, COUNTY OF	WA
KCU88	PW	KING, COUNTY OF	WA
KCW496	IG	JENKINS, EARL E	IN
KCZ886	PW	SOUTHLAND LIFEFLEET AMBULANCE SERVICE	CA
KD20094	IG	THOMAS STEEL COMPANY	OH
KD20337	IG	MARRIOTT CORPORATION	OH
KD20746	IG	STRUTT, EDWARD C	CA
KD21197	IG	NATIONAL METALS COMPANY	AZ
KD21352	IG	WALKER, ALLAN	SC
KD21568	IG	MC CAMM MANAGEMENT CO DBA	MO

KBJ531	IG	SAIA PLUMBING & HEATING INC	MD
KBK313	IG	NORRIS, JOE DBA AUGUSTA MUSIC SERVICE & BILLIARD SUPPLY INC	GA
KBK632	IG	JONESCO ELEVATOR INC	OH
KBK775	IG	BUSH JR, ASHLEY O	SC
KBK983	PW	FAIRVIEW FIRE PROTECTION DISTRICT	IL
KBL480	IG	G & E GODING & SONS INC	ME
KBL481	IG	WENATCHEE SAND & GRAVEL INC	WA
KBM217	IG	PAVING ENTERPRISES INC	NC
KBM535	IG	TRIMM HEATING & AIR CONDITIONING INC	FL
KBO744	YG	UNITED AIRLINES, INC.	MD
KBQ203	PW	HERTFORD, COUNTY OF	NC
KBQ830	IG	HILLS TIRE AND SUPPLY INC	SD
KBT579	PW	CALIFORNIA, STATE OF	CA
KBU568	IG	CLARION LEDGER	MS
KBV710	IG	SUPREME RADIATOR AND BODY CO	IL
KBY409	IG	DELLITT TRUCKING INC	IL
KBZ937	PW	KANSAS CITY, CITY OF	KS
KBZ947	PW	WEST CHESTER, BOROUGH OF	PA
KC3258	PW	LOS ANGELES, CITY OF	CA
KC3897	PW	ROBBINS HOSE CO 1 INC	DE
KC3977	PW	LAKE, COUNTY OF	OH
KC4103	PW	LOS ANGELES, CITY OF	CA
KC4340	IG	CROUSE CARTAGE COMPANY	KS
KC7442	PW	LOS ANGELES, CITY OF	CA
KC7680	PW	PIKE, COUNTY OF	KY
KC8701	IG	CRANBERRY PIPELINE CORPORATION	PA
KCC340	PW	BELLOWS FALLS, VILLAGE OF	VT
KCC892	IG	IRVING WOODLANDS LLC	ME
KCF304	IG	FOCHTMANN CONTRACTING	IL
KCF668	IG	TRANBARGER, JOHN R	MO
KCJ708	IG	GLENBROOK SQUARE MALL	IN
Callsign	Radio Service	Licensee	State
KD40283	IG	TIMBER CREEK NURSERY INC	IL

		MC DONALDS	
KD22476	IG	COURTYARD BY MARRIOTT DOWNTOWN	IN
KD22541	IG	CANAL CENTER PROPERTIES INC	VA
KD22575	IG	CANADIAN PACIFIC LIMITED	ME
KD22612	IG	BRACHS CONFECTIONS INC	TN
KD22823	IG	STATE MARKET	CA
KD24082	IG	FREMONT CHRISTIAN SCHOOLS	CA
KD25125	IG	GRACE TEMPLE CHURCH OF GOD IN CHRIST	WI
KD25963	IG	CYPRESS SEMICONDUCTOR CORPORATION	CA
KD26050	IG	ROYSTER CLARK INC	NC
KD26547	PW	SOUTH CAROLINA, STATE OF	SC
KD27014	IG	BALTUSROL GOLF CLUB	NJ
KD27035	IG	UNIMIN CORPORATION	WI
KD28129	IG	SCHINDLER ELEVATOR CORP DBA SCHINDLER ELEVATOR CORP	NJ
KD2848	PW	KING, COUNTY OF	WA
KD28936	IG	W A R MANAGEMENT SERVICES CO DBA MC DONALDS RESTAURANT	OH
KD29105	IG	DELAWARE VALLEY MEDICAL CENTER	PA
KD29106	IG	LATROBE AREA HOSPITAL	PA
KD31321	IG	SUN NURSERIES INC	MD
KD34621	PW	PHILADELPHIA, CITY OF	MS
KD34908	IG	LEISURE TIME RESORT	WA
KD36485	IG	MC WHORTER TECHNOLOGIES INC	IL
KD37018	IG	DRUM SERVICE CO OF FLORIDA	FL
KD38244	IG	PARAMOUNT GROUP INC	NY
KD38398	PW	WESTTOWN EAST GOSHEN, TOWNSHIP OF	PA
KD38651	IG	CAMPBELL SUPPLY COMPANY	SD
KD38800	IG	SAFEWAY WAREHOUSE INC	WA
KD39200	PW	LAKE COUNTY MEMORIAL HOSPITALS	OH
KD39310	IG	JUNIPER DAIRY FARMS INC	ID
KD39672	PW	MISSOURI, STATE OF	MO
KD40040	IG	BAPTIST GENERAL CONVENTION OF TEXAS	TX
KD40073	IG	POUGHKEEPSIE NEWSPAPERS INC	NY
Callsign	Radio Service	Licensee	State
KD43290	IG	CKB INC DBA MC DONALDS 7542	FL

KD40342	IG	GENERAL SHALE WEBSTER INC	VA
KD40605	IG	CRSI INC	VA
KD40689	IG	SHEMON, GARY	MN
KD40697	IG	DOOTSON DIAL A RIDE	CA
KD40743	IG	WYMOND, GIL	CA
KD40899	IG	NORTHWEST SURVEYING	AZ
KD41076	IG	H H ELECTRIC	HI
KD41083	IG	JONES STEVEDORING COMPANY	WA
KD41197	IG	SCRIVNER OF NEW YORK INC	NY
KD41254	IG	ALLANBANK FARM & NURSERY	MD
KD41328	IG	NATIONAL SURFACE CLEANING	MN
KD4139	IG	EVERGREEN PARK TWEEN CLUB	IL
KD41479	IG	A H ANGERSTEIN INC	DE
KD41666	IG	MILLVILLE MOTOR INN	NJ
KD41690	IG	PEACH STATE HOMES INC	GA
KD41694	IG	PEPSI COLA BOTTLING COMPANY OF NEW YORK INC	NY
KD41709	IG	SOUTHWEST ELEMENTARY SCHOOL	NC
KD41816	IG	PRECISION TRUSS SYSTEMS INC	IN
KD41861	IG	PHOENIX AIRPORT HILTON	AZ
KD41929	IG	SCHWABACHER, JACK	CA
KD42066	IG	WHATABURGER WAB 321	TX
KD42068	IG	WHATABURGER	TX
KD42081	IG	YAZOO SUPER VALU	MS
KD42112	IG	UNITED WAY OF GREATER ST LOUIS INC	MO
KD42257	IG	L P S ENTERPRISES OF NEW YORK LTD	NY
KD42263	IG	FIRST CHRISTIAN CHURCH	CA
KD42282	IG	SUMMERTREE VILLAGE	FL
KD42310	IG	MORGAN GUARANTY TRUST CO OF NEW YORK	NY
KD42453	IG	CKB INC DBA MC DONALDS 6838	FL
KD42481	IG	WALKER MANUFACTURING COMPANY	MS
KD42542	IG	FASSON	IN
KD42653	IG	JOHNSON COUNTY ALARM SYSTEMS INC	KS
KD42672	IG	HAUGEN, LOREN	MT
KD42733	IG	MALCO INC	NV
KD42745	IG	HEINZ PET PRODUCT	TX
KD42750	IG	41 STATE LLC	NY
KD42765	IG	MINIKEL, JAMES	CA
KD42866	IG	CAMDEN COUNTY	NJ

KD43310	IG	LAWRENCE MEMORIAL HOSPITAL	KS
KD43417	IG	TRIPOLI COUNTRY CLUB	WI
KD43503	IG	HILL PLANTING CO	MS
KD43562	IG	CHF FOOD SYSTEMS INC	IN
KD43574	IG	Hardee's Food Systems Inc	CA
KD43611	IG	MEADOWCRAFT INC	AZ
KD43683	IG	KRYSTAL COMPANY	TN
KD43687	IG	KRYSTAL COMPANY	TN
KD43691	IG	KRYSTAL COMPANY	TN
KD43695	IG	KRYSTAL COMPANY	TN
KD43699	IG	KRYSTAL COMPANY	TN
KD43783	IG	BORMEC INC	CA
KD43823	IG	SHORE MALL ASSOCIATES LP	NJ
KD43894	IG	NORTH BEND THRIFTWAY	WA
KD43961	IG	NW SCHOOL OF SURVIVAL	OR
KD43968	IG	KRYSTAL COMPANY	TN
KD43972	IG	KRYSTAL RESTAURANT	TN
KD43976	IG	KRYSTAL COMPANY	TN
KD44005	IG	KRYSTAL COMPANY	TN
KD44103	IG	GULF STATES MARINE TERMINAL	LA
KD44108	IG	FAIRMONT GENERAL HOSPITAL	WV
KD44120	IG	DOETSCH INDUSTRIAL SERVICES	MI
KD44374	IG	UMATILLA ELEMENTARY SCHOOL	FL
KD44503	IG	RIUTEL ORLANDO INC DBA RIU ORLANDO HOTEL	FL
KD44516	IG	MARRIOTT CORPORATION	DC
KD44538	IG	SANTA MARGARITA CATHOLIC HIGH SCHOOL	CA
KD44541	IG	SUBURBAN GOLF COURSE	NJ
KD44579	PW	WESTFIELD FIRE DEPARTMENT	OH
KD44617	IG	OCCIDENTAL COMMUNITY SERVICES DISTRICT	CA
KD44624	IG	ENID SPEEDWAY INC	OK
KD44658	IG	BHT INC DBA MC DONALDS 10960	NC
KD44746	IG	GENERAL FOAM CORPORATION	NJ
KD44809	IG	SUNSHINE FOOD STORE	SD
KD44890	IG	KRYSTAL COMPANY	TN
KD45104	IG	STRATA INC	WA
KD45139	IG	GULFSTREAM WEST INC	KS
KD45161	IG	PORTER PAINT COMPANY INC	KY
KD45281	IG	KRYSTAL COMPANY	TN

		COLLEGE	
KD42909	IG	RJKE CO	MA
KD42969	IG	TECHNOLOGIES MANAGEMENT SERVICES INC DBA S&R TELEPHONE AND DATA	WI
KD42988	IG	SAGE OFFICE MANAGEMENT CORP	PA
KD43084	IG	COMFORT INN	FL
KD43115	IG	UNION CAMP CORPORATION	GA
KD43116	IG	UNION CAMP CORPORATION	GA
KD43148	IG	BAYOUS SEAFOOD RESTAURANT	TX
KD43156	IG	LA SIERRA TAQUERIA	CA
KD43180	IG	PALUBICKIS INC	MN
KD43193	IG	IROQUOIS PROPERTIES	PA
KD43238	IG	KLS MANAGEMENT GROUP INC DBA GIVORNS FOOD	AL
KD43281	IG	SATIN AMERICAN CORPORATION	CT
Callsign	Radio Service	Licensee	State
KD45987	IG	LANDMARK FOODS SUPER VALU	NM
KD46034	IG	DIAMOND GUS ENTERPRISES INC	MN
KD46041	IG	AES CREATIVE RESOURCES LP	NY
KD46125	IG	BIG APPLE FOOD WAREHOUSE	OR
KD46192	IG	PORTSMOUTH GENERAL HOSPITAL	VA
KD46239	IG	KRYSTAL COMPANY	TN
KD46240	IG	KRYSTAL COMPANY	TN
KD46259	IG	MOTHERS MARKET & KITCHEN NEWLAND CENTER	CA
KD46295	IG	EVEREADY BATTERY CO INC	NC
KD46380	IG	G E TRANSPORTATION SYSTEMS	CA
KD46465	IG	OHIO UNIVERSITY DEPT OF INDUSTRIAL TECHNOLOGY	OH
KD46551	IG	HOTEL ST MORITZ	NY
KD46554	IG	BRONSONS SUPER VALU INC	ND
KD46594	IG	Northrop Grumman Systems Corporation	DC
KD46660	IG	BICKERS METAL PRODUCTS INC	OH
KD46737	IG	MITSUBISHI MOTORS AMERICA INC	CA
KD46831	IG	KENTUCKY FRIED CHICKEN	MI
KD46836	IG	MARSHALL REGIONAL MEDICAL CENTER	TX

KD45282	IG	KRYSTAL COMPANY	TN
KD45283	IG	KRYSTAL COMPANY	TN
KD45292	IG	BURROUGHS, ROBERT H	FL
KD45380	IG	GREENDALE PUBLIC SCHOOLS	WI
KD45438	IG	KILGORE HARDWARE AND BUILDING SUPPLY INC	AL
KD45478	IG	KRAMER MARKET INC	WI
KD45596	IG	RAMADA INN OF SHREVEPORT	LA
KD45617	IG	HARDEES	IN
KD45653	IG	RAYS SUPERTHRIFT	OK
KD45677	IG	CITY MILL CO LTD	HI
KD45742	IG	KELLOGG COMPANY	TN
KD45894	IG	NORTH CENTRAL SPEEDWAY	MN
Callsign	Radio Service	Licensee	State
KD49593	IG	BETHANY COMMUNITY CHURCH	AZ
KD49640	IG	36 SOUTH STATE STREET BUILDING	IL
KD49741	IG	DAN INC	WA
KD49747	IG	TOWNSENDS INC	DE
KD49763	IG	SHASTA PAPER COMPANY	CA
KD49775	IG	WICACHO WARNER CENTER INC DBA WARNER CENTER HILTON	CA
KD49855	IG	MADISON CABLE CORPORATION	MA
KD49891	IG	HAMILTON SE HIGH SCHOOLS	IN
KD49902	IG	DELTA HOTELS INTERNATIONAL INC DBA DELTA COURT OF FLAGS	FL
KD49950	IG	AMERICAN CRYSTAL SUGAR COMPANY	ND
KD50056	IG	DOOTSON TRANSIT SERVICES LLC DBA DOOTSON DIAL A RIDE	CA
KD50186	IG	SURE WAY STORES INC	WI
KD50325	IG	PETERSEN ELECTRIC UNLIMITED INC	MN
KD50337	IG	ST CHRISTOPHERS HOSPITAL FOR CHILDREN	PA
KD50665	IG	HICKORY RIDGE CONFERENCE CENTER	IL
KD50667	IG	BETZDEARBORN INC	PA
KD50890	IG	ST MORITZ	NY
KD50957	PW	BROOMFIELD EMERGENCY AMBULANCE SERVICE	CO

KD46850	IG	KRYSTAL COMPANY	TN
KD46865	IG	DAIRYLAND SEED CO INC	WI
KD46889	IG	COPPERWELD CORP	IL
KD46939	IG	SYSTECH ENVIRONMENTAL CORPORATION	KS
KD46948	IG	BRUNOS INC	AL
KD47144	IG	PROFESSIONALS DETECTIVE AGENCY INC	IL
KD47204	IG	HORKLEY, ROBERT J	ID
KD47214	IG	AMERICAN DYNAMICS GROUP INC	GA
KD47368	IG	LANDSCAPE NURSERY INC	FL
KD47376	IG	CYPRESS CHASE NORTH PROPERTY OWNERS ASSOCIATION INC	FL
KD47484	IG	PORTSMOUTH RIVER DAYS INC	OH
KD47772	IG	TCTS	NC
KD47966	IG	YORKTOWN HIGH SCHOOL	IN
KD47975	IG	HENRIETTA EGLESTON HOSPITAL	GA
KD48042	IG	WERTMAN, DONALD J	MI
KD48087	IG	STAMBAUGHS AIR SERVICE	PA
KD48257	IG	GOOD SAMARITAN CEDAR LODGE INC	AR
KD48258	IG	TRIANGLE PARKING SECURITY & TRAM COMPANY	NC
KD48349	IG	DON KEHN CONSTRUCTION INC	CO
KD48477	IG	SUNNYLAND INC	GA
KD48528	IG	PEP BOYS	NJ
KD48549	IG	TECHNOCAST INC	OH
KD48690	IG	MOORE COUNTY SCHOOLS	NC
KD48778	IG	HICKORY RIDGE CONFERENCE CENTER	IL
KD48823	IG	CARLANA INC DBA MC DONALDS	CA
KD48968	IG	M & M SPECIALTIES INC	LA
KD48998	PW	LINDEN, CITY OF	TN
KD49273	IG	VEF II LLC	AZ
KD49278	IG	HAMM, LAMERLE	AL
KD49358	IG	ST JOHN OF GOD NURSING HOSPITAL	CA
KD49376	IG	MEADE, KATHRYN A	MT
KD49410	IG	CAPITOL CITY STEEL CO INC	TX
KD49487	IG	ATLAS LEDERER COMPANY	OH
Callsign	Radio Service	Licensee	State
KD53506	IG	SAN GABRIEL VALLEY SURGERY CENTER	CA
KD53509	IG	Kaiser Foundation Health Plan, Inc.	CA
KD53824	IG	SUNDOWNER HOTEL & INC	NV
KD50986	IG	WYNDAM HOTEL	TX
KD51102	IG	ERIE PLASTICS	PA
KD51119	IG	EAST BROTHER LIGHT STATION INC	CA
KD51158	IG	METRO CATHOLIC PARISH SCHOOL	OH
KD51420	IG	LIBERTY MARKET	FL
KD51436	IG	INTERNATIONAL PAPER COMPANY	MS
KD51507	IG	TELDATA CORPORATION	TN
KD51583	IG	LIBERTY HALL JOINT VENTURE	NJ
KD51623	IG	INTERSTATE ELECTRONICS CORPORATION	CA
KD51665	IG	AMERICAN CORRUGATED PRODUCTS	OH
KD51713	IG	LEATHER CENTER	TX
KD51793	IG	SADDLEBACK COLLEGE	CA
KD51831	IG	PRESIDENTIAL TOWERS ASSOCIATES	FL
KD52023	IG	EDGEWATER MEDICAL CENTER	IL
KD52037	IG	MIDTOWN PLUMBERS INC	FL
KD52068	IG	PANSINI CORPORATION	CA
KD52236	IG	NORTON MEDICAL PAVILION	KY
KD52304	IG	BOGUS BASIN RECREATIONAL ASSOC INC	ID
KD52323	IG	WYO GAS CO	WY
KD52329	IG	LOS NIETOS SCHOOL DISTRICT	CA
KD52336	IG	GAF CORP	MO
KD52401	IG	EGAN & SONS CO AC	MN
KD52505	IG	OMNI SEVERIN HOTEL	IN
KD52630	PW	RAVENSWOOD, TOWN OF	WV
KD52734	IG	ARGENBRIGHT INC	GA
KD52753	IG	HEIDTMAN STEEL PRODUCTS INC	MD
KD53137	IG	JOHNSON & HARDIN COMPANY	OH
KD53251	IG	RUTGERS UNIVERSITY	NJ
KD53277	IG	C&S WHOLESALE LUMBER INC	MA
KD53352	IG	WINTHROP STIMSON PUTNAM & ROBERTS	NY
KD53408	IG	402 ASSOCIATES	NJ
KD53454	IG	HARDEES	IA
KD53487	IG	MT MORRIS COMMUNITY SCHOOLS	MI
Callsign	Radio Service	Licensee	State
KEJ370	IG	ZEIDLER BROS INC	NY
KEJ680	IG	D BAR CHALMERS INC	TX
KEK306	PW	WATERFRONT	NY

		CASINO	
KD53998	IG	ST JAMES APTS	IL
KDB625	IG	BAKER TRUCK AND IMPLEMENT CO	MO
KDC612	IG	WILBUR-ELLIS COMPANY	WA
KDD55	PW	DISTRICT OF COLUMBIA GOVERNMENT	DC
KDH842	IG	CALLANAN INDUSTRIES INC DBA ASPHALT STONE PRODUCTS INC	NY
KDJ210	IG	RUDCO CORP	NY
KDK751	PW	MERCY REGIONAL MEDICAL CENTER	MS
KDL658	IG	VASILEFF NURSERIES INC	CT
KDL831	IG	ARLEX TAXI CORP DBA YELLOW CAB ASSOCIATION	MA
KDM407	IG	MATTHYS, CYRIL L	IN
KDO617	IG	MONROC	ID
KDP683	IG	PIEDMONT NATURAL GAS CO INC	NC
KDP890	IG	VERONA BUS SERVICE INC	WI
KDP950	IG	BAUCOMS NURSERY FARMS & GREENHOUSES INC	NC
KDT466	IG	RUMULY, LONNIE	WI
KDT518	IG	MATTES BROTHERS CONSTRUCTION CO INC	MO
KDT600	PW	RED CEDAR, TOWNSHIP OF	WI
KDT62	PW	KING, COUNTY OF	WA
KDU672	IG	RAIL TERMINAL SERVICES LLC	NE
KDV795	PW	FORKS, TOWN OF	WA
KDW466	PW	NORTH CAROLINA, STATE OF	NC
KDW90	PW	DISTRICT OF COLUMBIA GOVERNMENT	DC
KDX62	IG	CRANBERRY PIPELINE CORPORATION	PA
KDX64	IG	CRANBERRY PIPELINE CORPORATION	PA
KDX857	IG	MENYS GAS & APPLIANCE INC	IN
KDX968	PW	AMISUB SFH INC	TX
KDY549	IG	DUQUESNE LIGHT CO	PA
KDZ337	PW	NEW JERSEY, STATE OF	NJ
KE4851	IG	COMSERCO	CA
KE6360	IG	NORTHWOOD STONE & ASPHALT CO	OH
KE6638	IG	ARMIJO HIGH SCHOOL	CA
KEA409	IG	ATLANTIC CITY ELECTRIC COMPANY	DE
KEA422	PW	ENGLEWOOD, CITY OF	NJ
KEA892	IG	ATLANTIC CITY ELECTRIC COMPANY	DE

		COMMISSION OF NY HARBOR	
KEK432	IG	FLORIDA FRUIT ESCO INC	FL
KEK530	IG	M & M CONCRETE	WI
KEL292	IG	BOB AIKINS LINES INC	IN
KEL511	PW	Puerto Rico Police Communication Division	PR
KEM215	IG	BRONSON CONSTRUCTION CO	CT
KEM219	IG	Mission Resources Corporation	TX
KEO369	PW	AMERICAN NATIONAL RED CROSS	VA
KEO375	PW	SAINT CLAIRSVILLE, CITY OF	OH
KER617	IG	MC MANOR PLANTATION INC	LA
KER939	IG	JAMES A SLACK INC	MT
KET754	IG	MC MANUS PRODUCE CO INC	TX
KET985	IG	AMERICAN PROTECTIVE SERVICES INC	CA
KEU313	IG	AIR COMFORT CO INC	AL
KEV872	IG	Maki, Jeannette	MT
KEW510	IG	LOVERCHECK LAND & CATTLE CO	WY
KEY281	IG	IVAN WARE & SON INC	KY
KEZ300	IG	GIBSON PROPANE GAS CO INC	AL
KEZ818	IG	NEW BOSTON COKE CORPORATION	OH
KEZ978	IG	MARTIN, G E:MARTIN, D L:MARTIN, S L DBA MARTIN BROS	CA
KF3183	PW	KING, COUNTY OF	WA
KFB941	PW	WICOMICO, COUNTY OF	MD
KFE446	IG	ROWLEY READY MIX INC	MA
KFE453	IG	TORROMEO TRUCKING CO INC	MA
KFE654	PW	MOCKSVILLE, TOWN OF	NC
KFF349	PW	DOUGLAS CITY COMM SERVICE DIST	CA
KFH237	IG	MOODY JR, J R:MOODY III, J R:MOODY, W R DBA FLORIDA ASPHALT PAVING COMPANY	FL
KFJ866	IG	GADSDEN, CITY OF	AL
KFK339	IG	TIRE CENTERS INC	NY
KFM593	IG	FAIRFAX TRUCKING INC	VA
KFO308	IG	CONCRETE CONSTRUCTION CO OF SWI INC	IL
KFO840	PW	STRAUB CLINIC & HOSPITAL INC	HI
KFO919	PW	WEXFORD VOLUNTEER FIRE COMPANY	PA
KFQ744	IG	MC GEE, BURTON E	KY
KFQ962	IG	UNION CAMP CORPORATION	AL

KEA893	IG	ATLANTIC CITY ELECTRIC COMPANY	DE
KEA894	IG	ATLANTIC CITY ELECTRIC COMPANY	DE
KEB939	IG	ATLANTIC CITY ELECTRIC COMPANY	DE
KEC834	IG	ATLANTIC CITY ELECTRIC COMPANY	DE
KED73	PW	CALIFORNIA, STATE OF	CA
KED855	IG	ATLANTIC CITY ELECTRIC COMPANY	DE
KED956	IG	WATER AUTHORITY OF GREAT NECK NORTH	NY
KEE31	PW	NEW YORK, STATE OF	NY
KEE394	IG	WHITE PLAINS TAXI CO INC	NY
KEE992	PW	PEMBROKE CONSOLIDATED SCHOOL DISTRICT 259	IL
KEH762	PW	FULTON, CITY OF	NY
KEI74	IG	CONSTRUCTORA DE HATO REY INC	PR
KEI75	IG	CONSTRUCTORA DE HATO REY INC	PR
KEI919	IG	J L P VENDING	NJ
Callsign	Radio Service	Licensee	State
KGA752	IG	DEVCON CONSTRUCTION INC	CA
KGA795	PW	DISTRICT OF COLUMBIA	DC
KGA829	PW	DISTRICT OF COLUMBIA	DC
KGA939	IG	WEST SHORE TAXI CO	PA
KGB418	PW	RANKIN, BOROUGH OF	PA
KGB612	IG	NEW EASTERN CAB INC	MD
KGC383	IG	BALTIMORE MARINE INDUSTRIES INC	MD
KGC524	PW	ROBBINS HOSE CO 1 INC	DE
KGC785	PW	AMHERST, TOWN OF	WI
KGE828	PW	FAYETTE CITY VOL FIRE COMPANY	PA
KGE848	PW	PERRY TOWNSHIP VOLUNTEER FIRE CO	PA
KGE998	PW	GILL HALL VOL FIRE CO AND RELIEF ASSN	PA
KGG879	IG	COLLINS SAW MILL	DE
KGH442	PW	PROMISED LAND VOLUNTEER FIRE ASSOC STA 3	PA
KGI805	IG	MARVEL OIL OF RI DBA MARVEL OIL CO	MA
KGJ229	IG	STONE CONTAINER CORPORATION	IL
KGJ419	IG	GAS & APPLIANCE CARRIERS INC	FL
KGK833	IG	CLEMONS, BILLIE	IN
KGL51	PW	ARIZONA, STATE OF	AZ
KGL591	PW	PROSPECT PARK, BOROUGH OF	NJ

KFQ998	PW	KING, COUNTY OF	WA
KFS448	IG	MONROC INC	UT
KFS559	IG	UNITED TOWING SERVICE	CA
KFT719	IG	OWENS CORNING FIBERGLASS CORPORATION	OH
KFT821	IG	WAKE TECHNICAL COMMUNITY COLLEGE	NC
KFT894	IG	AMERICAN APPLICATORS INC	VA
KFU709	IG	VISTA CHEMICAL COMPANY	TX
KFW419	IG	DEVON ENERGY CORP	OK
KFY300	IG	HARED FARMS INC	OH
KG3892	IG	CONAGRA INC	NY
KG7843	PW	Tillamook County, Oregon	OR
KG9098	IG	PROVENA HOSPITALS DBA ST THERESE MEDICAL CENTER	IL
KG9135	IG	CLIFFWOOD PRODUCTION CO	TX
KGA377	IG	SCRANTON TIMES	PA
Callsign	Radio Service	Licensee	State
KIM511	IG	UNION CAMP CORPORATION	GA
KIM512	IG	UNION CAMP CORPORATION	GA
KIM865	IG	ZAYTOUN RAINES ASSOCIATES INC	NC
KIP842	IG	CEMEX INC	TX
KIQ319	IG	LINKOVICH EXCAVATING INC	FL
KIQ386	IG	WHITE CONSTRUCTION COMPANY	FL
KIT282	IG	TALAVARA, REINALDO	PR
KIT876	IG	THRIFTY GAS CO	NC
KIV977	IG	SCRAPPY THOMAS INC	FL
KIW208	IG	R W DE HART & CRAFTMEN INC	VA
KIX418	IG	GOMES SCHOOL BUS SERVICE	HI
KJ8029	IG	SCHOOL BOARD OF BROWARD COUNTY	FL
KJC51	IG	UNION CAMP CORPORATION	GA
KJC590	IG	BITUMINOUS PAVERS INC	MI
KJD618	IG	WIGG & SON INC	CA
KJD709	IG	PCS NITROGEN FERTILIZER LP	NE
KJG797	PW	Puerto Rico Police Communication Division	PR
KJH738	IG	INTERNATIONAL PAPER COMPANY	ME
KJI908	IG	SDA SECURITY SYSTEMS INC	CA
KJL466	IG	PROCTER & GAMBLE MANUFACTURING CO	NY

KGM316	IG	I L MORRIS WELL SERVICE INC	WV
KGM771	IG	BONNETT, J R	KY
KGN70	PW	DISTRICT OF COLUMBIA GOVERNMENT	DC
KGP914	IG	BERGERON, HAROLD	LA
KGQ70	PW	CALIFORNIA, STATE OF	CA
KGQ895	IG	MC GRAW, STEVE:MC GRAW, ROSS	IN
KGR476	IG	MERCER WELL SERVICE INC	TX
KGR978	IG	MEDSEP CORPORATION	CA
KGT824	IG	METRO PAVING COMPANY INC	MO
KGV672	IG	ARROW ELECTRIC INC	WI
KGV692	IG	RAIL TERMINAL SERVICES LLC	NE
KGV866	IG	SUNNILAND PIPELINE CO	FL
KH4446	IG	MONROC	ID
KH5941	PW	HIGH POINT, CITY OF	NC
KH7214	IG	TNT HOLLAND MOTOR EXPRESS INC	MI
KH7799	IG	C & J SERVICE CO	IA
KIA612	IG	Four County EMC	NC
KIA811	IG	ED FOSHEE AUTOMOTIVE	AR
KIA928	IG	TAS DISPATCH SERVICE DBA HILLDRUP TAXI VIRGINIA CAB	VA
KIB278	PW	PLYMOUTH, TOWN OF	NH
KIB698	IG	UNION CAMP CORP	GA
KIB755	PW	CONSOLIDATED GOVERNMENT OF COLUMBUS, GEORGIA	GA
KIB882	PW	KENTUCKY, COMMONWEALTH OF	KY
KID589	IG	GOLDEN GEM GROWERS INC	FL
KIF746	IG	DECKER, VICTOR	MI
KIG966	IG	INTERNATIONAL PAPER	GA
KIH335	IG	SATILLA RURAL ELECTRIC MEMBERSHIP CORPORATION	GA
KIH436	PW	SOUTH CAROLINA, STATE OF	SC
KIJ702	IG	BELLOTTO, A L	FL
KIJ827	IG	BRODERICK REALTY COMPANY	FL
KIK334	PW	DEACONESS HOSPITAL	MO
Callsign	Radio Service	Licensee	State
KKL807	PW	CALIFORNIA, STATE OF	CA
KKM674	IG	INTERNATIONAL PAPER COMPANY CAMDEN MILL	AR
KKQ425	IG	CULPEPER STONE COMPANY INC	VA
KKQ677	IG	TDC INCORPORATED	KY

KJL870	PW	MARYLAND, STATE OF	MD
KJM989	IG	L & L INC	TX
KJO325	IG	National Grid USA Service Company, Inc.	NY
KJO326	IG	National Grid USA Service Company, Inc.	NY
KJP288	IG	SPEED SERVICE INC	DC
KJP418	PW	COLONIAL SCHOOL DISTRICT	PA
KJP427	PW	LOS ANGELES, CITY OF	CA
KJP429	PW	LOS ANGELES, CITY OF	CA
KJP555	IG	GOLDEN OAK MINING CO	KY
KJQ357	IG	STURT, D B:STURT, W H DBA TOLEDO PAVING CO	OH
KJS906	IG	RATHWAY, EDWARD R	PA
KJT513	IG	TURSAIR FUELING INC	FL
KJX304	IG	ST MARYS HOSPITAL	MN
KJX389	IG	WILLINGHAM GARAGE INC	SC
KJX849	IG	HOLLOMAN CONSTRUCTION COMPANY	TX
KJX902	IG	CINCINNATI MACHINE	OH
KJY736	PW	RIVERVIEW HOSPITAL ASSN	MN
KJZ207	IG	A & A ELECTRIC INC	MT
KJZ828	PW	LOS ANGELES, CITY OF	CA
KKA206	IG	WHITE LINE INC	OK
KKA366	IG	MISSISSIPPI POWER COMPANY	AL
KKA562	IG	MONFORT OF COLORADO INC	CO
KKA875	IG	G & H LOGGING INC	OR
KKB406	IG	STAR TAXI CO INC	TX
KKE390	IG	LAFONTAINE, PHILIP DBA CONVERSE RUSHFORD FUNERAL HOME	VT
KKH255	IG	AVIS RENT A CAR SYSTEM	WI
KKI450	IG	BESTFOODS	AR
KKK731	IG	JONES & JONES INC	GA
KKK883	IG	WEST LIBERTY OIL CO	IA
KKL606	PW	ERATH, TOWN OF	LA
KKL672	PW	PERRY, COUNTY OF	IL
Callsign	Radio Service	Licensee	State
KME991	IG	AMERICAN STOCK EXCHANGE INC	NY
KMF298	PW	LOS ANGELES, CITY OF	CA
KMF299	PW	LOS ANGELES, CITY OF	CA
KMF300	PW	LOS ANGELES, CITY OF	CA

KKR992	IG	DAVIE, TOWN OF	FL
KKS386	IG	DISTRICT OF COLUMBIA GOVERNMENT	DC
KKT240	IG	JACK A ALLEN INC	OH
KKT605	IG	BROWN, DALE	KS
KKU316	IG	MORNINGSIDE HEIGHTS	MD
KKU897	IG	SCHINDLER ELEVATOR CORP	NJ
KKV374	PW	SPILLWAY FIRE DEPARTMENT	TX
KKV511	IG	WAGONER, CITY OF	OK
KKV611	IG	TEXARKANA, CITY OF	TX
KKW937	IG	CHILDS READY MIX CONCRETE CO	TX
KKX313	IG	MEEK JR, ROGER S:MEEK, ROBERT S DBA COCA COLA BOTTLING CO OF FORT SMITH	AR
KKY204	IG	C W & A INC	TX
KKZ388	IG	C T SWITZER WELL CO	MS
KKZ967	IG	WHITE LINE INC	OK
KL4330	IG	CONSTRUCTORA DE HATO REY INC	PR
KL4557	IG	QUALITY VENEER & LUMBER INC	WA
KL5267	PW	PEARDALE CHCG PK FIRE PRTCN DIST NV CTY	CA
KLE687	IG	TEASLEY ENTERPRISES INC	CA
KLF838	IG	National Grid USA Service Company, Inc.	NY
KLG383	PW	NEW YORK, STATE OF	NY
KLG385	PW	NEW YORK, STATE OF	NY
KLG386	PW	NEW YORK, STATE OF	NY
KLG388	PW	NEW YORK, STATE OF	NY
KLG403	PW	NEW YORK, STATE OF	NY
KLH997	PW	PENN HILLS, MUNICIPALITY OF	PA
KLJ473	IG	DRUMMOND CO INC	AL
KLJ525	IG	DOYLE GROUP	PA
KLJ840	IG	COX CORPORATION	AL
KLL505	PW	ARIZONA, STATE OF	AZ
KLM408	IG	CONSTRUCTORA DE HATO REY INC	PR
KLM409	IG	CONSTRUCTORA DE HATO REY INC	PR
KLQ691	IG	WESTERN TELEPHONE COMPANY	MN
KLQ861	IG	HARLOWE TYPOGRAPHY INC	MD
KLW298	PW	PARK DUVALLE COMMUNITY HEALTH CENTER	KY
KLW754	IG	RIVER PLACE U O A	VA
KLW831	IG	SWANSEA OIL CO INC	MA

KMF301	PW	LOS ANGELES, CITY OF	CA
KMF354	PW	LOS ANGELES, CITY OF	CA
KMF515	IG	LOVE, GARY V DBA CUSTOM HEATING AIR CONDITIONING & SHEET METAL	NE
KMF574	IG	GROVE CITY FARMERS EXCHANGE CO	OH
KMF600	IG	BALTIMORE MARINE INDUSTRIES INC	MD
KMG306	IG	WILLIAM W REICHART INC	PA
KMG511	PW	LOS ANGELES, CITY OF	CA
KMG637	IG	DRY BRANCH KAOLIN CO	GA
KMH517	PW	CALIFORNIA, STATE OF	CA
KMH635	PW	CALIFORNIA, STATE OF	CA
KMJ446	PW	PINOLE, CITY OF	CA
KMJ649	PW	SAN CLEMENTE, CITY OF	CA
KMK831	IG	CUCAMONGA COUNTY WATER DISTRICT	CA
KML203	PW	MARTINEZ, CITY OF	CA
KN6089	IG	UNITED TELEPHONE COMPANY OF OHIO	OH
KNAA352	IG	PONTIKI COAL CORPORATION	KY
KNAA436	IG	RIDER FARMS	ND
KNAA744	IG	STANWORTH CROP CONSULTANTS INC	CA
KNAB208	IG	MODERN PLUMBING OF EVANSVILLE INC	IN
KNAB234	IG	BORINQUEN ROOTER PLUMBING INC	PR
KNAB806	IG	DAVIS AND BROWN CONSTRUCTION INC	TX
KNAB914	PW	FAIRBURY HOSPITAL	IL
KNAC292	IG	Consolidated Citrus Limited Partnership	FL
KNAC408	IG	TRAINS TOWER SERVICE INC	NJ
KNAC861	IG	TEKTRONIX GRASS VALLEY PRODUCTS	CA
KNAD237	IG	BEST WESTERN BILL OLIVERS	MI
KNAE694	PW	CALIFORNIA, STATE OF	CA
KNAG593	PW	ELLIOTT WHITESPRINGS MEMORIAL HOSPITAL	SC
KNAI859	IG	S & S FARMS	TX
KNAJ227	PW	AMERICAN NATIONAL RED CROSS	VA
KNAJ526	IG	SCHINDLER ELEVATOR CORP	NJ
KNAJ855	IG	LAKE EMERGENCY SQUAD	PA
KNAK758	PW	SCRIPPS MEMORIAL HOSPITAL	CA
KNAK930	IG	ADELMEYER FARMS LTD	WI
KNAL343	IG	TERRY DAIRY FARMS INC	NM
KNAL495	IG	E L FASEL & SONS INC	IL

KLW860	IG	COPPER RANGE COMPANY	MI
KLX260	IG	PIEDMONT NATURAL GAS CO INC	NC
KM2913	PW	PIMA, COUNTY OF	AZ
KM5848	PW	PEMBROKE CONSOLIDATED SCHOOL DISTRICT 259	IL
KM7979	IG	SOUTH SHORE MALL INC	NY
KMA733	PW	Puerto Rico Police Communication Division	PR
KMB446	PW	CALIFORNIA, STATE OF	CA
KMB529	PW	CALIFORNIA, STATE OF	CA
KMD608	PW	COLLEGE OF THE MAINLAND	TX
KMD890	PW	CALIFORNIA, STATE OF	CA
KME251	PW	CALIFORNIA, STATE OF	CA
Callsign	Radio Service	Licensee	State
KNAS441	IG	RELIABLE DISPOSAL INC	MO
KNAS696	IG	TAYLOR, L H	SC
KNAS950	IG	MEYER DAIRY & GRAIN FARMS INC	WI
KNAW678	PW	PORT GIBSON, TOWN OF	MS
KNAW901	IG	INABNET, B L	MS
KNAW980	PW	UNION, CITY OF	WV
KNAY862	IG	National Grid USA Service Company, Inc.	NY
KNAY925	IG	LENHART, DENNIS L	NE
KNAZ423	IG	OBER GUT ACRES	WI
KNAZ524	IG	TRAVIS JR, BRUCE	IA
KNBA891	IG	SERVICE CAB	VA
KNBB259	IG	CLEMSON UNIVERSITY	SC
KNBB521	IG	KNISS BROTHERS	NE
KNBB527	IG	MAIN LINE CONSTRUCTION CO	WV
KNBB771	PW	OAKMAN, TOWN OF	AL
KNBB791	IG	S&S TRANSPORTATION INC	TX
KNBB811	IG	S & A CUSTOM BUILT HOMES INC	PA
KNBC275	IG	FRIENDLY GARAGE & REPAIR INC	CT
KNBC387	PW	CHESTNUT HILL HOSPITAL	PA
KNBC391	IG	SCHINDLER ELEVATOR CORP	NJ
KNBD873	IG	GALLAGHER, JOSEPH A DBA PAT GALLAGHERS SONS TAXI SERVICE INC	PA
KNBE636	IG	CUNO INC	CT
KNBF635	IG	QUILLIN, CLYDE L	CA
KNBF830	IG	MCC Georgia LLC	NY
KNBF860	IG	GOLDEN OAK MINING CO	KY

KNAL515	IG	SCHINDLER ELEVATOR CORP	NJ
KNAL784	PW	BEECHMONT BUS SERVICE INC	NY
KNAM212	IG	VASCO ASPHALT EQUIPMENT COMPANY	OH
KNAM627	IG	BURDEN, MARTIN F	IL
KNAM780	IG	DELTA INDUSTRIAL SECURITY & PATROL INC	MS
KNAN534	IG	HOWARD JOHNSONS	AZ
KNAO389	IG	LMO FARMS	OR
KNAO648	IG	FRANK DUFFY & SON INC	NY
KNAP932	IG	C & B LIVESTOCK INC	OR
KNAQ789	IG	Georgia Gulf	MS
KNAQ926	IG	ANDERSON ROOFING COMPANY INC	GA
Callsign	Radio Service	Licensee	State
KNBR494	IG	LAMBERTSON CONSTRUCTION CO	DE
KNBR536	IG	STONE VALLEY CONSTRUCTION INC	PA
KNBR615	IG	SHINN, JACK	AR
KNBS200	IG	MC CARTHY CORPORATION	OH
KNBS613	IG	HENSCHEID, TED:HENSCHEID, RUFUS DBA T & R HENSCHEID	TX
KNBS627	IG	FARMLAND TRACTOR COMPANY INC	NC
KNBS720	IG	BELDEN AND BLAKE CORPORATION	OH
KNBS779	IG	CSAPO JR, FRANK A	OH
KNBT358	PW	CALIFORNIA, STATE OF	CA
KNBU383	IG	REMBOLDT SR, RUSSELL E	ND
KNBU537	IG	ALASKA BUSH CARRIERS INC	AK
KNBU660	IG	JOHN QUIGLEY ELECTRIC	OK
KNBW799	IG	ROOSEVELT MEMORIAL PARK	PA
KNBX358	IG	BURTON L HIRSCH FUNERAL HOME INC	PA
KNBX711	PW	VOLUSIA, COUNTY OF	FL
KNBY361	IG	BENDER, MARLYN	SD
KNBY805	IG	SCHINDLER ELEVATOR CORP	NJ
KNCA689	IG	FRAZIER BROS INC	MO
KNCB341	IG	LEROY DAIGLE SAND AND DIRT INC	LA
KNCB525	IG	ALEXANDER AG FLYING SERVICE INC	CA
KNCB723	IG	SCHINDLER ELEVATOR CORP	NJ
KNCC407	IG	SAINT JOHNS TOWING	OR
KNCD614	IG	M E FLOW INC	VA
KNCD818	IG	LARRYS TRAILER SALES INC	IL
KNCD832	IG	SCHINDLER ELEVATOR CORP	NJ

KNBG242	PW	LINN, CITY OF	KS
KNBG246	PW	CALIFORNIA, STATE OF	CA
KNBG321	PW	CALIFORNIA, STATE OF	CA
KNBG769	IG	INTERMEDICS INC	TX
KNBH597	IG	BLALOCK LUMBER COMPANY LP	TN
KNBH645	IG	PETTY JR, SCOTT	TX
KNBI212	IG	GODWIN MATERIAL SERVICE	AL
KNBI442	PW	CALIFORNIA, STATE OF	CA
KNBI637	PW	TORONTO E M S INC	OH
KNBJ749	IG	TAXICAB DISPATCHING OF VALLEJO INC	CA
KNBL531	IG	JOHNSON AIRSPRAY INC	MN
KNBM883	IG	ZACHERS AUTOMOTIVE RECYCLERS INC	CA
KNBN263	IG	NEW COOPERATIVE INC	IA
KNBN495	IG	LA PUENTE VALLEY COUNTY WATER DISTRICT	CA
KNBN669	IG	BOB SMITHS LINCOLN MERCURY INC	MT
KNBN685	IG	BESTOR, GARTH	MN
KNBP390	IG	ROLF, CHARLES:ROLF, ALLAN:ROLF, DEAN DBA ROLF FARMS	NE
KNBP446	IG	GOLDEN EAGLE CONSTRUCTION CO	PA
KNBP514	IG	BRUSE, DAVID	ND
KNBP523	IG	YODER & SONS	OH
KNBP560	IG	BROWNS SALES INC	TX
KNBP665	IG	PERSHING LIVERY	IL
KNBQ496	IG	HAYASHI, ALLEN	HI
KNBQ629	IG	LYONS, DEAN	IA
KNBQ839	IG	BRENSING, HENRY G	KS
KNBR289	IG	HANDY HARDWARE INC	ME
Callsign	Radio Service	Licensee	State
KNCU818	IG	LEAS, MEDFORD	NJ
KNCU873	PW	Puerto Rico Police Communication Division	PR
KNCU942	PW	YORKSHIRE, TOWN OF	NY
KNCV254	IG	JENCKS FARMS INC	CO
KNCW660	PW	ROCKY HILL FIRE DEPT	KY
KNCW962	IG	Pacific Pipeline Systems LLC	CA
KNCX443	PW	NORTH CAROLINA, STATE OF	NC
KNCX444	PW	NORTH CAROLINA, STATE OF	NC
KNCX446	PW	NORTH CAROLINA, STATE OF	NC
KNCX655	IG	LEE COM ASSOCIATES	OH
KNCX795	IG	CROP PRODUCTION SERVICES	MN
KNCY336	IG	SAINT ANNS HOME	NY

KNCE334	IG	SHAFF IMPLEMENT CO INC	IL
KNCE546	IG	REB ENTERPRISES INC	AR
KNCE744	IG	BETTS, HERMON	IL
KNCE779	IG	A R WHEELER COMPANY	MA
KNCF494	IG	PAMIDA INC	NE
KNCG437	PW	CUMBERLAND VALLEY TOWNSHIP VOLUNTEER FIRE DEPARTMENT	PA
KNCH432	IG	MOORE, WILLIE	NY
KNCH573	IG	COORDSEN, WALTER D	NE
KNCH806	IG	COLONIAL VENDING SERVICE INC	VT
KNCJ755	IG	SCHINDLER ELEVATOR CORP	NJ
KNCJ903	PW	CALIFORNIA, STATE OF	CA
KNCL637	IG	SERRA MEMORIAL HOSPITAL	CA
KNCM663	IG	KOSBAU BROTHERS INC	MN
KNCM679	IG	MICHELS, DONNELL	ND
KNCN203	IG	ISLAND MOVERS INC	HI
KNCN242	PW	THREE AFFILIATED TRIBES FORT BERTHOLD RESERVATION	ND
KNCN743	IG	DEAUVILLE HOTEL	FL
KNCP386	IG	RUHLAND ELECTRIC INC	MN
KNCP769	IG	HADDADS INC	PA
KNCQ425	IG	HALIFAX COUNTY READY MIX INC	VA
KNCQ690	IG	JOHNSON, HARRY N	MN
KNCQ736	PW	MADISON, COUNTY OF	OH
KNCR900	IG	SCHIFFBAUER, DENNIS L	NE
KNCS427	IG	GENERAL PATROL SERVICE	FL
KNCS897	IG	20 EAST DELAWARE APARTMENTS	IL
KNCT987	IG	ALAMO RENT A CAR INC	CA
Callsign	Radio Service	Licensee	State
KNEA638	IG	LENHART, JACK	OK
KNEA692	IG	A DUDA & SONS INC	FL
KNEC619	IG	CABRILLO FARMS INC	CA
KNEC923	PW	LANGLEY, TOWN OF	OK
KNED313	PW	LUBLIN, CITY OF	WI
KNED407	PW	SANDERSVILLE, TOWN OF	MS
KNED655	IG	SCHEWEL FURNITURE COMPANY INC	VA
KNED758	IG	Accent Hardware Flooring & Supply Corp	NY
KNEF732	PW	OLD DOMINION EMS ALLIANCE INC ATED	VA
KNEG237	IG	MINNEHAN, JOE	MT
KNEG616	IG	AUFDENBERG, RICK E	MO
KNEG639	PW	PATCHOGUE F D AMB CO INC	NY

KNDA283	IG	WAUCONDA SCHOOL DISTRICT 118	IL
KNDA730	IG	MRD LUMBER	PA
KNDA882	IG	HARKNESS, E L	MS
KNDB265	IG	W B JOHNSON PROPERTIES INC DBA HOLIDAY INN AIRPORT	FL
KNDD620	PW	NORTHWESTERN HIGH SCHOOL	SC
KNDD677	IG	WIKE, DAVID A:WIKE, JOHN A DBA JOHN A WIKE DAIRY	NC
KNDD727	PW	WEST POINT, TOWNSHIP OF	IL
KNDD873	IG	YOUNG, JOE:YOUNG, RICKY:YOUNG, PECK DBA PECK YOUNG & SONS FARMS	TN
KNDD948	IG	OTA, JAMES	CA
KNDE922	IG	REED, ROBERT	KS
KNDF362	IG	THOMPSON, BOB DBA BOBS PLUMBING COMPANY	TX
KNDF833	IG	TERRA	TX
KNDG638	IG	UNIVERSITY OF CHICAGO	IL
KNDH534	IG	BATTENKILL VETERINARY	NY
KNDJ226	IG	CUTRALE CITRUS JUICES USA INC	FL
KNDJ852	IG	HOFFMANN LAROCHE INC	NJ
KNDJ932	IG	Antilles Wireless, L.L.C. dba USA Digital	NE
KNDL356	IG	NIANTIC RIVER TRANSMISSION COMPANY	CT
KNDL910	PW	COLUMBIA ST DAVIDS HEALTHCARE SYSTEM LP DBA SOUTH AUSTIN HOSPITAL	TX
KNDN643	IG	MARKLEY, RICHARD	IN
KNDP231	IG	MAYAGUEZ RESORT & CASINO	PR
KNDP814	IG	HENLINE, HARLEY	IN
KNDQ317	IG	BRETNER, STANLEY	MD
KNDQ511	IG	DUSSEAU, RANDY J	MI
KNDQ882	IG	WALIKONIS FARMS	MT
KNDR366	IG	PARKEWAY TRANSPORT INC	ME
KNDR447	IG	DEVON POWER LLC	CT
KNDS463	IG	REFUGE PLANTATION INC	MS
KNDS954	IG	DAUTHTERY, JOE P	KY
KNDU519	IG	LANTERN PETROLEUM	TX
KNDV599	IG	SAVANNAH MORNING NEWS	GA
KNDW436	IG	S2 F CORPORATION	OR
KNDX352	IG	SANTA FE INDIAN SCHOOL	NM
KNDX840	IG	DIRNBERGER, VINCENT	MO
KNDY681	IG	CALABRO, JOSEPH S	NY
KNDY705	IG	SMITH & WESSON CORPORATION	MA
KNDZ432	IG	THE CONTINENT	OH

KNEH204	IG	SCHINDLER ELEVATOR CORPORATION	TX
KNEJ922	IG	PERU COMMUNITY SCHOOL	IN
KNEK441	PW	SALEM BLACKMAN FIRE DEPT	TN
KNEK806	IG	CASTINE & ASSOCIATES CONTRACTING INC	LA
KNEL335	IG	CABRAL, PATRICIA A	MA
KNEN639	PW	KENTUCKY, COMMONWEALTH OF	KY
KNEN970	IG	COMMUNICATION SOLUTIONS RENTAL SERVICE INC	CO
KNEP656	IG	LOUISVILLE REDBIRDS INC	KY
KNEP695	IG	ANGELO REFRIGERATION & RESTAURANT SUPPLY	TX
KNEQ575	IG	BAUMAN, GLEN	IL
KNER768	IG	WOOLSTON, MARGARET	NY
KNES407	IG	INTERNATIONAL PAPER INC	GA
KNES417	IG	BANDIT MESSENGER OF N DALLAS INC	TX
KNEU589	IG	PILGRIMS PRIDE	VA
KNEW867	IG	COLE, EUGENE	MT
KNEW935	IG	WESTIN HOTEL	MA
KNEW936	IG	WESTIN HOTEL	MA
KNEX948	IG	OLYMPIC PIPELINE COMPANY	WA
KNEZ257	IG	WILTSE FENCING & KENNELS INC	MI
KNEZ508	PW	SAINT LUKES HOSPITAL	CA
KNEZ560	IG	ROYSTER CLARK INC	SC
KNEZ987	IG	ADAMS, DUANE	MN
KNFA576	IG	LORENZEN RANCHES INC	OR
KNFA702	IG	OGLETHORPE POWER CORP	GA
KNFA826	IG	GLEN COVE CITY SCHOOL DIST	NY
KNFB458	PW	TEXAS A & M UNIVERSITY	TX
KNFC333	IG	ARROW LOCK	NY
KNFC700	IG	JACOBSEN, DELONAIR J	NV
KNFE264	IG	RALPHS LEASE SERVICE	TX
KNFG861	IG	WITTIG, ARNOLD F	NE
KNFG909	IG	HJARTARSONS	MT
KNFH231	IG	RATTON, AUDREY	AR
KNFH293	IG	CAN DO TRANSPORTATION CORP	NY
KNFK617	PW	ROBESON, COUNTY OF	NC
KNFK770	IG	UNITED SAND & GRAVEL INC	UT
KNFL236	PW	FLORIDA, STATE OF	FL
KNFL355	IG	FREDERICK, STEVE	MN

KNDZ455	IG	JACOBSON FARMS	ND
KNEA512	IG	SAINT CLAIR, COUNTY OF	AL
Callsign	Radio Service	Licensee	State
KNFM295	IG	T O HAAS, LLC	NE
KNFM649	IG	SHASTA PAPER COMPANY	CA
KNFN480	IG	INTERNATIONAL PAPER COMPANY	LA
KNFP682	IG	DELOST, RANDY J	IL
KNFP931	IG	GOLDEN PHOENIX HOTEL & CASINO	NV
KNFQ822	IG	FRITZEMEIER, MELVIN	KS
KNFQ881	IG	MATSON, GERALD	MN
KNFR429	IG	HRYZAN, SHIELA	MA
KNFS638	IG	IRON MOUNTAIN TRAP ROCK	MO
KNFS868	IG	PAQUIN DRILLING INC DBA QUINNS WELL DRILLING	OR
KNFT381	IG	MC DONALD, CLYDE R	NM
KNFV480	IG	PACETTI FARM INC	FL
KNFV605	IG	LOUTERS, BARBARA J	MN
KNFV711	IG	FRANK J FAZZIO & SONS INC	NJ
KNFV899	IG	COMMONWEALTH GAS COMPANY DBA NSTAR	MA
KNFW293	IG	H B BIATHROW CO INC	NH
KNFZ387	IG	LOYOLA UNIVERSITY	IL
KNFZ616	PW	BERTHOLD PUBLIC SCHOOLS	ND
KNFZ640	IG	WATER THRILLS INC	NY
KNFZ770	IG	STOCKTON HILL REALTY INC	AZ
KNGA459	IG	KING, CHARLES	LA
KNGB745	IG	MSF INC	MA
KNGC680	PW	IRWINTON, CITY OF	GA
KNGD452	IG	AUBURN PLACER DISPOSAL	CA
KNGD661	IG	MONROE GLASS COMPANY	MI
KNGD771	IG	MENEFEE, STANLEY	AL
KNGE869	IG	FORDHAM UNO CORPORATION	NY
KNGE921	IG	MELLO, GARY:MELLO, JAMES DBA MELLO BROS TRUCKING	CA
KNGG548	IG	FRANTZ, SCOTT	IL
KNGG644	IG	BRUNSWICK ELECTRIC MEMBERSHIP CORPORATION	NC
KNGG687	PW	CALIFORNIA, STATE OF	CA
KNGH215	IG	CARDINAL SUPPLY CO INC. DBA PACIFIC PUMPS	NM
KNGH789	IG	BIRDS EYE FOOS INC	WI

KNFL687	IG	Pacific Pipeline Systems LLC	CA
KNFL947	PW	TERRELL, COUNTY OF	GA
Callsign	Radio Service	Licensee	State
KNHA818	IG	HUTCHERSON, JOE L	OK
KNHB468	IG	SIERRA PINE LTD DBA SIERRA PINE	GA
KNHB952	IG	UNIVERSITY HEALTH CENTER	VT
KNHC447	IG	LIECHTY MOBILE HOMES INC	ND
KNHC916	IG	AQUARIUS POOLS INC	VA
KNHD290	IG	PITT EXPRESS SYSTEMS INC	PA
KNHD510	IG	SHEPARD CONVENTION SERVICES INC	GA
KNHE290	IG	DAVIS, FLOYD	WI
KNHE733	IG	SOFT SHEEN PRODUCTS INC	IL
KNHG717	IG	METRO COURIER OF VIRGINIA INC DBA YELLOW CAB INC	VA
KNHG969	PW	DAVIE, TOWN OF	FL
KNHH224	IG	WEST COMM EQUIPMENT INC	CA
KNHH226	PW	WICHITA, CITY OF	KS
KNHH380	IG	RAVENWOOD	IL
KNHH398	IG	GRAVSETH, REUBEN O	ND
KNHH793	IG	TIMEPLEX INCORPORATED	NJ
KNHJ463	IG	MINNICH, JOE	WV
KNHJ543	IG	SOUTHERN TREE & LANDSCAPE INC	NC
KNHJ573	IG	CARPENTER, JOEL:CARPENTER, JERRY	NE
KNHJ922	IG	BRACHT, RUSSELL	SD
KNHK488	IG	LOOMIS ARMORED INC	MS
KNHM290	IG	MADISON HOTEL INC	DC
KNHM349	IG	VINEYARD OIL AND GAS CO	PA
KNHM359	IG	TRI ANGLE AGRICULTURAL SUPPLY CO	MT
KNHM814	IG	STEDJE, MIKE:STEDJE, LYNN DBA STEDJE BROS	TX
KNHN279	IG	PERRY, RONALD S	FL
KNHP213	IG	UNION EQUITY COOPERATIVE EXCHANGE	KS
KNHP601	IG	OUTBOARD MARINE CORPORATION	GA
KNHP993	IG	KING, BILLY	MO
KNHQ293	IG	HYDRO SYSTEMS INC	MO
KNHQ608	IG	JOHNSON & JOHNSON MEDICAL INC	FL
KNHQ675	IG	RYOBI MOTOR PRODUCTS CORPORATION	SC
KNHR657	IG	LOOMIS ARMORED INC	TX

KNGH841	IG	KUHLEMEIER, DAYLE	IA
KNGJ741	PW	RIO VISTA, CITY OF	TX
KNGL422	IG	ZENITH KREMER WASTE SYSTEMS INC DBA CAN DO RECYCLING & DISPOSAL	MN
KNGM409	IG	HOLIDAY INN NORTH	CO
KNGP351	IG	AUSTIN HINDS MOTORS INC	AL
KNGQ735	IG	COLEMAN, WILLIAM K	SC
KNGR538	IG	CENTRAL FLORIDA SAFE AND LOCK	FL
KNGS529	IG	CAROLINA TAXI CLUB	SC
KNGS938	IG	DAN WILLIAMS CONSTRUCTION CO INC	GA
KNGT976	IG	PRATER, RICHARD C	TX
KNGU507	IG	L & H AUTO	NH
KNGW786	IG	WALDWICK RADIATOR SERVICE INC	NJ
KNGW844	IG	BRYAN PROPERTIES INC	TX
KNGX385	IG	RAYMOND READY MIX INC	PR
KNGY616	IG	DOTY, FLOYD	IA
KNGZ732	IG	BRINK MARINI TRUCKING INC	CA
KNGZ903	PW	COLUMBUS, CITY OF	GA
KNHA465	IG	BELL, HARRY:BELL, WILLIAM DBA BELL FARMS	SC
Callsign	Radio Service	Licensee	State
KNIB405	IG	IVEY, A HAROLD:IVEY, DOROTHY C DBA RIO BRAVO FARMS LTD	TX
KNIB406	IG	STEELE, ALAN	KS
KNIB700	IG	KALLAS, MIKE	WI
KNIB851	IG	RICHTER, RICHARD	ND
KNIC297	IG	LOSIER, DAVID J:STEVENS JR, JOHN W DBA SILVER STAR TAXI	NY
KNIC337	PW	SEACOAST AMBULANCE	ME
KNIC471	IG	KEEBLER COMPANY	CO
KNID248	IG	WEAVER, ROBERT	NY
KNID369	IG	SOUTHWAY CONSTRUCTION CO INC	CO
KNID509	IG	DETROIT MARINE TERMINALS INC	MI
KNIF649	PW	DR W O MOSS REGIONAL HOSPITAL	LA
KNIF714	PW	CALIFORNIA, STATE OF	CA
KNIF976	IG	SOUTHEASTERN SECURITY & INVESTIGTION INC	OH
KNIG236	IG	CLARION LEDGER	MS

KNHS216	IG	COOPER COMMUNITIES INC	AR
KNHT740	IG	TENET HEALTHSYSTEM QA INC DBA QUEEN OF ANGELS HOLLYWOOD PRESBYTERIAN MEDICAL CENTER	CA
KNHU635	IG	LARRY ABEL EXCAVATING INC	CA
KNHV611	IG	LEONG, AL	CA
KNHV685	IG	CARNEGIE MELLON UNIVERSITY	PA
KNHV979	IG	BOUTTOTE, WILLIAM DBA YELLOW CAB CO OF CHICO	CA
KNHW260	IG	AMERICAN RED CROSS	OH
KNHW437	IG	FISHER, DAN	MS
KNHW614	IG	DIRCKS FARMS INC	IA
KNHX333	PW	ANAHEIM GENERAL HOSPITAL	CA
KNHX475	IG	SCHLUMBERGER PERFORATING CENTER	TX
KNHX570	IG	JUAREZ CONTRACTING INC	AZ
KNHY311	IG	GATEWAY MOTEL & RESTAURANT INC DBA HOLIDAY INN GATEWAY	WV
KNHZ262	IG	W & S SERVICE ASSOCIATES INC	PA
KNHZ333	IG	ATHENS INDEPENDENT SCHOOL DISTRICT	TX
KNHZ848	IG	RODGERS BROS SERVICES INC	FL
KNIA866	IG	REYNOLDS CONSTRUCTION LLC	NY
KNIB251	IG	LAZZARO ELECTRIC INC	MI
Callsign	Radio Service	Licensee	State
KNIQ718	IG	LOOMIS ARMORED INC	TX
KNIQ783	IG	GUDGEL, WILL A	OK
KNIQ808	IG	KRALING, SCOTT	ND
KNIQ987	IG	JERRY NOBLE TIRES	MT
KNIQ991	IG	DELUXE VENDING SERVICE INC	MN
KNIR206	IG	LONGCO INC	NJ
KNIR207	IG	LINDSAY, ROBERT:LINDSAY, JAMES DBA LINDSAY BROS	OR
KNIR236	IG	RONAN, JOHN	KS
KNIR569	IG	MC DONALD, JIMMY	AR
KNIR787	IG	WATSON CENTERS INC	IA
KNIR802	PW	HENNING, CITY OF	TN
KNIR945	IG	CAL SUN PRODUCE CO INC	CA
KNIR983	IG	SYLVANIA CITY SCHOOLS	OH
KNIS237	IG	PAITEL, DORIS J	WI

KNIG318	IG	BRUMMOND, ROBERT O	MT
KNIG696	IG	STUM, RALPH E	KS
KNIG720	IG	FASTENING SYSTEMS INC	CO
KNIG919	IG	HAMMER, RONALD D	MI
KNIH521	IG	DALE C BONE FARMS INC	NC
KNIH638	PW	GREENWOOD, COUNTY OF	SC
KNIH710	IG	RED TOP SEDAN SERVICE INC	FL
KNIJ263	IG	DEBOER, CLAIRE	MN
KNIJ686	IG	FLINT ENERGY CONSTRUCTION CO	OK
KNIJ756	IG	PHILADELPHIA GERIATRIC CENTER	PA
KNIJ775	IG	HYSTER SALES COMPANY	WA
KNIJ783	IG	DAINO, JOSEPH	CO
KNIJ873	PW	CHAMA, CITY OF	NM
KNIJ942	IG	GANN, BILLY E	TN
KNIJ976	IG	LIVERMANS AUTOMOTIVE INC	NC
KNIK609	IG	TRAPP, MERLIN	ND
KNIK864	IG	ZAMISCH, ART	CA
KNIL831	IG	YYK ENTERPRISES INC	CA
KNIL874	IG	SCHUMACKER, THOMAS	ND
KNIM545	IG	BUILDER FLOOR OF VA INC	VA
KNIM747	IG	OATES, NEAL:DUNKERSON, HAROLD DBA OATES CONSTRUCTION CO	AR
KNIM835	IG	MCDOLE FARMS INC	WA
KNIM999	IG	THOMPSON, CREAD	AR
KNIN441	IG	COBLE CRANES & EQUIPMENT CO	NC
KNIN689	IG	TERRA INTERNATIONAL INC	IA
KNIN993	IG	SEGNO COMMUNICATIONS INC	IL
KNIP246	IG	STAUFFER, BARRY:STAUFFER, LANNY	NE
KNIP307	PW	CALIFORNIA, STATE OF	CA
KNIP502	IG	BENNETT COUNTY COOPERATIVE ASSOCIATION	SD
KNIP584	IG	PETERSON, JOHN:PETERSON, LARRY DBA PETERSON BROS	IL
KNIP780	IG	TUCKER JR, ELY	NC
KNIP997	PW	TILLAMOOK, COUNTY OF	OR
KNIQ211	IG	SLC INDIANAPOLIS LLC	IN
KNIQ302	IG	KNEIFL, SYLVESTER	NE
KNIQ333	PW	LOWNDES, COUNTY OF	AL
KNIQ383	IG	CMEREK, EUGENE A	TX
KNIQ582	IG	EMBASSY SUITES HOTEL	TN

KNIT220	IG	CAVANAUGH, ROBERT C	IL
KNIT269	IG	SMITH, DAN	NE
KNIT348	IG	LANGLEY, KEITH DBA BEL AIR FARMS INC	OR
KNIT434	IG	PAGEL, C JOE	WI
KNIT738	IG	E R CALDWELL LAND CLEARING CONTRACTORS INC	PA
KNIU223	IG	BROWN, JIM:EMBACH, TOM DBA J & T LTD	AR
KNIU423	IG	DEXTER SUPPLY CO	GA
KNIU638	IG	TEMPLE, RANDY E	LA
KNIU741	IG	BAUERMEISTER, CHET	WA
KNIU889	IG	SYMONS FROZEN FOODS INC	WA
KNIV220	IG	KALUAKOI HOTEL & GOLF CLUB	HI
KNIW392	PW	OSCEOLA, TOWNSHIP OF	MI
KNIW597	IG	KORTH, MYRON	NE
KNIW606	IG	KENNEDY, HAROLD:KENNEDY, ROBERT:KENNEDY, EUGENE DBA KENNEDY CONSTRUCTION CO	IL
KNIW632	IG	SCHERR, STANLEY J	CO
KNIW664	IG	VALLEY CITY EQUIPMENT INC	ND
KNIW837	IG	JOZWIAK, JOHN	VT
KNIX463	IG	IRONS FEED YARD INC	KS
KNIX871	IG	PERRY, CLARK	CO
KNIX904	IG	OMAN, JERRY PAUL	OK
KNIX927	IG	MORGAN GUARANTY TRUST COMPANY OF NY	NY
KNIX960	IG	SCHULER, MERLE C	WI
KNIY219	IG	PITZELE GIN INC	AR
KNIY335	IG	PIRTLE & SONS INC	NM
KNIY375	IG	LITZENBERG, KEITH B	PA
KNIY381	IG	FISCHER, NORMAN	MI
KNIY474	IG	DISHAROON, JOHN P	MD
KNIY529	IG	PARKLAND BUILDERS INC	LA
KNIY549	IG	TITZMAN, MIKE	TX
KNIY559	IG	METHODIST HOSPITAL	TX
KNIY696	IG	FEDERAL PAVING INC	MI
KNIZ416	PW	SWEENY, CITY OF	TX
KNIZ481	IG	KALKASKA CONSTRUCTION KAL CON	MI
KNIZ508	IG	GASCO DISTRIBUTION SYSTEMS OF PA INC	PA
KNIZ509	IG	KLM TELEPHONE CO	MO
KNIZ658	IG	FARHART, MOODY M	ND
KNIZ677	IG	STRONGS EXCAVATING INC	ND

Callsign	Radio Service	Licensee	State
KNIZ804	IG	NEVA, DON R	MT
KNIZ837	IG	TOWN OF KILL DEVIL HILLS	NC
KNIZ854	IG	RUSSELL BUILDING MOVERS INC	FL
KNJA357	IG	TRUMP PLAZA HOTEL & CASINO	NJ
KNJA877	IG	MOORE JR, W R	TX
KNJB578	IG	TENNESSEE, STATE OF	TN
KNJB830	IG	JOHNSON CONTROLS INC	WI
KNJB947	IG	VANACEK, JAMES C	IL
KNJC249	IG	STOREY FARMS INC	AR
KNJC512	IG	BARNES HAY & FEED CO INC	SD
KNJC539	IG	ROYS MOTOR SERVICE	IA
KNJC570	PW	ST ELIZABETH HOSPITAL	NJ
KNJC630	IG	MOUND CRUSHED CONCRETE INC	MI
KNJC760	IG	TRINITY RIVER AUTHORITY OF TEXAS DBA TRINITY RIVER AUTHORITY OF TEXAS	TX
KNJC794	IG	WILLIAMS, TONY	TX
KNJC808	IG	HYPERTRONICS CORPORATION	MA
KNJC893	IG	ROSS, FRED C	MS
KNJD470	IG	HONESTY PRIVATE CAR SERVICE	NY
KNJD479	IG	MURPHYS DISPOSAL SERVICE INC	NY
KNJD581	IG	BIG D CONTRACTORS INC	NY
KNJD715	IG	SMITH, THOMAS B	FL
KNJD814	IG	DOLLAR RENT A CAR OF HAWAII	HI
KNJD845	IG	URBANIAK IMPLEMENT INC	MN
KNJD988	IG	CONTINENTAL SECURITY GUARDS INC	AZ
KNJE368	IG	MACK ENERGY COMPANY	OH
KNJE570	IG	COUNTRYLAND PROPERTIES INC	NV
KNJF378	IG	RONALD BLACK ELECTRIC	NC
KNJF390	IG	ROHRBACHER, DAN	ID
KNJF393	IG	YOUNG, GARRELL	OK
KNJF480	IG	ROCK EQUIPMENT INC DBA J W JONES COMPANY	IN
KNJF621	IG	SEIFERT, MORRIS	WI
KNJF937	IG	J A LONG INC	GA
KNJF954	IG	KEIFFER, DEAN	OK
KNJG684	IG	LANGHOFF, JAMES F	MN
KNJG798	IG	PARKER, JACK:PARKER, STEVE DBA PARKER	TX

Callsign	Radio Service	Licensee	State
KNJM921	IG	PAYNE, R ERNEST	IL
KNJM936	PW	WARD, JACK: WARD, CAROL DBA K & W AMBULANCE SERVICE	IN
KNJM974	IG	LAWN DOCTOR OF WHITING	NJ
KNJN902	IG	RIGHT COOPERATIVE ASSOCIATION INC	KS
KNJN922	IG	MASTER WELL WORKS INC	LA
KNJP305	IG	PIERCE, A:MILLER, H:MAIER JR, E	LA
KNJQ400	IG	WENINGER, LEON	CO
KNJQ702	IG	PHIL STARR & SON TRUCKING & EXCAVATING	MI
KNJS421	IG	SEGNO COMMUNICATIONS INC	IL
KNJS765	IG	WARREN, JOE D	IL
KNJS821	IG	THOE, JAY A:THOE, J ARTHUR DBA THOE AGGREGATES	CO
KNJT288	IG	A FERLITO FARMS INC	NY
KNJT468	IG	MODERN HANDLING EQUIPMENT CO	PA
KNJT822	IG	WATSON, RICHARD A	OH
KNJU249	IG	WILLIAM SCHNEIDER COMPANY	MD
KNJU651	IG	MASON FEEDERS INC	TX
KNJU679	IG	PCS PHOSPHATE COMPANY INC	NC
KNJV294	IG	CAROLINA DRYWALL INSULATORS INC	SC
KNJV401	IG	SEGNO COMMUNICATIONS INC	IL
KNJW779	IG	BEAN SR, BILL	NM
KNJX355	IG	TRI VALLEY GROWERS	CA
KNJX559	IG	WUNDERINK JR, JOHN	IN
KNJX659	IG	COTNER JR, DONALD G	PA
KNJX842	IG	MC LAWHORN LIVESTOCK FARMS INC	NC
KNJX851	IG	RAPID CITY JOURNAL	SD
KNJY227	IG	PAVING MATERIALS COMPANY	IL
KNJY264	IG	ST ELIZABETH HOSPITAL	NJ
KNJY295	IG	WINEGARDEN, DENNIS	IA
KNJY386	IG	BLOOMINGTON COUNTRY CLUB INC	UT
KNJY424	IG	BEHRENS MORTUARY INC	SD
KNJY463	IG	UNITED CONCRETE PRODUCTS INC	CT
KNJY575	IG	FORT MAGRUDER INN & CONFERENCE CENTER	VA
KNJY590	IG	HESS, DALE	IL
KNJZ419	IG	MUNDIE SERVICES INC	VA
KNJZ435	IG	WILDER FARMS	IL

		HARVESTING	
KNJG893	IG	CHANDLER, DALE	NE
KNJH316	PW	CALIFORNIA, STATE OF	CA
KNJJ632	IG	SUTTON PLACE HOTEL	CA
KNJJ896	IG	BUCK, THAYNE	ID
KNJK248	PW	KINGSLAND, CITY OF	AR
KNJK475	IG	WILSON, JERRY G	LA
KNJL344	IG	DAVIS, KEN:DAVIS, GARY DBA DAVIS TRUCKING	CA
KNJL870	IG	PARKER ROOFING INC DBA CAROLINA ROOFING & GUTTERING COMPANY	NC
KNJM278	IG	EWING, TOM	MO
KNJM287	IG	GREENE & TAYLOR NURSERIES INC	NC
KNJM362	PW	NORTHVILLE STATE HOSPITAL	MI
KNJM386	IG	CATOE, ROY C	SC
KNJM393	IG	HOBART SALES & SERVICE	NY
KNJM551	IG	LUCENT TECHNOLOGIES INC	NJ
KNJM603	IG	LESTERS REFRIGERATION INC	MA
KNJM615	IG	LUNDIN ROOFING COMPANY	IL
Callsign	Radio Service	Licensee	State
KNNG589	IG	ENGINEERED PLASTIC PRODUCTS INC	MI
KNNG619	IG	BURGER KING BK9253	WV
KNNG765	IG	FARMLAND GRAIN	TX
KNNG920	IG	MC DONALDS REST LC 15131	MI
KNNG930	IG	CHRISTIAN CITY CONVALESCENT CENTER	GA
KNNH331	IG	HORTON DENNIS & ASSOC INC	WA
KNNH387	IG	EAGLE CREEK CLUB INC	FL
KNNH650	IG	ISK MAGNETICS	TX
KNNH693	IG	BARNSTEAD THERMOLYNE	IA
KNNH697	IG	ROCKWALL INDEPENDENT SCHOOL DISTRICT	TX
KNNH922	PW	MEDICAL AMBULANCE SERVICE	PA
KNNH980	IG	APPLEWOOD PARTNERS L P DBA ASHBROOK APTS	MO
KNNI202	IG	LAMBERT, STEVEN:LAMBERT, MARY W	GA
KNNI225	IG	PACE TELECOMMUNICATIONS CENTER	OH
KNNI261	IG	WASHINGTON SQUARE PROPERTIES WEST	PA

KNJZ644	IG	CIGNA CORPORATION	DE
KNNF207	IG	LIBERTY CORPORATION	SC
KNNF245	IG	MORSE JR, VERNON	VT
KNNF292	IG	INDIANA READY MIX INC	IN
KNNF329	IG	MANAGEMENT & TRAINING CORPORATION DBA DAWSON STATE JAIL	TX
KNNF385	IG	BELOIT MEMORIAL HIGH SCHOOL	WI
KNNF423	IG	CHATT, MICHAEL	NE
KNNF447	IG	SOUTHTRUST BANK	AL
KNNF461	IG	FIRST SECURITY SERVICES CORP	MA
KNNF831	IG	GAGE PRODUCTS COMPANY	MI
KNNF880	IG	CORP PARA EL DESARROLLO DE LA VIVIENDA CUIDAD DORADA	PR
KNNF883	IG	CHATWOOD MANAGEMENT INC	CO
KNNF970	IG	PEANUT CITY IRON & METAL	VA
KNNG305	IG	PONDERNITA INC DBA PAYSON EXPRESS	AZ
KNNG323	PW	NEW JERSEY, STATE OF	NJ
KNNG583	IG	GIANT INDUSTRIES INC	NM
Callsign	Radio Service	Licensee	State
KNNM865	PW	WEST VIRGINIA, STATE OF	WV
KNNM922	IG	PARK NORTH TOWNHOMES	CO
KNNM957	PW	FRANCISCAN MEDICAL CENTER	OH
KNNN205	IG	MC LEISH LOGGING INC	ID
KNNN363	IG	CORRECTIONS CORP OF AMERICA	TN
KNNN480	IG	PARSONS ENGINEERING SCIENCE INC	OH
KNNN606	IG	MAUSER, KENT	NE
KNNN654	IG	UIS PROGRAMMABLE SERVICES INC	MI
KNNN660	IG	FULL HOUSE SPORTS & ENTERTAINMENT	WA
KNNN813	IG	MERCHANT DELIVERY SYSTEM INC	CA
KNNN819	IG	PROCTER & GAMBLE COMPANY	PR
KNNN821	IG	BULLOCK, HENRY	NC
KNNN824	IG	ICO INC	TX
KNNN828	IG	TOYOTA MOTOR SALES USA	CA
KNNP477	IG	QUEEN CARPET CORP	CA

KNNI370	IG	BERETTA USA CORP	MD
KNNI400	IG	POLYONE CORPORATION	OH
KNNI428	IG	NIBCO INC	OH
KNNI520	IG	R&T MECHANICAL INC	PA
KNNI696	IG	REYNOLDS, SANFORD	MO
KNNI747	IG	HARVARD PLANNING AND REAL ESTATE	MA
KNNI778	IG	LA DERA GOLF COURSE	NM
KNNI845	IG	HENRY W WESTERLAGE AVIATION CONSULTANTS INC DBA BELLAR COMMUNICATIONS	LA
KNNI900	IG	WEITNAUER HOUSTON INC	TX
KNNJ291	IG	PAIGE ELECTRIC COMPANY LP DBA PAIGE ELECTRIC COMPANY	NJ
KNNJ292	IG	PAIGE ELECTRIC COMPANY LP DBA PAIGE ELECTRIC COMPANY	NJ
KNNJ360	IG	DAWSON BAKER PACKING CO INC	KY
KNNJ567	IG	FIRST NATIONAL BANK OF JACKSON	KY
KNNJ724	IG	MANOR HEALTH CARE	SC
KNNJ747	IG	W W ENTERPRISES	SD
KNNJ756	IG	TRANE COMPANY	CO
KNNK294	IG	WASTE CORPORATION OF ARKANSAS INC	TX
KNNK385	IG	OSBORNE, JOHN D DBA OSBORNE CONCRETE CO INC	MI
KNNK410	IG	DUER WAGNER & CO	TX
KNNK533	IG	PIONEER STANDARD ELECTRONICS INC	OH
KNNK564	IG	ELECTRONIC SOLUTIONS	CA
KNNK597	IG	COMMAND SECURITY INC	CA
KNNK781	IG	TACO BELL 03170	AL
KNNK814	IG	MC DONALDS RESTAURANT 11613	MO
KNNK921	IG	CHERRY ELECTRICAL PRODUCTION	IL
KNNL202	IG	KRAUTKREMER, DENNIS	MN
KNNL243	IG	KING LOGGING INC	OR
KNNL282	IG	BOWDEN INDUSTRIES INC	AL
KNNL364	IG	GOTTA GO CORPORATION	FL
KNNL484	IG	PYRO SPECTACULARS	CA
KNNL616	IG	SINGING HILLS COUNTRY CLUB	CA
KNNL627	IG	MEREDITH, MICHAEL S	MD
KNNL654	IG	HINES INTERESTS LIMITED PARTNERSHIP	TX
KNNM327	IG	GLOBE FACILITY SERVICES	NH
KNNM522	PW	BLAKEY, RACHEL	MD
KNNM570	IG	FRUEN INDUSTRIES OF COLORADO LTD DBA ROSE FOOD MART	CO
KNNP629	IG	EFFICIENCY PRODUCTION INC	MI
KNNP723	PW	CLOVERDALE VOLUNTEER FIRE DEPT	AL
KNNP747	IG	MC CAIN FOODS INC	SD
KNNP857	IG	GAISLER, FRANKLIN	IL
KNNQ249	IG	NEWMAN MEMORIAL COUNTY HOSPITAL	KS
KNNQ252	IG	Midwest Division - MMC, LLC	MO
KNNQ260	IG	LOYALSOCK TOWNSHIP SCHOOL DISTRICT	PA
KNNQ274	IG	MARISCO LTD	HI
KNNQ853	IG	LAU, WILLIS	IA
KNNQ877	IG	TACO BELL 01454	MI
KNNQ885	IG	TACO BELL 02108	MI
KNNQ904	IG	BOARD OF COOPERATIVE EDUCATIONAL SERVICES	NY
KNNR571	IG	SMITHS SUPERMARKET OF MANLIUS INC	NY
KNNR682	IG	OCEANPORT INDUSTRIES INC	DE
KNNR684	IG	RECKITT BENCEISER INC	NJ
KNNR753	IG	JUNIOR LEAGUE OF INDIANAPOLIS INC	IN
KNNS320	IG	JOHNSON & JOHNSON MEDICAL	TX
KNNS360	IG	TITLE I	FL
KNNS560	PW	NAVAJO NATION	AZ
KNNS632	IG	SKF USA INC	KY
KNNS839	IG	MC CAIN CITRUS INC	IL
KNNS869	PW	CALIFORNIA, STATE OF	CA
KNNS945	IG	NEWSDAY INC	NY
KNNT238	IG	JSC CCA	IL
KNNT371	IG	COLLINS FAMILY MARKETS INC	PA
KNNT373	IG	TACO BELL 03486	GA
KNNT419	IG	PLASTIC CONTAINERS INC	AL
KNNT630	IG	GENERAL GROWTH MANAGEMENT INC	FL
KNNT895	IG	HOSPITAL CENTRAL SERVICES CORP	PA
KNNT941	IG	CONCORD HOSPITALITY INC DBA HAMPTON INN	OH
KNNU234	IG	HILLS DEPARTMENT STORES INC	OH
KNNU279	IG	KERKSTRA PRE CAST INC	MI
KNNU313	IG	JOHNN DRILLING INC DBA K BAR RANCH	TX
KNNU380	PW	MEXICO CITY OF	MO
KNNU458	IG	BASHAM, JOSEPH D	AZ
KNNU521	IG	UPPER VALLEY MATERIALS INC	TX

Callsign	Radio Service	Licensee	State
KNNU535	IG	UNIMED MEDICAL CENTER	ND
KNNU614	IG	Permian Basin Railways, Inc.	IL
KNNV738	IG	LADISH CO INC	AR
KNNW296	IG	HYDE PARK INC	VA
KNNW334	IG	COOPER HAND TOOLS	NC
KNNW353	IG	BOSCH BRAKING SYSTEMS CORPORATION	SC
KNNW380	IG	CAMTRON COATINGS INC	MI
KNNW387	IG	W C PARISH CO INC DBA SENTINEL SECURITY & PATROL SERVICES	CA
KNNY456	IG	D & T HAULING	OH
KNNY467	IG	BURGER KING 2742	MI
KNNY718	IG	YORK INTERNATIONAL CORPORATION DBA YORK INTERNATIONAL	OH
KNO314	IG	WESTBAY EQUIPMENT CO INC	IL
KNP790	IG	CENTRAL COMMUNICATIONS & ELECTRONICS INC	TX
KNR892	IG	JOHN BRUNJES ASPHALT	NY
KO2848	IG	GEORGE W VAN CAMP COMPANY	OH
KO5463	PW	BRISTOL VOLUNTEER FIRE DEPARTMENT	IN
KOB620	PW	KENTUCKY, COMMONWEALTH OF	KY
KOB685	IG	LAMOILLE VALLEY RR NORTHERN VT CORP	FL
KOB783	PW	BROWNSVILLE MEDICAL CENTER	TX
KOE822	IG	MURREY, JOE	NV
KOF313	IG	INTERNATIONAL PAPER INC	GA
KOG347	IG	MONROC	ID
KOG717	IG	CARNES, JOHN R	TN
KOG917	IG	MONROC	ID
KOI775	PW	KING, COUNTY OF	WA
KOI778	PW	KING, COUNTY OF	WA
KOI847	IG	MONROC	ID
KOK477	IG	STEIER, FRANK	ND
KOL923	PW	KING, COUNTY OF	WA
KOM442	PW	NEW ATHENS V F D	OH
KON490	IG	JOHNSTON PETROLEUM PRODUCTS INC	WA
KON883	IG	MALTA READY MIX INC	MT
KOP953	PW	AULTMAN HOSPITAL	OH
KP3256	IG	GREENVILLE LUMBER CO	MS
KP3831	PW	SABINE RIVER AUTHORITY OF TEXAS	TX
KP4116	PW	PIMA, COUNTY OF	AZ
KP7360	PW	ARLINGTON, COUNTY OF	VA
KQ2751	IG	FIRST SECURITY SERVICES	CT

Callsign	Radio Service	Licensee	State
KQL841	PW	GRANADA HILLS COMMUNITY HOSPITAL	CA
KQL850	PW	BAY HARBOR HOSPITAL	CA
KQM516	IG	MID AMERICA DAIRYMEN INC	NE
KQM885	IG	BROADMOOR HOTEL	CO
KQN975	PW	CALIFORNIA, STATE OF	CA
KQO398	IG	NORTHWOOD STONE & ASPHALT CO	OH
KQO399	IG	NORTHWOOD STONE & ASPHALT CO	OH
KQP553	IG	HENRYS AUTOMOTIVE CENTER INC	NY
KQP629	PW	Puerto Rico Police Communication Division	PR
KQP800	IG	Comcast of Montana/Indiana/Kentucky/Utah	NY
KQR348	PW	ARLINGTON HOSPITAL	VA
KQR569	PW	CALIFORNIA, STATE OF	CA
KQS641	PW	MILFORD MEMORIAL HOSPITAL	DE
KQS943	IG	HUSTON ELECTRIC INC	IN
KQT750	IG	PRICHARD, CITY OF	AL
KQU280	PW	MARYMOUNT HOSPITAL	OH
KQU794	IG	MODERN PRODUCE FARMS INC	NY
KQV687	IG	PIONEER CONCRETE OF CA INC DBA PIONEER	CA
KQV946	IG	SCEARCE, J E	VA
KQW553	PW	TEXAS, STATE OF	TX
KQX904	PW	CALIFORNIA, STATE OF	CA
KR3151	IG	PITSTICK, JAMES A	OH
KR4550	PW	OHIO, STATE OF	OH
KR9172	PW	LAGUNA VISTA, VILLAGE OF	TX
KR9398	IG	HERTZ CORPORATION	NY
KR9682	IG	WESTCOTT CONSTRUCTION CO	MA
KRB595	PW	STRATTON VOLUNTEER FIRE DEPARTMENT	OH
KRC464	IG	L & L FARMS INC	IL
KRC614	PW	BEECH ISLAND, CITY OF	SC
KRD839	IG	R L GAUDE CO INC	NY
KRE292	PW	CONNECTICUT, STATE OF	CT
KRE304	PW	VICKSBURG HOSPITAL INC	MS
KRF77	PW	LOS ANGELES, CITY OF	CA
KRF78	PW	LOS ANGELES, CITY OF	CA
KRG257	IG	HOLSTED, ANDREW C	KS
KRG414	IG	SUPREME HEATING & AIR CONDITIONING CO	IN
KRG809	PW	LAUREL WOOD CENTER	MS
KRH490	IG	TRINITY RIVER	TX

		CORP	
KQ4878	IG	KORDICK & SON INC	CA
KQ8226	IG	CMW INC	IN
KQ9551	IG	Corban Communications, Inc.	TX
KQA444	IG	WARREN, CITY OF	OH
KQC662	PW	WESTFIELD FIRE DEPARTMENT	OH
KQD462	IG	STEVENS SHIPPING & TERMINAL CO INC	SC
KQE710	PW	ZEELAND, CITY OF	MI
KQG517	IG	FLINT ASPHALT & PAVING CO	MI
KQH869	IG	WENNER, H R	OH
KQI203	IG	SCHMADER, JOHN	PA
KQI35	IG	LOWER NECHES VALLEY AUTHORITY	TX
KQI587	IG	CHAMBERLAIN, CHARLES H	OH
KQK252	IG	NELSON FARM DRAINAGE INC	MN
Callsign	Radio Service	Licensee	State
KRR486	IG	TRINITY COLLEGE INC	VT
KRR757	IG	MONROC	ID
KRT751	PW	BUENA VISTA TOWNSHIP FIRE DISTRICT 5	NJ
KRX643	IG	LOUISIANA PACIFIC CORPORATION	OR
KRZ328	PW	TISHOMINGO, CITY OF	OK
KS5684	PW	RICH SQUARE, TOWN OF	NC
KS6262	PW	FLORIDA, STATE OF	FL
KS6722	PW	TIMMONSVILLE, TOWN OF	SC
KS9508	IG	SECURITY FORCES INC	NC
KS9804	IG	MALIBU GRAND PRIX CORP	CA
KSA531	IG	CITY CAB COMPANY INC	WI
KSF367	IG	TAYLOR S EXCAVATORS INC	WA
KSG610	IG	K A S CABLE TV INC	OH
KSK421	IG	MACS TOWING	WI
KSK463	PW	HUBERT, PAT L	TX
KSK947	PW	MERCY REGIONAL MEDICAL CENTER	MS
KSL989	PW	DISTRICT MEMORIAL HOSPITAL	MN
KSM445	IG	MOLESWORTH CONTRACTING COMPANY	MI
KSM494	IG	CORDOVA CHEMICAL COMPANY	MI
KSO612	PW	DISTRICT OF COLUMBIA	DC
KSP397	IG	MONROC	ID
KSP491	IG	GATX TERMINALS CORPORATION	PA
KSQ211	IG	PETERSEN, DANNY A	MI
KSQ616	IG	UNITED TELEPHONE CO OF	OH

		AUTHORITY OF TEXAS	
KRI538	PW	CONVERSE VOL FIRE CO INC	IN
KRJ532	IG	TRINITY RIVER AUTHORITY OF TEXAS DBA TRINITY RIVER AUTHORITY OF TEXAS	TX
KRJ557	IG	CRYOVAC INC	FL
KRJ883	PW	ROUND ROCK, CITY OF	TX
KRK472	IG	VALLEY FRESH FOODS INC DBA RAINBOW FARMS	CA
KRK826	IG	CLARK EQUIPMENT COMPANY	ND
KRL372	PW	LANCASTER HOUSING AUTHORITY	SC
KRL761	IG	FERGUSON JR, LAWRENCE T	NE
KRM778	PW	PINOLE, CITY OF	CA
KRN468	PW	BATAVIA SCHOOL DISTRICT 101	IL
KRO400	PW	BERNALILLO PUBLIC SCHOOLS	NM
KRO607	IG	VALLEY FARMS	CO
KRQ594	IG	PIEDMONT NATURAL GAS CO INC	NC
Callsign	Radio Service	Licensee	State
KTB269	PW	State of Connecticut Department of Transportation	CT
KTB329	IG	BOBS TRUCKING INC	CA
KTB746	IG	UNION CAMP CORPORATION	GA
KTE417	PW	LOS ANGELES, CITY OF	CA
KTE418	PW	LOS ANGELES, CITY OF	CA
KTG768	PW	RICH SQUARE, TOWN OF	NC
KTG815	IG	MC INNIS CORPORATION	AL
KTI884	IG	Honeywell International Inc.	OH
KTJ765	IG	UNITED TELEPHONE CO OF OHIO	OH
KTL329	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
KTL330	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
KTL352	IG	SUMMIT TIMBER COMPANY INC	WA
KTL397	IG	S A GRAHAM CONSTRUCTION CO	AL
KTL990	IG	KISCO KAB LTD	NY
KTM257	IG	MORTON, DALE R	IL
KTN720	IG	TRAFFIC CONTROL INC	MA
KTN889	IG	GONZALES SR, ABEL	TX
KTO424	PW	AMERICAN NATIONAL RED CROSS	VA
KTO627	IG	ATLAS CONCRETE PRODUCTS INC	WA
KTQ395	IG	LUMPP, MICHAEL	IL
KTQ725	IG	HERTZ CAR RENTAL	GA
KTS532	PW	PORTAGE HEALTH SYSTEMS	MI
KTT335	IG	REHM ELECTRIC SHOP INC	IL
KTT403	IG	ANDERSON NELSON INC	AZ

		OHIO	
KSR214	IG	GOULDTHORPE, DAVID S	VA
KSR498	IG	JAMES V SPANO INC	NY
KSR965	PW	SOUTH BEND HOUSING AUTHORITY	IN
KSS966	PW	FRANKLIN, TOWNSHIP OF	OH
KSU356	IG	DENZEL COFFEY RANCH	WY
KSU564	PW	LOS ANGELES, CITY OF	CA
KSV610	PW	MILWAUKIE, CITY OF	OR
KSV722	IG	BRIDGEPORT FISHING & RENTAL TOOLS	TX
KSW735	IG	REND LAKE CONS DISTRICT	IL
KSW796	IG	EASTERN CORPORATION	MD
KSX323	PW	ARLINGTON, COUNTY OF	VA
KSZ676	PW	LOS ANGELES, CITY OF	CA
KSZ683	PW	LOS ANGELES, CITY OF	CA
KSZ709	IG	MOSER, HOWARD	SD
KT3158	IG	CLIFFWOOD PRODUCTION CO	TX
KT5335	IG	SHANE INC	NE
KT5378	PW	SCRANTON, CITY OF	KS
KT5391	IG	CONAGRA POULTRY COMPANY	CA
KT5991	IG	MURPHY OIL USA INC	FL
KT7242	IG	ASSOCIATED PRESS	IL
KT7391	IG	ECHOLS BROTHERS INC	VA
KT9926	IG	TOC TERMINALS INC	GA
KT9927	IG	TOC TERMINALS INC	GA
KT9928	IG	TOC TERMINALS INC	GA
KT9929	IG	TOC TERMINALS INC	GA
KT9931	IG	TOC TERMINALS INC	GA
KTB258	IG	PAUL BERRY CHEVROLET INC	NC
Callsign	Radio Service	Licensee	State
KUK878	IG	WELLMAN FARMS INC	IA
KUL568	IG	BIRKEYS FARM STORE INC	IL
KUL603	IG	ROBERTS COMMUNICATIONS & ELECTRONICS INC	NC
KUL701	PW	LOS ANGELES, CITY OF	CA
KUL702	PW	LOS ANGELES, CITY OF	CA
KUO413	IG	BOISE CASCADE CORPORATION	LA
KUO762	IG	L L O INC	NV

KTT912	IG	FORT BEND COUNTY WRECKER ASSOCIATION	TX
KTU714	IG	ELECTRON CORP	CO
KTV460	IG	BUDACH, GENE R	MN
KTV490	IG	J S FARM SUPPLY INC	IA
KTY828	IG	CURUTCHET, BEN	CA
KTY934	IG	JARRETT, KENNY DBA COWDEN PLANTATION	SC
KTZ550	IG	BLACKHAWK HOTEL	IA
KTZ859	IG	MIDWEST REAL ESTATE HOLDINGS LLC DBA UNITED PROPERTIES LLC	MN
KU3227	IG	US DENRO STEELS INC	TX
KU3279	IG	HAMMONS, LEON:HAMMONS, KATHY DBA BEN TOILET RENTALS	CA
KU3322	IG	COON RAPIDS JUNIOR HIGH SCHOOL	MN
KU3756	PW	OCEAN CITY, CITY OF	MD
KU3774	PW	KENTUCKY, COMMONWEALTH OF DBA DEPT OF EMERGENCY MANAGEMENT	KY
KU5326	IG	TERRA INTERNATIONAL INC	IA
KU6817	IG	WILLIAMSPORT WIREROPE WORKS INC	PA
KU9329	IG	SOUTHWESTERN PORTLAND CEMENT CO	OH
KUA650	IG	SHELBURNE MUSEUM	VT
KUB864	IG	HOWARDS EXPRESS INC	NY
KUB959	PW	PIMA, COUNTY OF	AZ
KUC473	IG	WEITZENKAMP FARMS INC	NE
KUE365	IG	PONY EXPRESS COURIER CORP	NC
KUI483	IG	POPLAR GROVE FEED CO	IL
KUJ312	IG	SEATON, CECIL:SEATON, CHARLES DBA SEATON CONSTRUCTION COMPANY	TN
KUJ489	IG	GRAND LAKE TRANSIT	OH
KUJ562	PW	UNIVERSITY OF HOUSTON	TX
KUJ918	IG	LEWIS FARMS	SC
KUK399	IG	PICK, DENNIS	IN
Callsign	Radio Service	Licensee	State
KVZ535	PW	ARKANSAS, STATE OF	AR
KW4083	IG	JONES, TOM	FL
KWB862	IG	HUBERT MOORE LUMBER CO INC	GA
KWC558	IG	SMITH MECHANICAL CONTRACTORS INC	TN
KWC972	IG	LOUISIANA PACIFIC CORPORATION	MT
KWC984	IG	J A HARMON CONSTRUCTION CO	MS
KWD402	IG	CLELAND	SC

KUO905	PW	PUERTO RICO, COMMONWEALTH OF	PR
KUQ536	PW	Puerto Rico Police Communication Division	PR
KUR279	IG	BAUGH CONSTRUCTION AND ENGINEERING	AK
KUS796	IG	SKYLINE ELECTRIC INC	AK
KUU697	IG	DETROIT NEWSPAPER AGENCY	MI
KUW426	IG	BUCKWALTER, DAVID P	NJ
KUW493	IG	JAEGER CONSTRUCTION INC	CA
KUX213	IG	W F SAUNDERS & SONS INC	NY
KUY217	IG	VAUGHT, HARLAN	IN
KV2814	PW	WELLERSBURG DISTRICT FIRE CO INC	PA
KV4858	IG	ZWIGHT LOGGING CO INC	WA
KVA367	IG	LUGO, KERRY	CA
KVC506	PW	LOS ANGELES, CITY OF	CA
KVC987	IG	LIND, LEONARD D	IA
KVE640	IG	WOODHAM, MICHAEL L	FL
KVF630	IG	ISLANDER TAXI SERVICES	VI
KVG249	IG	HICKSVILLE GRAIN CO	OH
KVG859	IG	SCHONAUER, D:SCHONAUER, C:SCHONAUER, E DBA SCHONAUER BROS SHAW RANCH	CA
KVG987	PW	NORTH SHORE UNIVERSITY HOSPITAL	NY
KVH815	IG	H E WIGGINS & SONS INC	CA
KVI288	IG	MORSE BROTHERS INC	OR
KVI357	IG	ZARSKY LUMBER CO OF LIBERTY TEXAS	TX
KVI883	IG	LAFAYETTE LAND CO INC	MO
KVJ292	IG	CLOVERNOOK HOME & SCHOOL FOR THE BLIND	OH
KVK614	IG	JOE CLAUD ELECTRIC SERVICE INC	TN
KVL955	PW	FAIRVIEW, CITY OF	TN
KVM983	IG	SCHOTT, JAMES G	SD
KVO359	IG	WALLACE BROTHERS INC	WA
KVO646	IG	PERRY, JAMES W:PERRY, JIMMY M DBA PERRY TRUCKING COMPANY	NC
KVO967	IG	MEARS, JAMES F	TN
KVP805	PW	BLOUNT MEMORIAL HOSPITAL	AL
KVR553	IG	LIAKOS, ELSIE	NE
KVR762	PW	WISE, JOHN T:CROMER, DONALD B DBA WESTWOOD ANIMAL HOSPITAL	VA
KVR816	IG	AMERICAN SIGHTSEEING TOUR INC	FL
KVS335	IG	MARK IV CONSTRUCTION COMPANY INC	NY
KVT655	PW	LIGONIER TOWNSHIP CO 2 WILPEN VFD	PA
KVT784	PW	CALIFORNIA, STATE OF	CA

		CONSTRUCTION CO INC	
KWD767	IG	STRICKLANDS MOUNTAIN INN	PA
KWD932	IG	CHESAPEAKE FOREST PRODUCTS CO	VA
KWE257	IG	National Grid USA Service Company, Inc.	NY
KWE570	PW	RICH SQUARE, TOWN OF	NC
KWF268	IG	PHILLIPS PAVING CO	GA
KWF482	IG	LEEDLE, KENNETH	WI
KWF910	PW	NEW WASHINGTON, VILLAGE OF	OH
KWH746	IG	LIGHTWEIGHT & COMMERCIAL CONCRETE	IN
KWH807	IG	J & E CONSTRUCTION CO INC	WI
KWJ356	PW	PUERTO RICO, COMMONWEALTH OF	PR
KWJ357	PW	PUERTO RICO, COMMONWEALTH OF	PR
KWJ622	IG	EVANS TIMBER CO INC	GA
KWK327	IG	ECK, EARL T	PA
KWL873	IG	KAESER, DONALD R	OH
KWM772	PW	Puerto Rico Police Communication Division	PR
KWM937	IG	COURTESY CAB CO INC	MO
KWN823	IG	LOVEGROVE CONSTRUCTION CO INC	VA
KWN851	IG	REAM ROOFING ASSOCIATES INC	PA
KWO243	IG	MOORE, MELL R	OK
KWO829	IG	HEIDELBERG GRAVEL CO	IL
KWO845	IG	BROEKHUIS, JARVIS	MI
KWP393	IG	BASS, DELOS L	LA
KWQ445	IG	GIBBS FARMS LLC	ID
KWR753	IG	NORTEX FEEDLOT INC	TX
KWT708	IG	SHANKS ENTERPRISE INC	NY
KWU756	IG	RADISSON HOTEL CORP	MN
KWV571	PW	DONALDSONVILLE, CITY OF	LA
KWV87	IG	J H MEEK & SONS INC	CA
KWV895	IG	OLSSON, JERRY	KS
KWW287	IG	DANKER FARMS	IA
KWW444	IG	SCHULTZ CONSTRUCTION INC	NY
KWX477	PW	BAUMRUCKER, JOHN F	NC
KWX844	IG	CANADAY, JIM	WA
KWY488	IG	STANDARD CONSTRUCTION CO	TX
KWZ279	IG	MEAD CORP	AL
KWZ816	IG	HERTZ CORP	NY
KX6722	IG	CASHMAN EQUIPMENT	NV

KVT825	PW	CALIFORNIA, STATE OF	CA
KVX238	IG	DETROIT NEWSPAPER AGENCY	MI
KVX324	IG	DILLINGHAM CONSTRUCTION CO INC	NC
KVX845	PW	SANTA FE, CITY OF DBA CITY OF SANTA FE	NM
KVX989	IG	SHANE INC	NE
KVY996	IG	CLEVELAND, GROVER H	GA
KVZ26	PW	CALIFORNIA, STATE OF	CA
Callsign	Radio Service	Licensee	State
KXF303	IG	Cuyahoga Vending	OH
KXF568	PW	RONDA COMMUNITY V F D INC	NC
KXF658	PW	TRUMBULL TOWNSHIP VOLUNTEER FIRE COMPANY	OH
KXF791	IG	ECHOLS BROTHERS INC	VA
KXF792	IG	ECHOLS BROTHERS INC	VA
KXF859	IG	CONAGRA POULTRY COMPANY	CA
KXG881	PW	OHIO, STATE OF	OH
KXG887	PW	OHIO, STATE OF	OH
KXH323	IG	TOBEY HEATING & AIR CONDITIONING COMPANY	OK
KXH799	IG	OVESEN, WAYNE H	IA
KXI223	IG	AMERICAN PATROL & GUARD CO INC	CO
KXJ515	IG	RICHARDS JR, RANSOM A	TX
KXK549	IG	ST FRANCIS CENTRAL HOSPITAL	PA
KXL200	PW	BAPTIST MEDICAL CENTER	AL
KXL227	PW	EL PASO, COUNTY OF	CO
KXL667	IG	ACME SCRAP IRON & METAL	OH
KXM278	PW	SAINT FRANCIS HOSPITAL	IL
KXM376	IG	PULLMAN BANK & TRUST CO	IL
KXN216	IG	D.T. Kothera Inc	OH
KXN577	IG	HAMMONS, LEON:HAMMONS, KATHY DBA BEN TOILET RENTALS	CA
KXO267	IG	MASON OIL COMPANY INC	VA
KXO559	IG	TRINITY RIVER AUTHORITY OF TEXAS DBA TRINITY RIVER AUTHORITY OF TEXAS	TX
KXO807	PW	OHIO, STATE OF	OH
KXP419	IG	MEDICAL CENTER CLINIC	FL
KXQ639	PW	PROMINA KENNESTONE HOSPITAL	GA
KXQ657	PW	KENTUCKY, COMMONWEALTH OF DBA KY EMERGENCY MANAGEMENT	KY

		CO	
KX8751	IG	DEKALB COLLEGE	GA
KXA764	IG	DIXIELAND CONTRACTORS INC	TN
KXC413	IG	INDEPENDENT SCHOOL DISTRICT 281 DBA SAME AS APPLICANT	MN
KXD617	IG	WINGATE UNIVERSITY	NC
KXE439	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
KXE449	IG	STUHLMILLER, RAYMOND	WA
KXE960	IG	RAMADA HOTEL OLD TOWN	VA
Callsign	Radio Service	Licensee	State
KYI596	IG	WITTER, DUANE	WI
KYJ799	IG	CENTRAL VALLEY READY MIX INC	CA
KYK253	IG	GROVES, HOWARD	OK
KYL356	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
KYM265	IG	CELOTEX CORP	LA
KYM432	IG	XEROX CORPORATION	NY
KYM783	IG	BROWNING, HAROLD	AR
KYN932	PW	CALIFORNIA, STATE OF	CA
KYO357	PW	HIGHTOWER FUNERAL HOME INC	GA
KYO532	IG	LIGHTNING & THUNDERBOLTS INC	MT
KYO731	IG	GOLDEN GEM GROWERS INC	FL
KYP282	IG	GIPSON FUNERAL HOME	TX
KYP348	IG	UNIVERSITY OF MINNESOTA HOSPITALS	MN
KYR562	IG	PINEY WOOD CRANBERRY CO INC	MA
KYU521	PW	FLORIDA, STATE OF	FL
KYV299	IG	SCIARRETTI HAULING COMPANY	PA
KYV360	IG	WESSELS, EVERETT C	MN
KYV538	IG	WHEELER, DAVID W	TX
KYW886	PW	KING, COUNTY OF	WA
KYY335	IG	XEROX CORPORATION	NY
KYZ963	IG	FREEMAN FERTILIZER CO	SD
KZ2070	PW	SKAMANIA COUNTY FIRE DISTRICT 4	WA
KZ9957	PW	BENTON, TOWNSHIP OF	MI
KZA297	IG	CLEMENTZ, GEORGE DBA AURORA WIRING & FIXTURE	IL
KZA781	IG	MORGAN STATE UNIVERSITY	MD
KZB569	IG	INTERNATIONAL PAPER CO	PA

KXQ658	PW	KENTUCKY, COMMONWEALTH OF	KY
KXT223	IG	MC DOWELL OIL HEAT	NJ
KXT560	IG	WHITEHEAD APPLIANCE SERVICE	GA
KXT564	IG	SHAWNEE TRANSPORTATION INC	OK
KXU202	PW	OHIO, STATE OF	OH
KXU471	IG	YODER, HAROLD L:YODER, GLADYS M	KS
KXV201	IG	SAGAMORE IN PINE HOLLOW LTD	NY
KXV749	IG	MARQUETTE ELECTRONICS INC	WI
KXV780	IG	SIDS WRECKER SERVICE INC	IN
KXW829	IG	STEWARD FARMS	MO
KXW885	IG	TONY J BELTRAMO & SONS INC	CO
KXW962	IG	GRAVES OIL & BUTANE COMPANY	NM
KXX337	PW	EASTEX FREEWAY VOLUNTEER FIRE DEPARTMENT	TX
KXY295	IG	ANGELL, WARREN D	KS
KXY557	IG	FELTON FARMERS COOP ELEVATOR	MN
KY5373	IG	LEISURE POOLS INC	MA
KYD571	IG	DRUMMOND COMPANY	AL
KYD701	IG	FORRY & SON	OH
KYE302	IG	SETTLERS IRRIGATION DISTRICT DBA SETTLERS IRRIGATION DISTRICT	ID
KYE688	IG	MISSISSIPPI VALLEY ROOFING INC	MO
KYF335	PW	SPEEGLEVILLE CITY OF	TX
KYF820	IG	FRIEND FERTILIZER INC	NE
KYG394	IG	YOUNG & MORGAN TIMBER	OR
KYG776	PW	SAN MIGUEL, COUNTY OF	NM
KYG870	IG	REDI ELECTRIC INC	AK
Callsign	Radio Service	Licensee	State
KZN402	IG	INTERNATIONAL PAPER CO	PA
KZQ659	PW	HERTFORD, COUNTY OF	NC
KZQ780	PW	RUSSELLVILLE, CITY OF	AR
KZT404	PW	TIMMONSVILLE, TOWN OF	SC
KZU261	IG	LARRY E KUNTZE EXCAVATING & CONSTRUCTION CO	MO
KZU356	IG	DAME, TERRY	MO
KZV310	PW	HERTFORD, COUNTY OF	NC
KZV333	PW	RIB LAKE FIRE AMBULANCE SERVICE	WI
KZX275	IG	CANADIAN PACIFIC LIMITED	ME
KZX436	IG	ETHICON INC	NJ
KZX447	IG	UNICON CONCRETE INC	NC
WAC900	IG	SAGARA FARMS, INC.	CA
WAF586	PW	ARLINGTON, COUNTY OF	VA

KZB727	IG	BROUSE, NINA	CO
KZC221	IG	KELSAY, JOE R	IN
KZC319	IG	WINSKY, AUGUST E	MT
KZC531	PW	KINGWOOD VOLUNTEER FIRE DEPARTMENT INC	TX
KZD920	IG	BORTZ CORPORATION	PA
KZE288	IG	DYERSBURG FABRICS INC	TN
KZE412	IG	DEKALB IMPLEMENT COMPANY	IL
KZE489	IG	COOPER, JAMES	IN
KZE591	PW	PRICHARD, CITY OF	AL
KZE780	PW	CALIFORNIA, STATE OF	CA
KZE781	PW	ALLEGHENY VALLEY HOSPITAL	PA
KZF28	PW	KING, COUNTY OF	WA
KZF29	PW	KING, COUNTY OF	WA
KZF311	IG	MINIVER, LOU	ID
KZH741	IG	SCHUMACHER INC	NE
KZK205	PW	GOLDBAR, CITY OF	WA
KZK208	PW	KENTUCKY, COMMONWEALTH OF	KY
KZK210	PW	KENTUCKY, COMMONWEALTH OF	KY
KZK555	IG	WALDROP HEATING & AIR COND	SC
KZL706	IG	VAN AELST, NEIL	WA
KZL865	IG	FRANKIE R GRIFFIN ESTATE	AR
KZL959	IG	HYATT CORP	SC
KZM558	IG	KILGEN, GEORGE	NJ
KZM882	IG	PATTERSON, TOM	IL
KZN276	IG	HASLEY, WAYNE F	IA
Callsign	Radio Service	Licensee	State
WGJ982	PW	CALIFORNIA, STATE OF	CA
WGK312	IG	MONROE CITY CORPORATION	UT
WGK686	IG	MONTGOMERY CO R W D 11	KS
WGM43	PW	CALIFORNIA, STATE OF	CA
WGM698	IG	CLIFFWOOD PRODUCTION CO	TX
WGM780	IG	GORDONS ENTERPRISES	IN
WGM963	IG	BAYLOR WATER SUPPLY CORP	TX
WGN578	IG	CLIFFWOOD PRODUCTION CO	TX
WGQ862	IG	Pacific Pipeline Systems LLC	CA
WGZ739	IG	PRIMROSE OPERATING COMPANY	TX
WID855	PW	NAPA, COUNTY OF	CA
WIF221	IG	SOMERS SANITATION INC	NY
WIG330	IG	ADVANCE SECURITY INC	PA

WAF75	PW	CALIFORNIA, STATE OF	CA
WAF83	PW	CALIFORNIA, STATE OF	CA
WAF89	PW	CALIFORNIA, STATE OF	CA
WAN287	IG	RECLAMATION DISTRICT NO 108	CA
WAP917	IG	CONAGRA POULTRY COMPANY	CA
WAP973	IG	GLOUCESTER TOWNSHIP MUNICIPAL UTILITIES	NJ
WBA695	PW	CALIFORNIA, STATE OF	CA
WBC295	PW	MILWAUKIE, CITY OF	OR
WBC767	PW	UNIVERSITY OF MONTANA	MT
WBG467	PW	WILMINGTON, CITY OF	NC
WBL237	PW	CALIFORNIA, STATE OF	CA
WBU675	PW	HEBRON, VILLAGE OF	IL
WBV434	IG	J P TURNER + BROTHERS INC	VA
WBV848	IG	LEISURE POOLS INC	MA
WCD324	IG	E W H INC	FL
WCV983	IG	QUICKSILVER INC	OH
WCX207	IG	LOYAL TERMITE & PEST CONTROL CO INC	VA
WDD867	IG	C & J SERVICE CO	IA
WDD868	IG	C & J SERVICE CO	IA
WDN916	IG	WESTERN TEX PACK INC	TX
WDT618	IG	COHO OIL AND GAS INC	OK
WFD812	IG	JOE DICKEY ELECTRIC	OH
WFE452	IG	CLAY ELECTRIC COOP INC	FL
WFM785	IG	W M WALKER INC	NM
WFN258	IG	ANDREW COUNTY P W S D 4	MO
WFP588	IG	JONES, TOM	FL
WFQ995	IG	MOORE, MARVIN	KS
WFS994	IG	JACK COOK FARMS INC	IA
WFU513	IG	ATLANTIC CITY ELECTRIC COMPANY	DE
WFU867	IG	WHITING FORENSIC INSTITUTE	CT
WGC721	PW	DELAWARE VALLEY MEDICAL CENTER	PA
WGF417	IG	SUNNILAND PIPELINE CO	FL
WGG423	IG	THISTLE, RONALD F	MA
WGH291	IG	C & J SERVICE CO	IA
WGH423	IG	GADSDEN, CITY OF	AL
WGH424	IG	GADSDEN, CITY OF	AL
WGH425	IG	GADSDEN, CITY OF	AL
WGH426	IG	GADSDEN, CITY OF	AL

WIG429	IG	SERRES, JOHN F:SERRES, KATHERINE DBA SERRES CONSTRUCTION	CA
WIG534	IG	INTERNATIONAL RADIO SYSTEM INC	FL
WIH354	IG	RAMSEY OIL CO	NJ
WIH665	IG	FARNUM, BENAMIN G	MA
WIH737	IG	R E PIERSON CONSTRUCTION CO	NJ
WII692	IG	SETEC PROTECTION SERVICES INC	TX
WIJ334	PW	TEXAS, STATE OF	TX
WIJ640	IG	MAY DEPARTMENT STORES COPMANY DBA HECHTS/STRAWBRIDGES	VA
WIJ678	IG	QUIMBY, WILLIAM P	MA
WIJ767	IG	S L T H S	CA
WIJ915	IG	CENTRAL COMMUNICATIONS & ELECTRONICS INC	TX
WIJ996	IG	ULTRAEX	CA
WIK230	PW	UPPER UWCHLAN, TOWNSHIP OF	PA
WIK685	IG	Houston 2 Way Radio Inc	TX
WIL657	IG	DORAL TAXI ASSOCIATION	FL
WIL819	PW	HARVEY, VILLAGE OF	IL
WIL869	IG	DORAL TAXI INC	FL
WIM346	IG	EASTERN TAXI CO	FL
WIM469	IG	KENS COMMUNICATIONS INC	TX
WKZ38	PW	ARIZONA, STATE OF	AZ
WLS22	PW	KING, COUNTY OF	WA
WMSP895	IG	SUMMIT TIMBER CO INC	WA
WNAA307	IG	HINTZ, WILLIAM C DBA HINTZ SERVICE INC	IA
WNAA725	IG	LAKE ADVENTURE INC	PA
WNAA874	IG	ROCKWOOD CHEMICAL	CA
WNAA901	IG	BEDFORD WELL DRILLING INC	VA
WNAB207	IG	FIRST STAMFORD PLACE COMPANY	CT
WNAB345	IG	HOLIDAY INN OF HYANNIS	MA
WNAB441	IG	MILTON PROPANE INC	WI
WNAB469	IG	WITTMAN, RONALD J	ID
WNAB536	IG	A & W OILFIELD SUPPLY INC	TX
WNAB747	IG	PAWLACZYK, CONRAD P	MI
WNAB782	IG	DURACELL INTERNATIONAL INC	MA
WNAB786	PW	ILLINOIS MASONIC MEDICAL CENTER	IL
WNAC466	IG	NEBCO ASSOCIATES INC DBA NEALS MESA CABS	AZ
WNAC884	IG	W F PARKER CONSTRUCTION CO INC	NC
WNAD273	IG	BANGOR COMMUNICATIONS INC	ME
WNAD321	IG	KANSAS BEARING SUPPLY INC	KS

Callsign	Radio Service	Licensee	State
WNAD324	IG	BRETNER, STANLEY	MD
WNAD418	IG	BLACKSTRAP TOWER COMPANY	ME
WNAD703	IG	RASMUSSEN, JOHN:RASMUSSEN, JAY DBA RASMUSSEN FARM	ND
WNAD728	IG	MAC DOWALL, MARK	AZ
WNAE246	IG	STOWELLS, TERRY	CA
WNAE443	IG	COMMUNICATIONS INC	ME
WNAE542	PW	CLINT, TOWN OF	TX
WNAE829	IG	LOS PUERTOS INC	TX
WNAE901	IG	TOREEN, DOUGLAS	MN
WNAE903	IG	SOUTH TEXAS TIRE CENTER INC	TX
WNAF276	IG	MATTHEWS, CARLENE	FL
WNAF353	IG	LANGSTON, FRED	GA
WNAF369	IG	SULLIVAN, CHESTER	KY
WNAF633	IG	TELE MEDIA INVESTMENT PARTNERSHIP LP	PA
WNAF665	IG	AUTO LIFE AUTO PARTS	CA
WNAG319	IG	FOR SHOR COMPANY	UT
WNAG344	IG	HURST, WILLIAM COTY	OH
WNAG363	IG	FUELBERTH, HARLAN L	IL
WNAG531	PW	CONDEA VISTA COMPANY	TX
WNAH412	IG	SHERATON MAITLAND	FL
WNAH440	IG	SUN CITY CRIME WATCH	CA
WNAH530	PW	MILFORD, VILLAGE OF	IL
WNAJ258	IG	GRIFFIN II, T L	TX
WNAJ576	IG	DEBOER, BRYCE	NE
WNAJ816	PW	ARLINGTON, COUNTY OF	VA
WNAJ940	IG	EMMETT RESCUE SQUAD INC	MI
WNAK481	IG	WATERS CONSTRUCTION INC	UT
WNAK946	IG	HONOLULU ELECTRONICS	HI
WNAL285	PW	DEERFIELD, TOWNSHIP OF	OH
WNAL350	IG	ZUPAN & SMITH SAND & CONCRETE CO INC	SC
WNAL597	PW	BRUNSWICK CITY SCHOOL DISTRICT	OH
WNAL737	IG	SINCLAIR, DURWOOD:SINCLAIR, NORWOOD:SINCLAIR, JAMES DBA SINCLAIR FARMS & PACKING HOUSE	NC
WNAL776	IG	WILLOUGHBY CAB CO	OH
WNAM320	IG	WES AUTOMOTIVE SERVICE INC	MI
WNAR225	IG	DOLLAR, L N:ROGERS, WALTER DBA DOLLAR & ROGERS CONSTRUCTION COMPANY	TX
WNAR229	IG	SOUTHPARK SUITE HOTEL	NC
WNAR282	IG	ATTEN, CHARLES W	IL
WNAR541	IG	GRAY RANCH COMPANY	OK
WNAR581	IG	PARMA COMMUNITY GENERAL HOSPITAL	OH
WNAS337	IG	GUZZI, A	NJ
WNAS454	IG	CONTROLLED SYSTEMS OF CALIFORNIA	CA
WNAS685	PW	PUERTO RICO, COMMONWEALTH OF	PR
WNAS720	IG	RINGER ENTERPRISES INC DBA RINGER TRUCKING COMPANY	MD
WNAS941	IG	PARK TOWNE PLACE	PA
WNAT226	IG	VALLEY AUTO PARTS INC	NH
WNAT648	IG	GEORGE A DANSEY INC	VA
WNAU209	IG	TYSMAN, BILL	MI
WNAU236	IG	ALAMO RENT A CAR	FL
WNAU247	IG	CAROLING COOLING & HEATING	NC
WNAU377	IG	CARLSON AUTOMOTIVE SERVICE INC	IL
WNAU390	IG	JAMES R PAYNE INC	AL
WNAV211	IG	GOLDEN GEM GROWERS INC	FL
WNAV271	PW	NORTHVILLE REGIONAL PSYCHIATRIC HOSPITAL	MI
WNAV275	PW	CALIFORNIA, STATE OF	CA
WNAV648	IG	MONCURE PLUMBING	TX
WNAV665	IG	FOTO FAST CORP	TN
WNAV693	IG	HUDSON GENERAL LLC	FL
WNAW454	IG	SEGUIN ELECTRIC CO INC	TX
WNAW746	IG	ELECTROSONICS INTERNATIONAL INC	NJ
WNAW806	IG	WESTSIDE COMMUNICATION INC	TX
WNAW966	IG	KROGMAN, CLARENCE	SD
WNAX749	IG	TRUMP PLAZA ASSOCIATES DBA TRUMP PLAZA HOTEL AND CASINO	NJ
WNAX940	IG	A R WHITTEN	ME
WNAX983	PW	RICHLAND, TOWNSHIP OF	OH
WNAX985	IG	NEW PEKIN, TOWN OF	IN
WNAY918	PW	CHILDREN EDUCATION SEARCH AND RESCUE INC	TX
WNAZ353	IG	L & B HOT OIL INC	ND
WNAZ560	IG	KEEFE, JOHN	IL

WNAN207	PW	MAURICEVILLE VOLUNTEER FIRE DEPT	TX
WNAN493	IG	PAYZANT, ROBERT A	ME
WNAN510	IG	FORBUS, ROSS	TX
WNAN522	IG	DARLINGTON FARM SERVICES	SC
WNAN542	IG	MANSELL, CHAUNCEY	TX
WNAN563	IG	MARK PRUSS INC	AR
WNAN689	IG	J A L FUNERAL HOME	SD
WNAN803	IG	ERNST, WILLIAM	CA
WNAN844	IG	WABASH MINE HOLDING COMPANY	IL
WNAN922	PW	RICHLAND, TOWNSHIP OF	OH
WNAN951	IG	FOX, JACK W	MI
WNAP529	IG	KRAEMER, NORBERT	WI
WNAP774	IG	CASA DEL MAR	FL
WNAQ435	PW	DALLESPORT FIRE DISTRICT	WA
WNAQ757	IG	MAY DEPARTMENT STORES COMPANY DBA HECHTS/STRAWBRIDGES	VA
WNAQ802	IG	METHODIST HOSPITAL	TX
WNAQ809	IG	KINDSVATER INC	KS
Callsign	Radio Service	Licensee	State
WNBD902	IG	TERWILLIGER, CHARLES	IL
WNBD913	IG	COMMERCIAL SERVICES INC	IN
WNBD986	IG	PHIPPS, EDWARD A	OK
WNBD990	IG	HERNANDEZ, KENNETH J	LA
WNBE376	PW	CASTLE ROCK, CITY OF	CO
WNBE386	IG	LILES TRUCKING CO	NC
WNBE425	IG	ALL BORO ESCORT SERVICE	NY
WNBE438	IG	LOS ANGELES PIERCE COLLEGE	CA
WNBE571	IG	DEVOY, W EDWIN	NY
WNBE745	IG	MOCKSVILLE, TOWN OF	NC
WNBF444	IG	TUFCO READY MIX, INC	TX
WNBG214	IG	NORTH COAST RAILROAD AUTHORITY	CA
WNBG587	IG	SUNRISE FARMS INC	NY
WNBG954	IG	COLORADO HI TEK INC	CO
WNBH650	IG	NATIONAL AMUSEMENTS INC	MA
WNBH768	IG	GREEN, PAUL	CA
WNBH824	IG	CUTLER, JERE	TN
WNBJ361	IG	STRONG LITE PRODUCTS	AR
WNBJ362	IG	REDFORD, J D	KS
WNBJ377	PW	HECLA HOUGHTON SCHOOL DISTRICT 6-4	SD
WNBJ389	IG	TRANSIT AMERICA INC	PA
WNBJ412	IG	ANSELS EQUIPMENT & SERVICE CO INC	NC
WNBJ715	IG	WOODALL RUSH FUNERAL	SD

WNAZ731	IG	BASE, CLINT	KS
WNBA452	IG	BEAVER VILLAGE	CO
WNBA813	IG	MENARD, ROGER	RI
WNBA857	IG	SOMMER, WILLIS	IL
WNBA926	IG	BROOKS MAYBERRY INC	TX
WNBA937	IG	LOBDELL WRECKING SERVICE INC	LA
WNBA966	IG	TERMINIX B2553	AR
WNBB265	IG	WARWICK CORPORATION	WA
WNBB555	IG	SANFORD, DEBORA L	PA
WNBB864	IG	CEDAR HILL FARMS INC	NE
WNBB869	IG	OGDEN ALLIED SERVICE COMPANY OF WASHINGTON INC	DC
WNBB890	IG	BLUMENTHAL JEWISH HOME	NC
WNBB982	IG	BROAD, LOUIS L:BROAD, ROBERT F DBA BROWN OWL CAMPS	NH
WNBD472	IG	HERRING, E D	GA
WNBD500	IG	WILEY, WILLIAM C	VA
WNBD752	IG	HAMLIN, RONALD P	CA
WNBD788	IG	GAHRAMANI, YOOSHIEH	CA
Callsign	Radio Service	Licensee	State
WNBT676	IG	DAVIDSON, DOUGLAS V	AR
WNBT742	IG	SKY MOUNTAIN RESORT	CA
WNBU236	IG	IODICE, RUSSELL	CT
WNBU313	IG	BAHR, LYLE	MN
WNBU362	IG	BEUNING, RICHARD	MN
WNBU785	IG	UNITED TECHNOLOGIES ELECTRO SYSTEMS	MS
WNBU798	IG	HALL, DAVID	MO
WNBV346	IG	VICKERS TRUCK EQUIPMENT	UT
WNBV382	IG	BRACKEEN, ROD	TX
WNBV397	IG	DELL RAPIDS GRAIN COOP	SD
WNBV405	IG	HARVEYS GRADING CO	VA
WNBV839	IG	PETES APPLIANCE & REFRIGERATION SRV INC	FL
WNBV851	PW	CALIFORNIA, STATE OF	CA
WNBV913	IG	ROBERT WIEDMAN FOREST PRODUCTS INC	MI
WNBW214	IG	Kaiser Foundation Health Plan, Inc.	CA
WNBW223	IG	WOODHOUSE MASONRY INC	VA
WNBW649	IG	WALTON, DEREK	AR
WNBW800	IG	IOWA METHODIST HOSPITAL	IA
WNBW820	IG	WUNDERLICH READY MIX INC	TX
WNBX407	IG	PIERCESON, JOHN	IL
WNBX995	IG	JOHNSON JR, JAYNARD B	MN
WNBY850	IG	NORRIS ELECTRIC INC	NM
WNBY860	IG	WILLIAMS LUMBER INC	NY

		HOME INC	
WNBJ830	IG	REYNOLDS, CHARLES	KY
WNBK470	IG	CHUNG, TONY DBA SPECIAL IRON SECURITY	CA
WNBK729	IG	MOON, DENNIS	NE
WNBK944	IG	REEDS MOTEL	FL
WNBL954	IG	RENFROS REFUSE SERVICE	MO
WNBM340	IG	AMERICAN ROOFING SUPPLY	IN
WNBM632	IG	SCHROEDER, MARTIN E	IN
WNBM669	IG	ROBINSON, JERRY W:ROBINSON, CARL W DBA ROBINSON FARMS	MO
WNBM719	IG	STEIN, DONALD	ND
WNBM968	IG	BROSZ, DAN	ND
WNBN344	IG	TERRELL COUNTY WC & ID 1	TX
WNBN725	IG	SCHURR, RONALD	IL
WNBP367	IG	KITTITAS COUNTY ACTION COUNCIL	WA
WNBP716	IG	JEFFRIES CONSTRUCTION	OK
WNBQ410	IG	FAST EXPRESS CAR SERVICE INC	NY
WNBQ530	IG	T & T PAVING COMPANY INC	NC
WNBQ672	IG	TOMS SEPTIC TANK SERVICE INC	CA
WNBQ681	IG	DENVER AVIONICS INC	CO
WNBQ687	IG	DEERFIELD OPERATING COMPANY	VT
WNBQ818	IG	KEENES PLUMBING AND HEATINTG INC	VA
WNBR703	IG	CENTERVILLE NPK INC	IN
WNBR752	IG	BENGEN, JON:BENGEN, DICK DBA BENGEN FARMS	WA
WNBR776	IG	OWENS CHARTER BUS COMPANY INC	MD
WNBR959	IG	KOTKIEWICZ, GEORGE	PA
WNBR985	IG	DEERFIELD OPERATING COMPANY	VT
WNBS220	IG	VIKING FREIGHT SYSTEM INC	CA
WNBT314	IG	KEUSCH SUPER SERVICE INC	MI
WNBT362	IG	SONTAGE, ROBERT	NJ
Callsign	Radio Service	Licensee	State
WNCH563	IG	TIPTON FARMERS COOPERATIVE	OK
WNCH641	IG	COHO OIL AND GAS INC	OK
WNCH888	IG	KAUS, JAMES H	IL
WNCJ927	IG	W L EQUIPMENT CO	WY
WNCK976	IG	AUGUSTA CHRONICLE NEWSPAPER	GA
WNCK985	IG	LINDENMUTH, WALTER R	PA

WNBZ345	IG	BUTTARS, KEITH	ID
WNBZ352	PW	KENT TOWNSHIP FIRE DEPT INC	IN
WNBZ404	IG	VICKERS INC	NE
WNBZ847	IG	BUTLER, MICHAEL G	IL
WNBZ857	IG	RED ROOF INNS INC	OH
WNBZ909	IG	JIMMIE NAIL & COMPANY	TX
WNCA790	IG	CALIFORNIA PAVING & GRADING CO INC	CA
WNCA792	IG	GARZA, OMAR	CA
WNCA805	IG	CHARLES JENNESS TRUCKING	ME
WNCC290	IG	ENTERPRISE ELECTRIC INC	KY
WNCC407	IG	TAC LEASING INC	NY
WNCC512	IG	KY STONE COMPANY INC DBA BERRY MATERIALS CORP	IN
WNCC591	IG	SELMA PEST CONTROL INC	AL
WNCC626	IG	PAQUIN & SONS SAND & GRAVEL	MI
WNCD469	IG	SIMS PAVING INC	GA
WNCD495	IG	BRYAN JR, FLOYD	ND
WNCE380	PW	FLORIDA, STATE OF	FL
WNCF864	IG	ERG INDUSTRIES INC	IL
WNCG268	IG	INDIAN TRAILS FARMS INC	MI
WNCG448	IG	KLEEN BRITE LABORATORIES INC	NY
WNCG494	IG	WILLIAMS, DAVID L	NC
WNCG587	IG	P & J LAWN SERVICE INC	MI
WNCG652	IG	PETERSON, RANDY J	NE
WNCG773	IG	BARNHART, THOMAS W	PA
WNCG817	IG	THEOBALD, DANIEL V	MN
WNCG976	IG	FLOWSERVE CORP	CA
WNCH425	IG	WESTERN EQUIPMENT INC	MP
WNCH506	IG	FEDERAL PAPER BOARD CO	CT
Callsign	Radio Service	Licensee	State
WNDC730	IG	BELT PUBLIC SCHOOL	MT
WNDC808	IG	Ravinia LLC Crowne Plaza Ravinia	GA
WNDD290	IG	INABNET, BILLY L.	MS
WNDD396	IG	VIRGINIA WESLEYAN COLLEGE	VA
WNDD477	PW	CLEVELAND CLINIC HOSPITAL	FL
WNDD756	IG	SATILLA RURAL ELECTRIC MEMBERSHIP CORPOR	GA

WNCL237	IG	HILL TIRE CO INC	GA
WNCL296	IG	MARTIN LANDSCAPING CO INC	NC
WNCL730	IG	BECKER, EDWARD	IL
WNCM376	IG	JOHNSON BROS MILL INC	IA
WNCM699	PW	MARQUETTE, COUNTY OF	WI
WNCM722	IG	CORNELISON, WALTER L	KY
WNCM803	IG	THOMAS, JOHN T	MN
WNCM808	IG	DEZFULI, BASHI	CA
WNCM940	IG	WOOD, HARVEY	KS
WNCM941	IG	MC ANALLY, LARRY	AR
WNCM961	IG	ASSOCIATED RAILROAD CONTRACTORS INC	KY
WNCN945	IG	LESLIE, KEVIN	IL
WNCP257	IG	PERRYS RESEARCH & DEVELOPMENT CO INC	OH
WNCP366	IG	GRIFFIS, MORRIS	OK
WNCP512	IG	LYNN SCHULTZ CONSTRUCTION CO INC	IA
WNCP514	IG	IOWA CENTRAL COMMUNITY COLLEGE	IA
WNCP814	IG	NATIONAL CAR RENTAL SYSTEMS INC	MN
WNCP983	IG	RIESLIND, WILK	WY
WNCQ225	IG	BORG WARNER AUTOMOTIVE	IL
WNCR443	IG	ARGENBRIGHT SECURITY INC DBA ARGENBRIGHT SECURITY INC USA DIVISION	NJ
WNCR730	IG	T FARMS INC	MN
WNCR841	IG	BECKER, RICHARD D	WI
WNCS757	IG	INOUYE FARMS	ID
WNCS778	IG	MAUCK, ROGER	KS
WNCS967	IG	GARDEBRECHT, DANIEL	WI
WNCT977	IG	PRATT WELL SERVICE INC	KS
WNCT978	IG	RHOADES, LESTER	NE
WNCU482	IG	TOP FARM HYBRIDS INC	MN
WNCU594	IG	MEDIACOM SOUTHEAST LLC	NY
WNCU794	IG	AGRO DISTRIBUTION LLC	LA
WNCV439	IG	QUALITY INN MARKET CENTER HOTEL	TX
WNCW446	IG	VILLAGE RED LION INN	MT
WNCW560	IG	KRAUSE, WILLIAM E	PA
WNCW613	IG	COLEMAN, JAMES:COLEMAN, TOMMY DBA COLEMAN BROTHERS FARM	AR
WNCX698	IG	FRANKLIN, KELLY	KY
WNCX940	IG	ALS REEFER SERVICE INC	MO
WNCY245	IG	AGIP PETROLEUM COMPANY INC	TX

WNDD952	IG	BRIGHT, BUD	AR
WNDE327	IG	ERIESIDE ELECTRIC	OH
WNDE662	IG	PITTS, CARL	ID
WNDE668	IG	GOSS FARMS	KS
WNDE871	PW	MAGENS BAY AUTHORITY	VI
WNDE876	IG	GRZYWA, JEFFERY M	IL
WNDE962	IG	CENTURY AIRPORT HOTEL INC	GA
WNDF352	IG	DIRECT BROADCAST SERVICE INC	NJ
WNDF475	IG	KENS COMMUNICATIONS INC	TX
WNDF478	IG	SEATTLE INNS INC	WA
WNDF631	IG	TRACHSEL, ROBERT D	IL
WNDF673	IG	WOYE INC	PR
WNDF679	IG	WYNDHAM ANATOLE HOTEL	TX
WNDF960	IG	J C CONCRETE INC	MI
WNDG644	IG	C KAPPERS & SON INC	NJ
WNDG660	IG	NORTH AMERICAN MANUFACTURING CO LTD	OH
WNDH658	PW	TEXAS, STATE OF	TX
WNDH815	IG	CORPORATE WINGS SERVICES CORP	OH
WNDH952	IG	LAMPTON LOVE GAS COMPANY	MS
WNDJ953	IG	TRINITY RIVER AUTHORITY OF TEXAS DBA TRINITY RIVER AUTHORITY OF TEXAS	TX
WNDK665	PW	GLENWOOD, CITY OF	AR
WNDK670	PW	TENET HEALTHCARE INC DBA WEST BOCA MEDICAL CENTER	FL
WNDK847	IG	MARTIN, DOUG DBA TRIPLE M RANCH	CA
WNDL924	IG	CLOVERLEAF FARMS DBA ANGELES CORPORATION	FL
WNDM284	IG	Universal City Studios LLLP	CA
WNDM742	IG	DAVID, THOMAS	OK
WNDM944	IG	MATHENY, RILCHARD K	CA
WNDP402	PW	MONTROSE RECREATION DISTRICT	CO
WNDP516	IG	MC DONALDS BUS SERVICE INC	NY
WNDP587	IG	FEHNER, JAMES	TX
WNDP635	IG	BOBS EXCAVATING & SNOW REMOVAL	CO
WNDP841	IG	CTS CORPORATION	AR
WNDP957	PW	WILKINSON, COUNTY OF	GA
WNDQ324	IG	TRINITY RIVER AUTHORITY OF TEXAS DBA TRINITY RIVER AUTHORITY OF TEXAS	TX
WNDR258	IG	SCIENTIFIC GAMES INC	CA
WNDR324	IG	HAUGEN, FLOYD	MN
WNDR550	IG	MARION COMMUNITY HOSPITAL DBA OCALA REGIONAL MEDICAL CENTER	FL

WNCY663	IG	TYSON ENGINEERING	IL
WNCY761	IG	ILLINOIS WATER TREATMENT	IL
WNCZ353	IG	TRI COUNTY SECURITY	MI
WNDA434	PW	HARWOOD RESCUE & FIRE	ND
WNDA748	IG	LAUGELLI, STEPHEN A	NJ
WNDB860	IG	INABNET, B L.	MS
WNDC371	IG	POTTER ELECTRIC OF DELAWARE INC	DE
WNDC529	IG	VIKING FREIGHT SYSTEM INC	CA
Callsign	Radio Service	Licensee	State
WNDT585	IG	O MARA PLUMBING HEATING & AIR COND INC	MI
WNDT995	PW	CALIFORNIA, STATE OF	CA
WNDT999	PW	CALIFORNIA, STATE OF	CA
WNDU454	IG	LAKE AUTO SALES LTD	NY
WNDU537	IG	MEAD CORPORATION	OH
WNDV505	IG	MARENTETTE, MARK C	MI
WNDW312	IG	SAINT PAUL MEDICAL CENTER	TX
WNDW757	IG	SAFETY NETWORK INC	GA
WNDW770	IG	HEDLUND, DAVID E	MI
WNDY213	IG	VAUGHN, JAMES H	TN
WNDY317	IG	ARROWHEAD MOUNTAIN	CO
WNDY972	IG	KIRBY FARMS	TX
WNDZ339	IG	ENGS SERVICE	SD
WNDZ622	IG	FALCON POOLS INC	AZ
WNDZ728	IG	BRITSCH, JAMES V	IL
WNDZ798	IG	PRIME PORK INC	KS
WNEA289	IG	HALL SUPPLY CO INC	GA
WNEB949	PW	OLD WESTBURY, VILLAGE OF	NY
WNEC543	IG	MERRILL LYNCH	NJ
WNEC793	IG	CLIFTON, SIDNEY L	TX
WNED253	IG	ALYESKA SEAFOODS INC	WA
WNED731	IG	COLONIAL CHEVROLET SALES CORP	VA
WNED816	IG	GRANT, JOHNNY	MS
WNFA247	PW	HOLMES FIRE COMPANY	PA
WNFA490	IG	TRI CITIES NORTH REGIONAL WASTEWATER AUTHORITY	OH
WNFC252	IG	FOSS, GERARD J	MI
WNFC340	IG	PONY EXPRESS COURIER CORP	NC
WNFD371	PW	HOKE, JANET W	WV
WNFD405	PW	DEQUINCY, CITY OF	LA

WNDR758	IG	ALTVATER, KIM	KS
WNDR842	PW	AMERICAN NATIONAL RED CROSS	VA
WNDS424	IG	DICKERSON, TOM	TX
WNDS465	IG	INTEL CORPORATION	CA
WNDS677	IG	CLARK JR, TOM:SEBECK, JOHN DBA T J ENTERPRISES	PA
WNDS712	IG	NORIGE OIL COMPANY INC	CT
WNDT467	IG	ROBSON FARMS	IL
WNDT546	IG	KENTUCKY STONE CO	KY
Callsign	Radio Service	Licensee	State
WNFN905	IG	SUL, JAMES C	PA
WNFN951	IG	D G HUSKIN CONSTRUCTION	CO
WNFP415	IG	U S GRANT HOTEL	CA
WNFP420	IG	COOPERRIDER, LARRY	OH
WNFQ485	IG	FLANAGAN UNIT 4 SCHOOL DISTRICT	IL
WNFQ801	IG	ORR, ROBERT	IN
WNFR234	IG	Tyco Electronics Power Systems Inc	TX
WNFS598	IG	TRANSTEXAS GAS CORP	TX
WNFS971	IG	REICH FARMS INC	MO
WNFT349	IG	THEISEN, MICHAEL	MI
WNFT565	IG	MECHANICAL SYSTEMS OF DAYTON INC	OH
WNFT754	IG	TOWNSEND GAS & OIL INC	PA
WNFV482	IG	MEARS TRANSPORTATION GROUP	FL
WNFV872	IG	FARMER, RUSSELL G	IL
WNFW214	IG	MAYLAND BROTHERS	WY
WNFW255	IG	SAINT PAUL DISPATCH PIONEER PRESS	MN
WNFX950	PW	ISLIP PUBLIC SCHOOLS	NY
WNFX956	IG	CYCHOSZ FARMS INC	WI
WNFX987	PW	GROSSE POINTE SHORES, CITY OF	MI
WNFY339	IG	SOUTHARD JR, KENNETH:SOUTHARD, BILL:NICHOLSON, STEVE DBA S&N CATTLE CO	TX
WNFY984	IG	JONES AIR CONDITIONING INC	NE
WNFZ723	PW	DUBLIN UNIFIED SCHOOL DISTRICT	CA
WNFZ953	IG	SPREEN BROTHERS INC	TX
WNGA749	IG	HYATT REGENCY SCOTTSDALE	AZ
WNGD723	IG	MILLER ELECTRIC	NE
WNGD962	IG	BIERMAN, RAY	NE
WNGE500	IG	TERRA INTERNATIONAL INC	IA
WNGF802	IG	JOHNSON, VIRGIL	NE
WNGF951	IG	WARSAW OIL COMPANY INC	MO

WNFD448	IG	MC INTYRE LUMBER COMPANY	GA
WNFD531	IG	PUCKETT, ROBERT S	IN
WNFD576	IG	THORNHILL OIL CO INC	IN
WNFD869	IG	J B J COMPANIES INC	WI
WNFE489	IG	GRACIE SQUARE HOSPITAL	NY
WNFE536	IG	BRETTHAUER ROAD OIL COMPANY	OR
WNFF838	IG	FIELD MUSEUM OF NATURAL HISTORY	IL
WNFG748	IG	CLARK COUNTY MEMORIAL HOSPITAL	IN
WNFH255	IG	HIGLE, TOM	MT
WNFH758	IG	GYORGY, WILLIAM J	CA
WNFJ208	IG	GIPE, DAVID R	AZ
WNFJ450	IG	HOLLAND, ROBERT J:HOLLAND, BRENT J	CT
WNFJ567	IG	COLONIE COUNTRY CLUB INC	NY
WNFK477	IG	AREA CONCRETE INC	AL
WNFK676	IG	COLBATH, WILLIAM C	NH
WNFK939	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
WNFK953	IG	SFO SHUTTLE BUS COMPANY	CA
WNFL644	IG	BERGERON, CLIFFORD D	WA
WNFL759	PW	NEWMANSVILLE VOLUNTEER FIRE DEPT INC	TN
WNFL808	IG	WHEELBRATOR EOS	WA
WNFN610	IG	EAST ALABAMA EMS	AL
WNFN805	IG	KRODEL INC	IN
Callsign	Radio Service	Licensee	State
WNGW405	IG	ELCON	NM
WNGX346	PW	FLORIDA, STATE OF DEP DRP Torreya State Park	FL
WNGX483	IG	DEW, TOM	OH
WNGX528	PW	HEMRIETTA ENGELSTON HOSPITAL FOR CHILDREN	GA
WNGY575	IG	HINDS, RAYMOND O	OK
WNGY636	IG	MC KENNA GRAIN INC	IL
WNGZ262	PW	BETSY LAYNE FIRE PROTECTION DISTRICT	KY
WNGZ338	IG	ALDRIDGE, IVAN	MO
WNGZ872	IG	SCHINDLER ELEVATOR CORP	NJ
WNHA872	IG	HOYNOSKI, EDWARD R	MA
WNHB728	IG	J SANTORO INC	RI
WNHC781	IG	HOME LEASING CORP BLUE HERON HILLS COUNTRY CLUB	NY
WNHE650	IG	RYOBI DIE CASTING (USA), INC.	IN
WNHF245	IG	W. R. Grace & Co. - Conn. (Debtor In Possession)	MD

WNGG400	IG	HASTIE TRUCKING	IL
WNGG477	IG	DURAN, EDDIE	NM
WNGH242	PW	CASS, COUNTY OF	TX
WNGH281	IG	D BLAZE INC	NC
WNGJ368	IG	SCHINDLER ELEVATOR CORP	NJ
WNGL286	IG	WOLVERTON, RON	MO
WNGL327	IG	WYLIE, JEAN	MI
WNGM622	IG	NATIONAL CAR RENTAL	MN
WNGN460	IG	KETCHIKAN READY MIX INC	AK
WNGN500	IG	BELLS FLYING SERVICE INC	AR
WNGP303	IG	INTERNATIONAL PAPER CORPORATION	AL
WNGP849	IG	Dalton-Holmes Funeral Home	OK
WNGQ504	IG	PECOS CANTALOUPE SHED INC PO BOX 1389 PECOS TX 79772	TX
WNGQ548	IG	STRUNA, ERIC B	WY
WNGR259	IG	SOUTHWESTERN MICHIGAN DUST CONTROL INC	MI
WNGR266	PW	PACOLET MILLS, TOWN OF	SC
WNGR719	PW	CHILDRENS HOSPITAL OF PHILADELPHIA	PA
WNGR944	IG	BENTLEY, TOM	AR
WNGS418	IG	SCHAEDLER CORPORATION	ME
WNGT282	IG	GRAY, RALPH	VA
WNGV451	IG	INABNET, BILLY	MS
WNGV626	IG	CLARK, DOUGLAS R	NC
Callsign	Radio Service	Licensee	State
WNIM225	IG	WILLS, ELVIN	IL
WNIM242	IG	National Grid USA Service Company, Inc.	NY
WNIM339	IG	FOUGNER, DONALD	ND
WNIM750	IG	ENGLISH, CLAYTON	GA
WNIN236	IG	HAARMANN, LEO	IL
WNIN792	IG	Kaiser Foundation Health Plan, Inc.	CA
WNIN938	IG	MIZE, KEN	TX
WNIP668	IG	GEORGIA CARPET FINISHING INC	GA
WNIP670	IG	TRUMAN ANNEX CO	FL
WNIQ985	IG	BOULDER COMMUNICATIONS	CO
WNIR214	IG	BILL HAMLIN CONSTRUCTION CO INC	CT
WNIT539	IG	IREM TEMPLE	PA
WNIT648	IG	DIAMOND T FARMS INC	LA
WNIT858	IG	Bonham Ranch, LLC	WY

WNHF253	PW	COVINGTON, CITY OF	GA
WNHF256	IG	FLOWERS TRANSPORTATION INC	IL
WNHF456	IG	BRAATEN, KENNETH:BRAATEN, MARSHALL	ND
WNHG579	IG	SCHINDLER ELEVATOR CORP	NJ
WNHH717	IG	NEWPORT BEACH SHERATON HOTEL	CA
WNHH922	IG	AMERICAN RED CROSS	AL
WNHI666	IG	KANAWHA COUNTY BOARD OF EDUCATION	WV
WNHI711	IG	Duequesne Light Company	PA
WNHL465	IG	BENCHMARK INDUSTRIES INC	KS
WNHM260	IG	POWERS FERRY LANDING WEST	GA
WNHP937	PW	FLORIDA, STATE OF	FL
WNHP942	PW	FLORIDA, STATE OF	FL
WNHQ290	IG	BUHR, DON	IA
WNHR454	PW	KNIGHTDALE, TOWN OF	NC
WNHR605	IG	MINNESOTA VALLEY TELEPHONE CO	MN
WNHS477	IG	WUETHRICH, BRUCE	IN
WNHT318	IG	MODERN FENCE AND SUPPLY CO INC	AR
WNHT440	PW	ESOPUS VOL AMB SQUAD INC	NY
WNHU825	IG	CITY TOWING INC	MT
WNHU958	IG	Greater Cincinnati Transportation Company	OH
WNIA857	IG	WOODS MEMORIAL HOSPITAL	TN
WNIA872	IG	PRO STEEL SECURITY SAFES INC	UT
WNIC614	IG	UNION CAMP CORPORATION	GA
WNIC615	IG	UNION CAMP CORPORATION	GA
WNID835	IG	VAUGHAN ELECTRIC COMPANY INC	NC
WNID870	IG	CALLANAN INDUSTRIES INC	NY
WNID975	IG	KLUVER, DONALD	IA
WNIE365	IG	DAVIS, DONALD	MN
WNIF495	PW	WEIRTON HEIGHTS VOLUNTEER FIRE DEPARTMENT INC	WV
WNIF630	IG	MONARCH ELECTRIC	MI
WNIG309	IG	FOLLMER, PAUL L	NM
WNIH232	IG	RICHTERS, TERRY W	NE
WNIH944	IG	FRERICHS BROS INC	NE
WNII653	IG	D AUTEUIL, GEORGE	MA
WNII672	IG	FOXFIELD TAXI CORPORATION	MA
WNIK710	IG	DAVIS & GECK LIMITED	PR
WNIL747	IG	LUCENT TECHNOLOGIES	OH
Callsign	Radio Service	Licensee	State

WNIU245	IG	CARLE JR, WALTER	AR
WNIU421	IG	KLOSE, TIMOTHY M	ND
WNIU515	IG	CAM REFRIGERATION INC	OH
WNIV369	PW	HEMPSTEAD, CITY OF	TX
WNIV373	IG	PRINCETON MARKET FAIR	NJ
WNIW841	IG	RAY E HELMUTH & SON	IL
WNIW847	IG	CAMPBELL MARINE INC.	NJ
WNIY268	IG	MEDIACOM WISCONSIN LLC	NY
WNIZ902	IG	HENSLEY, DON	WA
WNJA769	PW	SUTTER HEALTH	CA
WNJA811	IG	AIRPORT CAB CO	VA
WNJB444	IG	STOUT EXCAVATING INC	OH
WNJC360	IG	KOONS, BARNEY	LA
WNJC425	IG	ROCKING J CO	NE
WNJD365	IG	HOPKINS, G B	NC
WNJD522	IG	DE GRANGE, DON	OR
WNJD614	IG	DON STRAIN AND ASSOCIATES LTD	NY
WNJE235	IG	LANDRUM, JOE	IN
WNJE237	IG	NORTHEAST COOP	NE
WNJE392	IG	AMERICAN ELECTRICAL CONTRACTORS INC	TN
WNJE473	IG	SHIRLEY CONTRACTING INC	VA
WNJE488	IG	DUNLAP WELL SERVICE INC	OK
WNJG206	IG	OHRT, WILLIAM	IL
WNJG270	IG	WHEELING JESUIT COLLEGE	WV
WNJG313	IG	J & S EXCAVATING INC	MN
WNJG938	IG	POCONO WOODLAND LAKES	PA
WNJH682	PW	MUSTANG RIDGE, CITY OF	TX
WNJI910	IG	MARSH, DONOVAN D	IA
WNJJ283	IG	MOORE, WALTON	TX
WNJK439	IG	WORTMANN, RICHARD	NE
WNJK445	IG	IDEAL COMFORT SYSTEMS INC	SC
WNJK454	IG	DOUBLE S POLLED HEREFORDS	ND
WNJK552	PW	OROCOVIS, MUNICIPALITY OF	PR
WNJK748	IG	SPA HOTEL	CA
WNJL445	PW	LOS ANGELES, CITY OF	CA
WNJL577	IG	TERRA INTERNATIONAL INC	IA
WNJL643	IG	Agere Systems	PA
Callsign	Radio Service	Licensee	State

WNJM455	IG	CLARIANT CORPORATION	NC
WNJM695	IG	WESTVACO CORPORATION	PA
WNJN266	IG	MERCY HOSPITAL	CA
WNJP792	IG	RAMSEY, NEWTON:RAMSEY, JOSEPH DBA RAMSEY HOMESTEAD FARMS	OH
WNJP901	IG	KEAST, ROBERT G	TN
WNJQ725	PW	CLARK, COUNTY OF	AL
WNJS511	IG	TAMCHAR TRANSPORTATION	NH
WNJU214	IG	WESTIN HOTEL	CA
WNJU300	PW	Puerto Rico Police Communication Division	PR
WNJU317	IG	OXBOW GEOTHERMAL CORPORATION	NV
WNJU641	IG	CRAFT, BO	GA
WNJY323	IG	Millennium Chemicals	OH
WNJZ503	IG	NOVAK, LAVONNE	NE
WNJZ923	IG	EMPIRE TRACTOR INC	NY
WNKA952	PW	FLORIDA, STATE OF	FL
WNKB995	IG	KELLOGG COMPANY	TN
WNKC507	IG	PARMER, JAMES	IA
WNKD209	PW	CUSSETA CHATTAHOOCHEE COUNTY VOL FIRE DEPT	GA
WNKD413	PW	EDWARDSPORT, CITY OF	IN
WNKD426	IG	COLORADO NORTHWESTERN COMMUNITY COLLEGE	CO
WNKE596	IG	MERIT ENERGY COMPANY	TX
WNKF869	IG	JEM COMMUNICATIONS CO	PA
WNKF906	IG	GODFREDSON, MARK:GODFREDSON, FRED DBA GODFREDSON FARMS	IA
WNKF949	IG	NYMANN, ERIK	MN
WNKH639	IG	KING, DONALD R:MINOR, JAMES DBA CITY CAB COMPANY	MI
WNKI479	PW	SHANDAKEN, TOWN OF	NY
WNKI519	IG	COMPASS GROUP USA INC	NC
WNKK838	IG	ERICKSON, H C BUCK	ID
WNKK904	IG	RIES, LARRY N	MI
WNKL219	IG	CLARK COUNTY MEMORIAL HOSPITAL	IN
WNKN248	IG	MEDIACOM MINNESOTA LLC	NY
WNKP341	PW	CENTRAL MISS EMERGENCY MEDICAL	MS

WNLC245	IG	DAGARS OF AUSTIN CATERERS INC	TX
WNLC540	IG	BOISE CASCADE TRANSPORTATION CO	WA
WNLC562	IG	STANDRIDGE FLYING SERVICE INC	AR
WNLC676	IG	F & B CONSTRUCTION CO INC	AR
WNLE274	IG	PRE MIX E M S INC	OH
WNLE318	IG	MEMC Southwest Inc.	TX
WNLG724	IG	WOELBER, RICHARD:WOELBER, TWILA DBA SOO SANITARY TRENCHING & BAKCHOE SER	SD
WNLH865	IG	EVANSTON TWP HIGH SCHOOL DIST 202	IL
WNLK333	IG	BANGERT, PHILLIP	MO
WNLL454	IG	PAKE, DONALD P	MN
WNLL523	PW	OREGON, STATE OF	OR
WNLL839	IG	TOMS LIVESTOCK SERVICE INC	IA
WNLM538	IG	GUEST, DAVID	CT
WNLN393	IG	BLAHA FARMS	WI
WNLP349	IG	SATILLA RURAL ELECTRIC MEMBERSHIP CORPORATION	GA
WNLQ264	IG	BROWN, DALE R	ND
WNLQ506	IG	XICOR INC	CA
WNLQ944	IG	LAROY ELLINWOOD INC	ME
WNLQ990	IG	AIRBORNE SECURITY & SERVICES INC DBA US GUARD	FL
WNLR548	IG	GARDNER, ROY	TX
WNLU408	IG	NORTHWEST ENVIRONMENTAL SERVICE	WA
WNLU517	PW	TAYLOR, COUNTY OF	FL
WNLV468	IG	FRIEDLY, VINCENT	CO
WNLW757	IG	Shore Sand and Gravel LLC	NJ
WNLW831	IG	HOTEL CORPORATION OF THE PACIFIC INC DBA ASTON HOTELS & RESORTS	HI
WNLX714	IG	HEITMAN FLORIDA MANAGEMENT INC DBA HEITMAN FLORIDA MANAGEMENT INC.	FL
WNLY686	PW	ARLINGTON, COUNTY OF	VA
WNLZ992	PW	MONROE, COUNTY OF	KY
WNMB598	IG	ROPP, EMERY	MO
WNMC280	PW	FLORIDA, STATE OF	FL
WNME706	IG	METRO ELECTRONICS OF WNY INC	NY
WNME953	PW	FAIRVIEW, CITY OF	TX

		SERVICES DISTRICT	
WNKQ425	IG	D R FINKENBINDER INC	MN
WNKR288	IG	HOUSTON, COUNTY OF	GA
WNKR352	IG	CHATTANOOGA GOLF AND COUNTRY CLUB	TN
WNKR517	IG	ORGANON TEKNIKA	NC
WNKS878	PW	LOS ANGELES, CITY OF	CA
WNKT431	IG	NEUMILLER, RICK	ND
WNKT444	IG	STORRER, LARRY	KS
WNKT493	IG	HARALSON JR, ROBERT J	AR
WNKT700	IG	SEARS ROEBUCK AND COMPANY	NC
WNKU360	IG	MIDTOWN PLAZA JOINT VENTURE	GA
WNKU799	PW	NORTH COLLINS, TOWN OF	NY
WNKU872	IG	TRINITY RIVER AUTHORITY	TX
WNKU873	IG	TRINITY RIVER AUTHORITY	TX
WNKW680	IG	HEWINS JR, W D	MA
WNKW789	IG	WALLACE & STOUT FARMS	AR
WNKY223	IG	WEDOWEE, TOWN OF	AL
WNLA628	IG	ALBANY INTERNATIONAL DRYER FABRICS DIVISION	NY
WNLB729	IG	GULF STATES SYSTEMS	MS
WNLC234	IG	GRASSHOPPER LAWN & LANDSCAPE	OH
Callsign	Radio Service	Licensee	State
WNND865	PW	Puerto Rico Police Communication Division	PR
WNNE320	YG	INTERSTATE HOTELS CORPORATION 1030 DBA RADISSON HOTEL LISLE	IL
WNNG925	IG	GUYMON ENTERPRISES	WA
WNNI508	IG	JJ TRUCKING INC	IN
WNNI654	IG	MEDIACOM MINNESOTA LLC	NY
WNNI658	IG	MEDIACOM MINNESOTA LLC	NY
WNNI973	IG	COCO PALMS RESORT	HI
WNNM326	IG	LARSON, DONALD R	WA
WNNM328	IG	MARYMOUNT HOSPITAL	OH
WNNM968	IG	MISSION HILLS RESORT HOTEL	CA
WNNN691	IG	ONYX ENVIRONMENTAL SERVICES LLC	TX
WNNO358	IG	MIDLAND SECURITY	SD
WNNO487	PW	SPRINGDALE, CITY OF	AR
WNNQ265	IG	WEBSTER JR, R LEE	GA
WNNQ409	IG	PANTER, HOWARD	OK
WNNS581	IG	NORTHWEST CONDUIT CORPORATION	OH
WNNT424	IG	STINCHCOMB, RANDY	GA
WNNT728	IG	STATE ST DEVELOPMENT & MANAGEMENT CORP DBA	MA

WNMF805	IG	SAN BENITO INDEPENDENT SCHOOL DISTRICT	TX
WNMI446	IG	BROOKS ARMORED CAR SERVICE INC	DE
WNMI494	IG	TRIPLE C FARMS	NE
WNMJ263	IG	BATTLES, JOE	TN
WNMJ823	IG	CUTRALE CITRUS JUICES USA INC	FL
WNML561	IG	ABBOTT PARKING INC	IA
WNMN356	IG	FERNANDEZ, CHARLIE	TX
WNMQ719	IG	HANSEN, MILES K	ND
WNMR834	IG	LAS VEGAS SANDS INC	NV
WNMR859	PW	PENDER EAST RESCUE SQUAD INC	NC
WNMS698	IG	RIDDELL, JOSEPH	IN
WNMU395	IG	BARRICK BULLFROG INC	NV
WNMV661	IG	WILEY SANDERS TRUCK LINE	AL
WNMV771	IG	GRAND PRAIRIE INDEPENDENT SCHOOL DISTRICT	TX
WNMV853	IG	INTERSTATE WOOD PRODUCTS INC	WA
WNMX306	IG	KEY COLONY 4 CONDOMINIUM INC	FL
WNNA653	IG	CORNING YAMAHA	AR
WNNA674	IG	BLOM, DONALD	ND
WNNC453	PW	SOUTH CAROLINA, STATE OF	SC
Callsign	Radio Service	Licensee	State
WNNY926	IG	SUNSHINE CAB COMPANY INC	FL
WNNY928	PW	CALIFORNIA, STATE OF	CA
WNNZ539	IG	HUNT, JACK	TN
WNNZ543	IG	JERNIGAN, WILLIAM W	FL
WNNZ605	IG	CROSBY PAVING COMPANY INC	GA
WNPA432	IG	PETERS, BURTON	NE
WNPA444	IG	CHURCH HOSPITAL CORP	MD
WNPA490	IG	SIMPKINS, SYLVAN E	NJ
WNPA528	IG	AIR WISCONSIN AIRLINES CORP	WI
WNPA605	IG	LIVINGSTON, F L	TX
WNPA719	PW	HIDALGO, CITY OF	TX
WNPA722	IG	KRAUSE, DU WAYNE A	SD
WNPA777	PW	CAGUAS, CITY OF	PR
WNPA781	PW	CAGUAS, CITY OF	PR
WNPA825	IG	PHILLIP JOHNSON GRADING	GA
WNPA873	IG	CROUSE CARTAGE COMPANY	IA
WNPA874	IG	CROUSE CARTAGE COMPANY	IA
WNPB273	IG	PHILLIPS, MC COY:PHILLIPS, DIANE	MS

		SHIPS WATCH	
WNNU209	IG	ALLEN, GARY	KS
WNNU276	IG	PETERSON, LAWRENCE	ND
WNNU308	IG	HOLLIS, JOHNNY	AL
WNNU847	IG	BABER, E BROCK	KS
WNNV455	IG	VISTA CHEMICAL COMPANY	TX
WNNV528	IG	BATA, KEVIN	ND
WNNV550	IG	FRANK PETERSON ELECTRIC & HEATING INC DBA PETERSON ELECTRIC & HEATING INC	OH
WNNV580	IG	CONRAD, RICHARD	KS
WNNV847	IG	RADER, DELOYD	WI
WNNV991	IG	ACTON JR, THOMAS J	IL
WNNV995	IG	R&R ENTERPRISES	AZ
WNNW224	IG	MARTIN TRUCK SALES INC	FL
WNNW241	PW	LOS ANGELES, CITY OF	CA
WNNW384	IG	MOKAT DRILLING CO INC	KS
WNNW404	IG	MC MILLIN, JAMES	OH
WNNW414	IG	CENTRAL COMMUNICATIONS & ELECTRONICS INC	TX
WNNW415	IG	CENTRAL COMMUNICATIONS & ELECTRONICS INC	TX
WNNW416	IG	CENTRAL COMMUNICATIONS & ELECTRONICS INC	TX
WNNW471	IG	NELSON, LYNN W	MI
WNNX292	IG	MONFORT OF COLORADO INC	CO
WNNX302	IG	MASON DAY EXCAVATING INC	VA
WNNX317	IG	FITCHVILLE AUTO CENTER INC	CT
WNNX418	IG	HAYNES SERVICE CENTER & WRECKER SERVICE	WV
WNNX428	IG	BRAND REX COMPANY	CT
WNNX452	IG	TICKET CONNECTION	AZ
WNNY276	IG	SCHWICKERT, KENT	MN
WNNY284	IG	L RAYBONS STANDARD SERVICE	IL
WNNY317	IG	NICKS CONSTRUCTION CO INC	TN
WNNY340	IG	LOS ANGELES, CITY OF	CA
WNNY406	IG	BRINK MARINI TRUCKING INC	CA
WNNY542	IG	RAY, EUGENE E	NJ
WNNY565	IG	BINSWANGER GLASS COMPANY	MS
WNNY871	IG	VIK KEL CORP	PA

		DBA RULE BRAKER ACRES	
WNPB589	IG	REDGER, STEVEN	KS
WNPB602	IG	BROWN, LARRY D	LA
WNPB617	IG	TUMMINELLO, PHILLIP S	LA
WNPB679	IG	MOYER, JAMES	NE
WNPB717	IG	SPORRER, PAUL	IA
WNPB742	IG	OSENTOSKI EQUIPMENT INC	MI
WNPB764	IG	WESLEY MEMORIAL UNITED METHODIST CHURCH	NC
WNPB822	IG	KUECHENMEISTER, ARLEN	MN
WNPC260	IG	HARTSON, JAMES:HARTSON, RANDY L DBA HARTSON BROS FARMS	MN
WNPC309	IG	RAVIKOFF ENTERPRISES INC	NY
WNPC799	IG	CLAIRE MANUFACTURING CO	IL
WNPC965	IG	WAACK FAMILY FARMS INC	WI
WNPC973	IG	MULLINS FARMS	AR
WNPD402	IG	WIWI BUILDERS INC	IN
WNPD420	IG	SECURITY & SURVIELLANCE ASSOCIATES INC	VT
WNPD465	IG	FEDJE & SONS INCORPORATED	ND
WNPD466	IG	MORGAN, JEFF	KS
WNPD470	IG	MILLER, WADE	ND
WNPD615	IG	P M MOBILE SERVICE CO INC	NY
WNPD623	PW	CALIFORNIA, STATE OF	CA
WNPD675	IG	DEPARTMENT 56	MN
WNPD677	IG	MEGGINSON, DOUG	IL
WNPD699	IG	SCHLENKER, GORDON E:HESS, ROB DBA GORDON & ROBS ENTERPRISE	ND
WNPD738	IG	NUYTTEN, RICHARD	MN
WNPD741	IG	LEWIS, WILLIAM W	IN
WNPE500	IG	RUDIE WILHELM	OR
WNPE615	IG	QUALITY INN HENDERSON	NC
WNPF229	IG	BOOM STUDIO INC	NY
WNPF245	IG	OLLENDIECK, GERALD	IA
WNPF668	IG	COLONIAL AUCTION SERVICES INC	MD
WNPF697	IG	DUPUIS, GREGORY E	MA
WNPF840	IG	SMART & FINAL IRIS CORPORATION	CA
WNPF893	IG	ELI LILLY INDUSTRIES INC	PR

Callsign	Radio Service	Licensee	State
WNPF911	IG	BRADSHAW FARMS	AR
WNPF967	IG	GUZMAN CONSTRUCTION CO	AZ
WNPG231	IG	INTERNATIONAL PAPER	SC
WNPG371	IG	A ROTUNDA & SON CONSTRUCTION INC	CT
WNPG770	IG	BEST MAILING SERVICE INC	VA
WNPG788	IG	DAVIED, VERDAN	KS
WNPG824	IG	H & D INC	MI
WNPG923	IG	MEMORIAL HOSPITAL SYSTEM DBA MEMORIAL HOSPITAL PASADENA	TX
WNPG935	IG	HAPPEL, HARLAN	IA
WNPG956	IG	MC CUTCHEON INC	SC
WNPG985	IG	PEDERSEN, JEFFREY	MN
WNPH378	IG	DUNLAPS GARAGE INC	OH
WNPH455	IG	HUBBARD TRUCKING	VT
WNPH464	IG	RYDER, ART	MT
WNPH477	PW	MERCER, CITY OF	WI
WNPH530	IG	STEC, BRYAN	NE
WNPH532	IG	SEGAL HOP RANCH	WA
WNPH549	IG	CHANCELLOR MEDIA SHAMROCK RADIO LICENSES LLC	TX
WNPH561	IG	BACH SECURITY SERVICES INC	PA
WNPH802	IG	SIMON, RANDALL J	ND
WNPH840	IG	CLANCYS MOTOR EXPRESS	IN
WNPH845	IG	SPANCO CORPORATION	AZ
WNPH854	IG	FRICHTL, DON	IL
WNPH859	IG	MATTHEWS, LAWRENCE E	IL
WNPH904	IG	NELSON, RUSSELL	MI
WNPH932	IG	PALOMAS RANCH CORPORATION	TX
WNPH959	IG	LEWIS, TOMMY	TX
WNPI487	IG	CANYON BROADCASTERS INC	CA
WNPI659	IG	TELTREND INC	IL
WNPI903	IG	WEAVER, BRYAN	NC
WNPJ318	IG	KEY WEST RESTAURANT ASSOCIATES INC	FL
WNPK248	IG	PRODUCTION CONSULTANTS INC	TX
WNPK251	IG	GICKLHORN, CURTIS	TX
WNPK260	IG	VIRGINIA TECHNICAL RESOURCES INC	VA
WNPK342	IG	LEIS, JOHN A	KS
WNPK361	IG	LOYD FERY FARMS	OR
WNPK423	IG	EXPORT FUEL	PA

Callsign	Radio Service	Licensee	State
WNPM565	IG	KLEIN, ROBERT G	ND
WNPM585	IG	LEHIGH GAS SERVICE	CT
WNPM663	IG	TRANSAMERICA REAL ESTATE MANAGEMENT CO	CA
WNPM697	IG	PINKSTONS LOCKSMITH INC	KY
WNPM726	IG	MJR CORPORATION	HI
WNPM735	IG	BATTLE PARK FARMS	VA
WNPM790	IG	FERRIS SOD FARMS INC	MN
WNPM955	IG	HORNADY TRUCK LINES INC	AL
WNPM957	IG	NIEMEYER, ALBERT	IL
WNPO449	IG	SERVICE MERCHANDISE COMPANY	TN
WNPO455	IG	ROTH, DOYLE	NE
WNPO470	IG	GULFSTREAM GOLF CLUB	FL
WNPO474	IG	SALLS, MICHAEL W:SALLS, JOHN DBA SALLS RANCH	FL
WNPO605	IG	JACKSON, LYNN	TX
WNPO708	IG	STULZ, MELISSA	MO
WNPO714	IG	LINDQUIST, WAYNE D	MN
WNPO746	IG	OWAN, MARK	ND
WNPO913	IG	WARD, DON	NE
WNPP764	IG	MIDWAY CHEV OLDS PONTIAC INC	WI
WNPQ302	IG	BROWN, TRAVIS	NE
WNPQ362	IG	FERGUSON, WARREN:FERGUSON, ROBERT	ND
WNPQ370	IG	INTERNATIONAL PAPER COMPANY	AL
WNPQ379	IG	ABCOMM COMMUNICATIONS LTD	NY
WNPQ577	IG	XTRA INTERMODAL INC	IL
WNPQ585	IG	HILLARD OIL COMPANY INC	IL
WNPQ621	IG	HAYDEN BUILDING MOVERS INC	MA
WNPQ679	IG	PIERCE, LARRY	OK
WNPQ690	IG	G E PIPER & SON INC	TX
WNPQ708	IG	LONE STAR TIMBER II LP	GA
WNPQ733	IG	FOX, DAVE:FOX, NANCY DBA FOXS TOWING	OR
WNPQ913	PW	NAUGATUCK, TOWN OF	CT
WNPR799	IG	NERUD, DONALD E	NE
WNPR828	IG	NELSON NURSERY INC	MN
WNPR829	IG	KEITH WURM CONSTRUCTION	MN
WNPR848	IG	TRINITY INDUSTRIES PLANT 20	AL
WNPR885	IG	LAUREL MOUNTAIN MEDICAL	VA
WNPR946	IG	RENO AIR RACING ASSOCIATION	NV

WNPK453	IG	BIEMANN SUPPLY CO INC	SC
WNPK603	IG	HOODENPYLE, RALPH W	OK
WNPK663	IG	CALIFORNIA INNKEEPERS DBA RENO CENTRAL TRAVELODGE	CA
WNPK779	IG	LONGMONT SWEEPING	CO
WNPK899	IG	FARMERS PLUMBING & HEATING	AR
WNPK996	IG	FAIRVIEW HOSPITAL & TRAINING CENTER	OR
WNPL924	IG	ASSOCIATED WOOD PRODUCTS INC	MN
WNPL969	IG	LINK, DAVID	MO
WNPM201	IG	OUTBOARD MARINE CORPORATION	GA
WNPM218	IG	EISENMANN, DEAN	IL
WNPM224	IG	DEER PARK INDEPENDENT SCHOOL DISTRICT	TX
WNPM515	IG	STATE TAXI	SC
WNPM517	IG	PARKER, GARY DBA KAR KLEEN WASH SYSTEMS INC	OK
WNPM558	IG	BURDEN, DAVID	KS
Callsign	Radio Service	Licensee	State
WNPV228	IG	PURVIANCE, DENNIS	TX
WNPV242	IG	MOUNTAIN WEST ELECTRIC INC	ID
WNPV358	IG	AYCOCK JR, R E	TX
WNPV425	IG	MERLS TOWING SERVICE INC	MI
WNPV435	IG	FREIGHTLINER CORPORATION	NC
WNPV460	IG	WETZEL FARMS INC	TX
WNPV528	IG	EAST, JOHN	TN
WNPV776	IG	MC LEMORE JR, JACK H DBA CONCORDIA FISHERIES LIMITED	LA
WNPW421	PW	LOS ANGELES, CITY OF	CA
WNPW593	IG	PARNELL SERVICE TRANSPORT	IL
WNPW594	IG	ACME MOTOR FREIGHT SERVICE INC	IL
WNPX632	IG	LINGO, LARRY:DORMAN, KEITH:BERK, DALE:BERK, BRAD DBA BLD FARMS	KS
WNPX687	IG	R & E ASPHALT SERVICE INC	MO
WNPX739	IG	BLACK, OSCAR	SC
WNPX802	IG	ARIZONA CHEMICAL CO	GA
WNPX981	IG	TUPTA, ROBERT A	PA
WNPY220	IG	SOUTHAMPTON HOSPITAL	NY
WNPY490	IG	SWIFT RIVER HAFSLUND	ME
WNPY596	IG	WINN, JERRY	AR
WNPY650	IG	COOPERATIVA DE	PR

WNPS412	IG	TERRA CHEMICAL INTERNATIONAL	IA
WNPS459	IG	HEEB, TONY	AR
WNPS477	IG	SUREWAY INCINERATION INC	WA
WNPS490	IG	LEITZEN CONCRETE PRODUCTS INC	MN
WNPT655	IG	LEITZEN CONCRETE PRDS INC	MN
WNPT740	IG	KOBUS EARTH MOVING	NE
WNPU329	IG	ZINN, GEORGE	MS
WNPU330	IG	ROCKY MOUNTAIN CABLE CO	NM
WNPU344	IG	FLASH SANITATION INC	MI
WNPU620	IG	MONTGOMERY WARD & COMPANY INC	IL
WNPU785	IG	BRITTON, PAUL:DONELAN, BERNARD DBA B & D FARMS	MN
WNPU822	PW	PIMA, COUNTY OF	AZ
WNPU848	IG	ROYSTER-CLARK AGIBUSINESS INC	OH
WNPU865	IG	RUZICKA FARM INC	SD
Callsign	Radio Service	Licensee	State
WNQE600	IG	LINCOLN ELECTRIC COMPANY	OH
WNQE666	IG	HILLSBOROUGH TOWNSHIP BOARD OF EDUCATION	NJ
WNQE790	IG	BEEBE, VANCE	KS
WNQE824	IG	THOMAS AIR SYSTEMS INC	CA
WNQE886	IG	FAST DELIVERY MESSENGER SERVICE INC	CA
WNQE894	PW	CALIFORNIA, STATE OF	CA
WNQE981	IG	COASTAL MATERIALS CORPORATION	NH
WNQF507	IG	EVANSTON HOLIDAY INN INC	IL
WNQF558	IG	CHILDS, FREDDIE	MS
WNQF565	IG	E C C INTERNATIONAL	GA
WNQF584	IG	FOUNTAIN OF YOUTH SPA CORP	CA
WNQF602	IG	HDIAYE, KEBA	NY
WNQF692	IG	CONWAY BLOCK CO INC	AR
WNQF734	IG	PAVERS INC	OK
WNQF755	IG	MORGAN, ROBERT G	OR
WNQF768	IG	ENRON OIL AND GAS COMPANY	TX
WNQF783	IG	KB ELECTRICAL CONSTRUCTION CO	TX
WNQF929	IG	DONREY INC	NV
WNQG672	PW	CANNELBURG VOLUNTEER FIRE DEPT	IN
WNQH230	IG	VAN, GEORGE	TN

		ESTACIONAMIENTO MINILLAS	
WNPY761	IG	NIVERVILLE ENERGY CORPORATION	NY
WNPY767	IG	HOCTOR, DAN	WA
WNPY833	IG	PIKE, BOBBY	MO
WNPZ340	IG	MORRIS, GARVIN:MORRIS, VIRGIE DBA OAKRIDGE VAULTS	OK
WNPZ408	IG	SURRY COUNTY TRANSPORTATION AUTHORITY	NC
WNPZ438	PW	SOUTH BUTLER MEDICAL SERVICES LLC DBA GEORGIANA HOSPITAL	AL
WNPZ509	IG	FAIRMONT HOTEL	IL
WNPZ653	IG	J A DEAN CO LLC	KS
WNPZ963	IG	BILBY, JIMMIE C	AR
WNPZ965	PW	VALDOSTA, CITY OF	GA
WNQA256	PW	PINE, COUNTY OF	MN
WNQA257	PW	PINE, COUNTY OF	MN
WNQA777	PW	CALIFORNIA, STATE OF	CA
WNQA826	PW	INDEPENDENT SCHOOL DISTRICT 473	MN
WNQB222	IG	JONES, ZANE R	KY
WNQB235	IG	HOLT JR, CHARLES E	OK
WNQB592	IG	VOLUSIA TIMBER CORPORATION	FL
WNQB754	IG	FRITZ, JAMES	KS
WNQB852	IG	PEDICO	NY
WNQB906	IG	LEONARDS AUTO REPAIR INC	HI
WNQB942	IG	CULP MYERS AWNING CO	OH
WNQC216	IG	LOGAN CAB CO INC	UT
WNQC646	IG	BASF CORPORATION	KY
WNQC889	IG	BERRY JR, RICHARD N	ME
WNQC893	IG	BUERK, GEORGE	IL
WNQD428	IG	WALTS SERVICE & SUPPLY	WY
WNQD462	IG	P&S TRUCK SUPPLY	CA
WNQD844	IG	SOUTHERN IMPLEMENT INC	MS
WNQD890	IG	PILOT COMMUNICATIONS	CA
WNQD982	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
WNQE201	IG	SEGNO COMMUNICATIONS INC	IL
Callsign	Radio Service	Licensee	State
WNQQ493	IG	IMC POTASH HERSEY INC	MI
WNQQ515	IG	WOODCREEK UTILITIES INC	TX
WNQQ728	IG	FISCHER CORPORATION	MI
WNQR204	IG	FENWICK, F RONALD	IN
WNQR276	PW	AMOR, TOWNSHIP OF	MN
WNQR285	IG	PREISTER, GLEN	NE

WNQH233	PW	MASSACHUSETTS, COMMONWEALTH OF	MA
WNQI216	IG	TIJERINA JR, ELEAZAR	TX
WNQI268	IG	BEST MFG CO	MS
WNQI594	IG	ANTIETAM CONSTRUCTION INC	MD
WNQI825	IG	CLARK, MARIO:CLARK, RODRIGO:CLARK, SERGIO:CLARK, WALDEMAR DBA W V CLARK HARVESTING	AZ
WNQI857	IG	MORRIS ELECTRIC INC	CA
WNQJ586	IG	GENESEE MANAGEMENT INC	NY
WNQK459	IG	JOHNSON, EVERETT G:JOHNSON, MICHAEL DBA EVERETT G JOHNSON & SONS	NJ
WNQK467	IG	HOWARD MC AULIFFE INC	CT
WNQK512	IG	AYERS, M C	KS
WNQK842	IG	HENDRICKSON, THOMAS	MD
WNQK910	IG	CRUMBAUGH FARMS INC	MI
WNQK929	IG	CANENGUEZ, JUAN	CA
WNQM450	IG	MOUNT VERNON COUNTRY CLUB	CO
WNQM812	IG	KALTENBERG SEED FARMS	WI
WNQM852	PW	SOUTH CAROLINA, STATE OF	SC
WNQM915	IG	F J HAXTON INC	MT
WNQM965	IG	KAMPS, RUDOLPH	IA
WNQM975	IG	MUSE, BOYCE	CA
WNQN229	IG	LONG ISLAND RAIL ROAD COMPANY	NY
WNQN311	IG	PACE COMMUNICATIONS SERVICES CORPORATION	IL
WNQN341	IG	HERTZ CORPORATION	FL
WNQN467	IG	SUNSHINE CUSTOM CO INC	ID
WNQN659	IG	BIEGEL, ROGER M	OR
WNQN722	IG	REECE, GREG E	IN
WNQN986	IG	PCS PHOSPHATE COMPANY INC	NC
WNQN990	IG	HORIZON ELECTRIC INC	WA
WNQO215	IG	PRECISION TRUSS	NV
WNQO219	IG	ZIMMERMAN, DON	WY
WNQO725	IG	LAIHO EXCAVATING CO INC	RI
WNQQ473	IG	ASHEIM, J VERNON	ND
Callsign	Radio Service	Licensee	State
WNRB804	IG	KNOX METALS CORP	TN
WNRB919	IG	SCHWEITZER, WILLIAM K	CA
WNRB952	IG	KELLOGG COMPANY	MI
WNRC311	IG	ECKERD DRUG CO	GA
WNRC323	IG	PUNG SAN CONSTRUCTION CO	NY
WNRC363	IG	ISABELLA, ROBERT	OH

WNQR303	IG	ALTERS, LEONARD	IN
WNQR316	IG	HEMPHILL, JOHN W	LA
WNQR346	IG	LENTZ, DOUG	IA
WNQR358	IG	R&L ELECTRIC INC	IA
WNQR418	IG	PILLSBURY COMPANY	OR
WNQR968	IG	NORTH AMERICAN RETRACTORIES CO	KY
WNQS265	IG	J&M INC	MS
WNQS551	IG	JAMESTOWN BRONZE WORKS INC	NY
WNQS555	PW	FLORIDA, STATE OF	FL
WNQS644	IG	GALLIMORE PAVING	VA
WNQS669	IG	BLINK JR, WILLIAM R	IA
WNQS687	IG	JUPITER CHEMICALS	OK
WNQS742	IG	MEAD CORP	AL
WNQS905	IG	WALT LEE CONSTRUCTION INC	NV
WNQS991	IG	Tyson Foods, In.c	AR
WNQT248	PW	GODLEY PARK DISTRICT	IL
WNQT919	IG	HOLIDAY INN GEORGETOWN DBA HOLIDAY INN GEORGETOWN	DC
WNQT999	IG	HEBERLING, EUGENE	IL
WNQU281	IG	ST JOHN APARTMENTS	CA
WNQU326	IG	TOMS PLUMBING & HEATING INC	VA
WNQU379	IG	MEDICAL CENTER EAST	AL
WNQU448	IG	QUICKSILVER MESSENGER SERVICE	OH
WNQU632	PW	MASSACHUSETTS, COMMONWEALTH OF	MA
WNQU671	IG	AAA1 PORTABLE SANITATION CO INC	FL
WNQU697	IG	LE TOURNEAU INC	TX
WNQU771	IG	CHAPMAN, J I	SC
WNQU831	IG	SCHOLL, IRVIN	IL
WNQW452	IG	BUSCH AGRICULTURAL RESOURCES	ND
WNQW792	IG	TURNBERRY ISLE YACHT & COUNTRY CLUB	FL
WNQW997	IG	R E PIERSON CONSTRUCTION CO INC	NJ
WNQX212	PW	TRANS CARE AMBULANCE INC	PA
WNQX216	PW	Puerto Rico Police Communication Division	PR
WNQX251	IG	HENLEY CONSTRUCTION CO	MO
WNQY727	IG	RUSSELL STANDARD CORPORATION	PA
WNQY739	IG	NEW YORK OIL DRILLING CO	NY

WNRC530	IG	HANKINS FARMS	CA
WNRC705	IG	RITE OF PASSAGE INC	NV
WNRC710	PW	ALABAMA, STATE OF	AL
WNRC869	IG	WEST KINGSTON SERVICE INC	RI
WNRC870	IG	SUMTER FARM & STOCK COMPANY	AL
WNRC942	IG	AVCON INCORPORATED	CA
WNRD475	IG	HARMONY MEADOWS RANCH	AR
WNRD500	IG	STUIVENGA & VESSEY INC	ID
WNRD756	IG	GRAHAM, JOHN R:GRAHAM, STEVE R	NM
WNRD994	IG	FLEET NATIONAL BANK	MA
WNRE365	IG	KOON, THOMAS D	TX
WNRE664	IG	GREENWOODS INC TREE SERVICE	CT
WNRE761	IG	DE MEYER, DENNIS M	WA
WNRE771	PW	SKINNER, DANIEL E	AL
WNRE921	IG	YATES, JIMMY	AR
WNRF598	IG	JOHN STEWART CO DBA JACKIE ROBINSON APARTMENTS	CA
WNRF609	IG	HORTON, RON	IN
WNRF632	IG	JOHNSON, DONALD B	KS
WNRF960	IG	SWISS AIR TRANSPORT CO LTD	NY
WNRG630	IG	LOT MAINTENANCE OF OKLAHOMA INC	OK
WNRG639	IG	ST LAWRENCE CEMENT CO LLC	IA
WNRG703	IG	HALLAR ENTERPRISE INC	LA
WNRG724	PW	WRIGHTSVILLE, CITY OF	AR
WNRG771	IG	FIRST NATIONAL BANK OF JACKSON	KY
WNRG809	IG	RON ANDREWS LOGGING	CA
WNRG865	IG	MC CARTY R 3 PUBLIC SCHOOL DISTRICT	MO
WNRG868	IG	CUTLER OROSI UNIFIED SCHOOLS	CA
WNRG872	IG	DYERSBURG FABRICS INC	TN
WNRH630	IG	NICHOLSON, JIMMY:DANIELS, HAROLD DBA NICHOLSON AND DANIELS FARM	KY
WNRH855	IG	PFISTER & VOGEL LEATHER CO INC	WI
WNRH872	PW	CAROLINA, TOWN OF	AL
WNRI669	IG	J D THOMAS INC	ME
WNRI863	IG	POWELL, GREGORY W	OH
WNRI897	IG	RANKIN, MARK	CA
WNRI908	IG	RANDYS FOODMART INC	WI

WNQY764	IG	PARKDALE MILLS INC	NC
WNQY799	IG	TUTTLES AUTO PARTS	NH
WNQZ428	IG	HILLTOP OIL CO INC	PA
WNQZ529	IG	KETCHUM, ROBERT G	MO
WNQZ844	PW	MASSACHUSETTS, COMMONWEALTH OF	MA
WNQZ890	IG	BOSCH, BARRY	MI
WNR0319	IG	A C HEATING & COOLING INC	IL
WNRB527	IG	CONSTELLATION OPERATING SERVICES	MT
WNRB528	IG	WHYTE, CLIFFORD	CO
WNRB544	IG	PACIFIC OPERATORS OF TEXAS	TX
Callsign	Radio Service	Licensee	State
WNRL481	IG	ACE HEATING & AIR CONDITIONING	LA
WNRM254	IG	GATX TERMINALS CORPORATION	NJ
WNRM262	IG	NATIONAL CAR RENTAL SYSTEMS INC	MN
WNRM266	IG	GOOD SAMARITAN HOME	MO
WNRM346	PW	KIMEL BROADCAST GROUP INC	VT
WNRM361	IG	RIVERDALE APARTMENTS	VA
WNRM635	IG	MOOS, BOB	CA
WNRM774	IG	CROP PRODUCTION SERVICES INC	IA
WNRM795	PW	PITT COUNTY COMMUNITY COLLEGE	NC
WNRM808	IG	THESING, MARK C	IA
WNRN263	IG	BROWARD MARINE INC	FL
WNRN283	IG	S&M INC DBA MC DONALDS OF PLUMTREE	MD
WNRN533	IG	VANS IGA	MT
WNRN570	IG	READ FIELDS LTD	IN
WNRO203	IG	AGAR SUPPLY COMPANY	MA
WNRO214	IG	COTATI ROHNERT PARK UNIFIED SCHOOL DISTRICT	CA
WNRO225	PW	SANFORD, CITY OF	TX
WNRO319	IG	A C HEATING & COOLING INC	IL
WNRO360	IG	GOLOMBIECKI, PETER	MN
WNRO393	IG	RAPSACK, MARTIN	PA
WNRO456	IG	SAMPSON STREET AUTO SALES	IA
WNRO595	IG	TOPKOTE INC	SD
WNRO805	IG	COMMUNITY RESOURCE VOLUNTEERS	MI
WNRO807	IG	MITCHELL, CHARLES	NC
WNRO842	IG	ADAMSON, ART	MT
WNRO933	IG	BICKINGS, RONNIE D	MI
WNRP785	IG	HARDIN SIMMONS	TX

WNRI916	IG	CAMBRIDGE LEE INC	CA
WNRI936	IG	TITAN STEEL CORPORATION	UT
WNRJ890	IG	HARMAN, JACK	VA
WNRJ898	IG	WALLACE, DAVID A	VA
WNRK573	IG	MAZON MANAGEMENT CORPORATION DBA SOUTHEAST TOWERS II	NY
WNRK683	IG	HILL, JAMES R	MT
WNRK709	IG	STARK BROS DBA AGRI SUN NURSERY	CA
WNRK766	IG	SALVESON BLDG & REMODELING	WI
WNRL265	IG	HOLIDAY INN CEDAR FALLS	IA
WNRL273	IG	J & C ENTERPRISES	OK
Callsign	Radio Service	Licensee	State
WNRV612	IG	PARAMOUNT GROUP	CA
WNRV641	IG	JOHNSON, RONALD	IA
WNRV774	IG	ANCHOR PAVING COMPANY	CA
WNRV832	IG	BROWN, GARY A	MO
WNRV862	IG	DURAND GLASS MANUFACTURING CO INC	NJ
WNRV891	PW	LA GRANGE I S D	TX
WNRW226	IG	WILKINS, BRYAN	IA
WNRW309	IG	OAK FOREST HOSPITAL	IL
WNRW355	IG	GRANTHAM, TOMMY	NC
WNRW364	IG	AMERICAN LAWN SPRINKLER INCORPORATED	MI
WNRW570	IG	MC LEOD, TED	ME
WNRW596	IG	WAHOO SANITATION INC	NE
WNRW784	IG	H S SYSTEMS INC	NY
WNRW810	PW	SOUTHWOOD COMMUNITY HOSPITAL	MA
WNRW925	IG	HEINEBERG SENIOR HOUSING	VT
WNRW973	IG	COLLINGWOOD, A J:GENTRY, ROBERT DBA BELOIT VETERINARY CLINIC	KS
WNRW979	IG	NORMANDIE CASINO	CA
WNRX245	IG	CASS COUNTY CONCRETE INC	NE
WNRX293	IG	UECKERT, DARREL A	ND
WNRX402	IG	SVESTKA, ED	CA
WNRX425	IG	PILOT COMMUNICATIONS	CA
WNRX471	IG	SPRECKELS, RONALD A	WI
WNRX476	IG	MATULKA, LOUIS L	NE
WNRX685	IG	BERGERSON, RICHARD DBA BERGERSON PLUMBING AND HEATING	NM
WNRX747	IG	MOTT COMMUNITY COLLEGE	MI
WNRX783	IG	VAN HEERDE, RICHARD	SD
WNRX806	IG	JOSEPH T RYERSON &	IL

		UNIVERSITY	
WNRP949	IG	TUELL, DAVID L	IL
WNRQ229	IG	INTERNATIONAL PAPER COMPANY	AL
WNRQ493	IG	HYPERMART USA STORE 1484	MO
WNRQ539	IG	KENNEDY FARMS INC	IN
WNRQ546	IG	MATHER AUTO SALES INC	MA
WNRQ949	IG	SYNTONIC TECHNOLOGY	PA
WNRR208	IG	MEDFORD SCHOOL DISTRICT	OR
WNRR257	IG	GARTNER GROUP	NJ
WNRR290	IG	DEPENDABLE SKYCAP SERVICE	FL
WNRR390	IG	SCHNEIDER, RODGER C	KS
WNRR414	IG	FREEMAN DECORATING COMPANY	TX
WNRR582	IG	BETHA, ROBERT	NC
WNRR863	IG	AP ENTERPRISES	CA
WNRS910	IG	FOERSTER, CHARLEEN	WI
WNRT463	IG	BOWLIN, ROGER	IN
WNRT633	IG	WILLETTS, EVA	NY
WNRT646	IG	FAB GLAS INDUSTRIES INC	IN
WNRU456	IG	RESIDENCE INN INC	FL
WNRU471	IG	ARENS, KENNETH	ND
WNRU849	IG	HARDEES	WI
WNRU861	IG	VALENTI HELD CONTRACTORS DEVELOPERS INC	IN
WNRU914	IG	BARAN, JOHN	IL
WNRV413	IG	RIDER, DONALD	NE
WNRV481	IG	AUTO & TRUCK AMBULANCE INC	GA
Callsign	Radio Service	Licensee	State
WNSC351	IG	PF ACQUISITION I INC DBA AGRIFROZEN FOODS	OR
WNSC360	IG	ROTH, JACK W	MO
WNSC658	IG	MICRO DESIGN INC	TX
WNSC760	IG	BUTCH POWELL HEATING & AIR COND INC	SC
WNSC944	IG	F M C CORPORATION	CA
WNSC950	IG	PERFECT PLASTIC PRINTING	IL
WNSD360	IG	REMANCO INTERNATIONAL INC	NH
WNSD678	PW	CONNECTICUT, STATE OF	CT
WNSD696	IG	TRANSPORTATION PLUS INC	GA
WNSD731	IG	GRAND FOODS	IL

		SON INC	
WNRX932	IG	BLUE CROSS AND BLUE SHIELD OF MICHIGAN	MI
WNRZ252	IG	CINCINNATI MACHINE	OH
WNRZ412	IG	MG SYSTEMS & WELDING INC.	WI
WNRZ526	IG	FOUR OAKS FARMS	GA
WNRZ552	IG	HOXWORTH, PAUL	NE
WNRZ589	IG	SINOW AND WIENMAN INC	IL
WNRZ675	IG	SANSALONE, NICK	NY
WNRZ743	IG	GREAT LAKES PROPANE CO INC	MI
WNRZ855	IG	WIEDA, DOUGLAS:WIEDA, WILLIAM DBA WIEDA BROTHER FARMS	OH
WNSA201	IG	FARMERS TRACTOR COMPANY	AL
WNSA268	IG	MANOR CARE RUXTON	MD
WNSA294	IG	BEECH CREEK VOLUNTEER FIREFIGHTERS ASSOCIATION	WV
WNSA302	IG	STEEL TECHNOLOGIES INC	MD
WNSA747	IG	MONTGOMERY PAINT BRANCH APARTMENTS	MD
WNSA774	IG	BONDE, WILLIAM H:BONDE, GARY A DBA BONDE FARMS	MN
WNSA880	IG	ROSE, CLAY	TX
WNSB209	IG	LAUBNER, LARRY	ND
WNSB461	IG	A Z PROTECTION SECURITIES INC	NY
WNSB976	IG	VORHES, PETE	IA
WNSC274	IG	BRODERSEN, MICHAEL E	IA
WNSC284	IG	NATIONAL CAR RENTAL SYSTEMS INC	MN
WNSC288	IG	POWERS, DWIGHT	OH
WNSC303	PW	MINERAL, COUNTY OF	NV
WNSC325	IG	GREEN RIVER STEEL CORPORATION	KY
Callsign	Radio Service	Licensee	State
WNSM550	IG	HUMBOLDT EXXON	TN
WNSN331	IG	MAIN STREET MARKET	MI
WNSN667	IG	CHEROKEE BUILDING MATERIALS INC	OK
WNSN959	IG	KIMBALL FARMS AT LENOX	MA
WNSO537	IG	PARCC HEALTH CARE INC	CT
WNSO542	IG	WALTERSCHEID, ROBBY	NM
WNSO576	IG	KINETIC SYSTEMS INC	CA
WNSO583	IG	GATTON JR, CHARLES W	KY
WNSO706	IG	RANKIN IGA	MI
WNSP255	IG	SUPERIOR HARDWOODS	IN

WNSD742	IG	BIRKNER, DANNY	IL
WNSD908	IG	BROADWAY PALACE THEATRE CO	NY
WNSE696	IG	RAVENSWOOD HOSPITAL MEDICAL CENTER	IL
WNSF367	IG	SMITH, RICHARD D	KS
WNSF425	IG	MILLER, DEAN M	IA
WNSF561	IG	NATIONAL CAR RENTAL SYSTEMS INC	MN
WNSF567	IG	BIG VALLEY LUMBER COMPANY	CA
WNSG231	IG	NORTH ADAMS HOME INC	IL
WNSG259	IG	HARDEES	LA
WNSG271	IG	BIG BEAR OF PRATTVILLE INC DBA PIGGLY WIGGLY	AL
WNSG584	IG	ARM COMMUNICATIONS	TX
WNSG820	IG	KOMATSU AMERICA INTERNATIONAL CO	IL
WNSG867	IG	NATIONAL CAR RENTAL SYSTEMS	MN
WNSH507	PW	RAVENSWOOD SCHOOL DISTRICT	CA
WNSH594	IG	STEPHENS, BRIAN M	MA
WNSH626	IG	AMERICAN CONCRETE PIPE COMPANY INC	WI
WNSH647	IG	PRECISION TUBE COMPANY INC	PA
WNSH664	IG	STORK, MICHAEL K	NE
WNSH769	IG	JAMES E LIGHT FARMS INC	KS
WNSH790	IG	REMUND FARMS	MN
WNSI573	IG	SHINING OCEAN INC	WA
WNSI575	IG	KLUMB LUMBER COMPANY	AL
WNSI615	PW	TUTWILER, TOWN OF	MS
WNSI816	IG	YOUNG, DON	WY
WNSJ719	IG	INTERSTATE STEEL COMPANY	IL
WNSK266	IG	SOUTHERN WINE & SPIRITS OF AMERICA	FL
WNSL230	IG	BREEN, GERALD J	IL
WNSL234	IG	HARDEES	MO
WNSL289	PW	BATCHELDER, PAUL H	MO
WNSL392	IG	LEITNER, JIM	OK
WNSL402	IG	AKINS PETROLEUM CO INC	GA
WNSL434	IG	HANDIVAN INC	SD
WNSL513	IG	KATHREIN, LENNY	ND
WNSL645	IG	NELCO PRODUCTS	CA
WNSL729	IG	CAGLE AND FREDONIA WATER UTILITY DIST	TN
WNSL733	IG	BOUSQUET, RICK:BOUSQUET, ROBERT	NE
		INC	
WNSP403	IG	BLUE SPRINGS SOUTH HIGH SCHOOL	MO
WNSP406	IG	INDUSTRIAL CONVEYER	TN
WNSP488	IG	UTAH SKILLS USA VICA	UT
WNSQ499	IG	KUNKEN, JAMES L	IL
WNSQ558	IG	ORR, TOM:ORR, DAVID DBA ORR FARMS	TN
WNSQ570	IG	AMTECH CORPORATION	WA
WNSQ628	IG	BATTELLE N W LABS	WA
WNSQ652	IG	JOHN ROLWES FARMS	IA
WNSQ671	IG	MC KAY TOWER LLC	MI
WNSQ973	IG	COLUMBIA HOSPITAL FOR WOMEN	DC
WNSR424	IG	SEBENS, MITCH	ND
WNSS651	IG	TURNQUIST PAPER COMPANY	MN
WNST574	IG	LATIMER COUNTY R W D 4	OK
WNST587	IG	MINH FOODS INC	TX
WNST600	IG	MEEKS, LARRY W	KS
WNST615	PW	CALIFORNIA, STATE OF	CA
WNST666	IG	THOMAS FUN PARK INC	MO
WNST986	IG	CRANE PRO SERVICES	OH
WNSU250	IG	FRANKLIN CONTRACTING INC	MA
WNSU290	IG	GUARDIAN LIFE INSURANCE COMPANY OF AMERICA	NY
WNSU322	IG	FISCHER, EUGENE M	SD
WNSU362	IG	VERMILION FISHING CLUB INC	IL
WNSU539	IG	BOURK, JOHN L	SD
WNSU569	IG	WHITON, CHARLES L	WY
WNSU616	IG	STARWOOD HOTELS & RESORTS WORLDWIDE INC DBA SHERATON WATERSIDE HOTEL	VA
WNSU679	IG	BAKER LUMBER & HARDWARE CO INC	AR
WNSU748	IG	JP & J INC	MO
WNSU978	IG	HOTTEL, ELAINE:HOTTEL, JOSEPH DBA EGYPT FARMS	MD
WNSV246	IG	KENTUCKY RIVER FOOTHILLS DEVELOPMENT COUNCIL INC	KY
WNSV623	IG	COMMUNICATION TECHNOLOGY INC	IN
WNSV931	IG	EDGEWATER ASSOCIATES	WA
WNSW541	IG	DORO INC	WI
WNSW597	IG	COLE OIL COMPANY	NC
WNSW634	IG	HILTON HOTELS CORPORATION	CA
WNSX283	IG	HERTZ CORP	NY
WNSX616	IG	JOSEPH P DAY REALTY CORP	NY

		DBA BOUSQUET DAIRY	
WNSL736	IG	SCHLICHTE, DALE	IA
WNSL925	IG	MELTON, BILL	AR
WNSM358	IG	MONT HELENA ASSOCIATES	MS
WNSM362	IG	BOK, WAYNE	SD
WNSM371	IG	GREATER SOUTHEAST COMMUNITY HOSPITAL	DC
Callsign	Radio Service	Licensee	State
WNSZ476	PW	SIERRA NEVADA MEMORIAL HOSPITAL	CA
WNSZ480	IG	ATLANTIC CITY RACING ASSOCIATION	NJ
WNSZ606	IG	SCHERRMANS IMPLEMENT INC	IA
WNUA215	IG	USF BESTWAY INC	TX
WNUA703	IG	COLUMBIA HIGH SCHOOL DBA SOUTH ORANGE-MAPLEWOOD SCHOOL DISTRICT	NJ
WNUA833	IG	GATEWAY FOODS OF TWIN PORTS INC DBA FESTIVAL FOODS	MN
WNUA904	IG	WHEET, TONY A	IL
WNUA916	PW	ANDERSON SPORTS & ENTERTAINMENT CENTER	SC
WNUA965	IG	WHITE, LARRY	IL
WNUB212	IG	TIBBITS, JOHN T	KS
WNUB226	IG	YMCA	SC
WNUB897	IG	HARPER FARMS	OK
WNUB917	IG	GILLETT, SAMUEL D	KS
WNUB938	IG	ROBINSON FORD INC	CA
WNUC403	IG	BELKS 0495	GA
WNUC404	IG	KOSA	NC
WNUC487	IG	SMYTH BUSINESS SYSTEMS	CA
WNUC525	IG	AUTO PARTS OF HORSEHEADS INC	NY
WNUC858	IG	SUNRISE LINE LOGGING INC	MT
WNUD442	IG	WEBASTO SUN ROOFS INC	MI
WNUD936	IG	J J ASSOCIATES	AZ
WNUE289	IG	IOWA ILLINOIS PEST CONTROL SERVICE	IL
WNUE643	IG	SCOTTS LEASING CORP	MI
WNUE680	IG	HUMANA HOSPITAL WEST HILLS	CA
WNUE979	IG	GENOVESE DRUG STORES INC	NY
WNUF596	IG	KORNS ELECTRIC INC	OH
WNUF644	IG	GEMINI CONTRACTORS INC	OH
WNUG406	IG	NEWTON, LAYMON O:NEWTON, MICHAEL DBA NEWTON FARMS	TX

WNSX660	IG	CHILHOWIE LAND COMPANY	TN
WNSX672	IG	FORD, WILLIAM O	OH
WNSY620	IG	BURNHAM PACIFIC OPERATING PARTNERSHIP LP	CA
WNSZ337	IG	WILD ROSE ENTERPRISES	CA
WNSZ456	IG	TACO BELL	IL
Callsign	Radio Service	Licensee	State
WNUM850	IG	STAR KIST CARIBE	PR
WNUM913	IG	SHIELD SECURITY INC	CA
WNUM971	IG	ALLEN PLUMBING	TX
WNUM984	IG	PINELAND SOUTH COMPANY INC	GA
WNUN213	IG	ALOHA TRANSPORTATION AND RENTALS INC	HI
WNUN218	IG	AMERICAN REF-FUEL CO. OF DELAWARE VALLEY L.P.	PA
WNUN374	IG	JOSEPH T RYERSON & SON INC	OR
WNUN379	IG	HOVER, C D	TX
WNUN416	IG	DAVID L PENEGOR INC	OR
WNUN590	PW	HEBRON, TOWN OF	IL
WNUN716	IG	GENERAL CONSTRUCTION CO	WA
WNUN875	IG	DODGEN, DAVE	FL
WNUP926	IG	ARC OF FDL INC	WI
WNUP976	IG	FORT ORANGE PAPER CO INC	NY
WNUQ995	IG	EVANS CHEMETICS	NY
WNUR364	IG	YOUR CAR SERVICE INC	NY
WNUR506	IG	AGRI TECH FS INC	WI
WNUR796	IG	VISTA CHEMICAL COMPANY	TX
WNUS469	IG	ALLEN COUNTY CITIZENS EMERGENCY TEAM	OH
WNUS565	IG	WILLIAMS, RICK	OK
WNUS634	IG	PARADISE ELEMENTARY SCHOOL	CA
WNUU242	IG	HARDEES	MO
WNUU270	IG	KENTUCKY FRIED CHICKEN	IN
WNUU345	IG	PAUMA VALLEY COMMUNITY SERVICES	CA
WNUU377	IG	HARIED, ROBERT D	MN
WNUU408	IG	SCHOOL SERVICES & LEASING INC	KS
WNUU644	IG	SERVICE MARINE TOWBOAT TAKE ME HOME INC DBA LONGS GRAVE SERVICE	TN
WNUV324	IG	SHOOK OIL BURNER SER	CT

WNUH252	IG	DALTON SCHOOL	NY
WNUH546	IG	INCA CONSTRUCTION CO INC	NM
WNUH991	IG	SCHIELE, DENNIS	ND
WNUI296	IG	SOUSA AG SERVICE	CA
WNUI464	IG	ANTELOPE VALLEY	CA
WNUI915	IG	MAY, PAUL M	IN
WNUJ408	IG	CONNECTICUT, STATE OF	CT
WNUJ482	IG	ADRIAN, PHYLLIS	IA
WNUJ567	IG	STILLWATER BEST WESTERN MOTEL	OK
WNUJ840	IG	BOOTH HEATING & AIRCONDITIONING	TX
WNUK219	IG	ARCHDIOCESE OF ST PAUL & MINNEAPOLIS	MN
WNUK234	IG	AUBURN FAITH COMMUNITY HOSPITAL	CA
WNUK683	IG	LYNN, JAMES:RYAN, GARY Q DBA RYAN BROS FARMS	AR
WNUK734	IG	CIRCLE T FERTILIZER INC	LA
WNUK949	PW	MEEKSVILLE VOLUNTEER FIRE DEPT	AL
WNUL540	IG	MC CANN INC	NY
WNUL583	IG	STEUBEN CO METRO SCHOOL DISTRICT	IN
WNUL613	IG	MONTGOMERY, MEL W	MT
WNUL659	IG	DELMONTE USA	WA
WNUL882	IG	RUTHLAND FARM	IA
WNUM469	IG	ARBYS BACHOUR INC	TN
WNUM537	IG	MCC Georgia LLC	NY
WNUM538	IG	MCC Georgia LLC	NY
Callsign	Radio Service	Licensee	State
WNVE873	IG	QUEST EXCAVATING INC	IL
WNVE905	IG	STONECIPHER, DAVID	KY
WNVF582	IG	BRUNS, FRANCIS:BRUNS, BOB DBA BRUNS FARMS	SD
WNVF590	IG	GENERAL DATACOMM INDUSTRIES INC	CT
WNVF603	IG	HANDRO MANAGEMENT CORP	NY
WNVF812	IG	DALTON, MIKE	WI
WNVG481	IG	BAKERS MAIN OFFICE	OH
WNVG495	IG	CROIXLAND PROPERTIES LP INC DBA ST CROIX MEADOWS GREYHOUND RACING PARK	WI
WNVG546	IG	COWPET BAY WEST CONDOMINIUMS	VI
WNVG696	IG	ARAYCO INC	SC
WNVG819	IG	TITTERTON, WILLIAM B	NY

WNUV434	IG	DONNIE MARTIN HEATING AND COOLING	OH
WNUV936	IG	MONAHAN, WAYNE	NE
WNUW663	IG	GERRY, EDWARD:GERRY, MARTHA DBA PINCKNEY HILL PLANTATION	FL
WNUW984	IG	SANDBURG MALL	IL
WNUW999	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
WNUX225	IG	NICKELL, WILLIAM T	CA
WNUY355	IG	WORKMAN, JANE C	CO
WNUY393	IG	WOODLAND PARK HOSPITAL	OR
WNUY978	IG	FONDREN MIDDLE SCHOOL	TX
WNUZ481	IG	OSBORNE CUYAHOGA CONCRETE INC	OH
WNUZ822	IG	PONTIAC IGA FOOD CENTER	MI
WNVA586	IG	HOFFMAN, HARVEY	PA
WNVA937	IG	CASINO RACING ENGINES INC LTD	CA
WNVB799	IG	FURNITURE TRANSPORTATION SYSTEMS	CA
WNVB841	IG	BLOSSOM HILL ESTATES	CA
WNVC382	IG	AQUA SERVICES INC	NH
WNVC726	IG	WEST ANCHORAGE HIGH SCHOOL	AK
WNVC792	IG	SCHMIDT, DAMIAN DBA ARROW TRASH SERVICE	KS
WNVD296	IG	FUSS, DAVID	MI
WNVD538	IG	FREDRICK, MARK	CA
WNVD684	IG	ROYAL OAKS GOLF CLUB	TN
WNVE237	IG	SEAMAN RADIO DISPATCHER INC	NY
WNVE803	IG	SIMSBURY AMBULANCE INC	CT
Callsign	Radio Service	Licensee	State
WNVU343	IG	BOHNERT, CALVIN L	KS
WNVV258	IG	Hillcrest-Riverside, Inc. dba Tulsa Regional Medical Center	OK
WNVV568	IG	NIKITAS, ANDY	NH
WNVV778	IG	ROCKWELL INTERNATIONAL	TX
WNVW464	IG	BARHORST, ROBERT L	OH
WNVX566	IG	MORRIS, MELVIN R	NY
WNVY479	IG	CHUCKS PLUMBING & HEATING INC	MT
WNVY533	IG	RICHARD D POOLE INC	PA
WNVY979	IG	INLAND CONTAINER	CA
WNVZ531	IG	TENNESSEE STATE TRACTOR PULL ASSOCIATION INC	AL
WNWA295	IG	TLS PARTNERSHIP	CA

WNVG972	IG	SCHOOL DISTRICT OF VOLUSIA COUNTY	FL
WNVH267	IG	KERCHERNER, DENNIS	IL
WNVH319	IG	CUBA, BERNARD C	NE
WNVI276	IG	SCHOFIELD, WAYNE	IL
WNVI332	IG	HOLUB MIDDLE SCHOOL	TX
WNVI444	IG	ABB FLEXIBLE AUTOMATION INC	CO
WNVI459	IG	WOODBURY, TOWN OF	TN
WNVI636	IG	DITCH WITCH OF THE ROCKIES	CO
WNVI668	IG	BLAIS, ROLAND	NH
WNVI688	IG	WMCR CORPORATION	MI
WNVI973	IG	LUCENT TECHNOLOGIES	NJ
WNVJ254	IG	CHESTNUT HILL HOSPITAL	PA
WNVJ265	IG	VICKERS INCORPORATED	NE
WNVJ284	IG	DELAWARE COUNTY MEMORIAL HOSPITAL	PA
WNVJ288	IG	PATRIOT FORD LINCOLN MERCURY INC	WV
WNVJ371	PW	FIRST CARE HEALTH SERVICES LLC	IL
WNVJ839	IG	HOLIDAY INN OF PRESTONSBURG	KY
WNVK203	IG	DI PAOLO, ANTHONY	MI
WNVK231	IG	INTERNATIONAL CAR & LIMOUSINE SERVICE INC	NJ
WNVK624	IG	WEAVER POPCORN CO INC	IN
WNVK883	IG	TRINIDAD GOLF COURSE	CO
WNVL375	IG	IRECO INC	AZ
WNVM281	IG	DOUBLETREE PARADISE VALLEY RESORT	AZ
WNVM931	IG	SWISS HOTEL	GA
WNVN429	IG	WEBBER, CHRIS	MO
WNVP653	IG	LOS ALISOS MOBILE HOME ESTATES	CA
WNVQ436	PW	DILLONVALE VOLUNTEER FIRE DEPT	OH
WNVQ598	PW	LOS ANGELES, CITY OF	CA
WNVQ812	IG	WASHINGTON HEBREW CONGREGATION	DC
WNVQ953	IG	WCO HOTELS INC	CA
WNVR380	IG	MACTAC	NV
WNVR971	IG	BIG ELK CREEK MINING	KY
WNVS229	IG	TOLLEFSON, MARCO	ND
WNVS240	IG	NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY	NY
WNVS276	IG	HUGHES JR, GLENN H	MO
WNVS303	IG	NORTH SHORE MEDICAL CENTER INC	FL
WNVS325	IG	LITTLETON PROPERTIES INC	IN
WNVS363	IG	CARTER, BOB	NM
WNVS695	IG	MAUI COUNTRY CLUB	HI

WNWA452	IG	WAGLER, AMZY	IN
WNWA673	IG	PROVENA ST ANNE CENTER	IL
WNWA729	IG	MERCY HOSPITAL	CA
WNWB756	IG	SIMON, JEFFERY F	OH
WNWB954	IG	SOUND ELEVATOR	WA
WNWC376	IG	YORK INTERNATIONAL CORPORATION	OH
WNWC584	IG	BAKER, JOE:BAKER, TERRY DBA BAKER FARMS	GA
WNWC764	IG	JOHN LEE CLEMONS INC	FL
WNWC830	IG	TROPICANA PRODUCTS INC	FL
WNWC868	PW	BAXTER SPRINGS, CITY OF	KS
WNWD953	IG	SOUND ELEVATOR	WA
WNWE290	IG	ALEXANDER, BILLY	GA
WNWE513	IG	FINLINSON, DEE J	UT
WNWE693	IG	STRATTON, SHELDON	SD
WNWF310	IG	ROBESON, COUNTY OF	NC
WNWF481	IG	C B RICHARD ELLIS NE PARTNERS LP	CT
WNWF504	IG	BEE BEE CAR & LIMO SERVICE INC	NY
WNWF687	IG	URBAN RETAIL PROPERTIES CO	MA
WNWF714	IG	FEDT, EUGENE:FEDT, DARIN	SD
WNWF880	IG	AG AVIATORS INC	GA
WNWG966	IG	ABCOMM COMMUNICATIONS LTD	NY
WNWH338	IG	MALONE LUMBER & READY MIX INC	NY
WNWH793	IG	BASSANI, ALAN	WA
WNWH906	IG	MC DONALDS RESTAURANT 02605	NY
WNWH915	IG	THORNTON BROS FARMS	NC
WNWI535	IG	SDR LOGGING INC	ME
WNWJ879	IG	EFFICIENCY PRODUCTION INC	MI
WNWK418	IG	MEDIACOM SOUTHEAST LLC	NY
WNWK449	IG	ORTMEIER, RANDY	NE
WNWK468	IG	BOISE CASCADE	OR
WNWK923	IG	LAKES COUNTRY CLUB ASSOC INC	CA
WNWL296	IG	BERGEMANN, DOUGLAS	MN
WNWL343	IG	RUTGERS UNIVERSITY	NJ
WNWL527	IG	TEXTRON INC	TN
WNWL764	IG	ACTION DELIVERY SERVICES INC	IA
WNWL785	IG	TRUCK LITE CO INC	NY
WNWL947	IG	PETERSON, RANDALL S	NE
WNWM247	IG	KNOPPS, ROBERT	WI
WNWM425	IG	MEDIACOM SOUTHEAST	NY

WNVS704	IG	LAS VEGAS COUNTRY CLUB MASTER ASSOCIATION	NV

Callsign	Radio Service	Licensee	State
WNWM485	IG	OLIVER CARR CO	VA
WNWM806	IG	RUIDOSO PAVING CO INC	NM
WNWM867	IG	ANCHOR HOCKING PACKAGING PRODUCTS	PA
WNWM877	IG	MATSUSHITA ELECTRIC CORPORATION OF AMERICA	IL
WNWM940	IG	BARZ, KEVIN	IA
WNWM973	IG	INDEPENDENT SCHOOL DISTRICT 281	MN
WNWN204	IG	NORTHLAKE REGIONAL MEDICAL CENTER	GA
WNWN397	IG	KIWANIS WYOMING COUNTY FAIR	PA
WNWN434	IG	RUEHR, FRANK R	OH
WNWN574	IG	SWANSON HARDWARE SUPPLY INC DBA SWANSON COMMUNICATIONS	NJ
WNWP378	PW	OREGON, STATE OF	OR
WNWP455	IG	RANGER COMMUNICATIONS INC	CA
WNWP685	IG	ALCAN ROLLED PRODUCTS	NY
WNWP692	PW	NAVAJO TRIBE	AZ
WNWQ215	IG	FLIGHT INTERNATIONAL INC	VA
WNWQ596	IG	EPITHANY CATHOLIC CHURCH	FL
WNWQ735	IG	STAR CRUISER DBA EMERALD	NY
WNWQ867	PW	DONORA FIRE CO	PA
WNWQ883	IG	HOFFMAN, CLINT	WA
WNWQ900	IG	ROHRBACH, BERT J	ID
WNWR408	IG	EMERSON ELEMENTARY SCHOOL	WA
WNWR479	IG	TRY MANAGEMENT CO. INC.	NY
WNWR760	IG	BEHM, LA VERN	ND
WNWR991	IG	COROMETRICS MEDICAL SYSTEMS INC	CT
WNWS207	IG	W I M OF WALTERS INC	MN
WNWS219	IG	SAALFELD, SCOTT	NE
WNWS346	IG	NORTH SHELBY WATER COMPANY	KY
WNWS425	PW	KEYSTONE EMERGENCY OF NE PA	PA
WNWS843	PW	CAYUGA ONONDAGA BOARD OF COOPERATIVE EDUCATIONAL SERVICES	NY
WNWT773	IG	NALTY JR, DONALD	AL
WNWT884	PW	BIG SANDY, CITY OF	TX

		LLC	
WNWM450	IG	MIDTOWN SQUARE	NC

Callsign	Radio Service	Licensee	State
WNWY271	IG	CORAL BEACH MOTEL	FL
WNWY738	IG	NEW ORLEANS CITY PARK IMPROVEMENT ASSN	LA
WNWY741	IG	TLS PARTNERSHIP	CA
WNWY925	IG	NODAK RACE CLUB	ND
WNWZ205	IG	JAGERS, DEAN:JAGERS, TOM:JAGERS, ROY DBA JAGERS FARM	CO
WNWZ215	IG	GRABANSKI, RUSSELL L	ND
WNWZ957	PW	NEWBERRY COUNTY RESCUE SQUAD	SC
WNWZ965	PW	FOX RIVER GROVE SCHOOL DISTRICT	IL
WNXA417	PW	CARE TRAN INC DBA DALLAS AMBULANCE SERVICE	TX
WNXA641	IG	MULTIPLE PARKING SERVICES INC	NY
WNXB482	IG	GRANT SCHOOL	MN
WNXB566	IG	APEX WIRELESS INC	CA
WNXB744	IG	VANITY FAIR MILLS INC	AL
WNXB754	IG	MC DONALDS REST	MI
WNXC387	IG	AUDIO ELECTRONICS INC	IL
WNXC389	IG	TACO BELL TB4430	KY
WNXC872	IG	VERMEER SALES & SERVICE MI INC	MO
WNXD236	PW	TEXAS A & M UNIVERSITY	TX
WNXD353	IG	RIVER DELL REGIONAL BOARD OF EDUCATION	NJ
WNXD830	IG	SHAMROCK MATERIAL	CA
WNXE930	PW	HALEDON, BORO OF	NJ
WNXF420	IG	HURLEYS SUPERMARKETS INC	PA
WNXF530	IG	STINSON, LARRY F	NY
WNXF553	IG	SHAMROCK MATERIALS INC	CA
WNXF917	IG	CHRISTIAN RETIREMENT SERVICES INC	IA
WNXF950	IG	EMPIRE CONSTRUCTION COMPANY INC	LA
WNXH315	IG	SCHROLL, DALE	NE
WNXI315	PW	PONTIAC, CITY OF	MI
WNXI362	IG	THORNEYCROFT, GREGORY W	IN
WNXI867	IG	E & A MATERIALS INC	TX
WNXJ297	IG	TOTAL DISTRIBUTION INC	WV

WNWT972	IG	CITICORP SERVICES INC	IL
WNWT974	IG	RITZ CARLTON AMELIA ISLAND	GA
WNWT985	IG	Michaels Stores Inc.	TX
WNWU317	IG	Michaels Stores Inc.	TX
WNWU426	IG	VAN VELDHUIZEN, BERNON	IA
WNWV371	IG	BORDERCOMM INC	TX
WNWV526	PW	EVANSVILLE, CITY OF	WI
WNWV625	IG	ROTH, RONNIE	NE
WNWV627	IG	HOGAN GROUP INC	FL
WNWV699	IG	GAP INC	KY
WNWV717	IG	BULLINGTON, DELMER	GA
WNWV910	IG	PREDELIVERY SERVICE CORPORATION	MD
WNWV921	PW	PENDER COUNTY RESCUE SQUAD	NC
WNWW234	IG	RANGER COMMUNICATIONS INC	CA
WNWW478	IG	MC GREGOR LINKS COUNTRY CLUB	NY
WNWW495	IG	FUSION SPECIALTIES	CO
WNWW598	IG	CROWN VANTAGE	NJ
WNWW945	IG	HITCO TECHNOLOGIES INC	CA
WNWW974	IG	VEAZEY PLANT CO	GA
WNWY260	IG	NATIONAL REFRACTORIES AND MINERALS CORP	MO
Callsign	Radio Service	Licensee	State
WNXQ551	IG	ALCAN ROLLED PRODUCTS CO	OH
WNXQ706	IG	CLARK ELECTRIC CO	OK
WNXQ728	IG	GENERAL MILLS INC	GA
WNXQ797	IG	QUICK GREEN LAWN CARE INC	MI
WNXR420	IG	ZENITH INSURANCE COMPANY	CA
WNXR596	IG	JOHN C CALHOUN STATE COMMUNITY COLLEGE	AL
WNXR942	IG	TREE OF LIFE, INC	FL
WNXR945	IG	TREE OF LIFE INC	FL
WNXS299	IG	QUEEN CITY SAUSAGE	OH
WNXS537	IG	OLEEN, GLENN:OLEEN, CHARLES DBA OLEEN CATTLE COMPANY	KS
WNXS985	IG	CITISTEEL USA INC	DE
WNXT225	IG	BOHNAM JUNIOR HIGH SCHOOL	TX
WNXT500	IG	SOUTHWEST BY PRODUCTS INC	MO
WNXT557	IG	H R CONSTRUCTION PARTS & EQUIPMENT INC	NY
WNXT565	IG	LATHROP, CITY OF	CA
WNXT903	IG	IRMO CHAPIN RECREATION COMMISSION	SC

WNXJ485	IG	PAPALOTE RANCH INC	TX
WNXJ585	PW	Foothill Fire & Rescue	CO
WNXJ823	IG	MORALES, FREDDY	TX
WNXK290	IG	AAA TAXI	HI
WNXK667	IG	WESTLAKE POLYMERS CORPORATION	LA
WNXK823	IG	HARDEE'S FOOD SYSTEMS INC	CA
WNXK938	IG	TOMAN, TOM	SD
WNXK978	IG	MEXICANA CAR & LIMOUSINE SERVICES	NY
WNXL611	IG	CENTRAL RESERVE LIFE	OH
WNXM337	IG	NEWS SPORTS MICROWAVE RENTAL INC	CA
WNXN258	IG	PRINCIPAL FINANCIAL GROUP	IA
WNXN382	IG	A & A TAXI	VT
WNXN582	IG	PPM PRODUCTS	CA
WNXN769	IG	CONVERSE, LOREN	SD
WNXP287	IG	MEAD RELIABILITY	OH
WNXP418	IG	CENTREVILLE BAPTIST CHURCH	VA
WNXP511	IG	BRUNOS INC	AL
WNXP848	IG	THREE GARDEN VILLAGE	MD
WNXQ420	IG	SUNTACC AND COMPANY INC	FL
WNXQ535	IG	TREE OF LIFE INC	FL
Callsign	Radio Service	Licensee	State
WNYD450	PW	ROBESON, COUNTY OF	NC
WNYD543	IG	SHONEYS INC	TN
WNYD561	IG	STRUCTURAL GRAPHICS TEXAS INC	TX
WNYE209	IG	VICTORY SPORTS INC	TN
WNYE874	IG	A+ AMBULANCE INC	WA
WNYF268	IG	OWINGS AND SONS INC	MD
WNYF337	IG	GALBREATH CO	OH
WNYF593	IG	CHILDRENS NATIONAL MEDICAL CENTER	DC
WNYF609	IG	RIVER PARISHES HOSPITAL	LA
WNYG238	IG	BORNEMEIER, JOEL	NE
WNYG263	IG	CENTENNIAL SCHOOL DISTRICT NO R1	CO
WNYG461	IG	JOHNSON EXCAVATION & CONSTRUCTION	AK
WNYG500	IG	COUSINS MANAGEMENT INC	GA
WNYG523	IG	TENSAS DELTA LAND CO	LA
WNYG582	IG	ST JOHNS PARISH	FL
WNYG673	IG	LEWIS AUTO SALES INC	AL

WNXU439	IG	NISBET LUMBER CO.	OH
WNXU631	IG	ST MARYS HOSPITAL	WI
WNXU999	IG	BON SECOUR ST FRANCIS XAVIER HOSP	SC
WNXV360	IG	QUESTA, VILLAGE OF	NM
WNXV971	IG	DAYTON SUPERIOR CORP	OH
WNXW563	IG	KENTUCKY DERBY MUSEUM CORP	KY
WNXW747	PW	TEXAS STATE TECHNICAL COLLEGE AT WACO	TX
WNXW803	IG	SILAKKUAGVIK COMMUNICATIONS INC	AK
WNXW936	IG	MERCY MEDICAL CENTER & HOSPITAL	ND
WNXX384	IG	BRUNOS INC	AL
WNXX629	IG	CALIFORNIA ELECT SUPPLY	CA
WNXX691	IG	OLD FASHIONED FOODS INC	WI
WNXX826	IG	ALDRICH III, R E LEE	IA
WNXX877	IG	OTTOS CASINO	CO
WNXY274	IG	LAWRENCE HOSPITAL	NY
WNXY304	IG	FREIGHTLINER CORPORATION	NC
WNXY322	IG	GLENDALE COMMUNITY COLLEGE	CA
WNXY436	IG	PRODUCTION OPERATORS INC	TX
WNXY796	IG	LAKESIDE DAIRY CO	SD
WNXY822	IG	SAGE ENERGY COMPANY	TX
WNYA335	IG	ANTOLIK, ANDY	IA
WNYA351	IG	ORLANDO CENTRAL TOWERS INC	FL
WNYA361	IG	HEFFNER, CHANDI D	HI
WNYA369	IG	ARISTECH CHEMICAL CORP	OH
WNYA419	IG	JOS T RYERSON AND SONS STEEL CO	IL
WNYA654	IG	RAPID PACKAGE	CA
WNYA885	IG	PRATT, ROBERT	AR
WNYB701	IG	MATEWAN WATER COMPANY	WV
WNYB738	IG	MADISON COUNTY TECHNICAL SCHOOL	AL
WNYB748	IG	WESLEY MEDICAL CENTER	KS
WNYB749	IG	WESLEY MEDICAL CENTER	KS
WNYB750	IG	WESLEY MEDICAL CENTER	KS
WNYC482	IG	TISHMAN SPEYER PROPERTIES	IL
WNYC516	IG	LYMAN ALLYN ART MUSEUM INC	CT
WNYD296	IG	BELDEN AND BLAKE CORPORATION	OH
Callsign	Radio Service	Licensee	State
WNYQ721	IG	BEACON MANAGEMENT COMPANY	MA
WNYQ811	IG	CORNING INCORPORATED	NY
WNYS742	IG	WMDN INC	MS

WNYG685	PW	CALIFORNIA, STATE OF	CA
WNYH386	IG	HEBREW UNION	NY
WNYH413	IG	AVIS RENT A CAR COMPANY INC	VA
WNYH561	IG	BERKELEY RESORTS MGT CORP DBA HIGHLANDS AT SUGAR	NC
WNYH673	IG	GRAND RENT A CAR DBA AVIS RENT A CAR	CA
WNYH704	IG	ARBYS	TN
WNYH806	IG	V A HOSPITAL HINES	IL
WNYH846	IG	WILLOW CREEK RANCH	CA
WNYJ348	IG	SIGMA CHEMICAL COMPANY	MO
WNYJ381	IG	KAYSER ROTH CORPORATION	NC
WNYJ818	IG	FITZPATRICK MANHATTAN HOTEL	NY
WNYK899	IG	BANCOMER S N C LOS ANGELES	CA
WNYL219	IG	COLOR COUNTRY DIESEL SERVICE	UT
WNYL636	IG	NELIGH OAKDALE SCHOOLS	NE
WNYL664	IG	CONSOL ENERGY	VA
WNYM661	IG	CRAWFORD, CLAY	MT
WNYN395	PW	STORM ENGINE CO AMBULANCE CORP	CT
WNYN541	IG	BRUNOS INC	AL
WNYN545	IG	BRUNOS INC	AL
WNYN547	IG	DAVIS, MIKE	AR
WNYN549	IG	BRUNOS INC	AL
WNYN550	IG	BRUNOS INC	AL
WNYN553	IG	BRUNOS INC	AL
WNYN557	IG	BRUNOS INC	AL
WNYN562	IG	BRUNOS INC	AL
WNYN574	IG	BRUNOS INC	AL
WNYN750	IG	THOMAS, JOHN	ND
WNYN984	IG	BRUNOS INC	AL
WNYN985	IG	BRUNOS INC	AL
WNYN987	IG	BRUNOS INC	AL
WNYN988	IG	BRUNOS INC	AL
WNYN989	IG	BRUNOS INC	AL
WNYN990	IG	BRUNOS INC	AL
WNYP680	IG	IRON MOUNTAIN RECORDS MANAGEMENT, INC	MA
WNYP686	IG	CONSOL ENERGY	VA
Callsign	Radio Service	Licensee	State
WNZK260	IG	WOODLEY PARK TOWER	DC
WNZK814	IG	MC DONALDS REST 07589	TX
WNZK986	IG	MEADOWS APARTMENTS dba LORD CHESTERFIELD	MA

WNYS818	PW	CALIFORNIA, STATE OF	CA
WNYS835	IG	GENERAL ELECTRIC RAIL CAR REPAIR SERV INC	LA
WNYS950	IG	FRIGORIFICO ALMACEN PEREZ HERMANOS	PR
WNYS991	IG	CONCRETE SERVICE INC	KS
WNYT416	IG	LEWIS, MIKE	MS
WNYT753	IG	RANKIN, BOBBY T	KY
WNYT779	IG	MILLER BROTHERS SUPER VALU	OH
WNYT883	IG	ABS FARMS INC	GA
WNYU318	PW	MC VEYTOWN AMBULANCE ASSOCIATION	PA
WNYU854	IG	LORAC CONSTRUCTION SERVICES INC	OH
WNYU932	IG	YOUNGER, WILLIAM B	TN
WNYU949	IG	HEARTLAND ASPHALT CO	IA
WNYV318	IG	SMITHS FOOD & DRUG CENTERS INC	AZ
WNYW294	IG	BAESLERS INC	IN
WNYW542	IG	ROCK RIVER OPERATING INC	WY
WNYW602	IG	CLARA MAASS MEDICAL CENTER	NJ
WNYW654	IG	LAKE CITY MEDICAL CENTER	FL
WNYW776	IG	TURTLE POND NURSERY INC	FL
WNYX889	IG	BLOOMINGDALES	PA
WNYZ266	PW	GRAND LAKE FIRE CHIEFS ASSOCIATION	OK
WNYZ272	IG	PASO ROBLES AUTO PARTS INC	CA
WNYZ281	IG	MORSE ELECTRONICS OF NEENAH INC	WI
WNYZ376	IG	BASHFORD MANOR MALL	KY
WNYZ404	IG	DAVE SMALL ENGINE	WI
WNZA523	IG	PUBLIC SCHOOL 102	NY
WNZA774	IG	ETOC CORPORATION DBA GRAND VIEW LODGE	MN
WNZB695	IG	ELK GROVE UNIFIED SCHOOL DISTRICT	CA
WNZC235	IG	HELVIG, JON	MN
WNZD447	IG	SORBY, KERMIT	ND
WNZD518	IG	COLUMBIA ALASKA REGIONAL HOSPITAL	AK
WNZE527	IG	RIVERA, OSCAR	TX
WNZE754	IG	DORMAN, SCOTT	AL
WNZE867	IG	PRIDE COMMUNICATIONS LTD	MA
WNZE885	IG	RENAISSANCE NEW YORK HOTEL	NY
WNZF461	IG	BEDFORD AGWAY FARM CENTER	PA
WNZF477	IG	EL CASTILLO RETIREMENT RESIDENCES	NM
		APARTMENTS	
WNZL328	IG	MORGANVILLE VALLEY FERTILIZER INC	KS
WNZL393	IG	FLORIDA SPLENDID CHINA	FL
WNZL450	PW	SUNLAND PARK, CITY OF	NM
WNZL669	IG	SUBURBAN LAWN SERVICE INC	NY
WNZL959	IG	UNIVERSITY OF MARYLAND MEDICAL CENTER	MD
WNZM525	IG	CONNECTICUT FINANCIAL CENTER MANAGEMENT INC	CT
WNZM968	IG	WILLIAM SESING CONSTRUCTION INC	WI
WNZN398	IG	DOBERSTIEN, ALLEN	MN
WNZN534	IG	CARTER, RICHARD H	NC
WNZN682	IG	KUMROW, DAN	IA
WNZP294	IG	ESTILLETTE, DANNY	LA
WNZP349	IG	HENSON, GARY	AR
WNZP358	IG	DUNDEE MILLS INC	GA
WNZP396	IG	MC DONALDS OF BERGEN PARK	CO
WNZQ780	IG	LANOGA CORP	MN
WNZQ805	IG	FUJI PHOTO FILM USA INC	NY
WNZQ855	IG	NORDSTROM INC	IL
WNZQ867	IG	SONDELAND, DALE:SONDELAND, JAMES DBA SONDELAND BROTHERS	ND
WNZQ918	IG	SPALDING SPORTS WORLDWIDE	MA
WNZR449	IG	TACO BELL TB2646	MS
WNZR549	IG	QUALITY HOTEL AT LA GUARDIA AIRPORT	NY
WNZR741	IG	BROWN, JERRY	IN
WNZR759	PW	NEW JERSEY, STATE OF	NJ
WNZR871	IG	NHC-FL18, L.P.	AZ
WNZR934	IG	HURT, KENNY	MS
WNZS568	IG	DEZURIK CORPORATION	MN
WNZS637	IG	TENNESSEE DISTRIBUTION INC	TN
WNZS746	IG	RIFENBERG, BRYAN	MI
WNZT540	IG	HEATMASTER INC	NC
WNZT683	IG	A D J INC.	NE
WNZU583	PW	WARREN, CITY OF	OH
WNZU614	IG	BROWN, JODIE	AR
WNZU619	IG	RADACOM TECHNOLOGIES INC	TX
WNZU743	IG	WISE, RICHARD	MO
WNZU797	IG	HIGHWAY 4 24 WATER ASSOCIATION INC	AR
WNZV812	IG	DRIVER, JOE:DRIVER, PAUL:DRIVER,	AR

WNZG627	IG	ESSEX PHOENIX MILLS	NJ
WNZG631	IG	TOBACCO VALLEY SANITATION	CT
WNZG701	IG	HILLCREST COUNTRY CLUB	OK
WNZI341	IG	JOHNSTAD, DAVID	MN
WNZI384	IG	NEWINGTON ELEMENTARY SCHOOL	SC
WNZI749	IG	BURR JR, ROBERT	NE
WNZI760	IG	BENNETT MANAGEMENT CORPORATION	OH
WNZI786	IG	VOISINE & SONS	ME
WNZI788	IG	UNIVERSITY OF HOUSTON	TX
WNZJ908	IG	DOWDALL FARMS	IL
WNZJ944	IG	STEEL TECHNOLOGIES INC	KY
WNZJ948	IG	FEDERAL MARINE TERMINALS INC	NY
Callsign	Radio Service	Licensee	State
WPAA329	IG	JACOBSEN, KEVIN W	IA
WPAA849	IG	ST CATHERINE OF SIENNA CATHOLIC SCHOOL	CA
WPAA859	IG	EUREKA SR HIGH SCHOOL	MO
WPAB356	IG	NORMS AIRPORT & LIMOUSINE SERVICE	MA
WPAB365	PW	HIGHLAND LAKE VOLUNTEER FIRE DEPARTMENT INC	NY
WPAB508	IG	STEWART MECHANICAL ENTERPRISES INC	KY
WPAB604	IG	PHELPS WATER SUPPLY CORPORATION	TX
WPAB633	IG	MATNEY CONSTRUCTION CO	VA
WPAB668	IG	AMERICAN RED CROSS	FL
WPAC643	IG	MONEYMAKER, ROBERT	TN
WPAC688	IG	LAWRENCE MEMORIAL HOSPITAL	KS
WPAD303	IG	ALLEGRO MICRO SYSTEMS	MA
WPAD400	IG	JOHNSON, MIKE DBA JOHNSON FARMS	SD
WPAE284	IG	LEAF INC	TN
WPAE295	IG	JOHNSON, WAYNE	MO
WPAE572	IG	HAPPY, DALE	MI
WPAE597	IG	HALQUIST FARMS INC	MN
WPAF391	IG	KEM MANUFACTURING COMPANY INC	NJ
WPAF395	IG	KEM MANUFACTURING COMPANY INC	NJ
WPAF402	IG	RESEARCH PARK INC	PA

		ROBERT:DRIVER, ERIC DBA PAUL DRIVER & SONS FARMS	
WNZV853	IG	PATTY, DEAN	IN
WNZW878	IG	YAMAHA MUSIC MANUFACTURING INC	GA
WNZW879	IG	SMITH, PHIL	AR
WNZW921	IG	HAMMELL EQUIPMENT INC	MN
WNZW968	IG	BURNS INTERNATIONAL SECURITY SERVICES	CA
WNZX576	IG	BRAMMER SUPPLY INC	TX
WNZX590	IG	RIVERVIEW HOSPITAL	MN
WNZX608	IG	NATIONAL OFFICE PARTNERS	IL
WNZY206	IG	FRYMASTER CORPORATION FABRICATION	LA
WNZY462	IG	OLES ENVELOPE CO	MD
WNZY910	IG	LEVIN, DAVID:LEVIN, SHAWN DBA LEVIN CONSTRUCTION	KS
WPAA228	IG	GERVAIS, JIM:GERVAIS, THOMAS DBA GERVAIS BROS	MN
Callsign	Radio Service	Licensee	State
WPAT707	PW	MARLIN VOLUNTEER FIRE DEPARTMENT	TX
WPAU250	IG	DONALD L STUKAS CONSTRUCTION	NV
WPAU316	IG	BEST BUY CO INC	IN
WPAU532	IG	HIGH SCHOOL DISTRICT 205	IL
WPAW528	IG	GULF STATES AIRGAS INC	AL
WPAW547	IG	KIZART, CHARLES	IL
WPAW682	IG	PELICAN BAY COUNTRY CLUB OF DAYTONA BEACH INC	FL
WPAW873	IG	MINI STORAGE TECHNOLOGY CORP	AZ
WPAW900	IG	BADIN LAKE RESORT	NC
WPAX324	IG	UNION CAMP CORPORATION	VA
WPAX589	IG	SCOTTS VALLEY PACKING CO DBA SCOTTS VALLEY FRUIT EXCHANGE	CA
WPAY343	IG	RODRIGUEZ, ANTONIO	PR
WPAY783	IG	EAST DUNKARD WATER ASSOCIATION	PA
WPAZ448	IG	RESIDENCE INN BY MARRIOTT	CA
WPAZ501	IG	Ultramar Energy Inc	TX
WPAZ588	IG	WINSLOW, DAVE	IA
WPAZ811	IG	VALDOSTA, CITY OF	GA
WPBA570	IG	DEER CREEK GOLF COURSE	KS
WPBA653	IG	WEST HUDSON HOSPITAL	NJ
WPBA801	IG	COLONIES CONDOMINIUM	VA

WPAF653	IG	NORTHWEST INVESTIGATIONS	OR
WPAG214	IG	WOLFE SESNON BUTTERY INC DBA BURBANK AIRPORT HILTON	CA
WPAG345	IG	DETECTION SYSTEMS INC	NY
WPAG634	IG	STEVENSON VILLAGE CONDOMINIUM ASSOC INC	MD
WPAH607	PW	CALIFORNIA, STATE OF	CA
WPAH945	IG	KAISER FOUNDATION HOSPITALS	OH
WPAI442	IG	BURBANK AIRPORT HILTON DBA WOLFE SESNON BUTTERY	CA
WPAI986	IG	SCHRAMER, TIM	IL
WPAJ358	IG	JIM RATHMANN CHEVROLET CADILLAC INC	FL
WPAJ676	PW	ELKINS, CITY OF	AR
WPAJ810	IG	MC NIELL, ED	NC
WPAK662	IG	STAHL, CLAUD	IN
WPAL206	IG	LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA	CA
WPAL944	IG	GROWERS FARM SERVICE INC	IN
WPAM437	IG	LEMONS, RAY O	SC
WPAM550	IG	Chervestad, Aaron C	MN
WPAM818	IG	HOWARD COMMUNITY COLLEGE	MD
WPAN222	IG	THOMPSON, RANDY	OK
WPAP499	IG	ADAMS PRESSED METALS CORPORATION	IL
WPAP534	IG	STAN HYWETT HALL	OH
WPAP916	IG	KELLOGGS	TN
WPAR922	PW	ARIZONA, STATE OF	AZ
WPAR932	IG	BORGMANN, BARRY	ID
WPAS223	PW	SORT INC	NC
WPAS462	IG	SCHNEIDERS, CLARENCE	MD
WPAS597	IG	LEFFELMAN, MYRON	IL
WPAS634	IG	PIGGLY WIGGLY OF HILLSBORO	WI
WPAS800	IG	BRIDGETON BOARD OF EDUCATION	NJ
WPAS838	IG	BOYD, KEVIN	NV
WPAS854	PW	RIO VISTA, CITY OF	TX
WPAT378	IG	HOLY CROSS HOSPITAL	NM
Callsign	Radio Service	Licensee	State
WPBT555	IG	INTERBORO INSTITUTE INC	NY

WPBB564	IG	VALDOSTA, CITY OF	GA
WPBB856	IG	TRAXLER HUNTING PRESERVE INC	MN
WPBC309	IG	STEVE GUTTERY COMMUNICATIONS	TN
WPBC368	IG	TRANS MONTAIGNE PIPELINE INC	AR
WPBC482	IG	WINTER HAVEN HOSPITAL INC	FL
WPBD895	IG	HYATT REGENCY NEW ORLEANS	LA
WPBE271	IG	SOUTH BRUNSWICK BOARD OF EDUCATION	NJ
WPBE300	IG	DOHERTY, DAN	NM
WPBG469	IG	CARRIER CLINIC EAST MOUNTAIN HOSPITAL	NJ
WPBG699	IG	BAE SYSTEMS CONTROLS INC	NY
WPBH217	IG	SOUTHEAST GEORGIA REGIONAL MED CTR	GA
WPBH730	IG	CONSOL ENERGY	VA
WPBI341	IG	OSOWSKI, FRANK	MN
WPBI428	IG	DOLE CITRUS	FL
WPBJ488	IG	CLEMENTS SUPERMARKET INC DBA PIGGLY WIGGLY	LA
WPBJ535	IG	J L FRENCH COMPANY	WI
WPBJ768	IG	ZANDERS U S A INC	NJ
WPBK583	IG	STARCRAFT AUTOMOTIVE CORPORATION	IN
WPBK625	IG	FLINT ENGINEERING & CONSTRUCTION CO INC	OK
WPBK926	IG	The GEO Group, Inc.	FL
WPBM486	IG	HENDERSON, SAMUEL R	TN
WPBM542	IG	NORTH KANSAS CITY HIGH SCHOOL	MO
WPBN211	IG	QUEEN OF PEACE HIGH SCHOOL	NJ
WPBN527	IG	MIKE DAVIS & ASSOCIATES INC	TX
WPBN889	PW	BERGEN, COUNTY OF	NJ
WPBQ287	IG	COLE PARMER INSTRUMENT COMPANY	IL
WPBQ746	IG	NORTHERN CHEYENNE TRIBAL SCHOOLS	MT
WPBQ797	IG	LINWOOD COUNTRY CLUB	NJ
WPBR760	IG	GIBBS, VERNETT I	KS
WPBS639	IG	AMERICAN RED CROSS	OH
WPBS677	IG	PATRICK INDUSTRIES INC	IN
Callsign	Radio Service	Licensee	State
WPCS986	IG	NEBRASKA CONFERENCE ASSOCIATION OF THE SEVENTH DAY ADVENTISTS DBA PLATTE VALLEY ACADEMY	NE

WPBU230	IG	BORDERS, NOWELL	TX
WPBU376	IG	STEPHEN, DENNIS	IN
WPBU561	IG	NEW SPECIAL INC	NY
WPBU564	IG	M & R FOOD CORPORATION	NJ
WPBU771	IG	ELEVEN MANAGEMENT CO LLC DBA HOTEL WISCONSIN	WI
WPBX341	IG	BLUE CREEK FARMS INC	MT
WPBX527	IG	JOSEPH T RYERSON & SON INC	TX
WPBX562	IG	NEW RIDGEWOOD CAR SERVICE	NY
WPBX818	IG	WAITMAN, ART	CO
WPBY454	PW	WAYNE, COUNTY OF	MI
WPBY749	IG	MC CLEERY, GEARY	ND
WPBZ291	IG	DE PAUL UNIVERSITY	IL
WPBZ588	IG	BELL LAND & LIVESTOCK	MT
WPBZ590	IG	WILLIAMS, WILLIAM G	NC
WPBZ806	IG	LAKE CHARLES MEMORIAL HOSPITAL	LA
WPCA364	PW	ROME TOWNSHIP VOLUNTEER FIRE DEPARTMENT	OH
WPCA430	PW	BIGGER, SCOTT J	WA
WPCA433	IG	BERTELSEN, VERN	IA
WPCA538	IG	AMERICAN ALLSAFE	NY
WPCA941	IG	PEACE HARBOR HOSPITAL	OR
WPCC614	IG	GALE CATTLE CO	NE
WPCC766	IG	OGDEN AVIATION SERVICES	DC
WPCC833	IG	BIG ISLAND EMERGENCY CREW INC	VA
WPCD904	IG	SOUTHEAST GEORGIA REGIONAL MEDICAL CENTER	GA
WPCE943	IG	HARDINGS MARKET UNION CITY INC	MI
WPCE989	IG	ST MARYS CATHOLIC CHURCH	WI
WPCF303	IG	MESKWAKI BINGO CASINO HOTEL	IA
WPCF785	IG	J B TALLEY & CO INC	LA
WPCH242	IG	ROYSTER-CLARK AGIBUSINESS INC	OH
WPCH363	IG	JOS T RYERSON & SONS STEEL CO	IL
WPCH654	IG	CRAB ORCHARD UTILITY DISTRICT	TN
WPCH991	IG	GAHLSDORF LOGGING INC	OR
WPCI299	IG	BARTUFF, SHELDON	NE
WPCI603	IG	MARTIN, DAVID	MN
WPCI826	IG	ORANGE HILLS COUNTRY CLUB	CT

WPCT218	IG	PEARSON FORD	CA
WPCV284	IG	FISHER ELECTRIC INC	MO
WPCV343	IG	JMS PARTNERSHIP	IN
WPCW279	IG	MC SHAN FOODS	TX
WPCY359	IG	PLATTE VALLEY IRRIGATION DISTRICT	NE
WPCY750	IG	WENDPARK LLC	WV
WPCY785	IG	GEORGETOWN SOUTH COMMUNITY COUNCIL INC	VA
WPCZ877	IG	LARSON, KEITH	MN
WPDB283	IG	TROPICANA PRODUCTS INC	FL
WPDD614	IG	SAENZ, ELISABETH	TX
WPDD985	IG	SCHULZ, JERRY A	NE
WPDE772	IG	URBAN RETAIL PROPERTIES CO	IL
WPDE822	IG	POLYONE CORPORATION	OH
WPDE857	IG	LESLIE COUNTY TELEPHONE COMPANY	WI
WPDF528	IG	FIRST PRESBYTERIAN CHURCH OF DAYTONA BCH FL	FL
WPDG280	IG	HEDBERG & SON	IA
WPDG628	IG	MAC ILROYS PLUMBING INC	ME
WPDI572	IG	THE MALL AT FAIRFIELD COMMONS	OH
WPDI721	PW	SHARPES AMBULANCE SERVICE INC	TN
WPDJ280	PW	RYDER STUDENT TRANSPORTATION	RI
WPDJ590	IG	KOELKER, MICHAEL J	IA
WPDJ686	IG	SON, LINDA H	AK
WPDJ771	IG	WENDYS 29 001	WV
WPDJ881	IG	V & E INC	KS
WPDK235	IG	SELLERS, DIANE:SELLERS, MARTIN:SELLERS, THANE DBA TEAM SELLERS	CA
WPDK513	IG	CELINA, CITY OF	TN
WPDK649	IG	EWERT, DALE	MN
WPDM356	IG	EAGLE HARDWARD & GARDEN	WA
WPDN659	IG	PROFICIENT FOOD CO	CA
WPDN748	IG	The GEO Group, Inc.	FL
WPDN784	IG	MEADOWBROOK DAIRY FOODS	PA
WPDQ538	IG	INDIANA MILLS & MANUFACTURING INC	IN
WPDR921	IG	LA RINCONADA COUNTRY CLUB	CA
WPDS728	IG	MILLER, JAY K	IA
WPDS836	IG	BETHANY COLLEGE OF THE ASSEMBLIES OF GOD	CA

WPCK798	IG	PEL MOL CAR SERVICE INC DBA NEW PORT CARS	NY
WPCK855	IG	WOLLE, CLIFFORD	MN
WPCK869	IG	WATSON JUNIOR HIGH SCHOOL	CO
WPCK999	IG	LONE MT PROCESSING PLANT	VA
WPCM258	IG	PORT NEWARK CONTAINER TERMINAL LLC	NJ
WPCM288	IG	COMMUNICATIONS INTERNATIONAL INC	FL
WPCM363	IG	BEND HEATING & SHEET METAL	OR
WPCN621	IG	SCHABACKER, TERRY C	IL
WPCN741	IG	LUTZ, JIM C	NE
WPCN752	IG	TIMBER CREEK GOLF INC	AL
WPCP613	PW	BRAXTON COUNTY FIREFIGHTERS ASSOCIATION	WV
WPCQ677	IG	DUNCAN ENTERPRISES	CA
WPCS471	IG	HAIDA CORPORATION	AK
WPCS521	IG	COMMUNICATIONS INTERNATIONAL INC	FL
WPCS525	IG	COMMUNICATIONS INTERNATIONAL INC	FL
Callsign	Radio Service	Licensee	State
WPEA214	PW	FLORIDA, STATE OF	FL
WPEA741	IG	CHATEAU ELAN	GA
WPEB720	PW	QUITMAN, COUNTY OF	GA
WPEB825	IG	KELLOGG COMPANY	TN
WPEC756	IG	OSRAM SYLVANIA INC	NH
WPED255	IG	SOKAOGON GAMING ENTERPRISE CORP	WI
WPED657	IG	OKLAHOMA NEUROLOGICAL SURGERY CENTER	OK
WPED706	IG	AERO TECH UNITED	AR
WPED899	IG	BMC WEST CORP	ID
WPEE516	IG	TROYER FOODS INC	IN
WPEF341	PW	MISSISSIPPI, STATE OF	MS
WPEF587	IG	TEXAS A & M UNIVERSITY AT GALVESTON	TX
WPEG704	IG	RINDELS, ROBERT	IA
WPEI245	IG	JEROME ROMINE FARM	MN
WPEJ425	IG	SIMPLEX TIME RECORDER CO	CA
WPEK248	IG	PETRAK, TED	SD
WPEK264	IG	COSTCO WHOLESALE 173	CA
WPEK271	IG	AMERSON, ANDY	CA
WPEK578	IG	NVISION EAST INC	NY
WPEK793	IG	RON GREEN MANAGEMENT CO INC	CA
WPEK843	PW	CALIFORNIA, STATE OF	CA
WPEK853	IG	MC DONALDS REST LC 12737	MI
WPEK863	IG	HELIG MEYERS FURNITURE INC	SC
WPDS928	IG	KEY ELECTRIC CO	OH
WPDT541	IG	ENVIRITE CORPORATION	IL
WPDU949	IG	DANNON CO INC	OH
WPDV951	IG	HENRY COUNTY PUBLIC SERVICE AUTHORITY	VA
WPDW620	IG	MLM SECURITY SERVICES INC	NJ
WPDW902	IG	SENTRY SALES AND LEASING INC	CA
WPDW939	IG	CHARLES N WHITE CONSTRUCTION CO INC	TX
WPDX579	IG	NORTH SIGNAL COMMUNICATIONS DBA E J T CORPORATION	PR
WPDX620	IG	GOLFERS CLUB	GA
WPDX646	IG	POLYONE CORPORATION	OH
WPDY752	IG	RIVERSIDE FURNITURE CORP	AR
WPDY779	IG	B O B EXPRESS INC	NY
WPDY899	IG	DROST, RICHARD T	NJ
WPDY913	IG	ROOSEVELT MALL	PA
WPDZ676	IG	MEDIACOM SOUTHEAST LLC	NY
Callsign	Radio Service	Licensee	State
WPEN631	IG	KRYSTAL COMPANY	TN
WPEN644	IG	KOKAMI ELECTRICAL SERVICE INC	HI
WPEN652	IG	C & S PLASTICS INC	FL
WPEN690	IG	LAIDLAW ENVIRONMENTAL SERVICES	SC
WPEN694	IG	MARY KAY COSMETICS	TX
WPEN720	IG	GOFF COMMUNICATIONS INC	FL
WPEN724	IG	GOFF COMMUNICATIONS INC	FL
WPEN749	IG	CARBIDE GRINDING CO	IN
WPEN756	PW	SAINT LUCIE, COUNTY OF	FL
WPEN786	IG	STERIS CORPORATION	MO
WPEN935	IG	AG SPRAYING	IL
WPEN943	IG	SUNBEAM PLASTICS	IN
WPEN994	IG	AMPLACO INC	NY
WPEP207	IG	HUDSON VALLEY AMBULANCE INC	NY
WPEP406	IG	WENDYS OF STAR CITY WEWV301	WV
WPEP423	IG	TERRA INTERNATIONAL	TX
WPEP445	IG	ARCTIC ROADRUNNER TOWING	AK
WPEP487	IG	ALAMO RENT A CAR INC	FL
WPEP488	IG	ALAMO RENT A CAR INC	FL
WPEP492	IG	ALAMO RENT A CAR INC	FL
WPEP598	IG	HOME DEPOT	GA
WPEP620	IG	HUDSON VALLEY AMBULANCE INC	NY
WPEP626	IG	DAHLSTROM LOGGING	IA

		COMPANY OF FLORENCE	
WPEK888	IG	SUN POINT INC	HI
WPEM319	IG	RAYTHEON SYSTEMS	TX
WPEM460	IG	ST LOUIS MUSIC SUPPLY COMPANY	MO
WPEM664	IG	CAROLINA BELL OFFICE DBA TACO BELL 4023	NC
WPEM717	IG	WHATABURGER WAB569	TX
WPEM750	IG	COX, DONALD P	CA
WPEM763	IG	MONTCLAIR BOARD OF EDUCATION	NJ
WPEM770	IG	GIBSON, W F	SC
WPEM773	IG	DE LA RUE CASH SYSTEMS INC	IA
WPEM844	IG	ARBYS AR1149	PA
WPEM854	PW	MOODYS EMERGENCY MEDICAL SERVICE INC	AL
WPEM884	IG	LAWTON RECYCLING	OK
WPEM943	IG	GOFF COMMUNICATIONS INC	FL
WPEM953	IG	ALASKA AVIATION RADIO INC	AK
WPEM961	IG	METRO ELECTRONICS OF WNY INC	NY
WPEM988	IG	THELEN, STEVE	MI
WPEM999	IG	FALLS CHURCH EPISCOPAL	VA
WPEN206	IG	MAPLEWOOD CARE CENTER	MN
WPEN437	IG	DALHART FEEDERS INC	TX
WPEN446	IG	HARCOURT BRACE	MO
WPEN464	IG	NERAD, KEVIN	IA
WPEN469	IG	KRYSTAL COMPANY	TN
WPEN470	IG	KRYSTAL COMPANY	TN
WPEN486	IG	TRAYLOR, Q R	TX
WPEN497	IG	GRUND, GLEN	MN
WPEN507	IG	TRINITY INDUSTRIES INC	TX
WPEN514	IG	CHESAPEAKE DISPLAY AND PACKAGING	IA
WPEN527	IG	BURNETTE, C RUSSELL	VA
Callsign	Radio Service	Licensee	State
WPEQ961	IG	SEGNO COMMUNICATIONS INC	IL
WPEQ992	IG	SAFE LINK CORP	TX
WPEQ999	IG	PIKES PEAK ENDURO CLUB INC	CO
WPER299	IG	WALKER, MIKE	AK
WPER329	IG	CENTRAL OF TENNESSEE RAILWAY AND NAVIGATION COMPANY INC	TN
WPER341	IG	WALSH RANCHES	TX
WPER417	IG	MONARCH LIVERY SERVICES INC	MD

WPEP650	IG	ALAMO RENT A CAR	FL
WPEP660	IG	MORRISON, KEVIN	KY
WPEP691	IG	ELECTRONIC RETAIL SYSTEMS	CA
WPEP699	IG	MOSLER INC	NY
WPEP726	IG	KRYSTAL COMPANY	TN
WPEP729	IG	DELRAY BEACH HOUSING AUTHORITY INC	FL
WPEP834	IG	LOVEGREEN, DOUGLAS	CA
WPEP878	IG	FLEISCHMANNS YEAST	CA
WPEP969	IG	TRW VEHICLE SAFETY SYSTEMS	MI
WPEQ280	IG	REEDS INDUSTRIES INC	MA
WPEQ286	IG	ARVADA, CITY OF	CO
WPEQ296	IG	FISHER MINING INC	PA
WPEQ308	IG	HELENA INSULATION INC	MT
WPEQ311	IG	ALAMO RENT A CAR INC	FL
WPEQ317	IG	FINE HOST CORPORATION	NC
WPEQ356	IG	HARMS, RUSSEL	NE
WPEQ491	IG	LAKE MARINA TOWER CONDOMINIUM ASSOCIATION	LA
WPEQ539	IG	BELOIT CORPORATION	IL
WPEQ549	IG	BURGER KING BK6920	FL
WPEQ551	IG	COVERT ELECTRONICS INC	FL
WPEQ566	IG	SCHOOL TOWN OF HIGHLAND	IN
WPEQ583	IG	WHATABURGER 629	TX
WPEQ593	IG	WHATABURGER 604	TX
WPEQ599	IG	HON COMPANY	SC
WPEQ648	IG	BIRDS AUTO	SC
WPEQ705	IG	EMPIRE BLUE CROSS BLUE SHIELD	NY
WPEQ956	IG	PETRA LANDSCAPING INC	MI
WPEQ957	IG	OIL CENTER OPERATING INC	OK
Callsign	Radio Service	Licensee	State
WPET682	IG	FOSTER FARMS FFM150	CA
WPET687	IG	ARRINGTON, DON	AL
WPET689	IG	BOHNENBLUST, JAY K	KS
WPET701	IG	CONTECH CONSTRUCTION PRODUCTS INC	IN
WPET734	IG	T & M CONSTRUCTION INC	AK
WPET743	IG	GENERAL GROWTH MANAGEMENT	OH
WPET793	IG	TOMKINS INDUSTRIES INC DBA PHILIPS PRODUCTS	CA

WPER550	IG	CA ONE SERVICES INC	NY
WPER569	IG	AGRILINK FOODS INC	CA
WPER576	IG	PRIME OUTLETS AT GILROY	CA
WPER582	IG	NORTHSHORE CINEMA	WI
WPER600	IG	NEUBAUER FARMS INC	MN
WPER603	IG	CAMPBELL, JIM DBA CAMPBELL JANITORIAL	OR
WPER610	IG	POLNICKS HOME QUALITY FOODS	MN
WPER621	IG	BOARDMAN AERIAL SPRAYING	NE
WPER831	IG	KLUG, GREG	ND
WPER868	IG	REGIONAL SERVICE	NC
WPES241	IG	WHATABURGER 349	TX
WPES242	IG	WHATABURGER 313	TX
WPES243	IG	WHATABURGER INC	TX
WPES244	IG	WHATABURGER INC	TX
WPES248	IG	HUNTCO STEEL INC	MO
WPES259	IG	POPEYES PE215	LA
WPES264	IG	BROWN PROPERTIES INC	AR
WPES283	IG	LEOMINSTER DONUTS INC	MA
WPES287	IG	DENN WELL SERVICE INC	MN
WPES342	IG	I D R CONSTRUCTION	PR
WPES416	PW	LUCAS, TOWNSHIP OF	IL
WPES479	IG	FASTER MESSENGER SERVICE	IL
WPES492	IG	L AND J OF NEW ENGLAND INC	MA
WPES641	IG	SINKINSON, CRAIG	ID
WPES666	IG	WEST LAUDERDALE WATER & FIRE PROTECTION AUTHORITY	AL
WPES703	IG	HOME DEPOT	GA
WPES737	IG	HYDE SCHOOL	ME
WPES770	IG	AMERICAN INTEGRATED TECHNOLOGIES CORP	NJ
WPES811	IG	TACO BELL 3116	CA
WPES826	IG	CHRIST LUTHERAN CHURCH	AR
WPES831	IG	ALAMO RENT A CAR INC	FL
WPES985	IG	DOUBLE LS	IN
WPES992	IG	WHATABURGER INC	TX
WPES993	IG	WHATABURGER INC	TX
WPES994	IG	WHATABURGER INC	TX
WPET255	PW	County of Bastrop, Texas	TX
WPET259	IG	ALAMO RENT A CAR INC	FL
WPET464	IG	STRATTON, DAVID W	WI
WPET489	PW	SANDPOINT INDEPEDENT HIGHWAY DISTRICT	ID
WPET528	IG	MILLARD REFRIGERATION	IA
WPET551	IG	MONTGOMERY WARD COMPANY	IL
WPET568	IG	COLON, VICTOR	PR
WPET575	IG	WINTER CREEK RANCH	CA
WPET598	IG	JOSEPH, RICHARD	OH
WPET834	IG	WHATABURGER INC DBA WHATABURGER WAB3	TX
WPEU368	IG	ALAMO RENT A CAR INC	FL
WPEU369	IG	M I S	PA
WPEU372	IG	LA VIGNA RISTORANTE	PA
WPEU379	IG	FALLS, JAMES W	WV
WPEU401	IG	STARTER CORP	TN
WPEU529	IG	STOLADI MANAGEMENT	DC
WPEU720	IG	J & E CONSTRUCTION CO INC	WI
WPEU741	IG	TIDELANDS INC	CA
WPEU847	IG	FONTES, MICHAEL	CA
WPEU850	IG	SHEPHERD CENTER	GA
WPEU853	IG	HENSLEY, CHUCK	TX
WPEU902	IG	GIBBONS FARM INC	MT
WPEU905	IG	100 COAST HOA	CA
WPEV232	IG	MAIN WATER ENTERPRISES	SC
WPEV251	IG	LEROY HIGH SCHOOL	IL
WPEV309	IG	HOLLINGER, NICHOLAS B	OH
WPEV315	PW	LOS ANGELES, CITY OF	CA
WPEV337	IG	WILLIAM C SMITH AND COMPANY	DC
WPEV339	IG	SCHLACK, ROBERT	SD
WPEV607	IG	TRANS STATE AIRLINES	NY
WPEV617	IG	WHITE, ED	VA
WPEV636	IG	PRINSCO INC	IA
WPEV644	IG	NEW ENGLAND BUSINESS SERVICE INC	MO
WPEV650	IG	MECHANICAL SERVICES INC	MO
WPEV729	IG	PELICAN MARSH GOLF CLUB	FL
WPEV746	IG	MUFFETT FARMS	KY
WPEV757	IG	WENDYS 306	WV
WPEV768	IG	QUALITY THRIFTWAY	UT
WPEV802	IG	LONG JOHN SILVERS	KY
WPEV810	IG	PLATTE RIVER SCHOOL	MI
WPEV811	IG	CENTENNIAL STATE PAVING	CO
WPEV855	IG	GILARDI FOODS	OH
WPEV907	IG	GARZA, EDWARDO	TX
WPEV941	IG	KADERLI, STEVEN	TX
WPEV944	IG	LANGES LAWN SERVICE INC	NJ
WPEV971	IG	WASHINGTON SHERATON CORPORATION	DC
WPEW211	IG	ZOPPAS IGA INC DBA LARRYS IGA	MI
WPEW222	IG	ST EDWARD THE CONFESSOR CATHOLIC CHURCH	LA
WPEW228	IG	DOLLAR RENT A CAR	CA
WPEW257	IG	SCHILLING, SCOTT	IA
WPEW258	IG	COPENHAVER PRODUCE	PA
WPEW270	IG	JOHNSON, SCOTT	CO
WPEW284	IG	FAFCO INC	CA

Callsign	Radio Service	Licensee	State
WPEW300	IG	WEST PACES ANESTHESIA ASSOCIATES	GA
WPEW324	IG	NASHVILLE AUTO AUCTION	TN
WPEW358	IG	WOEHLER, MILTON	MN
WPEW367	IG	WARD, DUANE	WA
WPEW498	IG	CLUBCORP GOLF OF TEXAS LP DBA TROPHY CLUB COUNTRY CLUB	TX
WPEW507	IG	KUPATT, KRAIG	TX
WPEW548	IG	HOLMAN, LADD	UT
WPEW556	IG	MICRO WAREHOUSE INC	OH
WPEW666	IG	ALAMO RENT A CAR INC	FL
WPEW672	IG	2 WAY RADIO INC	TN
WPEW788	IG	CALDWELL, RAY E	WA
WPEW811	IG	KLINGLER, KENNETH	MN
WPEW893	IG	E C ELECTROPLATING INC	NJ
WPEW920	IG	CONTINENTAL COFFEE PRODUCTS COMPANY	TX
WPEW970	IG	BRYNGELSON, DALE	MN
WPEW989	IG	NEAR NORTH SNO MO CLUB OF ATHELSTANE INC	WI
WPEW995	IG	REITZ ELECTRIC SERVICE	IN
WPEX212	IG	C & J FARM SERVICE	IA
WPEX239	IG	A E STALEY MANUFACTURING COMPANY	IL
WPEX260	IG	CABRERA, ENAFAEL Z	TX
WPEX278	IG	GARDETTOS	WI
WPEX319	IG	SEGNO COMMUNICATIONS INC	IL
WPEX322	IG	LINNEWEBER BROTHERS	IN
WPEX330	IG	MOODYS MARKET INC	ID
WPEX551	IG	HARBORLITE CORP	CA
WPEX597	IG	HURIAS, ROBERT	WI
WPEX629	IG	AIMCO DBA WHISPERING PINES APARTMENTS	WI
WPEX700	IG	STACY, RICK A	OH
WPEX704	IG	AMOS HORTON GRADING INC	SC
WPEX712	IG	WARD, LARRY B	SC
WPEX715	IG	TOELLER, WILLIAM J	PA
WPEX742	IG	TENN CONTRACTORS INC	TN
WPEX757	IG	HUDSON CONSTRUCTION CO	SC
WPEX766	IG	BAXTER CVG OF PR	PR
WPEX800	PW	GRAVOIS ROAD DISTRICT S8	MO
WPEX919	IG	CHECKERS	NC
WPEX943	IG	PHARR FARMS	AR
WPEX953	IG	AARMCO INC	MI
WPEX961	IG	BEST WESTERN INN	MS

Callsign	Radio Service	Licensee	State
WPEY789	IG	BRICKEL PLACE PHASE II	FL
WPEY823	IG	BURGER KING BK1963	FL
WPEY831	IG	SPECTRA PRECISION SURVEYING INC	IL
WPEY838	IG	SURE SAVE SUPER MARKET LTD	HI
WPEY841	IG	HUDSON, TONY	AR
WPEY854	IG	PETRO COMMUNICATIONS INC	TX
WPEY952	IG	BOB RICE FORD INC	ID
WPEY968	IG	JAHNKE, DONALD	WI
WPEY988	IG	CARE MEDICAL SUPPLIES INC	IL
WPEZ245	IG	MARYLAND PIG SERVICES	MD
WPEZ249	IG	H P HOOD INC	MA
WPEZ252	IG	SOIL TECH CORP	PR
WPEZ259	IG	FOSECO INC	OH
WPEZ276	IG	MIKES LAWN SERVICES	NC
WPEZ364	IG	THOMPSON SAGINAW BALL SCREW COMPANY INC	MI
WPEZ390	IG	SCROGGINS PLUMBING	AR
WPEZ433	IG	VOLK, RONALD	ND
WPEZ445	IG	SEED FARMS LLC	AL
WPEZ472	IG	HOME IMPERIAL DECOR GROUP	NY
WPEZ547	IG	DALSHER & SONS INC DBA SPANGLER & WILSTOP OIL CO	PA
WPEZ576	IG	LAVALETTE FOODLAND	WV
WPEZ607	IG	SEA LAND SERVICE INC	NJ
WPEZ614	IG	PIGGLY WIGGLY	KY
WPEZ636	IG	LONG JOHN SILVERS	FL
WPEZ639	IG	TITAN PLANT PROTECTION INC	NE
WPEZ778	IG	HAWKINSVILLE HIGH SCHOOL	GA
WPEZ804	IG	ITW BRANDS	IL
WPEZ816	IG	ROYSTER CLARK INC	SC
WPEZ836	IG	LIBBEY OWENS FORD	OH
WPEZ865	IG	GENTRY JUNIOR SCHOOL	TX
WPEZ872	IG	BUSHRANGER FENCE CO	NC
WPFA504	IG	ECKERD DRUG COMPANY	NC
WPFA554	IG	HUGHES RESIDENCE	CA
WPFA573	IG	ORANGE COUNTY PARKS AND RECREATION	FL
WPFA583	PW	BEMISS BARRETTS VOLUNTEER FIRE DEPT	GA
WPFA630	IG	BURGER KING	MN
WPFA633	IG	LOU BACHRODT MOTORS	IL
WPFA713	IG	BISHOP, MOYE L:BISHOP, MARIANNE J	FL
WPFA757	IG	CATHEDRAL OF JOY	WA

WPEX999	IG	MENZER SUPPLY COMPANY INC	WI
WPEY216	IG	BENEDICTINE SOCIETY OF VIRGINIA	VA
WPEY284	IG	HURLEY SCHOOL	NC
WPEY300	IG	KINGSTON WATER CO	RI
WPEY557	IG	DEBUF RANCH	MT
WPEY565	IG	BURKES TRUE VALUE HOME CENTER	PA
WPEY608	IG	SILAKKUAGVIK COMMUNICATIONS INC	AK
WPEY651	IG	COMMUNITY MEDICAL CENTER SHERMAN	TX
WPEY692	IG	CTI CONFERENCE TAPING INC	NM
WPEY744	IG	GUARDIAN LIFE INSURANCE COMPANY OF AMERICA	NY
WPEY778	IG	LAT COMMUNICATIONS SERVICE	PR
WPEY779	IG	DREAM INN	CA
Callsign	Radio Service	Licensee	State
WPFB492	IG	MAJIQ INC	WA
WPFB733	IG	BIG BUCK LUMBER	IN
WPFB749	IG	Honeywell International Inc.	KS
WPFB798	IG	SIEBRANDT, LARRY	NE
WPFB801	IG	WEHKAMP, TED	KS
WPFB808	IG	GREAT LAKES WINDOW	OH
WPFB814	IG	SUPER SHOPPER MARKET	CA
WPFB840	IG	MARYS TAXI SERVICE	NC
WPFB858	IG	THOMSON, CLAIRE L	AK
WPFB895	IG	SARABIA, MARIO	IL
WPFB923	IG	DEVON INDUSTRIES INC	CA
WPFB969	IG	THERATECH	UT
WPFB995	IG	LOCAL UNION 380 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS	PA
WPFC210	IG	CIRRUS LOGIC INC	CA
WPFC214	IG	GARDNER, JO	MS
WPFC280	IG	T W FONDREN COMPANY	TN
WPFC293	IG	ROUND HILL CLUB INC	CT
WPFC299	IG	WAMPLER LONGACRE INC	PA
WPFC300	IG	MAJIC CORRUGATED INC	IN
WPFC334	IG	CATAPHOTE INC	MS
WPFC335	IG	CHARLES JOHNS FARMS	AR
WPFC358	IG	ONSTAD, KENTON	ND
WPFC363	IG	SCHOOL TOWN OF HIGHLAND	IN
WPFC384	IG	H & R FLORASYNTH	NJ
WPFC388	IG	HIGH TECH SECURITY	LA
WPFC410	IG	WENDYS 310	WV

WPFA801	IG	NEW YORK UNIVERSITY	NY
WPFA819	IG	WEST MADISON ELEMENTARY SCHOOL	AL
WPFA837	IG	J & J MANUFACTURING	TX
WPFA850	IG	SANDHILL FIRE FIGHTERS ASSOCIATION	SC
WPFA868	IG	MAJOR AND ASSOCIATES INC	GA
WPFA986	IG	DENTON, THOMAS W	TN
WPFA996	IG	SUNGARD RECOVERY SERVICES	GA
WPFB227	IG	CENTROMART INC	CA
WPFB361	IG	ETHICON ENDO-SURGERY	OH
WPFB381	IG	SOUTHEX EXHIBITIONS	CA
WPFB388	IG	JRB TRANSPORTATION INC	NH
WPFB461	IG	WESTRIDGE ELEMENTARY	MO
Callsign	Radio Service	Licensee	State
WPFD567	IG	MADISON SERVICES INC	SD
WPFD869	IG	WOOLFORD, WILLIAM L:WOOLFORD, W ALEX	MO
WPFD986	IG	COMMUNICATIONS INTERNATIONAL INC	FL
WPFE216	IG	WENDYS REST WE108	OH
WPFE220	IG	R & W MIMS FARMS INC	GA
WPFE222	IG	TRUETRAK TECHNOLOGIES INC	MD
WPFE374	IG	MC ALEXANDER, R JOEL	TN
WPFE387	IG	SAM EIFLING FARMS	AR
WPFE389	IG	WALLER FARM SUPPLY INC	NC
WPFE398	IG	WENDYS REST WEOH103	OH
WPFE424	IG	TACO BELL REST TB15456	MS
WPFE425	IG	WENDYS REST WE1481946	FL
WPFE445	IG	ARBYS REST 1609	AZ
WPFE620	IG	TOM JUMPER CHEVROLET	GA
WPFE659	IG	BLUE BELL CAB CO	GA
WPFE704	IG	SYCAMORE COMMUNITY SCHOOL DISTRICT	IA
WPFE709	IG	SMELCER, JOHN T	TN
WPFE725	IG	BOJANGLES 0476	NC
WPFE747	IG	Tilton, Richard T	IL
WPFE758	PW	CLARK TOWNSHIP VOLUNTEER FIRE DEPT INC	IN
WPFE775	IG	SEGNO COMMUNICATIONS INC	IL
WPFE781	IG	SAFE LINK CORP	TX
WPFE795	IG	WENDYS 203	OH
WPFE805	IG	CROSSLEY FUELS INC	NJ
WPFE883	IG	CALGON CORPORATION	PA
WPFE897	IG	ALII LEIS FLOWERS & GREETING SERVICE	HI

WPFC466	IG	CLARK, ALBERT	VA
WPFC486	IG	WILLIAMS, STEVE	IL
WPFC496	IG	CONTINENTAL COFFEE	TX
WPFC501	IG	DUNWOODY VILLAGE	PA
WPFC546	PW	RANCHO PALOS VERDES, CITY OF	CA
WPFC553	IG	GLOBAL TRANSLATION SERVICES	CO
WPFC578	IG	CREST AT PANTHER VALLEY CONDOMINIUM ASSOCIATION INC	NJ
WPFC623	IG	MC CARTHY, KEVIN	MN
WPFC627	IG	KEN GRIFFIN LANDSCAPE CONTRACTOR INC	FL
WPFC638	IG	SHAMROCK ENVIRONMENTAL SERVICES	GA
WPFC693	PW	ATLANTA, CITY OF	KS
WPFC932	IG	HOTT, FOREST:HOTT, WANDA DBA RAYS TOWING	CA
WPFC957	IG	AUSTIN QUALITY FOODS	NC
WPFC959	IG	D & N SECURITY	MO
WPFC990	IG	C & J DESIGN INC	CA
WPFD229	IG	BERGEN COUNTY SPECIAL SERVICES	NJ
WPFD323	IG	LA COSTA RESORT AND SPA	CA
WPFD364	IG	CHAPEL CREEK ASSOCIATES LP DBA SANTEE NATIONAL GOLF CLUB	SC
WPFD370	IG	FOOD WORLD	IL
WPFD404	IG	LELAND HOTEL	IN
WPFD473	IG	JORDE, JEFF	NM
WPFD481	IG	3M STILLWATER	MN
WPFD484	IG	ARCTIC AIRE OF CHICO	CA
WPFD486	IG	MIKE HALL CHEVROLET	TX
WPFD542	IG	ROCKY HILL AUTOMOTIVE SERVICES INC	CT
Callsign	Radio Service	Licensee	State
WPFI293	IG	JACKSON PRODUCTS INC	MI
WPFI346	IG	PRAIRIE TECHNICAL SERVICE CORP	IA
WPFI409	IG	FAIRWAY FOODS	MI
WPFI805	IG	CHALLENGE DEVELOPMENT CENTER	LA
WPFI880	IG	WARREN D CAUDEL & ASSOC INC	LA
WPFI905	IG	ROCKYNOL RETIREMENT COMMUNITY	OH
WPFI917	IG	LECHTERS INC	NJ
WPFI937	IG	FKI INDUSTRIES	IN

WPFF896	IG	GURNEY SEED & NURSERY	SD
WPFF982	IG	RICHARDS ADVANTAGE INC	IL
WPFF983	IG	BOLD, LAWRENCE R DBA OVERLAND PARK VILLAGE	KS
WPFG295	IG	JEFFERSON PARISH PUBLIC SCHOOLS	LA
WPFG317	IG	B & E STORAGE CO	MD
WPFG324	IG	PURINA MILL INC	IL
WPFG350	IG	FMW FOOD CORP	NY
WPFG351	IG	V I P PRODUCTS INC	OH
WPFG356	IG	ILLIANA MOTOR SPEEDWAY INC	IN
WPFG360	IG	ROCKPORT ELEMETRY SCHOOL	TX
WPFG499	IG	NELSON, RAYMOND G	ND
WPFG516	PW	TODD AMBULANCE SERVICE INC	IN
WPFG567	IG	DAVISON HIGH SCHOOL	MI
WPFG864	IG	WEST NORRITON AMBULANCE SQUAD	PA
WPFG919	IG	ROCKWELL INTERNATIONAL	CA
WPFG940	IG	READING ELDERLY	PA
WPFG950	IG	SCHMIDT, ARLYN N	ND
WPFH207	IG	HARDEES	IN
WPFH232	IG	BURNHAM FARMS INC	AR
WPFH738	IG	SYMBOL TECHNOLOGIES INC	NY
WPFH752	IG	LAT COMMUNICATIONS SERVICE	PR
WPFH824	IG	DRAKE CONTRACTORS	CO
WPFH878	IG	GORDON ELECTRONIC TECHNOLOGIES INC	VA
WPFI226	IG	FRIESEN, MERLE	ID
WPFI233	IG	AN OPEN DOOR CHURCH	IN
Callsign	Radio Service	Licensee	State
WPFN879	IG	INDIANA LIMESTONE	IN
WPFN893	IG	SMITH & WESSON CORP	MA
WPFN931	IG	FKI INDUSTRIES	IN
WPFN936	IG	BERDAN, GLENN	MN
WPFP418	IG	HENSEL PHELPS CONSTRUCTION COMPANY	CO
WPFP426	IG	BAKER, RICHARD	OR
WPFP805	IG	KENTUCKY FRIED CHICKEN KY063229	TN
WPFQ409	IG	JOHNSON, CHARLES L:JOHNSON, STEPHEN A DBA B & S WOOD PRODUCTS	MT

WPFI940	IG	UNIVERSITY OF CONNECTICUT STAMFORD CAMPUS	CT
WPFI996	IG	G&T INDUSTRIES	TN
WPFJ204	IG	PATTERSON CONSTRUCTION INC	OR
WPFJ220	IG	ROCKY MOUNTAIN PROTECTIVE SERVICES INC	CO
WPFJ251	IG	K M K INC	OR
WPFJ255	IG	RICO ENTERPRISES INC	IL
WPFJ263	IG	DORO INC	WI
WPFJ288	IG	K A PLUMBING	UT
WPFJ295	IG	FALLETTIS FOODS	CA
WPFJ312	IG	MC DONALDS REST LC 06637	TX
WPFJ313	IG	WENDYS WEUT1	UT
WPFJ344	IG	DORO INC	WI
WPFJ354	IG	D N P INC	MS
WPFJ361	IG	KENTUCKY FRIED CHICKEN KX330005	NJ
WPFJ377	IG	WIEDEMAN, ALBERT:WIEDEMAN, PERRY L:WIEDEMAN, GREG D DBA WIEDEMAN FARMS	CO
WPFJ428	IG	JONES LANG LASALLE AMERICAS INC	CA
WPFJ592	IG	BROWN, RICK	OH
WPFJ607	IG	DADE COUNTY AVIATION	FL
WPFJ609	IG	BURGER KING	PA
WPFJ635	PW	SUNLAND PARK, CITY OF	NM
WPFJ670	IG	B J WEECH DEVELOPMENT COMPANY	AZ
WPFJ684	IG	Greater Cincinnati Transportation Company	OH
WPFJ698	IG	FRANCISCAN MEDICAL CENTER	OH
WPFJ702	IG	FAMBROUGH, JERRY	NM
WPFJ757	IG	LENZING FIBERS	CO
WPFJ793	PW	OKLAHOMA, STATE OF	OK
WPFJ865	PW	MELBOURNE BEACH, TOWN OF	FL
WPFJ868	IG	MESABI RANGE COMMUNITY & TECHNICAL COLLEGE	MN
WPFJ885	IG	JARVIS FARMS INC	NC
WPFJ899	PW	TUSTIN HOSPITAL	CA
WPFJ929	IG	GREWE AND COMPANY	MI
WPFK565	IG	RIVERSIDE COMMUNITY COLLEGE	CA
WPFK653	IG	SECURITY 20 20 INC	CA
WPFK671	IG	SUNDOWN GARDENS INC	IN
WPFK743	IG	KALILIKANE SR, WILLIE K	HI
WPFK795	IG	MONTGOMERY WARDS	IL
WPFK871	IG	LANDON, STEVE	IA
WPFK889	IG	SEGNO COMMUNICATIONS INC	IL
WPFK921	IG	TREE OF LIFE INC	FL

WPFQ448	IG	ROB HIN INC DBA BURGER KING	TX
WPFQ450	IG	PRECISION SURVEYS INC	NM
WPFQ479	IG	T S T PARAFFIN SERVICE	TX
WPFQ499	IG	ROWE, DAVID L	IA
WPFQ604	IG	GIRL SCOUT COUNCIL OF THE NATIONS CAPITAL	DC
WPFQ609	IG	EISENHOUR, REX:EISENHOUR, LARRY:BURGER, KEITH DBA C & R FARMS	IN
WPFQ808	IG	LEGGETT & PLATT INC	MO
WPFQ827	IG	ST ANGELAS HALL	MD
WPFQ836	IG	FORWARDING CENTER	TX
WPFQ896	IG	BROWN, MARK:BROWN, DEBBIE	IA
WPFQ953	IG	AERONAUTICAL RADIO INC	MD
WPFR642	PW	CALIFORNIA, STATE OF	CA
WPFR972	IG	BURLESON ELEMENTARY SCHOOL	TX
WPFR978	IG	STANTON ELEMENTARY SCHOOL	TX
WPFR980	IG	RUSK ELEMENTARY SCHOOL	TX
WPFR982	IG	GUILLEN MIDDLE SCHOOL	TX
WPFS222	IG	TACO BELL 5070	NC
WPFS289	IG	VF Imagewear , Inc.	VA
WPFS294	IG	EXCALIBER TUBULAR CORP	WV
WPFS330	IG	SEDONA PHOTO TOURS	AZ
WPFS347	IG	LOCK HAVEN NURSING HOME	MO
WPFS366	IG	SCHULTZ FARMS	CA
WPFS442	IG	TACO BELL TB3532	LA
WPFS469	IG	DORO INC	WI
WPFS481	IG	MEL HAMBELTON FORD	KS
WPFS486	IG	GARCIAS MARKET	CA
WPFS529	IG	PORT DE MER INC	FL
WPFS548	IG	W SPANO INC	NY
WPFS553	IG	WARDLAW, BARRY	MS
WPFS682	IG	CATHEDRAL OF CHRIST THE KING	GA
WPFS704	IG	BEAR CLAW SALES	MT
WPFS710	IG	GONZALEZ, VERONICA	TX
WPFS785	IG	MOERMOND, JAMES	WI
WPFS797	IG	Flint Hills Resources Alaska, LLC.	AK
WPFT624	IG	PARKDALE MILLS INC	NC
WPFT629	IG	STARK, DAVID A	WI
WPFT670	IG	NATIONAL ASSOC OF USS LCSL	IL
WPFT682	IG	JACK IN THE BOX 3653	TX
WPFT691	IG	RUTGERS STATE	NJ

WPFM247	IG	ZIMMERMAN, MELVIN:ZIMMERMAN, KERVIN DBA ZIMMERMAN DAIRY FARMS	MI
WPFM314	IG	CONTAINER COMPANY OF CAROLINA DBA FERRELL JAMES ENTERPRISES	NC
WPFM438	IG	M & W MARKETS	ID
WPFM505	IG	BUY RITE INC	KS
Callsign	Radio Service	Licensee	State
WPFU207	IG	DESHUTES READY MIX	OR
WPFU238	PW	CALIFORNIA, STATE OF	CA
WPFU253	IG	RIC MAC ENTERPRISES INC	MA
WPFU264	IG	BRISTOL MYERS SQUIBB	CA
WPFU265	IG	FARMINGTON VALLEY MALL	CT
WPFU381	IG	ALFONZO, LUIS A	PR
WPFU392	IG	BRENNER, HERMAN:BRENNER, DEBBIE	WI
WPFU395	IG	FAIRLIE GIN AND SEED INC	TX
WPFU403	IG	TACO BELL TB1704	OR
WPFU472	IG	AMERICAN CARGO CORPORATION	IN
WPFU646	IG	LOTTMAN CARPENTER CONSTRUCTION INC	NE
WPFU701	IG	EMPIRE MANUFACTURING INC	WI
WPFU744	IG	Trans-Tech Inc.	WA
WPFU748	IG	ROGERS FARMS	OH
WPFU865	PW	MC CREARY CO SEARCH AND RESCUE SQUAD	KY
WPFU901	IG	MAIN AUTO BODY	NJ
WPFU934	IG	GARDNERS SCOUTING SERVICE	SC
WPFU982	PW	MT GILEAD VOLUNTEER FIRE DEPT	TN
WPFU993	IG	AMERICAN ENVIRONMENTAL TECHNOLOGIES	CT
WPFV218	IG	GORDONS MARKET	AZ
WPFV250	IG	ARMORED PATROL SECURITY INC	CA
WPFV285	IG	JOS T RYERSON & SONS STEEL CO	IL
WPFV286	IG	TRANSKRIT	VA
WPFV322	IG	ROSEWOOD MEDICAL CENTER	TX
WPFV333	IG	ANDERSON CHEVROLET	CA
WPFV349	IG	MC DONALDS REST LC 05162	PA
WPFV414	IG	BILL BEEMER WELL COMPANY INC	IA
WPFV422	IG	ARCHIBALD ELECTRIC INC	FL
WPFV429	IG	K ADAMIS FARMS INC	NY
WPFV788	IG	HANCOR INC	GA

		UNIVERSITY OF NEW JERSEY	
WPFT764	IG	CUYKENDALL, CINDY	NY
WPFT779	IG	KENTUCKY FRIED CHICKEN KY200202	IL
WPFT804	IG	TRANS HAWAIIAN MAUI	HI
WPFT877	IG	FLAGSHIP HOTEL	TX
Callsign	Radio Service	Licensee	State
WPFX773	IG	BROWNS RUN COUNTRY CLUB	OH
WPFX797	IG	KISSIAH DIST CO	NC
WPFX810	IG	MAPCO INC	KY
WPFX837	IG	RICHARDSON, BRUCE	CO
WPFY386	IG	ARBYS AR1692	KY
WPFY387	IG	KENDALL FOODS CORPORATION	FL
WPFY395	IG	MENDED HEARTS INC	TX
WPFY421	IG	SAFE LINK CORP	TX
WPFY563	IG	QUIET DELL PUBLIC SERVICE DISTRICT	WV
WPFY597	IG	TERSTEP CO INC	IN
WPFY662	IG	J E M PRODUCTS CO INC	PA
WPFY734	IG	WYNNS PRECISION INC	VA
WPFY791	PW	LOS ANGELES, CITY OF	CA
WPFY826	IG	COMTEC COMMUNICATIONS	PR
WPFY859	IG	COOK EQUIPMENT	MI
WPFY876	IG	BORBA MANUFACTURING INC	CA
WPFY943	IG	NORTON HEALTHCARE	KY
WPFY959	IG	MARYVALE SAMARITAN MEDICAL CENTER	AZ
WPFZ230	IG	RUBATEX CORPORATION	VA
WPFZ266	IG	SEGNO COMMUNICATIONS INC	IL
WPFZ277	PW	HERMITAGE, CITY OF	AR
WPFZ291	IG	AMBULANCE ENTERPRISES	MI
WPFZ295	IG	BRIGHT JR, GEORGE	MO
WPFZ326	IG	LEACH, AL	OR
WPFZ349	IG	FELTON FARMERS COOP ELEVATOR	MN
WPFZ351	IG	CARQUEST AUTO PARTS OF ALSIP	IL
WPFZ387	IG	ARBYS REST 1400	KY
WPFZ397	IG	CLINARD OIL COMPANY INC	NC
WPFZ434	IG	POWELL, KYLE	UT
WPFZ506	IG	NICHOLS, JERRY C	TX

WPFW379	IG	CS FIRST BOSTON CORP	NJ
WPFW409	IG	TACO BELL RESTAURANT 015904	PA
WPFW437	IG	FKI INDUSTRIES	IN
WPFW448	IG	TIGER OIL INC	OH
WPFW460	IG	ISG	NC
WPFW544	IG	RAMSEY, HERBERT	VA
WPFW569	IG	RACON INC	AL
WPFW615	IG	Atlantic Building Products LLC	FL
WPFW632	IG	TACO BELL RESTAURANT	AL
WPFW647	IG	APACHE COMMUNICATIONS	CA
WPFW662	IG	DOBBS INTERNATIONAL SERVICES INC	DC
WPFX579	IG	BECK, KENNETH	SD
WPFX653	IG	MILLER, CHRIS	IL
WPFX671	IG	SOLE TERRA FARMING	CA
WPFX673	IG	TRASPORTES DIAMANTE INTER S A DE C V INC	CA
WPFX678	IG	TRANSCOASTAL MARINE SERVICE INC	LA
WPFX689	IG	UNRUH, TRAVIS	MS
WPFX691	IG	JEWELL NURSERIES INC	MN
WPFX711	IG	SADDLEBROOK FARMS	IL
WPFX717	IG	CAMPBELL, ROBERT	NJ
WPFX727	IG	LUCENT TECHNOLOGIES	IN
Callsign	Radio Service	Licensee	State
WPGA706	IG	METAL SALES CORP	IN
WPGA720	IG	PMA REALTY DBA CAPITAL COMMERCIAL MANAGEMENT	CA
WPGA727	IG	CAMPBELL SUPPLY CO	SD
WPGA772	IG	SUBWAY	MN
WPGA804	IG	APOLLO DETECTIVE AGENCY	IL
WPGA824	IG	SCARBOROUGH, ROBERT	LA
WPGA845	IG	HUNTCO STEEL INC	MO
WPGA897	IG	ULTRA RADIO DISPATCH CORP	NY
WPGA901	IG	FORBO INDUSTRIES INC	PA
WPGA907	IG	CAPELLIS LANDSCAPE	NJ
WPGA915	IG	TIME CUSTOMER SERVICE INC	FL
WPGA963	IG	HUDSON SCENIC STUDIO INC	NY
WPGB292	IG	JEFFERSON COUNTY SCHOOL DISTRICT 509 J	OR
WPGB308	IG	RUBATEX CORPORATION	VA
WPGB339	IG	METROPOLITAN MAINTENANCE CO	MD
WPGB369	IG	PORTAGEVILLE CONCRETE INC	MO

WPFZ604	IG	UNION COLLEGE	KY
WPFZ620	IG	ARNOLD, EDWARD J	CO
WPFZ638	IG	BURNS AND ROE SERVICES CORP	NY
WPFZ668	IG	BRANDICORP	OH
WPFZ742	IG	GREAT WESTERN CHEMICAL COMPANY	CO
WPFZ766	IG	JOSEPH T RYERSON & SONS STEEL CO INC	IL
WPFZ794	IG	MID WEST FERTILIZER DBA CHANUTE FERTILIZER	KS
WPGA293	IG	CATHOLIC ELDERCARE INC	MN
WPGA347	IG	MAPLEWOOD ELEMENTARY SCHOOL	FL
WPGA398	IG	GTE	DC
WPGA407	IG	SKY TOWER SERVICE	VA
WPGA421	IG	CECIL COMMUNITY COLLEGE	MD
WPGA425	IG	TORREZ, ROBERT A	CA
WPGA433	IG	KLEIN, HARLAN G	MN
WPGA498	IG	RIMVIEW INN	MT
WPGA510	IG	INTERNATIONAL CONTRACTORS INC	OH
WPGA513	IG	H EPPS CO INC	MO
WPGA542	IG	B & H SYSTEMS INC	IL
WPGA559	IG	ASSOCIATION OF ISLAMIC CHARITABLE PROJECTS	PA
WPGA570	IG	MANCHESTER INN	OH
WPGA667	IG	MJ TAKISAKI INC	WA
Callsign	Radio Service	Licensee	State
WPGD273	IG	TACO BELL TB15904	PA
WPGD711	IG	HOLWERDA, JOHN	MI
WPGD789	IG	WOODS AUTO BODY SHOP	AL
WPGD962	IG	PENNZOIL QUAKER STATE	LA
WPGD976	IG	PHOENIX DESIGNS	MI
WPGD982	IG	CLAFFEY, MIKE	NC
WPGE229	IG	THERMALKEM INC	SC
WPGE230	IG	HOLLYWOOD CASINO TUNICA	MS
WPGE241	IG	PALLAS SUITES HOTEL	LA
WPGE277	IG	COPPER LAKE RETIREMENT CENTER	OK
WPGE281	IG	FARMERS INSURANCE GROUP	CA
WPGE292	IG	SOPRIS VILLAGE HOME OWNERS ASSOC INC	CO
WPGE335	IG	YOCKEY ENTERPRISES INC	NJ
WPGE397	IG	RAYBESTOS	IN
WPGE435	IG	MESSER CONSTRUCTION CO INC	TX
WPGE452	IG	UNIVERSAL SECURITY ADVISORS INC	PR

WPGB371	IG	FML INDUSTRIES INC	VA
WPGB375	IG	DRAPER CANNING COMPANY	DE
WPGB454	IG	CENTRAL DIE CASTING & MFG CO INC	IL
WPGB455	IG	BLESSING HOSPITAL	IL
WPGB507	IG	HALL MARK HEALTH DBA WHIDDEN MEMORIAL HOSPITAL	MA
WPGB511	IG	KENNETH E BAUMAN BUS INC	PA
WPGB599	IG	COSTCO WHOLESALE	NJ
WPGB701	IG	GOLDEN PEANUT	AL
WPGB719	IG	PRINCE WILLIAM SOUND SCIENCE CENTER	AK
WPGB722	IG	JIM NELSON INC	MO
WPGB738	IG	BUTTERFIELD, LESTER C	IA
WPGB754	IG	UNITED SHOWS OF AMERICA INC	TN
WPGB787	IG	FOUR POINTS HOTEL	AL
WPGB825	IG	LANNERS, DEAN	MN
WPGB840	IG	FARMBOY FOODS INC	IN
WPGB850	IG	GRINNELL MANUFACTURING	TX
WPGB852	IG	KIRKALDIE, DAVID G	MT
WPGB933	IG	POLO CLUB APARTMENTS	WA
WPGB974	IG	NEW RIDGEWOOD CAR SERVICE CORP	NY
WPGC200	IG	ST LADISLAS CATHOLIC CHURCH	OH
WPGC209	IG	GUINUP, ALLEN A	CA
WPGC220	IG	BUDGETEL INN	WI
WPGC274	IG	AGRI CHECK INC	OR
WPGC335	IG	CARLSON MARKETING GROUP	MN
WPGC524	IG	INDIANOLA SCHOOL DISTRICT	MS
WPGC743	IG	BAXTER HEALTH CARE	CA
WPGC756	IG	CAROLINA MILLS	NC
WPGC831	IG	CB COMMERCIAL REAL ESTATE GROUP INC	MI
WPGC863	IG	DIERKES LANDSCAPING & LAWN CARE	OH
WPGC879	IG	WEBBS READY MIX	WV
WPGC947	IG	STEPHENS, ED	IL
WPGC965	IG	J P TARAVELLA HIGH SCHOOL	FL
WPGD219	IG	WOODWARD, ALLEN C	MT

WPGE473	IG	ARNOLD, BOB	MD
WPGE480	IG	TACO BELL 15877	VA
WPGE542	IG	JOCOBI MEDICAL CENTER	NY
WPGE575	IG	SOUTHERN COMFORT MEDICAL TRANSPORT INC	FL
WPGE581	IG	FEDDELER ENTERPRISES INC	IN
WPGE593	IG	FORBES HEALTH SYSTEM	PA
WPGE642	IG	PENQUIN PAINTERS	OH
WPGE644	IG	MYERS, KEVIN J	IA
WPGE648	PW	MOUNTAIN VIEW MEDICAL TRANSPORT INC	VA
WPGE673	IG	DE KALB COUNTY HIGH SCHOOL	TN
WPGE704	IG	ROYSTER-CLARK AGRIBUSINESS INC	OH
WPGE715	IG	MID FLA LAWN CARE & LANDSCAPING INC	FL
WPGE718	IG	WESTERN GAS RESOURCES INCORPORATED	WY
WPGE803	IG	MIDWEST TOWER PARTNERS LLC	WI
WPGE808	IG	MAGNET DELIVERY SERVICE	IL
WPGE845	IG	KENTUCKY FRIED CHICKEN KF190007	OH
WPGE860	IG	B W HART FARMS INC	LA
WPGE862	IG	MOULTON EQUIPMENT CO INC	IL
WPGE882	IG	METL SPAN I LTD	TX
WPGE908	IG	BLOOMFIELD BLOCK WATCH INC	PA
WPGE918	IG	GENEVA PHARMACEUTICALS INC	TN
WPGE923	IG	U S ALLIANCE SECURITY CORPORATION	PR
WPGE957	IG	LOUIS DREYFUS ENERGY CORP	FL
WPGF307	IG	POST PRECISION CASTING INC	PA
WPGF323	IG	NORTHLAND CATHEDRAL	MO
WPGF326	IG	NEWARK AUTO CAB CO INC	NJ
WPGF332	IG	PETRO COMMUNICATIONS INC	TX
WPGF356	IG	HOTEL CORPORATION OF THE PACIFIC INC AGENT FOR THE MAHANA RESORT PROGRAM	HI
WPGF385	IG	ODYSSEY FUN WORLD	IL
WPGF437	IG	ELSAMILLER, RICHARD	IA
WPGF464	IG	GROENDYKE TRANSPORT INC	TX
WPGF484	IG	COLUMBIA RIVER GIRL SCOUT COUNCIL	OR
WPGF490	IG	MARRIOTT INTERNATIONAL INC	FL

WPGD225	IG	ZALCO REALTY INC	MD
WPGD269	IG	MC DONALDS REST 04950	IA
Callsign	Radio Service	Licensee	State
WPGF663	IG	ARTHUR PACK GOLF COURSE	AZ
WPGF891	IG	SELF RECYCLING INC	GA
WPGF940	IG	NORTH MINING INC	CO
WPGF960	IG	OCEAN VISTA PROPERTY MANAGEMENT INC	NJ
WPGF969	IG	PLAYERS LAKE CHARLES LLC	LA
WPGG213	IG	C M BURR MANAGEMENT CO INC	CT
WPGG357	IG	KENTUCKY FRIED CHICKEN KX743763	TX
WPGG418	IG	GULF STATES STEEL INC	AL
WPGG434	IG	CURTIS FINANCE CORP	FL
WPGG491	IG	BOEHLES EXPRESS	CT
WPGG503	IG	GMCO ACQUISITION INC	GA
WPGG533	IG	AMERICAN PROTECTIVE SERVICES	CA
WPGG587	IG	MILLS OCTOPUS CARWASH INC	FL
WPGG646	IG	SHORENSTEIN COMPANY	NY
WPGG659	PW	LATHROP FIRE PROTECTION DISTRICT	MO
WPGG699	IG	WHITE HYDRAULICS INC	KY
WPGG784	IG	WIRELESS CONNECTION OUTLET INC	DC
WPGG800	IG	ARBYS AR1399	OH
WPGG845	IG	ACHELPOHL ROOFING & SHEETMETAL INC	SC
WPGG873	IG	INVERNESS CLUB	OH
WPGG946	PW	WHITE PLAINS BUS CO	NY
WPGG972	IG	LOS ALISOS WATER DISTRICT	CA
WPGG999	IG	PACIFIC RESOURCES MANAGEMENT	WA
WPGH226	IG	POULARD, OLA	CA
WPGH231	IG	POULARD, OLA	CA
WPGH255	IG	GOLDEN GEM GROWERS	FL
WPGH262	IG	BANNER SUPER MARKET	MI
WPGH297	IG	GRINER, JIMMY	SC
WPGH489	IG	CANOVANAS AUXILIARY POLICE ASSOCIATION	PR
WPGH519	IG	RYDER STUDENT TRANSPORTATION SERVICES INC	IL
WPGH580	IG	YOSHINOYA BEEF BOWL RESTAURANTS	CA
WPGH592	IG	POTTSTOWN PRECISION CASTING	PA
WPGH619	IG	RAINIER PALLET	WA
WPGH646	IG	ELECTRA LINK INC	TX
WPGH698	IG	PALLAS SUITES HOTEL	LA

WPGF530	IG	NEW YORK MARRIOTT	NY
WPGF551	IG	ALDER CREEK LOGGING INC	OR
Callsign	Radio Service	Licensee	State
WPGI322	PW	PINE GROVE, TOWN OF	WV
WPGI400	PW	COCONINO, COUNTY OF	AZ
WPGI440	IG	JOHN BUCK CO	IL
WPGI501	IG	SOUTH MIDDLE SCHOOL	MI
WPGI542	IG	JOHNSON II, ALEX	AL
WPGI635	PW	OKLAHOMA, STATE OF	OK
WPGI667	PW	TENNESSEE, STATE OF	TN
WPGI712	IG	WEHLEY, ROBERT	AL
WPGI819	IG	EVANSVILLE TRUCK EQUIPMENT INC	IN
WPGI835	IG	IRONWOOD GOLF COURSE INC	FL
WPGJ212	IG	CIRCLE G ANGUS FARMS	GA
WPGJ250	IG	SUSQUEHANNA VALLEY COUNTRY CLUB	PA
WPGJ334	IG	NELSON, JON O	ND
WPGJ361	IG	HANNA CLORE INC	WA
WPGJ504	IG	WALTON, BOBBY RAY	OK
WPGJ538	IG	FLEETWOOD HOMES OF FLORIDA INC	CA
WPGJ542	IG	SUPERINTENDENCIA DEL CAPITOLIO INC	PR
WPGJ568	IG	CHAUVIN NURSERY INC	MI
WPGJ595	PW	MEDNET AMBULANCE SERVICE	NM
WPGJ736	IG	BWA KYSOR WESTRAN	IL
WPGJ751	IG	MC DONALDS REST 14232	OR
WPGJ787	IG	ASOC DE COMERCIANTES DE PLAZA DEL CANTON MALL	PR
WPGJ804	IG	L A YUMA FREIGHT LINES INC	AZ
WPGJ820	IG	PIGGLY WIGGLY VIRGIGLIO HOMEWOOD	AL
WPGJ836	IG	COMMUNITY COLLEGE OF ALLEGHENY COUNTY	PA
WPGK234	IG	WILDERMUTH, PAUL	IL
WPGK246	IG	HOUSING AUTHORITY OF MAYSVILLE	KY
WPGK270	IG	INLAND CONTAINER CORP	TX
WPGK380	IG	VANDER MOLEN, BYRON J	IA
WPGK468	IG	HEATHWOOD HALL EPISCOPAL SCHOOL	SC
WPGK683	IG	QUINN, LARRY	MO
WPGK684	IG	NOTHAUS, PAT	WI
WPGK768	IG	MASON SR, CHARLES A	NJ
WPGK801	IG	ANDER & SON	WI
WPGK835	IG	RED RIVER SERVICE CORP	HI

WPGH762	IG	ROBERT BOSCH CORPORATION	SC
WPGH765	IG	SUNLITE CASUAL FURNITURE INC	AR
WPGH788	IG	SEINIGER ADVERTISING INC	CA
WPGH809	IG	UNGER, JEFF	OR
WPGH817	IG	IMPERIAL ROOF SYSTEMS CO	IA
WPGH854	IG	HUNTSVILLE INDEPENDENT SCHOOL DISTRICT	TX
WPGH867	IG	COLUMBUS CHRISTIAN CENTER	OH
WPGH964	IG	OSRAM SYLVANIA INC	PA
WPGH972	IG	GUERDON HOMES INC	ID
WPGI200	IG	CABOT CORPORATION INC	LA
WPGI207	IG	LEAR ASTRONICS CORPORATION	CA
WPGI213	IG	STEEL COMPANY	IL
WPGI261	IG	MONSON, DEAN	ND
WPGI270	IG	TUNKHANNA FISHING ASSOCIATION INC	PA
WPGI310	IG	TURF & LANDSCAPE CO	NY
WPGI312	IG	SAMUEL STEEL PICKLING CO	OH
Callsign	Radio Service	Licensee	State
WPGN236	IG	SWANSBORO MOTOR CO	VA
WPGN295	IG	JOHNSTON COCA COLA BOTTLING COMPANY	TN
WPGN342	IG	GOOD SAMARITAN MEDICAL CENTER	FL
WPGN375	PW	PIKE, COUNTY OF	AR
WPGN758	IG	ALAMAC KNIT FABRICS INC	NC
WPGN773	IG	MOTHER LODE DEPOT	SD
WPGN784	IG	SOUTHERN CT STATE UNIVERSITY	CT
WPGN865	IG	UNION FORK & HOE CO DBA UNION TOOLS	OH
WPGN891	IG	PARKDALE MILLS INC	NC
WPGN896	IG	MARBELLA GOLF & COUNTRY CLUB	CA
WPGN916	IG	BLOCK DISTRIBUTING	TX
WPGN927	IG	CHAMPION INTERNATIONAL	FL
WPGN929	IG	WESTERN MOBILE NEW MEXICO INC	NM
WPGN978	IG	BAILLIOS WAREHOUSE SHOWROOM	NM
WPGN980	IG	MAN APPALACHIAN REGIONAL HOSPITAL	WV
WPGP306	IG	B & J ENTERPRISES INC	TN
WPGP314	IG	BRIGHT BEST SOCKET SCREW	GA
WPGP339	IG	LIVINGSTON, DARRELL	WI
WPGP340	IG	JOS T RYERSON & SONS STEEL CO	IL
WPGP381	IG	NORTH SHORE HIGH SCHOOL OF GALENA PARK ISD	TX
WPGP456	IG	DRISCOLL, PAUL S	IL
WPGP514	IG	FAB2 LTD	MD
WPGP701	IG	MASON, ALAN	PA

WPGK854	IG	AIBONITO EMERGENCY RESCUE TEAM	PR
WPGK886	PW	LOS ANGELES, CITY OF	CA
WPGK990	IG	ASPINWALL COOP CO	IA
WPGM304	IG	SOUTHEAST AIR SERVICE INC	GA
WPGM310	IG	ROYS FOODLAND	IA
WPGM424	IG	GRINNELL COPR MANUFACTURING	NC
WPGM446	IG	H W METAL PRODUCTS INC	OR
WPGM500	IG	HELMER, RALPH E	AK
WPGM508	IG	HELMER, RALPH E	AK
WPGM541	IG	ROLLA TOWERS	MO
WPGM549	IG	GOODYEAR TIRE & RUBBER CO	OH
WPGM570	IG	HELMER, RALPH E	AK
WPGM620	IG	NOONE, ROBERT J	KS
WPGM772	IG	GULF STATES STEEL INC	AL
WPGM796	IG	WALMART STORES INC	AR
WPGM973	IG	ENGINEERING INC	CA
Callsign	Radio Service	Licensee	State
WPGR423	IG	TACO BELL 3395	FL
WPGR425	IG	TRANE CO	PA
WPGR440	IG	PETERSON MOTORS INC	WI
WPGR488	IG	DOSWELL BARK PRODUCTS LTD	VA
WPGR519	IG	UNRUH, KENNETH E	KS
WPGR792	IG	FAMOUS SUPPLY INC	OH
WPGR867	IG	FOREST LAKE COUNTRY CLUB	MI
WPGR890	IG	DIAGNOSTIC CENTER HOSPITAL CORP OF TX	TX
WPGS234	IG	WISHOP, JEFFREY	IL
WPGS264	IG	DOMEY, KENNETH	VT
WPGS285	PW	MASSACHUSETTS, COMMONWEALTH OF	MA
WPGS341	IG	ROB HIN INC DBA BURGER KING	TX
WPGS364	IG	CALHOUN SCHOOL	NY
WPGS366	IG	ESPT LTD DBA MILTON MOTEL	PA
WPGS417	IG	D W BURHOE CONSTRUCTION INC	CA
WPGS516	IG	DYNA KLEEN INC	IL
WPGS545	IG	WEST COMM EQUIPMENT INC	CA
WPGS572	IG	BRICOL N V	CO
WPGS602	IG	SAFE LINK CORP	TX
WPGS603	IG	DEML FORD LINCOLN MERCURY INC	MN
WPGS631	IG	GARDEN STATE PLAZA	NJ
WPGS796	IG	CANNELTON INDUSTRIES	WV
WPGS811	IG	CASTLE CAB INC	PA

WPGP724	IG	COMMUNICATIONS GROUP	CA
WPGP734	IG	TACO BELL TB015564	VA
WPGP801	IG	N ROWAN ELEMENTARY SCHOOL	NC
WPGP814	IG	MC DONALDS REST L C 14142	OR
WPGP817	IG	PINE LAKE COUNTRY CLUB	NC
WPGP820	IG	QUALITY CAB COMPANY	TX
WPGP840	IG	COLLEGE OF MT ST VINCNT	NY
WPGP861	IG	FURMAN SR, LEROY	PA
WPGP902	IG	FURMAN SR, LEROY	PA
WPGP978	IG	NEW RELAMPAGO CAR SERVICE	NY
WPGP992	IG	FURMAN SR, LEROY	PA
WPGQ204	IG	BLACK, JOE	OH
WPGQ304	IG	GARDEN FRESH PRODUCE INC	IL
WPGQ311	IG	KENTUCKY FRIED CHICKEN KH885002	NY
WPGQ329	IG	FARMLAND GRAIN	MO
WPGQ553	IG	HERTZ CORP	NY
WPGQ599	IG	WIEKER, ROBERT E	FL
WPGQ606	IG	HUGHES SEPTIC TANK SERVICE INC	OH
WPGQ623	IG	BETHEL EXPRESS CORP	ME
WPGQ749	IG	R M PAYNE EXCAVATING	WI
WPGQ797	IG	KENTUCKY FRIED CHICKEN KH885003	NY
WPGQ886	IG	ABRAHAMSON TOWING	MI
WPGQ888	IG	G & M FOODS INC	KY
WPGQ908	IG	SOMMERS COMPANY	GA
WPGQ911	IG	STRUBE CELERY & VEGETABLE CO	IL
WPGQ931	PW	BUCHANAN, COUNTY OF	VA
WPGR285	IG	LEVEL 1 TECHNOLOGIES INC	MA
WPGR304	IG	COMMUNICATIONS GROUP INC	FL
Callsign	Radio Service	Licensee	State
WPGU577	IG	SOSEBEE, CURT	MA
WPGU593	IG	AMSTERDAM RADIO DISPATCHER	NY
WPGU665	IG	WASHINGTON, MATTHEW	NC
WPGU680	PW	VALLEY CENTER MUNICIPAL WATER DISTRICT	CA
WPGU757	IG	CITY FARM MARKET	CA
WPGU762	IG	MERIDIAN GOLD COMPANY	ID
WPGU768	IG	KOECHNER, MELVIN H	MO
WPGU786	IG	LODI GOOD SAMARITAN	WI
WPGU797	IG	AUDIO ENGINEERING CO	GA
WPGU808	IG	RAINBOW LIFEGUARD DIV OF PACFAB INC	CA
WPGU922	IG	ACME MARKETS OF	VA

WPGS876	IG	COLUMBIA HEALTHONE LLC	CO
WPGS922	IG	J D LUMBER CO	MT
WPGS927	IG	BRANCH, DAVID	LA
WPGS966	IG	CALIFORNIA LANDSCAPE SUPPLY INC DBA VALLEY BUILDING MATERIALS	CA
WPGS979	PW	CALIFORNIA, STATE OF	CA
WPGT227	IG	CACTUS SANITATION INC	CA
WPGT282	IG	B NAI B RITH	DC
WPGT290	IG	BERGEN COMPANY DBA BERGEN COMPANY INC.	OH
WPGT332	IG	HCTV	VA
WPGT337	IG	TACO BELL 3371	NY
WPGT671	IG	O DELL, GARY	AR
WPGT688	IG	COMFORT CONSULTANTS INC	NC
WPGT700	IG	WEST COMM EQUIPMENT INC	CA
WPGT736	IG	SPENCER, ROBERT G	MO
WPGT743	IG	HUNTCO STEEL INC	IL
WPGT756	IG	SAVEMART	MI
WPGT766	IG	JENKINS RACING INC	GA
WPGT823	IG	UNIVERSITY OF ALABAMA	AL
WPGT918	IG	PILOT COMMUNICATIONS	CA
WPGT926	IG	WALTER HOLMES ELECTRIC INC	NC
WPGT944	IG	TACO BELL 15489	OH
WPGT957	IG	SWEETWATER 76 AUTO TRUCK STOP	TX
WPGU204	IG	VLASIC FARM INC	PA
WPGU220	IG	WOODS JR, GERALD	TN
WPGU498	IG	PERMIAN BASIN GIRLS SCOUT COUNCIL INC	TX
WPGU529	IG	ROB HIN INC DBA BURGER KING	TX
WPGU533	IG	APPLIED EQUIPMENT INC	TX
WPGU548	IG	TACO BELL 3360	AR
Callsign	Radio Service	Licensee	State
WPGY553	IG	KENNETH B MC AULEY INC	MA
WPGY611	IG	GULF STATES STEEL INC	AL
WPGY615	IG	ARTECH PRINTING INC	WI
WPGY878	IG	BOBBY LA BONTE RACING INC	NC
WPGY916	IG	GERTZ MALL INC	NY
WPGY924	IG	SPONHOLZ, ROBERT K	ID
WPGY949	IG	PATERSON PUBLIC SCHOOLS	NJ
WPGY957	IG	EATON KENWAY INC	LA
WPGY976	IG	CHECKERS	FL
WPGY980	IG	DESTINATION ROSEMONT SUITES INC DBA THE ROSEMONT SUITES OHARE	IL
WPGZ251	IG	REYNOLDS METALS	VA

		VIRGINIA	
WPGU923	IG	ACME MARKETS OF VIRGINIA	VA
WPGU986	IG	KONOIKE PACIFIC INC	CA
WPGV236	IG	GTE BUSINESS SALES CENTER	DC
WPGV245	IG	RIVERSIDE 062 PARTNERS LP DBA RIVERSIDE SQUARE MALL	NJ
WPGV255	IG	CENTER OF SCIENCE & INDUSTRY	OH
WPGV411	IG	WILLIAM S WILSON EXCAVATING INC	NJ
WPGV672	IG	PRIOR AVIATION SERVICE INC	NY
WPGV868	IG	HERTZ CORPORATION	FL
WPGV932	PW	CALIFORNIA, STATE OF	CA
WPGV952	PW	DUSTIN, CITY OF	OK
WPGV962	IG	MOE GINSBURG STORES	NY
WPGW239	IG	SENECA GRADE SCHOOL	IL
WPGW302	IG	BALTIMORE MARINE INDUSTRIES INC	MD
WPGW312	IG	MURPHY, CHARLES B	OH
WPGW452	IG	SHOCKMAN, DON:SHOCKMAN, LEON DBA SHOCKMAN BROS	OR
WPGW491	IG	M A HANNA RUBBER COMPOUNDING	SC
WPGW524	IG	HILLTOP RED APPLE	WA
WPGW554	PW	FOXHOME, CITY OF	MN
WPGW612	IG	INTERNATIONAL PAPER CO	NY
WPGW634	IG	HUBBELL WIEGMANN	IL
WPGW702	IG	TONY EVANS FARMS	AR
WPGW729	IG	L M ANIMAL FARMS INC	OH
WPGW780	IG	ENDALANE CORP	MI
WPGW815	IG	B & L MAINTENANCE	OH
WPGW985	IG	BRANDOW, ROBERT J: BRANDOW, ALICIA L DBA LAUREL ANTIQUES	ME
WPGX262	IG	CONGREGATION AHAVATH TORAH	NJ
WPGX347	IG	JOHNS MANSVILLE	KY
WPGX364	IG	DERREL THOMAS COMPANY INC	AR
WPGX392	IG	STANAWAY FOOD CENTER INC	CA
WPGX397	IG	CELEBRITY INC	TX
WPGX455	IG	NORTHWEST LOCAL SCHOOL DISTRICT	OH
WPGX487	IG	GALLAGHER, EUGENE	IA

		COMPANY	
WPGZ322	IG	WENDYS	IL
WPGZ366	PW	WILLIAMSBURG COUNTY TRANSIT AUTHORITY	SC
WPGZ390	IG	SOUTHRIDGE ELEMENTARY SCHOOL DBA SCHOOL TOWN OF HIGHLAND	IN
WPGZ430	IG	STM WIRELESS INC	CA
WPGZ454	IG	AMPCO SYSTEM	NJ
WPGZ513	IG	PIEDMONT HARDWOOD LUMBER COMPANY	NC
WPGZ693	IG	KLS MANAGEMENT GROUP INC DBA GIVORNS FOOD	AL
WPGZ757	IG	SONY MUSIC CORPORATION	GA
WPGZ798	IG	CIRCUT CITY DIST	WA
WPGZ813	IG	DEERFIELD COMMUNITY SCHOOLS	WI
WPGZ860	IG	RAMADA INN NEW ORLEANS HIGH RISE	LA
WPGZ931	PW	WATER RESCUE RESPONSE TEAM	FL
WPHA207	IG	KLS MANAGEMENT GROUP INC DBA GIVORNS FOOD	AL
WPHA265	IG	MEADOW WOOD APARTMENTS	CA
WPHA270	IG	INSTITUTE FOR HUMAN SERVICES INC	HI
WPHA307	IG	MOORE, KERRY	GA
WPHA337	IG	SURVEYING AND MAPPING INC	TX
WPHA651	IG	CRANE, TED	AZ
WPHB710	IG	DESIGN COMPONENTS	IN
WPHB714	IG	WANDA HEATING & PLUMBING	MN
WPHB739	IG	LEEDS, LARRY	OK
WPHB787	IG	METHODIST HOSPITAL	TX
WPHB836	IG	VICEROY GOLD CORP	NV
WPHB874	IG	WESTERN MICHIGAN FAIR ASSOCIATION	MI
WPHB879	IG	COLLADO, LEONCIO: RAMIREZ, ORLANDO DBA UNIDOS COACH COMPANY	NY
WPHC229	IG	BLAIR & SONS INC	CA
WPHC285	IG	JADCO TRUCKING & GRADING	NC
WPHC340	IG	SULLIVAN SMITH INC	MI
WPHC351	IG	TIDEWATER MANAGEMENT GROUP INC ARBYS	VA
WPHC367	IG	MARYLAND CASUALTY COMPANY	MD
WPHC392	IG	BARNARD GRAIN COMPANY	KS
WPHC395	IG	GREEN GIANT AG	MN

WPGX772	IG	GRAND ISLAND ASSOC DBA REGENCY MANOR APARTMENTS	NY
WPGX832	IG	SEBRING PACKING CO INC	FL
WPGX837	IG	ARROWHEAD JUVENILE CENTER	MN
WPGX846	IG	UNIVERSITY HOSPITAL OF CLEVELAND	OH
WPGX887	IG	HELZBERG DIAMONDS INC	MO
WPGX994	IG	HAMMER, ROBERT	IA
WPGY257	IG	CHICAGO ZOOLOGICAL PARK	IL
WPGY529	IG	J B TRANSPORT INC	CA
Callsign	Radio Service	Licensee	State
WPHD630	IG	DREWRY, HUSTON	CA
WPHD648	IG	CROWN CRAFTS INC	GA
WPHD694	IG	ELOCO INC	NY
WPHE260	IG	ADAMS RED & WHITE	SC
WPHE283	PW	PUERTO RICO, COMMONWEALTH OF	PR
WPHE843	IG	BAYVIEW INSULATION CO	PA
WPHE996	IG	GALINDO, SERGIO	TX
WPHF483	IG	FLORIDA GLOBAL CITRUS LTD	FL
WPHF684	IG	SPRING RIVER CHRISTIAN VILLAGE	MO
WPHF691	IG	TES INC ELECT CONTR	MA
WPHF695	IG	CANYON CREEK SCHOOL	MT
WPHF759	IG	NEWLIN SERVICE	IN
WPHF773	IG	SHACKELFORD, DWAIN	NC
WPHF810	IG	HANSON, RON	WA
WPHF906	IG	WENDYS REST WE1757	FL
WPHG220	IG	ST THOMAS UNIVERSITY	FL
WPHG235	IG	TACO BELL 3402	NJ
WPHG269	IG	WENDYS REST 1696	IL
WPHG270	IG	GAIL & RICE PRODUCTIONS	MI
WPHG326	PW	PULASKI GILES CO RESCUE SQUAD INC	TN
WPHG567	IG	TACO BELL 3440	OH
WPHG577	IG	KVA CORP	NJ
WPHG629	IG	JONES, RONALD A	LA
WPHG633	IG	WILLIAM DANDY MIDDLE SHCOOL	FL
WPHG645	IG	WRIGHT, PAUL E	OH
WPHG667	PW	CPJ HOLDING COMPANY INC DBA WVP TRANSPORTATION COMPANY	NJ
WPHH440	IG	UNIQUE RECYCLING CORP DBA THRIFT CENTER	CA
WPHH478	IG	TEXIDOR III, GABRIEL	PR

		RESEARCH CENTER	
WPHC407	IG	HASTINGS, ZANE R:HASTINGS, DAWNA J	CO
WPHC787	IG	GALAXY MOTORSPORTS	NC
WPHC795	IG	MICHIGAN AUTOMOTIVE RESEARCH CORPORATION	MI
WPHC796	IG	UNITED STATES CERAMIC TILE CO INC	OH
WPHC809	IG	EMERALD SERVICES INC	WA
WPHC817	IG	HARPER HOSPITAL	MI
WPHC996	IG	MEXICAN INDUSTRIES IN MICHIGAN	MI
WPHD229	IG	SWANKE, DENNIS	ND
Callsign	Radio Service	Licensee	State
WPHJ734	IG	COLUSA ELEVATOR CO	IL
WPHJ744	IG	DIETZ SUPER VALU	MN
WPHJ776	PW	LOS ANGELES, CITY OF	CA
WPHJ781	IG	APCOA INC	OH
WPHJ789	IG	MEXICAN INDUSTRIES IN MICHIGAN	MI
WPHJ790	IG	MEXICAN INDUSTRIES IN MICHIGAN	MI
WPHJ801	IG	INSIGNIA ESG AAF TAXTER PARK ASSOCIATION	NY
WPHJ850	IG	USAA REALTY COMPANY	CA
WPHJ857	IG	NALCO CHEMICAL CO	TX
WPHJ931	IG	CATHOLIC HEALTHCARE W SO CALIFORNIA DBA LONG BEACH COMMUNITY MEDICAL CENTER	CA
WPHJ949	IG	ERICKSON, DALE E	FL
WPHK328	IG	HILLSBOROUGH COUNTY SCHOOLS	FL
WPHK365	IG	CANDY, BOBBY D	TX
WPHK388	IG	STRUBE PROPANE INC	TX
WPHK546	PW	SCOTTSDALE, CITY OF	AZ
WPHK668	IG	CASTER, MAURICE	KS
WPHK672	IG	FWA DRILLING CO INC	TX
WPHM341	IG	BOSTON SCIENTIFIC CORPORATION	WA
WPHM343	IG	DETROIT IRON & METAL CO	MI
WPHM356	IG	MIDLANDS TELEPHONE SYSTEMS	NE
WPHM363	IG	MERCK MEDCO RX SERVICES OF FLORIDA LC	FL
WPHM385	PW	OVERTON, CITY OF	TX
WPHM428	IG	KINDT, BRYCE	SD
WPHM601	IG	CARBIENER, KEN	IN
WPHM626	IG	COLON, VICTOR	PR
WPHM694	IG	MCDONALDS REST LC 15873	MI
WPHM707	IG	SMITHS SUPERMARKET OF BALDWINSVILLE INC	NY
WPHM761	IG	ADESA CALIFORNIA INC DBA ADESA GOLDEN	CA

WPHH483	IG	SONSHINE FARMS INC	NE
WPHH491	IG	STOCK HAUSE INC	NC
WPHH533	IG	MERCY HIGH SCHOOL	MD
WPHH556	IG	BURGER KING RESTAURANT	NH
WPHH608	IG	BURGER KING REST 98	FL
WPHH645	IG	ESSEX COUNTY TOWING	NJ
WPHH658	IG	AMERICAN VALET COMPANY INC	AZ
WPHH779	IG	MOORMAN MANUFACTURING COMPANY	GA
WPHH971	IG	EARTH TECH OPERATION SERVICE	MI
WPHI321	IG	SAHARA SANDS INC	WI
WPHI341	IG	CLARIDGE JUPITER ISLAND CONDOMINIUM ASSOCIATION INC	FL
WPHI354	IG	ATLANTIC CLUB DBA THE ATLANTIC CLUB	NJ
WPHI367	IG	ERNST & YOUNG LLP	NJ
WPHI661	IG	TETRA TECHNOLOGIES INC	AR
WPHI780	IG	RAYMERTOWN SUPPLY CO	NY
WPHI781	IG	SUGAR RIDGE GOLF COURSE	IN
WPHI797	IG	SUPER GIANT FOODS	IL
WPHI845	IG	AGILENT TECHNOLOGIES	CA
WPHI855	IG	J M SWANK CO	IA
WPHI866	IG	SHELLY AND SANDS INC	OH
WPHI874	IG	RK CHEVROLET INC	VA
WPHJ688	IG	CANAAN BAPTIST CHURCH	AL
WPHJ695	IG	W M BARR & COMPANY INC	TN
Callsign	Radio Service	Licensee	State
WPHP723	PW	REYNOLDS, CITY OF	IN
WPHQ245	IG	THOMAS HARDWARE PARTS & FASTENERS	PA
WPHQ606	IG	TALON MANUFACTURING INCORPORATED	WV
WPHQ624	IG	GOTTSCHALKS	CA
WPHQ630	IG	TALON CONSTRUCTORS INC	IN
WPHQ633	IG	MCCS USMC	CA
WPHQ759	IG	CHILDRENS HOSPITAL OF THE KINGS DAUGHTERS	VA
WPHQ801	IG	BURGER KING REST 8787	AZ
WPHQ804	IG	PITTMAN DAIRY	SD
WPHQ887	IG	VARON, BARBARA	WA
WPHQ888	IG	SMITH ELECTRIC	IN
WPHQ936	IG	NATIONAL COUNCIL OF YOUNG ISRAEL	NY

		GATE	
WPHM767	IG	SORIANO, GEORGINE	NJ
WPHN462	IG	HAMPTON VILLAGE LP	TX
WPHN465	IG	HEALTH SHOPPE INC	NJ
WPHN481	IG	NIEMEYER, ALBERT	IL
WPHN578	IG	WENDYS MANAGEMENT GROUP	OH
WPHN579	IG	WENDYS MANAGEMENT GROUP	OH
WPHN580	IG	WENDYS MANAGEMENT GROUP	OH
WPHN821	IG	LUCCHESI, MICHAEL P	MA
WPHN844	IG	SUNSHINE WHOLESALE GROCERY CO INC	NY
WPHN846	IG	PHILLIPS TEMPLE CME CHURCH	OH
WPHN883	IG	BURGER KING 7063	VA
WPHN886	IG	RALLYS 1222	CA
WPHN888	IG	TACO BELL REST 16482	CA
WPHN982	IG	ALUMAX	TN
WPHP216	PW	LINCOLN COUNTY SOLID WASTE AUTHORITY	NM
WPHP233	IG	S N PHELPS REALTY LLC	IL
WPHP563	IG	RISCOMP INDUSTRIES INC	FL
WPHP588	IG	ZOELLNER, ARTHUR	SD
WPHP605	IG	WHITE MILLS FIRE CO INC	PA
WPHP633	IG	ALLIED STEEL	MT
WPHP641	IG	BRYL, RICHARD	ND
WPHP667	IG	PINKERTON SECURITY SERVICE INC	CO
WPHP703	IG	OWENS PLANTING CO	AR
Callsign	Radio Service	Licensee	State
WPHV606	IG	EDWARDSVILLE BARGAIN CENTER INC DBA GOSHEN DO IT	IL
WPHV990	IG	FORWARD AIR INC	OH
WPHW220	IG	BUSINESS CLASS TRANSPORTATION INC	NY
WPHW253	IG	YORK INTERNATIONAL CORPORATION	OH
WPHW474	IG	THOMPSON, VICTOR S	ND
WPHW587	IG	MOTIVACTION	MN
WPHW684	IG	ALOHA CARGO AGENCY SERVICES INC	HI
WPHW696	IG	TREE LINKS GOLF COURSE	OH
WPHW731	IG	CAPITAL HILL SDA CHURCH	DC
WPHW740	IG	PERFORMANCE TECHNOLOGIES INC	OH
WPHW812	IG	COMMUNITY HARVEST FOOD BANK	IN
WPHW892	IG	JACK IN THE BOX 3749	TX

WPHQ971	IG	CREST RIDGE HOMES INC	TX
WPHR613	IG	BIDDINGER, DAN	MI
WPHR617	IG	DURA AUTOMOTIVE SYSTEMS INC	MI
WPHR622	IG	KENTUCKY FRIED CHICKEN KW812045	MI
WPHR644	IG	MOST WORSHIPFUL PRINCE HALL GRANDE LODGE FREE & ACCEPTED MASONS STATES OF CALIFORNIA & HAWAII INC	CA
WPHR669	IG	HOPKINS HEATING AND COOLING INC	CA
WPHR691	IG	EAST PINE KNOT COMMUNITY WATCH	KY
WPHR707	IG	MELBY, GARY	ND
WPHR878	IG	ERICKSON, ROBERT A	ND
WPHR880	IG	ST MARY R B INC	MT
WPHS223	IG	CONTECH CONSTRUCTION INC	WI
WPHS267	IG	GLAVAL CORPORATION	IN
WPHS356	IG	KOSTMAYER CONSTRUCTION COMPANY INC	LA
WPHS383	IG	CHARLESTON ALLEY CATS PROFESSIONAL BASEBALL DBA WHEELERS BASEBALL LP	WV
WPHS434	IG	MC CAULOU, ROBERT	NM
WPHS454	PW	DOMINO, CITY OF	TX
WPHS607	IG	PETROSHUS, JERRY	MI
WPHS626	IG	YARKMARK INC DBA GREENFIELD ASSOCIATES	MI
WPHS683	IG	WORTHINGTON HOMES OF LEXINGTON INC	FL
WPHS895	IG	VETERANS AFFAIRS MEDICAL CENTER	CA
WPHS944	IG	S & L INDUSTRIAL	WY
WPHT644	IG	MOUNT HOPE ROCK PRODUCTS	NJ
WPHT710	IG	TECHNOLIFT INDUSTRIES INC	NY
WPHU372	IG	AQUA MARINE RESORT & COUNTRY CLUB	OH
WPHU402	IG	COYOTE LAKES GOLF CLUB	AZ
WPHU451	IG	ECONO FOODS	MN
WPHU735	IG	MARK DICK CONSTRUCTION	MN
WPHU828	IG	NETWORK CABLING INC	WI
WPHU832	IG	TACO BELL TB9455	MS
WPHU878	IG	PIGGLY WIGGLY	AL
WPHU879	IG	PIGGLY WIGGLY	AL

WPHW896	IG	LEAR SEATING CORP	MO
WPHW947	IG	MERCY HOSPITAL & HEALTH CARE SVCS	CA
WPHX241	IG	WIRELESS TOUCH	NC
WPHY613	IG	DANA TRANSPORT INC	NJ
WPHY616	IG	MARPAL COMPANY	NJ
WPHY663	IG	DON SCHUMACHER AND ASSOCIATES INC	OH
WPHY682	IG	BISHOPS BAY FOUNDERS GROUP INC	WI
WPHY738	IG	GARRETT, DWIGHT	ND
WPHY742	IG	CARPENTER, CAROL	MI
WPHY983	IG	TOWNSENDS FARMS INC DBA TOWNSENDS FARMS FEED MILL	DE
WPHZ263	IG	TASLER, MICHAEL	NE
WPHZ511	IG	GUITTARD CHOCOLATE CO	CA
WPHZ547	IG	MID ISLAND MARINA INC	FL
WPHZ747	IG	BURGER KING 1053	TX
WPHZ778	PW	UNDERWOOD VOLUNTEER FIRE DEPARTMENT	IN
WPHZ851	IG	IMPERIAL CONSTRUCTION COMPANY	MS
WPIA260	IG	BAY AIR MECHANICAL SERVICE INC	CA
WPIA304	PW	ERWIN EMERGENCY AND RESCUE SQUAD INC	TN
WPIA348	PW	SPRING BRANCH MEDICAL CENTER	TX
WPIA358	IG	DIEDRICH, LARRY R	IA
WPIA389	IG	TRI GREEN INTERSTATE EQUIPMENT INC	OH
WPIA396	IG	XL GROUP INC	FL
WPIA517	IG	BEECH STREET CORPORATION	CA
WPIB200	IG	BRIGHTON BEST SOCKET	GA
WPIB236	IG	VALENTIN, MOISES CARABALLO	PR
WPIB241	IG	DAVCO PRODUCTION INC	OK
WPIB278	IG	TIFFANY & COMPANY	NY
WPIB578	IG	801 CIVIC CENTER DBA AMERICAN REALTY ADVISORS	CA
WPIB804	IG	CONAGRA FROZEN FOODS	VA
WPIB809	IG	FM FARMS INC	NE
WPIB980	IG	SAINT CHARLES PARISH DEPT OF PUBLIC WORKS	LA

WPHU975	IG	HOLY SPIRIT EPISCOPAL SCHOOL	TX
WPHU993	IG	CROWN EQUIPMENT CORPORATION DBA CROWN LIFT TRUCKS	OH
WPHU998	IG	SYSTEMS COMMUNICATIONS INC	IN
WPHV200	IG	TABER BUSHNELL INC	MN
WPHV244	IG	BECKER, MELVIN DBA TRIPLE M	KS
WPHV270	IG	SEARLE, RON:SEARLE, ALLEN DBA S & S FARMS	ID
WPHV296	IG	THOMPSON, BOB	IN
WPHV313	IG	NAPA GENUINE AUTO PARTS COMPANY	NY
Callsign	Radio Service	Licensee	State
WPIC844	IG	GAS RESEARCH INSTITUTE DBA GTI	IL
WPIC948	IG	SOUTHEASTERN MEATS	AL
WPIC964	IG	SMITH SR, DURELL	KY
WPIC987	IG	TRINITY RIVER AUTHORITY OF TEXAS DBA TRINITY RIVER AUTHORITY OF TEXAS	TX
WPID670	IG	TACO BELL TB4798	TN
WPID698	IG	MC CLERNAND SCHOOL	IL
WPID959	IG	KRUEGER RINGIER INC	GA
WPID967	IG	TROPICANA PRODUCTS INC	FL
WPIE216	IG	LAIDLAW GAS RECOVERY SYSTEMS	CA
WPIE300	IG	MEXICO DIVERSIFIED INC DBA DARBYS TOTAL VALUE	MO
WPIE641	IG	JEROME, ALBERT	NY
WPIE668	IG	RAPF, HARRY J	CA
WPIE676	IG	REYNOLDS METALS COMPANY	AR
WPIE834	IG	UNITED CHURCH OF CHRIST HOMES	PA
WPIE868	IG	ST CROIX ALUMINA	VI
WPIF206	IG	MIDWEST MOUNTAINEERING INC	MN
WPIF209	IG	ROHM, KEITH	IL
WPIF220	IG	ARGILINK FOODS	WI
WPIF280	IG	COMMUNITY MARKET	PA
WPIF290	IG	WESTAR COMMERCIAL REALTY	TX
WPIF365	IG	H M H T T C INC	NJ
WPIF472	IG	JOHNSTON INDUSTRIES INC	AL

WPIC479	IG	HUCKERT, DAVID L	TX
WPIC536	IG	J D AND SON INC	NY
WPIC541	IG	DALTON TAXI CAB	GA
WPIC694	IG	TEXTRON FASTENING SYSTEMS COMMERCIAL SOLUTIONS DBA SYNTEK COMPONENT ASSEMBLIES	IL
WPIC717	IG	THOMPSON, ROGER R	IL
WPIC754	IG	SWANDAL, RICHARD DBA SKYLINE RANCH	MT
WPIC772	IG	CHICAGO HARLEY DAVIDSON	IL
WPIC789	IG	BROWNSVILLE MIDDLE SCHOOL	FL
Callsign	Radio Service	Licensee	State
WPIJ552	IG	WYANDOTE COUNTY SPORTS ASSOCIATION	KS
WPIJ553	IG	MIDDLETOWN, TOWNSHIP OF	NJ
WPIJ634	IG	PLEASANT VALLEY COUNTRY CLUB	MA
WPIJ636	IG	EATON CORP	OH
WPIJ675	IG	GERBER GARDENS INC	MO
WPIJ684	IG	STARWOOD HOTELS & RESORTS WORLDWIDE INC DBA SHERATON WATERSIDE HOTEL	VA
WPIJ692	IG	KENS COMMUNICATIONS INC	TX
WPIJ693	IG	KENS COMMUNICATIONS INC	TX
WPIJ694	IG	ARES INC	KS
WPIJ867	IG	HOLLARN, MICHAEL J DBA VISION COMMUNICATIONS	PA
WPIK256	IG	CTI CUSTOMIZED TRANSPORTATION INC	GA
WPIK435	IG	KENTUCKY FRIED CHICKEN KW150134	TX
WPIK472	IG	WASTE RECOVERY ILLINOIS	IL
WPIK621	IG	GOFFENA, MELVIN L	MT
WPIK637	IG	AMANDOLAS FUEL OIL CO INC	NY
WPIK663	IG	TOWNE HOUSE APARTMENTS	MO
WPIK679	IG	DUTCHBILL HUNTING CLUB INC	NV
WPIK688	IG	SIEVERS, JAMES	MT
WPIK736	IG	PARAMOUNT CONVENTION SERVICES	MO
WPIK769	IG	DOUBLE D INCORPORATED	MT
WPIK975	IG	ASHRON INC	IL
WPIM411	IG	WRYTECREST	GA

WPIF493	IG	LEE ROBERSON FARM	TN
WPIF508	IG	HALE LUMBER	CA
WPIF562	IG	WEST BEND JAYCEES INC	WI
WPIF567	IG	GEORGE WASHINGTON UNIVERSITY MED CTR	DC
WPIF613	IG	CARNEGIE MELLON UNIVERSITY ROBOTICS INSTITUTE	PA
WPIG426	IG	NYDEX	NY
WPIG475	IG	POST DISTRIBUTION INC	WA
WPIG478	IG	CLEVITE ENGINE PARTS	MS
WPIG582	IG	KENTUCKY FRIED CHICKEN	SC
WPIG775	PW	TISHOMINGO, CITY OF	OK
WPIG781	PW	METRO	OR
WPIG805	IG	D L S INVESTIGATIONS INC	MS
WPIG813	IG	PLUMBING BY APPOINTMENT INC	ME
WPIG869	IG	MARBLEHEAD LIME	MI
WPIH240	IG	ZEKES AUTO WRECKERS	PA
WPIH695	IG	SCHLEGEL IOWA	IA
WPIH735	IG	POOL VILLAS CONDO ASSOCIATION	VI
WPIH854	IG	BURGER KING REST 6289	FL
WPIH867	IG	PDP ENTERPRISES INC	TX
WPII276	IG	MATTHIESEN, KEVIN	MN
WPII574	IG	CRESCIVE DIE & TOOL INC	MI
WPII649	IG	ISK MAGNETICS INC	TX
WPII949	IG	POLY FOAM PACKERS	IL
WPIJ223	IG	RENAISSANCE HEALTH & RACQUET CLUB	LA
WPIJ454	IG	TALBOTT, DONAVAN	CO
WPIJ462	IG	BILL COOK IMPORTED CARS INC	MI
WPIJ472	IG	CORPORATE EXPRESS DELIVERY SYSTEMS	AZ
WPIJ528	IG	ASTLE INC	MN
WPIJ542	IG	JOHNSTON, WENDELL:JOHNSTON, O E DBA GREEN ACRES DAIRY FARM	GA
Callsign	Radio Service	Licensee	State
WPIP350	IG	TACO BELL RESTAURANT 1522	AZ
WPIQ683	IG	RESOURCE MANAGEMENT COMPANY INC	KS
WPIQ716	IG	TACO BELL TB3574	NJ
WPIQ748	IG	SETCHELL, BRUCE C	IL
WPIQ749	IG	KIBBEE, ROBERT	KS

		DEVELOPMENT INC DBA HERITAGE GOLF CLUB	
WPIM430	IG	CAMDEN PASSAGE APARTMENTS	MO
WPIM441	IG	HOMEWOOD SUITES HOTEL	TX
WPIM851	IG	TACO BELL TB2379	TN
WPIM858	IG	NORTH WOODS FOODS DBA WENDYS BENSON	AK
WPIM859	IG	NORTH WEND FOODS DBA WENDYS 5TH AVE	AK
WPIM860	IG	NORTH WEND FOODS DBA WENDYS WASILLA	AK
WPIN203	IG	GROWING PLACE	IL
WPIN230	IG	D & B REFUSE SERVICE INC	IL
WPIN391	IG	ARBYS REST 1984	FL
WPIN424	PW	DINUBA PUBLIC SCHOOLS	CA
WPIN450	IG	INTERNATIONAL PAPER	OH
WPIN456	IG	ANDREW, RICHIE S	KY
WPIN473	PW	SANTA FE, CITY OF DBA CITY OF SANTA FE	NM
WPIN485	IG	KO STEEL FOUNDRY	TX
WPIN518	IG	PROCTER AND GAMBLE COMPANY	OH
WPIN525	IG	CATTAIL CREEK COUNTRY CLUB INC	MD
WPIN558	IG	PATAPSCO VALLEY SALES & SUPPLY CO INC	MD
WPIN783	IG	EAGAN HIGH SCHOOL	MN
WPIN787	IG	FOREST VIEW ACRES WATER DISTRICT	CO
WPIN860	IG	KOBACKER, ALFRED J	OH
WPIN880	IG	ASHLAND EQUITIES INC DBA BURGER KING	KY
WPIN955	IG	HADAW FOODS INC DBA BURGER KING	OH
WPIP209	IG	H & B INC	IN
WPIP237	IG	ROUND TABLE PIZZA DBA M O B PIZZA INC	CA
WPIP277	IG	SINCLAIR AMERITONE PAINT COMPANY	CA
WPIP278	IG	PACIFICA HOSPITAL OF THE VALLEY	CA
WPIP332	IG	ARBYS REST AR104	NC
WPIP339	IG	YOUGH TRAIL COUNCIL	PA
WPIP340	IG	ARBYS INC 74	FL
Callsign	Radio Service	Licensee	State
WPIV904	IG	REYNOLDSBURG CITY SCHOOLS	OH
WPIV940	IG	SILVERGATE FARMS	TX
WPIV978	IG	WARREN WHOLESALE SUPPLY CO	OH
WPIW325	PW	WADSWORTH, VILLAGE OF	IL
WPIW398	IG	TRINITY RIVER AUTHORITY OF TEXAS DBA TRINITY RIVER	TX

WPIQ867	IG	APARTMENT MANAGEMENT ASSOCIATES INC	NY
WPIQ883	IG	MITSUBISHI MOTOR SALES OF AMERICA INC	CA
WPIR383	IG	PETAL MUNICIPAL SCHOOL DISTRICT	MS
WPIR536	IG	FINE HOST CORPORATION	VA
WPIR569	IG	BAMA FROZEN DOUGH	OK
WPIR612	IG	PINKERTON SECURITY & INVESTIGATION SERVICES 25490	CA
WPIR678	IG	FRANCIS, DWAIN	MO
WPIR688	IG	BURGER KING BK5899	TX
WPIR850	PW	MISHAWAKA, CITY OF	IN
WPIR904	IG	CLOVER BEND FARMS	AR
WPIR907	IG	BANK ONE MANAGEMENT AND CONSULTING CORPORATION	TX
WPIS343	IG	HAPPY HOLIDAY INC	SD
WPIS349	IG	SUITS, ERBY	AL
WPIS418	IG	BRIARWOOD MANOR	CA
WPIS428	IG	PRESSLEY RIDGE OF NORTHERN WEST VIRGINIA	WV
WPIS531	IG	CONFERENCE OF OLYMPUS INC DBA C O G	TX
WPIS544	IG	TACO BELL TB7791	SC
WPIS907	IG	ALLIED SIGNAL SAFETY RESTRAINT SYSTEMS	MI
WPIS952	IG	PHENIX REGIONAL HOSPITAL	AL
WPIS963	IG	RAYMOND CREE MIDDLE SCHOOL	CA
WPIT293	IG	BURGER KING 1010	NE
WPIT327	IG	BLOOM, MORT DBA GAY NINETIES THEATHER CAFE & BAR	MN
WPIT789	IG	WORD OF LIFE CHURCH INC	SC
WPIT836	IG	TACO BELL TB4348	OH
WPIU428	IG	CHAPARRAL PINES INVESTORS LLC	AZ
WPIU429	IG	CLEAR CREEK INDEPENDENT SCHOOL DISTRICT	TX
WPIU451	IG	RHEMA CHRISTIAN CENTER	OH
WPIU555	IG	HOME SAVING OF AMERICA	TX
WPIU593	IG	MENOLD FARMS	IL
WPIU610	IG	CHICK FIL A INC	GA
WPIV200	IG	DINSMORE & SHOHL	OH
WPIV258	IG	FM CORPORATION	AR
WPIV297	IG	MC DONALD HEATING & A/C INC	MA
WPIV299	IG	ACTION STEEL SUPPLY INC	IN
WPIV338	IG	TACO BELL TB17310	WI

		AUTHORITY OF TEXAS	
WPIW451	PW	HOLMES, COUNTY OF	MS
WPIW477	IG	ZELMAN, RICK B	AZ
WPIW725	IG	MICHAEL WITLIN ASSOCIATES	CA
WPIW731	IG	RICHARDS, ROBERT	NM
WPIW745	IG	WHIRLPOOL CORPORATION	OH
WPIW753	IG	FHP INTERNATIONAL INC	CO
WPIW759	IG	GARCIA JR, FRANK D	CA
WPIW807	IG	BUEHLERS BUY LOW	IN
WPIW827	PW	JACKSON, TOWNSHIP OF	PA
WPIW925	IG	MESKWAKI BINGO CASINO HOTEL	IA
WPIX301	IG	EMERGENCY 24 INC	IL
WPIX858	IG	MELENDEZ RODRIGUEZ, RAMON L	PR
WPIX873	IG	BLACK AND DECKER	SC
WPIX877	IG	HOESCH SUSPENSIONS INC	OH
WPIX990	IG	ARBYS AR701	FL
WPIX996	IG	TITLE I MC MILLAN COMMUNITY LEARNING CENTER	FL
WPIY304	IG	MEIJER DISTRIBUTION INC	OH
WPIY373	IG	HERITAGE CLUB LTD	OH
WPIY501	IG	EASTERN ILLINOIS UNIVERSITY	IL
WPIY714	IG	ARGENBRIGHT SECURITY INC	GA
WPIY719	IG	FARMLAND INDUSTRIES	KS
WPIY739	IG	MC ELHANEY, DEBORAH L	PA
WPIY764	IG	EL CERRITO NATURAL GROCERY	CA
WPIY915	IG	A A F E S	TX
WPIY933	IG	RESIDENCE INN BY MARRIOTT	OH
WPIZ735	IG	HEBREW HOME AND HOSPITAL	CT
WPIZ745	IG	LEWIS DRUG	SD
WPIZ842	IG	COLUMBIA COLLEGE	IL
WPJG241	IG	JONES, TONY L	IL
WPJG412	IG	WILDER BUFFALO RANCH	SD
WPJG515	IG	DAU, LYNNFORD L	IA
WPJG520	IG	JEVIC TRANSPORTATION INC	NJ
WPJG661	IG	HUNTCO STEEL	IL
WPJH307	IG	HOPE CENTER YOUTH AND FAMILY SERVICES INC	TX
WPJH500	IG	COLORADO RIVER INDIAN TRIBES DBA	AZ

WPIV354	IG	RODEO OWNER CORP	CA
WPIV415	IG	COPLEY PHARMACEUTICAL INC	MA
WPIV436	IG	GUARDIAN CARE CONVALESCENT CENTER	FL
WPIV441	IG	OHIO UNIVERSITY INN	OH
WPIV511	IG	CENTRAL ELEMENTARY SCHOOL	MO
WPIV517	IG	VOELKER, DEAN	CA
WPIV529	IG	ST CHRISTOPHERS HOSPITAL FOR CHILDREN	PA
WPIV624	IG	BANK ONE	AZ
WPIV730	IG	LINCOLN ELECTRIC COMPANY	OH
WPIV785	IG	LYONS, JAMES L	WV
WPIV820	IG	SMITHKLINE BEECHAM	PA
Callsign	Radio Service	Licensee	State
WPJK340	IG	STARKIST SAMOA	AS
WPJK356	IG	CHURCHS CHICKEN	CA
WPJK368	PW	WHITE OAK VFD INC	NC
WPJK373	IG	HANJIN INTERNATIONAL CORPORATION DBA WILSHIRE GRAND HOTEL	CA
WPJK521	IG	GATES, ROBERT C	IN
WPJK597	IG	C & S FARMS INC	IN
WPJK623	IG	INTERMOUNTAIN IRECO INC	WY
WPJK640	IG	SMITH, JIM	IA
WPJK831	IG	ONTARIO GROCERY OUTLET	OR
WPJK833	IG	HALL, DOUGLAS E	KS
WPJK924	IG	CANON	CA
WPJK936	IG	ROSEBUD CASINO	SD
WPJL201	IG	HYANNIS AIR SERVICE INC DBA CAPE AIR INC	MA
WPJL449	IG	EAST LEFLORE COUNTY WATER & SEWER DISTRICT	MS
WPJL488	IG	WALKER ENGINEERING INC	TX
WPJL512	IG	IMPERIAL FOOD SUPPLY INC	LA
WPJL588	IG	MEHRING, ROBERT A	NV
WPJL722	IG	TRI COUNTY INC	IA
WPJL804	IG	WATKINS FARMS	IN
WPJL898	IG	ODYSSEY REAL ESTATE INC	NC
WPJM205	IG	HOGATES SEAFOOD RESTAURANT	DC

		BLUE WATER CASINO	
WPJH661	IG	BURLAGE, LESLIE	SD
WPJH681	IG	AUBUCHON HARDWARE CO INC	MA
WPJH808	IG	CORNING INC	NC
WPJH977	IG	MID WEST RENTALS	IN
WPJH982	IG	AVAILABLE TRANSIT CORP	NY
WPJI322	IG	BEAMAN PEPSI BOTTLING COMPANY	TN
WPJI359	IG	ACM INC	WV
WPJI376	IG	J C TOWERS	TN
WPJI490	IG	TOYOTA MOTOR SALES USA	CA
WPJJ466	IG	MANDERNACH, SCOTT D:MANDERNACH, DENNIS D DBA MANDERNACH FARMS	IA
WPJJ842	IG	WELLS, RICHARD E	OK
Callsign	Radio Service	Licensee	State
WPJQ835	IG	THERMAL CONTROL SOLUTIONS	IA
WPJQ879	IG	GILBANE PROPERTIES INC	MD
WPJR242	IG	MELIUS, DALE	WI
WPJR501	IG	J AND J SEAFOOD COMPANY	CA
WPJR503	PW	HASTINGS, CITY OF	MI
WPJR679	IG	GENERAL GROWTH MANAGEMENT INC DBA BROADWAY MALL	NY
WPJR700	IG	POMERADO HOSPITAL	CA
WPJR851	IG	Inficon Inc	NY
WPJR853	IG	KRESSER, KARL	CA
WPJS347	IG	BENTLEYS LUGGAGE CORP	FL
WPJS561	IG	MILLENNIUM PHARMACEUTICALS INC	CA
WPJS761	IG	MONTANO, JUAN:MONTANO, YOLANDA M:MONTANO, JUAN DBA RIO NUTRIAS CATTLE & HUNTING	NM
WPJT271	IG	BRADY THEATER	OK
WPJT347	IG	EXECUTIVE AIRLINES DBA AMERICAN EAGLE	VI
WPJT529	IG	BEARDSLEE SAND & GRAVEL INC	MI
WPJT581	IG	TACO BELL	OK
WPJT755	IG	TRADEWIND FOODS DBA GOYA	PR
WPJT814	IG	BURGER KING DBA SPENCE GROUP SERVICES, INC	IL
WPJT833	IG	LOWES DISTRIBUTION CENTER	NC
WPJT854	IG	COLUMBIA YEAST INC	AL
WPJT896	IG	NORTH CAROLINA A & T STATE UNIVERSITY	NC

WPJM219	IG	ADVISORY BOARD	DC
WPJM321	IG	UMASS MEMORIAL HEALTHCARE	MA
WPJM521	PW	PERRY, CITY OF	KS
WPJM763	IG	CALLAGHAN ASPHALT INC	IL
WPJM809	IG	SCHNEITHORSTS HOFAMBERG INN	MO
WPJM896	IG	T & B SALVAGE	KY
WPJM941	IG	JOE MC GEE CONSTRUCTION CO INC	MS
WPJN310	IG	KENTUCKY FRIED CHICKEN	MN
WPJN480	IG	PAK EAGLE INC DBA JEWEL CAR SERVICES	NY
WPJN497	IG	J KYLE BRAID LEADERSHIP RANCH	CO
WPJN530	IG	DUN BER FARMS INC	IA
WPJN606	IG	ATCHINSON RWD 4	KS
WPJN611	IG	SMITH, DALE	OH
WPJN824	IG	PAIGE ELECTRIC CO LP	NJ
WPJN844	IG	PRUETT & ASSOCIATES	FL
WPJN993	IG	ST MARYS REGIONAL MEDICAL CENTER	PA
WPJP279	IG	KENS FOODS INC	MA
WPJP574	IG	JACKSONVILLE TRANSPORTATION AUTHORITY	FL
WPJP578	IG	DENNIS HAERTHER TRUCKING	IA
WPJP634	IG	CON AGRA BROILER CO	AR
WPJP718	IG	BIG SUR BOTTLED WATER INC	CA
WPJP735	IG	APACHE RATTLESNAKE ASSOCIATION INC	OK
WPJP784	IG	PANACO INC	TX
WPJP848	IG	International Paper	AL
WPJP960	IG	PITTSBURGH TUBE COMPANY	WV
WPJP966	IG	ARROWHEAD GOLF COURSE	CO
WPJQ662	PW	AUBREY, TOWN OF	AR
WPJQ774	IG	LEE, LEVI M	MS
WPJQ825	IG	PUTNEY BEEF OR FRUIT	MI
WPJQ827	IG	BUTLER MILL SERVICE	IN
Callsign	Radio Service	Licensee	State
WPJY927	IG	BEST WESTERN AT LAKE POWELL	AZ
WPJZ236	IG	PM REALTY GROUP	IL
WPJZ407	IG	RECKITT & COLMAN INC	MS
WPJZ534	IG	SKATE COUNTY	LA
WPJZ553	IG	AMERICAN RED CROSS	OH

WPJU373	IG	LOUISIANA PACIFIC CORPORATION	AL
WPJU413	IG	E R LEWIS CONSTRUCTION CO INC	NC
WPJU450	IG	WASHINGTON COURIER INC	DC
WPJU466	IG	STONE CONTRAINER CORP	MN
WPJU479	IG	A CMI KENTUCKY CASTING CENTER	KY
WPJU759	IG	HORNER, TONY	AR
WPJU882	IG	John M. Foster Turf of Az dba Western Sod	AZ
WPJU886	IG	EXEL LOGISTICS	PA
WPJU998	IG	SWISHER INTERNATIONAL INC	WV
WPJV239	IG	BOWMAN, F CALVIN	KS
WPJV443	IG	SHODAKAI COYOTE VALLEY CASINO	CA
WPJW220	IG	NATIONAL LIME & STONE COMPANY	OH
WPJW356	PW	ROCKPORT FIRE DEPARTMENT	AR
WPJW426	IG	KOMLOFSKE, ROBERT	OR
WPJW575	IG	KEHMAN BROTHERS	NY
WPJW716	IG	WELL TECH INC	MI
WPJW724	IG	OLYMPIC MILL SERVICES	TN
WPJW869	IG	TURN KEY TECHNOLOGIES INC	NJ
WPJW925	IG	BLOOMINGDALE, TOWN OF	IN
WPJX402	IG	CHILI COUNTRY CLUB	NY
WPJX533	IG	SHELBURNE MUSEUM	VT
WPJX569	IG	PEREZ, JOE	TX
WPJX692	PW	LOS ANGELES, CITY OF	CA
WPJX746	IG	MORSE, BRUCE K	MT
WPJX782	IG	KIM, IN SUH	AK
WPJX900	IG	BERRYMAN LEASING	IL
WPJY456	IG	SHERATON PORTLAND AIRPORT HOTEL	OR
WPJY619	IG	KEARNY STEEL CONTAINER CORP	NJ
WPJY629	IG	WEST WASHINGTON COUNTY SCHOOL DISTRICT	IL
WPJY871	IG	DANNY KORNEGAY FARMS	NC
Callsign	Radio Service	Licensee	State
WPKD973	IG	ERIE PLASTICS	PA
WPKE356	IG	DELAWARE COMMUNICATIONS & ELECTRONICS INC	DE
WPKE456	IG	GARRINGER, ROBERT F	PA
WPKE470	IG	WALLINGFORD SWARTHMORE SCHOOL DISTRICT	PA
WPKE529	IG	SPORTS SHINKO FLORIDA	FL

WPJZ604	IG	NELLAS NURSING HOME	WV
WPJZ745	IG	MILLER, STEVEN L	TX
WPJZ793	IG	EXPANSION JOINT SYSTEMS INC	CA
WPJZ811	IG	TRADEMARK METALS RECYCLING LLC	FL
WPJZ834	IG	OYSTER HARBOR SERVICES INC	MA
WPJZ896	IG	COUNCIL OF CITIZENS ON PATROL	MD
WPJZ907	IG	SEVEN SPRINGS MIDDLE SCHOOL	FL
WPKA363	IG	RAMON BARRIOS INC	TX
WPKA374	IG	CHINESE SCHOOL OF SAN MARINO DBA 8187965190	CA
WPKA444	IG	B & D DISTRIBUTION INC DBA BLACK & DECKER	SC
WPKA590	IG	MARTIN BROTHERS DISTRIBUTING CO INC DBA MARTIN BROTHERS DISTRIBUTING	IA
WPKA631	PW	PROVO VOLUNTEER FIRE DEPARTMENT	AR
WPKA634	IG	UNIVERSAL RUNDLE CORPORATION	PA
WPKA661	IG	SCHOOL SERVICES & LEASING INC	KS
WPKA711	IG	CON AGRA INC	IL
WPKA743	IG	BELK DBA BELK PINECREST PLAZA	NC
WPKA808	IG	SWISHER, IVAN	MI
WPKA821	IG	HERBALIFE INTERNATIONAL OF AMERICA INC	CA
WPKA862	IG	JACK IN THE BOX	OR
WPKA991	IG	JACK IN THE BOX	OR
WPKB464	IG	MAZDA, SHERENAZ	IL
WPKB554	IG	CORRECTIONS CORPORATION OF AMERICA	PR
WPKB595	IG	CHURCHS CHICKEN	IL
WPKB614	IG	SHERWOOD POOL SERVICE	NJ
WPKB935	IG	TACO BELL	FL
WPKB964	IG	TERRA	AR
WPKC236	IG	FORDHAM UNO CORP	NY
WPKC321	PW	KOSHKONONG, CITY OF	MO
WPKC393	IG	BOLIVAR WATER SUPPLY CORP	TX
WPKC476	IG	PREFERRED TOWING INC	MI
WPKC563	IG	BOLIVAR WATER SUPPLY CORP	TX
WPKC564	IG	BOLIVAR WATER SUPPLY CORP	TX
		CO LTD DBA GRENELEFE RESORT & CONFERENCE CENTER	
WPKE578	IG	TACO BELL	GA
WPKE630	PW	SOPER, CITY OF	OK
WPKE713	PW	THREE AFFILIATED TRIBES	ND
WPKE974	IG	GRAND MANOR INC	GA
WPKF351	IG	UNITED BROTHERHOOD OF CARPENTERS & JOYNERS	DC
WPKF374	IG	H R Real Estate Management, Inc	PR
WPKF405	IG	SUPER FOOD RITE	PA
WPKF666	IG	AMERICAN RED CROSS OF GREATER MIAMI & THE KEYS	FL
WPKF731	IG	BURGER KING	CA
WPKF770	IG	INTERNATIONAL PAPER	MA
WPKF786	PW	COOK COUNTY HOSPITAL	IL
WPKF884	IG	EGGERLING, GREGG LYNN	NE
WPKF921	PW	CHUKUT KUT DISTRICT OF TOHONO O ODHAM NATION	AZ
WPKG334	IG	JACOBS, DANIEL	KS
WPKG597	IG	SUMASAR, SURJOO	NY
WPKG641	IG	LIGHTNER PROPERTY GROUP INC	CA
WPKG699	IG	ROCHESTER INSTITUTE OF TECHNOLOGY	NY
WPKG870	IG	PROVIDENCE ST PETER HOSPITAL	WA
WPKG890	IG	RANDOLPH COUNTY BOARD OF EDUCATION	NC
WPKH244	IG	JEFFERSON COUNTY RWD 11	KS
WPKH320	IG	S I S PROPERTY MANAGEMENT INC	MA
WPKH354	IG	EMBRY RIDDLE AERONAUTICAL UNIV INC DBA EMBRY RIDDLE FAA CENTER FOR MANAGEMENT D	FL
WPKH415	IG	ARROWHEAD ALARMS INC	CA
WPKH467	IG	WENDYS REST	LA
WPKH570	IG	ALDO U S INC	NJ
WPKH741	IG	PEOPLES PROPANE	GA
WPKH785	IG	BECKER GROUP INC	MI
WPKH802	IG	MARUCHAN INC	CA
WPKH888	IG	OWENS FOOD MART	KY
WPKH902	IG	WINDELS FOODLAND	FL
WPKH909	IG	VALHALLA CONDOMINIUMS	MN
WPKH913	IG	NORTH HILLS INC	NC

WPKC578	IG	J H KELLY INC	OK
WPKC633	IG	SAINT ANDREWS SCHOOL	FL
WPKC697	IG	SOUTH PARK ENGINEERING	NC
WPKC805	IG	PIXLEYS SHURFINE	NY
WPKC945	IG	AMERICAN RED CROSS DALLAS AREA CHAPTER	TX
WPKD266	IG	ROLLING MEADOWS COUNTRY CLUB	CT
WPKD318	IG	EPPARD, CARROLL	VA
WPKD333	IG	G N DISTRIBUTING COMPANY	OH
WPKD334	IG	G N DISTRIBUTING COMPANY	OH
WPKD443	IG	FERNLEA NURSERIES INC, A FLORIDA CORPORATION DBA NATURAL BEAUTY OF FLORIDA	FL
WPKD483	IG	BEDSTAR D ASSOCIATES, INC.	NY
WPKD491	IG	Watermark CC	MI
WPKD726	IG	VAN HORN, TOWN OF	TX
WPKD817	IG	SCHOOL SERVICES & LEASING INC	KS
Callsign	Radio Service	Licensee	State
WPKJ367	IG	DODGE RELIANCE ELECTRIC	TN
WPKJ385	IG	KWIKSET CORPORATION	GA
WPKJ411	IG	SHIELD SECURITY INC	CA
WPKJ598	IG	SLAVIK, JAMES	MI
WPKJ661	IG	SPRING PRAIRIE COLONY	MN
WPKJ711	IG	CHALFANT, GREG	IN
WPKJ729	IG	8772 MEAT CORP DBA KEY FOOD	NY
WPKJ731	IG	River Fleets, LLC	OH
WPKJ751	IG	TROPICANA PRODUCTS INC	FL
WPKJ836	IG	GREENVILLE TECHNOLOGY INC	OH
WPKJ880	PW	HOSPITAL OF THE UNIVERSITY OF PENNSYLVANIA	PA
WPKJ905	IG	JOSEPH T RYERSON & SON INC	MI
WPKK314	IG	BORDEN GLOBAL PACKAGING	TX
WPKK653	IG	SAVE MART SUPERMARKETS DBA FOOD MAXX 414	CA
WPKK817	IG	TRUETT MC CONNELL COLLEGE	GA
WPKK833	IG	ACME CRYOGENICS	PA
WPKK961	IG	BAYLEY PLACE	OH
WPKL333	IG	BARRETT PAVING MATERIALS INC	OH
WPKL467	IG	JERRY VOGES DOZING	TX
WPKL614	IG	SIEMENS BUILDING	OH

WPKH967	IG	AVIS RENT A CAR SYSTEM INC	NY
WPKI205	IG	INTERFACE SYSTEMS INC	MO
WPKI261	IG	OMAHA ELECTRIC SERVICE INC	NE
WPKI300	IG	NATIONAL SEMICONDUCTOR	ME
WPKI509	IG	CARTER CO	OK
WPKI531	IG	ATLANTIC FOOD MGT INC	PA
WPKI801	IG	RED & TAN TOURS	NJ
WPKI864	IG	CB HAMPSHIRE	CT
WPKI888	IG	JOHNSON, ERLING	MI
WPKI897	IG	THUNDER MOUNTAIN WATER CO INC	NM
WPKI902	IG	SAN DIEGO SEAPORT VILLAGE LTD	CA
WPKI951	IG	AMERICAN & EFIRED	NC
WPKI994	IG	B J ROGERS INC DBA TOWN TAXI	MA
WPKJ234	IG	CARTER & ASSOCIATES AT BELL SOUTH	GA
Callsign	Radio Service	Licensee	State
WPKQ766	IG	WIENERSCHNITZEL	CA
WPKQ804	IG	GREAT SOUTHERN GOLF CLUB	MS
WPKQ878	IG	COLUMBIA POINT GOLF COURSE	WA
WPKQ907	IG	CLINTON COMPANY LLC	NY
WPKQ913	IG	STEPHENSONS NURSERY	NC
WPKQ959	IG	TREE OF LIFE	FL
WPKR259	IG	FOOD MAX	CA
WPKR265	IG	AMERIMARK	MS
WPKR307	IG	TACO BELL	GA
WPKR319	IG	MEDIACOM SOUTHEAST LLC	NY
WPKR339	IG	Nucentrix Spectrum Resources, Inc.	TX
WPKR425	IG	DVORACEK, GARY	NE
WPKR445	IG	RANCHO SAN MARCOS GOLF CLUB	CA
WPKR549	IG	HEALTHSOUTH REHABILITATION HOSPITAL OF FORT SMITH INC	AR
WPKR588	IG	GUNNISON GOLF CLUB	CO
WPKR597	IG	LARO SERVICE SYSTEMS INC	NY
WPKR734	IG	MEAD PAPERBOARD CORP	AL
WPKR778	IG	ACCUFLEET	NJ
WPKR891	IG	DUQUESNE GOLF COURSE	PA
WPKS204	IG	FELKER BROTHERS CORP	WI

		TECHNOLOGIES	
WPKL669	IG	RIVERSIDE BROOKFIELD HIGH SCHOOL	IL
WPKL688	IG	WILLIAMS, GILBERT	VA
WPKL719	IG	CARNEGIE MELLON UNIVERSITY	PA
WPKM262	IG	AUTO METER PRODUCTS INC	UT
WPKM269	IG	CHARLES REDI MIX INC	NC
WPKM350	IG	WENDYS	CA
WPKM376	PW	EMERGISTAT	OH
WPKM587	IG	OLYMPIC MILL SERVICES	AR
WPKM783	IG	SCOTTSDALE NIGHTHAWK ASSC INC	IL
WPKM901	IG	SOUTH HILLS HEALTH SYSTEM	PA
WPKN792	IG	SERVISAIR	WA
WPKN939	IG	THOMPSON HIGH SCHOOL	AL
WPKP348	IG	WALLOWA FOREST PRODUCTS LLC	OR
WPKP429	IG	TIM HORTON DONUT SHOP	MI
WPKP468	IG	BURGER KING	TX
WPKP527	PW	KUPREANOF, CITY OF	AK
WPKP587	PW	SAINT AUGUSTINE, VILLAGE OF	IL
WPKP651	IG	FRIGORIFICO ALMACEN	PR
WPKP687	IG	FUJI VEGETABLE OIL INC	GA
WPKP810	IG	PALMDALE SCHOOL DISTRICT MESA INTERMEDIATE	CA
WPKP834	IG	KUHNE, DARRYL	IN
WPKP935	IG	WOODCREST COUNTRY CLUB INC	NJ
WPKQ211	IG	SAINT LUCIE CATHOLIC CHURCH	FL
WPKQ328	IG	CAPSYS CORPERATION	NY
WPKQ337	IG	GRANT, LARRY	KS
WPKQ358	IG	BERTSCH, BRIAN	MT
WPKQ417	IG	REHABILITATION ENTERPRISES OF NORTH EASTERN WYOMING	WY
WPKQ462	IG	BOLING, CHARLES:BOLING, ERIC DBA BOLING FARMS	AR
WPKQ578	IG	TACO BELL	TN
WPKQ754	IG	BEACON MANAGEMENT	VA
WPKQ762	IG	FRONTIER COOPERATIVE HERBS	IA
Callsign	Radio Service	Licensee	State
WPKU695	IG	NORTH RIDGE MEDICAL CENTER	FL
WPKV335	IG	GERALD L ANDERSON LOGGING CO INC	NC
WPKV485	IG	ARIZONA STATE UNIVERSITY	AZ
WPKV557	IG	MARION COMPOSITES	VA
WPKV572	PW	HICKMAN, CITY OF	KY

WPKS271	IG	FUNG WAH TRANSPORT VANS INC	NY
WPKS306	IG	TACO BELL	IL
WPKS310	IG	SGD MANUFACTURING INC	GA
WPKS319	IG	GREATER MUSKEGON CATHOLIC SCHOOLS	MI
WPKS403	IG	TRACER ENVIRONMENTAL SCIENCES & TECHNOLOGIES INC	CA
WPKS434	PW	VERNON, CITY OF	WA
WPKS463	IG	BART GOLF INC	PA
WPKS506	IG	EBERT, KYLE A	ND
WPKS649	IG	WHITE, NORMAN L	IL
WPKS655	IG	DAVES MARKET INC	OH
WPKS719	IG	NORTH HIGH SCHOOL	CA
WPKS788	IG	DONOVAN, RICHARD	WI
WPKS820	IG	SONESON, MIKE	NE
WPKS835	IG	JSR MICROELECTRONICS INC	CA
WPKS904	IG	GUNDLACH CHAMPION INC	MI
WPKS972	IG	ALCOA BUILDING PRODUCTS	TX
WPKT355	IG	GRACE SCOTTSVILLE SUPERMARKET INC	NY
WPKT359	IG	AUDIO VISUAL INC	IL
WPKT508	IG	UNRUH, MARK W	KS
WPKT534	IG	OCEAN RANCH MOTEL CORP DBA DAYS INN OCEANFRONT	VA
WPKT535	IG	HEROLD, SIDNEY K	LA
WPKT637	IG	ADVANCE MIXER INC	IN
WPKT785	IG	ARECIBO CANDY DISTRIBUTORS	PR
WPKT853	IG	BOS DAIRY LLC	NM
WPKT958	PW	FULTON, COUNTY OF	KY
WPKU277	IG	LEWIS, MARC	TX
WPKU510	IG	Shaner Pittsburgh Hotel LP	PA
WPKU529	IG	UNIVERSITY OF NOTRE DAME	IN
WPKU530	IG	WALUSIAK, TIMOTHY	OR
WPKU553	IG	KROGMANN, DANIEL R	IA
WPKU564	IG	SAM GALLOWAY FORD INC	FL
Callsign	Radio Service	Licensee	State
WPLE571	IG	TACO BELL	LA
WPLE589	IG	AMERICAN PIZZA PARTNERS DBA TACO BELL	MT
WPLE621	IG	HORIZON ELECTRIC INC	WA
WPLE635	IG	PENNSYLVANIA HOUSE FURNITURE	PA
WPLE681	IG	Greater Cincinnati Transportation Company	OH

WPKV583	IG	LAKE OF THE PINES ASSOCIATION INC	CA
WPKV633	YG	RF DATA INC	NV
WPKV672	IG	REPUBLIC SERVICES OF INDIANA TRANSPORTATION COMPANY, LLC	IN
WPKV759	IG	GRAND RAPIDS COMMUNITY COLLEGE	MI
WPKV796	IG	HALFMANN, JIMMY	TX
WPKV800	IG	CREASON, BRENT	IL
WPKV814	IG	CONNECTICUT CONSTITUTION ASSOCIATES LP	CT
WPKV973	IG	QUALITY LIGHTING CO INC	TN
WPKV998	IG	HOME PROPERTIES VILLAGE GREEN	NY
WPKW245	IG	SAINT LOUIS AIRPORT HILTON	MO
WPKW267	IG	RECCHI GLF	GA
WPKW521	IG	PALM BEACH POLO INC DBA PALM BEACH POLO AND COUNTRY CLUB	FL
WPKW706	IG	DYMENT DISTRIBUTION SERVICES	OH
WPKW863	IG	BOBCAT COMPANY	ND
WPKW910	IG	SLOON IMPLEMENT	IL
WPKW920	IG	FORESEE, BRENT	CA
WPKX611	IG	MONROE AUTO EQUIPMENT	NE
WPKX866	IG	Kaiser Foundation Health Plan, Inc.	CA
WPKY327	IG	CLEARFIELD HUTTERIAN BRETHREN INC	SD
WPKY488	IG	MIAMI SUBS	FL
WPKY663	IG	VINTNERS DISTRIBUTION INC DBA CAL OAKS SHELL	CA
WPKZ261	IG	EVERGREEN RETIREMENT COMMUNITY	WI
WPKZ471	IG	Fleming Kentucky Division	KY
WPKZ555	IG	BRELAND CONCRETE	MS
WPKZ726	PW	BRINDLE RIDGE VOLUNTEER FIRE DEPARTMENT	KY
WPKZ791	IG	SOUTHEAST DELCO SCHOOL DISTRICT	PA
WPKZ839	IG	WEST WINDSOR BOARD OF EDUCATION	NJ
WPKZ893	IG	OFFICE MATE INTERNATIONAL CORP	NJ
WPLD354	IG	The GEO Group, Inc.	FL
WPLD398	IG	MIDDLE GEORGIA COLLEGE	GA
WPLD462	IG	AMCAST INDUSTRIAL CORPORATION	IN
WPLD490	IG	SAINTS PETER AND PAUL SCHOOL	CA
WPLD500	IG	ALLERGHAN	CA

WPLE712	IG	NORTH GARLAND COUNTY REGIONAL WATER DISTRICT	AR
WPLE714	IG	MURFREESBORO CITY SCHOOLS	TN
WPLE721	IG	KINGSTON EQUIPMENT	NY
WPLE793	IG	INTERNATIONAL PAPER COMPANY	TN
WPLE796	IG	INTERNATIONAL PAPER COMPANY	TN
WPLE835	IG	HAMPTON INN	NJ
WPLE894	IG	ISP TECHNOLOGIES INC	TX
WPLF232	IG	TANGO ENTERPRISES LTD	IL
WPLF265	IG	JOSEPH T RYERSON & SON INC	CO
WPLF280	IG	LINCOLN PINES RESORT INC	MI
WPLF316	IG	PELL, CITY OF	AL
WPLF329	IG	LINCOLN ELECTRIC COMPANY	OH
WPLF349	IG	MC AFEE, RONALD L	OK
WPLF432	IG	WARNER, KRIS	OH
WPLF615	IG	TEXACO STAR MART	CA
WPLF640	IG	BRUNOS INC	AL
WPLF642	IG	TACO BELL	MI
WPLF732	IG	CANYON RANCH INC	CO
WPLF733	IG	CORDILL MASON ELEMENTARY SCHOOL	MO
WPLF757	IG	TAYLORSVILLE UTAH STAKE	UT
WPLF759	IG	DALGLEISH CADILLAC OLDSMOBILE INC	MI
WPLF768	IG	INTERNATIONAL PAPER COMPANY	TN
WPLF799	IG	RANCHO MESQUITE LLC DBA RANCHO MESQUITE CASINO & HOTEL	NV
WPLF800	IG	RANCHO MESQUITE LLC DBA RANCHO MESQUITE CASINO & HOTEL	NV
WPLF816	IG	RANCHO MESQUITE LLC DBA RANCHO MESQUITE CASINO & HOTEL	NV
WPLF817	IG	RANCHO MESQUITE LLC DBA RANCHO MESQUITE CASINO & HOTEL	NV
WPLF886	IG	PEELE, GERLAD	GA
WPLF953	IG	PROFESSIONAL SERVICE INDUSTRIES	VA
WPLF954	IG	PITTSBURGH PEST GAZETTE	PA
WPLF957	IG	NEW COLLEGE CAR SERVICE CORP	NY
WPLG305	IG	UNION EQUITY	OK
WPLG320	IG	SWITZER, CAROL	MT
WPLG430	IG	KENTUCKY FRIED	OH

		PHARMACEUTICALS	
WPLD598	IG	ROGERS DEPARTMENT STORE	MI
WPLD628	IG	NEW ENGLAND BUSINESS SERVICE INC	MO
WPLD653	IG	TEXAS STATE TECHNICAL COLLEGE	TX
WPLD697	IG	MID SOUTH STEAM BOILER & ENGINEERING INC	AR
WPLD699	IG	BOISE CASCADE OFFICE PRODUCTS CORP	OH
WPLD729	IG	MIDWEST WASTE DISPOSAL	IL
WPLD839	IG	The GEO Group, Inc.	FL
WPLD867	IG	ST JOSEPH HEALTH SYSTEM	CA
WPLD870	IG	UNIVERSITY OF CONNECTICUT	CT
WPLD908	IG	RISTINE COMPANY	MO
WPLE297	IG	JAMES KEELTY CO INC	MD
WPLE494	IG	PRIMARY LIMO	NJ
WPLE526	IG	CULLIP, ANDY	VA
Callsign	Radio Service	Licensee	State
WPLH753	IG	B BRAUN MEDICAL	PA
WPLH800	IG	KENOVA, CITY OF	WV
WPLH803	IG	KENOVA, CITY OF	WV
WPLH804	IG	KENOVA, CITY OF	WV
WPLH973	IG	COOK, HAROLD D	IN
WPLI240	IG	TACO BELL	MI
WPLI322	IG	YAW AUTOMATION INC	NY
WPLI471	IG	Kaiser Foundation Health Plan, Inc.	CA
WPLI534	IG	GENUINE PARTS COMPANY DBA NAPA AUTO PARTS	CA
WPLI567	IG	MILA ELEMENTARY SCHOOL	FL
WPLI667	IG	WINTER HAVEN HOSPITAL INC	FL
WPLI862	IG	WILBUR WRIGHT ASSOC INC	NC
WPLI903	IG	TACO BELL #9300	OH
WPLJ219	IG	DURAY J F DUNCAN INDUSTRIES INC	CA
WPLJ366	IG	WARTH, GARY	IA
WPLJ517	IG	ATLAS ROOFING CORP	GA
WPLJ739	IG	DRUIDS GLEN LLC	WA
WPLJ803	IG	BETA WEST LTD	CO
WPLK249	IG	CARR PARK GARAGE	DC
WPLK363	IG	KROPF INDUSTRIES INC	IN
WPLK507	IG	HOTEL NIKKO AT BEVERLY HILLS	CA

		CHICKEN	
WPLG840	IG	KOBERG, DON	MT
WPLG891	IG	ORLANDO ORANGE COUNTY CONVENTION AND VISITORS BUREAU INC	FL
WPLG918	IG	KUHNS, THOMAS R	CT
WPLG949	IG	THOMAS JEFFERSON UNIVERSITY HOSPITAL	PA
WPLH343	IG	BIG VALLEY SEEDING INCORPORATED	VA
WPLH365	IG	HOLLAND, JOHN W	KS
WPLH476	IG	ALLOMATIC PRODUCTS COMPANY	IN
WPLH543	IG	CHESAK, ROBERT	IN
WPLH580	IG	SHEPHERD SPINAL CTR	GA
WPLH601	IG	ALGONA RACEWAY	IA
WPLH624	IG	SEGA GAMEWORKS LLC	WA
WPLH699	IG	BEST POWER TECHNOLOGY INC	WI
WPLH742	IG	DADE COUNTY PUBLIC SCHOOL	FL
Callsign	Radio Service	Licensee	State
WPLS916	IG	SOUTH SIDE DAIRY QUEEN INC	PA
WPLT456	IG	GENERAL INSTRUMENT CORPORATION	PA
WPLT495	IG	WAILEA COMMUNITY ASSOCIATION	HI
WPLT584	PW	Commonwealth of Massachusetts, Department of Environmental Protection	MA
WPLT864	IG	MARINES MEMORIAL CLUB	CA
WPLT891	IG	THE ACCELERATED SCHOOL	CA
WPLU692	IG	THE DIAL CORPORATION	AZ
WPLU873	PW	BOSTON MEDFLIGHT	MA
WPLU912	PW	ROCKLAND, COUNTY OF	NY
WPLV303	IG	LEFEVER, W LARRY	PA
WPLV719	IG	MOBILE BAY WOODCHIP CENTER	AL
WPLV725	IG	KAUFMAN, WALLACE	IA
WPLW269	IG	SOUTHERLAND ASBILL & BRENNAN	DC
WPLW423	IG	LOUISIANA PACIFIC CORPORATION	MT
WPLW463	IG	PEAVY & SON CONSTRUCTION CO INC	FL
WPLW494	IG	MISSOURI FIBRE CORP	MO
WPLW913	IG	JUNEAU, CITY OF	AK
WPLW991	PW	FRUITDALE WATER AUTHORITY	AL
WPLX489	PW	SOUTH CAROLINA, STATE OF (DPS)	SC
WPLX699	IG	BUDGET RENT A CAR	WA
WPLX986	IG	EISAI USA INC	TX

WPLK895	IG	ARCHER CORPORATION	MA
WPLK912	IG	ARCHBISHOP RIORDAN HIGH SCHOOL	CA
WPLK926	IG	RIVER PARK HOSPITAL	TN
WPLL291	IG	WOODLAND PARK HOSPITAL	OR
WPLL299	IG	EASTERN SHOSHONE HOUSING AUTHORITY	WY
WPLL318	IG	PHILLIPS LUMBER COMPANY INC	TX
WPLL331	IG	LOWE ENTERPRISES INC	CO
WPLL503	IG	WILMINGTON GOLF CLUB	NC
WPLL531	IG	11-C FOOD STORES INC DBA 11-C SUPERMARKET	CA
WPLL994	IG	CENTRAL ASPHALT PAVING	IA
WPLL998	IG	BARBERTON JAYCEES	OH
WPLP214	IG	SUPERSTION SPRINGS GOLF COURSE	AZ
WPLP215	IG	LAKES COUNTRY CLUB H O A	CA
WPLP216	IG	COOPER AUTOMOTIVE	TN
WPLP360	IG	WOOD, BRUCE P.	NY
WPLP374	IG	BALL PLASTIC CONTAINER CORP	CA
WPLP387	IG	Davenport University	MI
WPLP409	IG	U S GYPSUM CO	IN
WPLP710	IG	PRO-TECH AUCTION INC	MI
WPLP846	IG	Vika, Inc.	MD
WPLP969	IG	ROMVALD, DALE	WI
WPLQ297	IG	FILA SPORTS INC	MD
WPLQ500	IG	Town Taxi Inc	NJ
WPLQ517	PW	HENDERSONVILLE RURAL FIRE DEPARTMENT	SC
WPLQ550	IG	SAGESAR FARMS	TX
WPLQ787	IG	SALISH FIREWORKS	WA
WPLQ909	IG	SLIM BUTTES BUFFALO RANCH	SD
WPLR425	IG	SUNPARK PROPERTIES INC	CA
WPLS521	IG	JUPITER BEACH HILTON HOTEL	FL
WPLS845	IG	BRIARWOOD FARMS	WA
Callsign	Radio Service	Licensee	State
WPMD323	IG	SMITH, GREG	KS
WPMD620	IG	AGRI-ENERGY LLC	MN
WPMD729	IG	HEWLETT PACKARD COMPANY	TX
WPMD855	IG	CROWNE PLAZA SUITES DALLAS	TX
WPME502	IG	ST ANTHONY S HOSPITAL	NE
WPME801	PW	RUSSELLVILLE, CITY OF	AR
WPME806	IG	FOX, MIKE	NE
WPMF366	IG	PHILIPPE THE ORIGINAL	CA

WPLY256	IG	GRAND TRAVERSE PAVILIONS	MI
WPLY432	IG	WAYNESFIELD-GOSHEN LOCAL SCHOOL DISTRICT	OH
WPLY489	IG	C & C LAND CO INC	KS
WPLY491	IG	LUCENT TECHNOLOGIES	GA
WPLY634	IG	LUCENT TECHNOLOGIES	GA
WPLY645	IG	WESTERN CAROLINA COMMUNICATIONS SYSTEMS	NC
WPLY695	IG	THE LINCOLN AT TYSONS CORNER	VA
WPLY768	IG	CENTENNIAL MANAGEMENT GROUP	UT
WPLY880	IG	SHOUSE, BILL	MO
WPLY970	IG	FOX ROTHSCHILD O BRIEN & FRANKEL LLP	PA
WPLY972	IG	STEVENS, GALE	NE
WPLZ337	IG	EAGLETON SCHOOL INC	MA
WPLZ506	IG	FIRST BAPTISH CHURCH ECORSE	MI
WPLZ717	IG	DROLL FARMS INC	IL
WPLZ768	IG	STAPELTON FARMS INC	KS
WPLZ971	IG	THOMSON FINANCIAL SERVICES	MA
WPLZ984	IG	EISAI INC	NC
WPMA303	IG	FAIRWEATHER MASONRY	WA
WPMA332	PW	BOONE, COUNTY OF	KY
WPMA576	IG	JEFFERSON HOSPITAL ASSOCIATION INC	AR
WPMA827	IG	MC CARTIN MECHANICAL INC	IN
WPMA896	IG	D O B EXPRESS INC	PR
WPMA927	IG	ROGERS, GEORGE E	IL
WPMA929	IG	Bell South Telecommunications Inc	FL
WPMA999	IG	MCGRIFF SIEBELS & WILLIAMS INC	AL
WPMB331	PW	DUNBARTON, TOWN OF	NH
WPMB349	IG	SIMPLEX TIME RECORDER CO	PA
WPMB523	IG	DOWNTOWN BID CORPORATION	DC
WPMB583	IG	W F SAUNDERS & SONS INC	NY
WPMC798	IG	QUALITECH STEEL CORPORATION	IN
Callsign	Radio Service	Licensee	State
WPMP820	IG	DAIRY QUEEN #40341	IL
WPMP930	YG	BERLIN, CHARLES	NY
WPMQ386	IG	WELLPOINT HEALTH NETWORKS INC	CA
WPMQ437	IG	SENTARA HAMPTON GENERAL HOSPITAL	VA
WPMQ879	IG	GILBREATH BROTHERS	TX
WPMQ946	IG	POPULAR CREEK COUNTRY CLUB	IL
WPMR277	IG	NORTHERN STAR COMPANY	MN
WPMR431	IG	TACO BELL #19832	TX

WPMF884	IG	FRITOLAY INC	AR
WPMF990	IG	OAk Restaurants L.P. DBA Kentucky Fried Chicken # 011	PA
WPMG248	PW	OAK RUN VOLUNTEER FIRE CO INC	CA
WPMG873	IG	UNIVERSITY OF NORTH TEXAS	TX
WPMH302	IG	HOSEK, DENNIS	IA
WPMH319	IG	JAMES L OLSON FARMS INC	NE
WPMH321	IG	JOSEPH T REYERSON & SON INC	PA
WPMH663	IG	VAN S RANCH INC	MI
WPMH705	IG	FREEZER SERVICES	KY
WPMH768	IG	ARENDS, MICHAEL	MN
WPMI225	IG	WOODLAKE TOWERS	VA
WPMI368	IG	United Air Lines, Inc., Debtor-in-possession	MD
WPMI707	IG	JOHNSON, JON	MN
WPMI733	IG	SHAMROCK TOWING INC	OH
WPMJ298	IG	CARBERT, RODGERS	AR
WPMJ381	IG	FAIRFAX ESTATES & GOLF CLUB	OK
WPMJ442	IG	ROSE HILL BURIAL PARK	OH
WPMJ447	IG	E S P	PA
WPMJ571	IG	MCALEERS OF BIRMINGHAM INC DBA KRISPY KREME DOUGHNUTS CO	AL
WPMJ645	PW	GENADO DISTRICT GOVERNING BOARD	AZ
WPMJ728	IG	BROOKLYN COLLEGE	NY
WPMJ823	IG	ECKER HILL MIDDLE SCHOOL	UT
WPMJ929	IG	BAYLESS, DAN	NE
WPMJ938	IG	HOWARD JOHNSON HOTEL	CA
WPMJ974	IG	FEEZEL, CLINT	IL
WPMK214	IG	TPC AT JASNA POLANA	NJ
WPMK508	IG	WALLENHORST ROYCE R	WI
WPMK637	IG	CORNELL CORRECTIONS	GA
WPMK685	IG	JOHN DEERE	WI
WPML237	PW	SPRINGVILLE VOL FIRE DEPT	TN
WPML972	IG	RED OAK INC	NC
WPML989	IG	MEHRINGER PLUMBING HEATING & AIR CONDITIONING	IN
WPMM413	IG	COTTONWOOD CHRISTIAN CENTER	CA
WPMR472	IG	PAPA FARMS	PA
WPMR569	IG	MURPHY FAMILY FARMS	NC
WPMR801	IG	WANLASS, RODNEY	UT
WPMS849	IG	EVANSTON TWP HIGH SCHOOL DIST 202	IL
WPMS890	IG	CENTRALPET CO	NJ
WPMT276	IG	HO WAH #38487	MO
WPMT422	PW	COLUMBIA COUNTY FIRE DISTRICT 3	WA
WPMT461	IG	HERGERT, C. DAVID	NE
WPMT566	IG	TAMKO ROOFING PRODUCTS INC	TN
WPMT701	IG	PENN CENTRAL COMMUNICATIONS COMPANY	PA
WPMT709	IG	PENN CENTRAL COMMUNICATIONS COMPANY	PA
WPMT713	IG	PENN CENTRAL COMMUNICATIONS COMPANY	PA
WPMT781	IG	PENN CENTRAL COMMUNICATIONS COMPANY	PA
WPMT782	IG	PENN CENTRAL COMMUNICATIONS COMPANY	PA
WPMT786	IG	PENN CENTRAL COMMUNICATIONS COMPANY	PA
WPMT937	IG	BYBEE STONE CO	IN
WPMU360	IG	MAZURAK FARMS	MI
WPMU780	YG	METROCOM INC	MD
WPMV280	IG	MARS HILL COLLEGE	NC
WPMV484	IG	BRENTWOOD BOROUGH SCHOOL DISTRICT	PA
WPMV828	YG	MC INTYRE, CHARLIE	IN
WPMV950	IG	BLACK BEAR GOLF COURSE	WI
WPMV974	IG	CHESAPEAKE OPERATING INC	OK
WPMW226	IG	BAUMILLER, PAUL	SD
WPMW400	PW	RIO BRAVO, CITY OF	TX
WPMW464	IG	RIVERSIDE COUNTY TRANSPORTATION COMMISSION	CA
WPMW608	PW	NORTHFORK COMMUNITY VOLUNTEER FIRE DEPT	WV
WPMW738	IG	EAGLE WATER INC	LA
WPMW781	IG	NOVELLUS	CA
WPMX473	IG	JOHNSON, HAP	WY
WPMX689	IG	PACIFIC OFFSHORE POWERBOAT RACING ASSOC	CA
WPMX702	IG	DELOITTE & TOUCHE LLP	OK
WPMX724	IG	RMS SAN FRANCISCO	CA

WPMM615	IG	SHASTA BEVERAGE INC	CA
WPMM751	IG	GRAZIANO READY MIX	MA
WPMM872	IG	SAN JUAN HOTEL & CASINO	PR
WPMM903	IG	ELECTRONIC SECURITY SERVICES COMPANY LP DBA ALARM SYSTEMS OF PADUCAH	KY
WPMN428	IG	GATEWAY SCHOOL DISTRICT	PA
WPMN505	IG	WASHBURN UNIVERSITY ITS	KS
WPMN830	IG	LAREDO COCA COLA BOTTLING COMPANY INC	TX
WPMP677	IG	HUNTERS OAK GOLF CLUB	MD
WPMP705	IG	HAWTHORNE DULLES INC	VA
WPMP756	IG	EXEL LOGISTICS AMERICAS	IL
Callsign	Radio Service	Licensee	State
WPMX988	IG	PRECISION SURVEY & MAPPING INC	CO
WPMX992	IG	HULT & ASSOCIATES INC	MN
WPMX995	IG	COAL-MAC INC	KY
WPMY207	IG	AEF COMMUNICATIONS INC	CT
WPMY237	IG	LAUGHLIN, VINCE	NE
WPMY250	IG	ST FRANCIS INDIAN SCHOOL	SD
WPMY262	YG	COMMERCIAL TWO WAY SERVICE INC	TX
WPMY273	PW	MED ONE PARAMEDIC SERVICE	AL
WPMY292	IG	GATEWAY	UT
WPMY293	IG	VIKASE CORP	OK
WPMY300	IG	HON COMPANY	IA
WPMY302	IG	PENN CENTRAL COMMUNICATIONS (CONRAIL)	NJ
WPMY313	IG	FRANCO INC DBA HARDEES	TN
WPMY342	IG	SPORTSTAR INC	GA
WPMY379	IG	WALKER CONCRETE COMPANY	GA
WPMY381	IG	LUNA, JOHN	NM
WPMY385	IG	PENN CENTRAL COMMUNICATIONS (CONRAIL)	NJ
WPMY417	IG	AGUILLARD & DUPRE FARMS INC	LA
WPMY430	IG	DSI SYSTEMS INC	GA
WPMY438	IG	PMI FOOD EQUIPMENT GROUP	OH
WPMY462	IG	CHRISTOPHER BROTHERS	IN
WPMY477	IG	AQUIRRE, ARMANDO	TX

WPMX785	IG	LIFE TECHNOLOGIES INC	MD
WPMX791	IG	PENN CENTRAL COMMUNICATIONS (CONRAIL)	NJ
WPMX815	IG	S & S COMPANIES	IN
WPMX825	IG	SONG MOUNTAIN RESORT LLC	NY
WPMX836	IG	MARYVIEW MEDICAL CENTER	VA
WPMX889	IG	YAMELLO, FRANK	CA
WPMX890	IG	YAMELLO, FRANK	CA
WPMX896	IG	NORTECH GEOMATICS USA INC	TX
WPMX937	IG	WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM	WA
WPMX983	IG	MR SPEEDY CAR CARE & WASH	AR
Callsign	Radio Service	Licensee	State
WPMZ260	IG	BARTON INSTRUMENT SYSTEMS LLC	CA
WPMZ317	IG	PACIFIC DIVE RESCUE	CA
WPMZ319	IG	CYGENUS ENTERPRISES INC DBA WESTERN COMMUNICATIONS	NV
WPMZ338	IG	CHAROEN POKLAND USA INC	AL
WPMZ362	IG	WILLARD FOODS INC DBA MOORES IGA SUPER CENTER	OH
WPMZ373	IG	DOUBLECOTE	MS
WPMZ375	IG	ROBERT WHOLEY COMPANY	PA
WPMZ412	IG	PENN CENTRAL COMMUNICATIONS (CONRAIL)	NJ
WPMZ413	IG	MEAD CORPORATION	GA
WPMZ415	IG	BAXTER PHARMACEUTICAL PRODUCTS DIVISION INC	NJ
WPMZ497	IG	AEF COMMUNICATIONS INC	CT
WPMZ498	IG	EAST PENN SCHOOL DISTRICT	PA
WPMZ550	IG	UNITED AGRI PRODUCTS	MT
WPMZ572	IG	CUMBERLAND TRANSPORT	TN
WPMZ625	IG	WIGGINS, FRANKIE	NC
WPMZ668	IG	DEWBERRY, JOHN	IL
WPMZ680	IG	FORREC CONSTRUCTION INC DBA EVANS / FORREC	WA
WPMZ704	IG	MCCAIN FOODS USA	SD
WPMZ722	IG	NANTAHALA RAFTS	NC
WPMZ726	IG	PACKAGING RESOURCES INC	MO
WPMZ754	IG	BALD MOUNTAIN MINE	NV
WPMZ755	IG	CONDRY, RICKY	LA

WPMY482	IG	BRANCH, DEREK R	MT
WPMY485	IG	NEWARK AUTO CAB CO INC	NJ
WPMY554	IG	P & L TRANSPORTATION INC DBA L W PAINTER SR	MN
WPMY579	IG	PENN CENTRAL COMMUNICATIONS (CONRAIL)	NJ
WPMY589	IG	MASSACHUSETTS HEAVY INDUSTRIAL	MA
WPMY633	IG	SIMMONS & ASSOCIATES INC	PA
WPMY651	IG	OLD JAIL MANAGEMENT CORP	IN
WPMY665	IG	CONTINENTAL CAB CO INC	NC
WPMY674	IG	GEORGIA PACIFIC CORPORATION	GA
WPMY707	IG	STALDER SPRING WORKS INC	OH
WPMY739	IG	SHALOM PLAZA INC	MO
WPMY743	IG	SITE BLAUVELT	NJ
WPMY747	IG	DAVIS ENVIRONMENTAL INDUSTRIES INC	TX
WPMY783	IG	THE B F GOODRICH COMPANY	OH
WPMY786	IG	ROWLAND, CHARLES	MS
WPMY822	IG	FRENCHMANS CREEK COUNTRY CLUB	FL
WPMY831	IG	DIRT BUSTER CARPET & UPHOLSTERY CARE	UT
WPMY836	IG	MINYARD, JUDY	TX
WPMY869	IG	TRI CITY CABLEVISION INC	OK
WPMY875	IG	HABTELUL GEDLU	WA
WPMY884	IG	TACT SECURITY SERVICES INC	MI
WPMY893	IG	SOUTHWEST KEY PROGRAM DBA PONCE DETENTION & TRAINING SCHOOL	PR
WPMY903	YG	TROUP ELECTRONICS INC	MI
WPMY984	IG	PRECISION STRIP INC	OH
WPMY995	IG	UNIVERSITY OF IOWA HOSPITAL & CLINICS	IA
WPMZ205	IG	ZINCLAIR POWER CORPORATION	OH
WPMZ219	IG	PETRY, JEFF	WI
WPMZ221	IG	WILLIAM ZINSSER & CO INC	NJ
WPMZ255	IG	TOBIN, RICHARD E	CA
Callsign	Radio Service	Licensee	State
WPNP590	IG	CANRON CONSTRUCTION CORPORATION	NY
WPNP605	IG	FLI COMMUNICATIONS INC	UT
WPNP627	IG	FOSTER WHEELER TWIN CITIES INC	MN
WPNP629	IG	GRIFFIN JUBAN PROPERTIES	TX
WPNP650	IG	PLAYA PHASE I	CA

WPMZ803	IG	GRAND AIRE INC	MI
WPMZ804	IG	CT MANAGEMENT INC DBA CT MANAGEMENT	MI
WPMZ805	IG	CORPORATE CULINARY SERVICES	CT
WPMZ807	IG	BR HOLDINGS LTD DBA RACINE STEEL CASTINGS DIV T M GEB	WI
WPMZ822	IG	SELECTIVE TRUCKING INC	MI
WPMZ825	IG	HOUSEWORTH, DAVID	IL
WPMZ826	IG	ARES CORPORATION	AL
WPMZ875	IG	SEDALIA STEEL SUPPLY	MO
WPMZ877	IG	METRO RACING SYSTEMS INC	FL
WPMZ898	IG	MCC Georgia LLC	NY
WPMZ947	IG	ACCESS AIR INC	IA
WPNP205	IG	INNERDYNE INC	UT
WPNP221	IG	ABTS BOU-MATIC	WI
WPNP242	IG	TOYOTA MOTOR MANUFACTURING WEST VIRGINIA INC	WV
WPNP302	IG	NEXCOMM	NY
WPNP344	IG	HAUETER CONSTRUCTION CO	OH
WPNP353	IG	POWER PARTS INC	PR
WPNP377	IG	BA VANDEGRIFT INC	WA
WPNP456	IG	BUTTE COUNTY OFFICE OF EDUCATION	CA
WPNP460	IG	BUFFER PARK GOLF COURSE	IN
WPNP473	IG	THE OAKS REHABILITATIVE SERVICES CENTER	OK
WPNP480	IG	ATLANTIC PACKAGING	NC
WPNP484	IG	GOVERNORS PALACE THEATER	SC
WPNP505	IG	H B & R INC	WY
WPNP532	IG	BARRY CALLEBAUT USA INC	NJ
WPNP535	IG	BEST SECURITY SERVICES INC	TX
WPNP536	IG	VILLAGE EAST APARTMENTS	OH
WPNP557	IG	ACCENT ELECTRONICS INC DBA STANDARD ELECTRONICS	CA
WPNP577	IG	KREIS, GARY	MT
Callsign	Radio Service	Licensee	State
WPNQ570	IG	CHUKLUCK FARMS INC	WA
WPNQ580	IG	SBIII MOTORSPORTS	NC
WPNQ606	IG	DUMONT, JEREMY	NY
WPNQ617	IG	WILLOW GLEN GOLF COURSE	IL
WPNQ630	IG	FOSTER WHEELER	TX

		COMMERCIAL LAND CORP	
WPNP673	IG	NATIONAL OFFICE PARTNER CAPITAL LP HINES	GA
WPNP753	IG	LACONNER RETIRE MENT INN LLC	WA
WPNP770	IG	ITEQ STORAGE SYSTEMS	TX
WPNP775	IG	HOLDER CONSTRUCTION	GA
WPNP778	IG	RAINFOREST CAFE FRANKLIN MILLS DBA RAINFOREST CAFE INC	PA
WPNP779	IG	SSE MANUFACTURING INC	CA
WPNP787	IG	NATIONAL CAR RENTAL	NY
WPNP807	IG	CONTINENTAL GRAIN	SD
WPNP811	IG	D ANDREA GOLF CLUB	NV
WPNP817	IG	LAREDO NATIONAL BANK	TX
WPNP819	IG	POLYONE CORPORATION	OH
WPNP821	IG	CABOT CORPORATION DBA CABOT	IL
WPNP854	IG	SOBEL, PAUL J	MO
WPNP860	IG	STEPHEN HALSEY JUNIOR HIGH SCHOOL	NY
WPNP871	IG	HAMPTON INN HISTORIC DISTRICT	GA
WPNP878	IG	BOWERS MASONRY INC	IA
WPNP900	PW	PANA, CITY OF	IL
WPNP921	IG	WAUCONDA ORCHARDS INC	IL
WPNQ209	IG	PETERSON, THOMAS F.	CA
WPNQ213	IG	HUDYEN INTERNATIONAL INC DBA FOUR POINTS SHERATON HOTEL FULLERTO	CA
WPNQ221	IG	B & L MAINTENANCE	OH
WPNQ285	IG	PINSKER STEEL INC	KS
WPNQ310	IG	POLYONE CORPORATION	OH
WPNQ312	IG	ROSS, WILLIAM A.	KY
WPNQ324	IG	HAYDEN, JAMES R	CA
WPNQ344	IG	GE ENGINE SERVICES DALLAS	TX
WPNQ357	IG	FLI COMMUNICATIONS INC	UT
WPNQ360	IG	POLYONE CORPORATION	OH
WPNQ361	IG	POLYONE CORPORATION	OH
WPNQ362	IG	POLYONE CORPORATION	OH
WPNQ363	IG	POLYONE CORPORATION	OH
WPNQ380	IG	SHIRLEY CONTRACTING CORP	VA
WPNQ382	IG	SCOTT AMBULANCE INC	MD
WPNQ421	IG	THREE WING-CORPORATION	CT
WPNQ477	IG	WESTCHESTER GOLF AND COUNTRY CLUB	FL
WPNQ501	IG	GODWIN, JEFF	GA
WPNQ504	IG	STONE AND WEBSTER ENGINEERING	FL

		CONSTRUCTORS INC	
WPNQ650	IG	RODRIGUEZ, ROBERTO	NY
WPNQ651	IG	PATTERSON DENTAL SUPPLY INC	IN
WPNQ652	IG	ANCOM COMMUNICATIONS INC	MN
WPNQ669	IG	PNC MORTAGE CORP	IL
WPNQ670	IG	EMBASSY SUITES HOTEL	IN
WPNQ679	IG	PIKEVILLE, CITY OF	KY
WPNQ707	IG	BAIRD, MARK	TX
WPNQ711	IG	HARTLEY BROTHERS SAWMILL INC	NC
WPNQ724	IG	MAIN TECH CORPORATION	NJ
WPNQ739	IG	TOWN & COUNTRY	MO
WPNQ743	IG	INTELLIGENT SYSTEMS FOR RETAIL INC	CA
WPNQ746	IG	FIRST DATA MERCHANT SVCS CLIENT IMPACT	MD
WPNQ747	IG	ATCO VA INC	VA
WPNQ748	IG	BOVIS CONSTRUCTION CORP	MD
WPNQ774	IG	MILLER, ROBERT P	ND
WPNQ810	IG	SKYWEST AIRLINES	UT
WPNQ815	IG	SKYWEST AIRLINES	UT
WPNQ837	IG	IRAM & ARNOLDO VARGAS DBA RANCHO GRANDE MEXICAN & SEAFOOD	CA
WPNQ847	IG	GALLUP ONE STOP 38205	MI
WPNQ869	IG	KENTWOOD SCHOOL	MI
WPNQ894	IG	ATHEY PRODUCTS CORP	NC
WPNQ898	YG	COMMERCIAL TWO WAY SERVICE INC	TX
WPNQ945	IG	HYATT DULLES	VA
WPNQ946	IG	APIO INC	CA
WPNQ983	IG	CRESS CREEK COUNTRY CLUB	IL
WPNQ994	IG	LOCKWOOD GREENE ENGINEERS	GA
WPNR204	IG	MEEKS, ROSCOE	GA
WPNR251	IG	JOSEPH T RYERSON & SONS	IL
WPNR268	IG	MIDLAND GARAGE DOOR MANUFACTURING COMPANY	MN
WPNR272	IG	JONS, KEITH E	SD
WPNR277	IG	DAIRY QUEEN	IL
WPNR278	IG	DAIRY QUEEN	AZ
WPNR279	IG	DAIRY QUEEN	SC
WPNR324	IG	NORTH COAST RAILROAD AUTHORITY	CA
WPNR372	IG	ORI SERVICES CORPORATION	CA
WPNR384	IG	EAGLE BROADCASTING NETWORK	KY
WPNR395	IG	WHEELING JESUIT COLLEGE	WV

		CORPORATION	
WPNQ505	IG	ROLLINS LOGISTICS INC	TX
WPNQ516	IG	LANGNER SECURITY SERVICES INC	CA
WPNQ547	IG	WESTERN COLORADO SPORTSMEN S CLUB INC	CO
WPNQ550	IG	BAIGS CORPORATION	CA
WPNQ551	IG	ONE SOUTH BROAD LTD PARTNERSHIP DBA AMERICAN REAL ESTATE INC	PA
WPNQ552	IG	CASH & CARRY #538	OR
WPNQ556	IG	SIGNAL HILL MALL	NC
WPNQ557	IG	REDWOOD EMPIRE LIFE SUPPORT INC	CA
WPNQ569	IG	NORTHWEST AG SERVICES	WA
Callsign	Radio Service	Licensee	State
WPNR486	IG	JWA-LAKE ELECTRIC MOTOR	WI
WPNR488	IG	TOWER AIR	NY
WPNR514	IG	TURNER, MARY L.	AL
WPNR517	IG	PARSONS ENERGY & CHEMICAL GROUP INC	DE
WPNR555	IG	CORCORAN MANAGEMENT CO INC	MA
WPNR561	IG	MARTIN LUTHER HOSPITAL	CA
WPNR568	IG	WASATCH CONSTRUCTORS	UT
WPNR569	YG	RADIO COMMUNICATIONS INC	KY
WPNR595	IG	PRATER CONSTRUCTION INC	KY
WPNR617	IG	MEIER DAIRY INC	KS
WPNR661	IG	BAUER GROUNDS MAINTENANCE	WI
WPNR664	IG	SCOTT, MIKE	CA
WPNR687	IG	PRESBYTERIAN HOMES	GA
WPNR695	IG	BRYAN HIGH SCHOOL	TX
WPNR706	IG	CHERRYDALE FARMS INC	PA
WPNR716	IG	DU PONT PHARMACEUTICALS CO	MA
WPNR723	IG	IRVING OIL #IO83	ME
WPNR726	IG	TACO BELL REST 5306	GA
WPNR753	IG	WILLOUGHBY HILLS FRIENDS CHURCH	OH
WPNR758	IG	BURGER KING #BK4214	FL
WPNR773	IG	O DANIEL TRUCKING CO	IL
WPNR780	IG	DAIRY QUEEN	PA
WPNR782	IG	O CONNOR, KEVIN	MN

WPNR397	IG	WALTHART, STEVE	IA
WPNR400	IG	TAPP INFORMATION INC	FL
WPNR407	IG	MC BURNEY YMCA	NY
WPNR408	IG	PRECISE INC	NY
WPNR436	IG	FLI COMMUNICATIONS INC	UT
WPNR437	IG	STORM ENGINE CO INC DBA AMBULANCE CORP	CT
WPNR464	IG	HOUSTON CELLULAR TELEPHONE COMPANY	TX
WPNR466	IG	MASONRY RESTORATION INC	WI
WPNR476	IG	GORDON EVERNHAM MOTORSPORTS	NC
Callsign	Radio Service	Licensee	State
WPNS315	IG	DOMINICKS FINER FOODS	IL
WPNS344	IG	WAGNER, RICHARD	CA
WPNS347	IG	ITHACA CITY SCHOOL DISTRICT	NY
WPNS389	IG	FAMILY GOLF CENTERS INC DBA HILAND GOLF CLUB	NY
WPNS394	IG	PREMIER LIMOUSINE LLC	NY
WPNS407	IG	GREATER PHILADELPHIA CHURCH OF CHRIST	PA
WPNS416	IG	BAE SYSTEMS CONTROLS INC	NY
WPNS424	IG	F S T	OR
WPNS425	IG	SODEXO MARRIOTT	DC
WPNS436	IG	DAIRY QUEEN	TN
WPNS450	IG	INTERNATIONAL WAREHOUSE & TRUCKING	AZ
WPNS451	IG	YAMELLO, FRANK	CA
WPNS467	IG	THE RAPHAEL HOTEL GROUP	MO
WPNS472	IG	WPG RUDD MANAGEMENT	NY
WPNS473	IG	SUNSET PARK MENTAL HEALTH CENTER OF LUTHERAN MEDICAL CENTER	NY
WPNS474	IG	KOEPPEL MANAGEMENT CO LLC	NY
WPNS488	IG	TURNER POPE CONSTRUCTION	WY
WPNS543	IG	VINEYARDS COUNTRY CLUB	FL
WPNS569	IG	SCONSET GARDENER INC	SC
WPNS583	IG	ERNST & COMPANY	NY
WPNS601	IG	SCHMALBACH LUBECA INC	SC
WPNS603	IG	SCHMALBACH LUBECA INC	SC
WPNS630	IG	CUSTOM CHIPPING INC	OK

WPNR786	IG	DAIRY QUEEN	MD
WPNR824	IG	G & T MEAT COMPANY	MI
WPNR836	IG	PENN CENTRAL COMMUNICATIONS COMPANY	PA
WPNR837	IG	PENN CENTRAL COMMUNICATIONS COMPANY	PA
WPNR851	IG	ADMINISTRATIVE OFFICE OF COURTS	AL
WPNR859	IG	LAM RESEARCH CORPORATION	CA
WPNR872	IG	PROPS FOR TODAY INC	NY
WPNR888	IG	CT MANAGEMENT INC	MI
WPNR889	IG	CT MANAGEMENT INC	MI
WPNR890	IG	CT MANAGEMENT INC	MI
WPNR891	IG	TRAJEN	WA
WPNR898	IG	ST PANCRATIUS CHURCH	CA
WPNR900	IG	HAMPTON INN	OH
WPNR909	IG	HARVEY, CHARLES B:PENNINGTON JR, CARL R DBA OLD FIELDS LTD	FL
WPNR910	IG	BARNHARD, ROBERT N	IN
WPNR911	IG	COMPASS MANAGEMENT & LEASING INC	GA
WPNR912	IG	HIGHLAND FARMS INC	KY
WPNR916	IG	NEW ENGLAND DEVELOPMENT	MA
WPNR917	IG	HARBORVIEW HOTEL	MA
WPNR923	IG	BUDGET RENT A CAR	CA
WPNR963	IG	ARIZONA CHEMICAL	LA
WPNS240	IG	FORESTER, SETH	CA
WPNS256	IG	OAKRUN VOLUNTEER FIRE CO INC	CA
WPNS271	IG	WILKINS, CHARLES	TX
WPNS272	IG	TRAMMELL CROW COMPANY	TX
WPNS293	IG	METROPOLITAN EMERG SVC OF DERIDDER INC	LA
WPNS309	IG	CONSTAR PLASTIC INC	TX
WPNS310	IG	KELLY HILL COMPANY	MO
Callsign	Radio Service	Licensee	State
WPNT276	IG	VOICENET RADIO COMMUNICATIONS	MA
WPNT383	IG	SEARS ROEBUCK & COMPANY	MI
WPNT406	IG	SPEEDY CAB INC	AL
WPNT415	IG	THE PARKING SPOT	OK
WPNT420	IG	VESTERBERG, AARON V.	KS
WPNT435	IG	DENTON COUNTY ELECTRIC COOPERATIVE	TX

WPNS643	IG	P & L HAY SERVICE	NC
WPNS671	IG	GRAHAM, JIMMY	AR
WPNS702	IG	ADOLPHUS HOTEL	TX
WPNS729	IG	STAR CAB CO INC	MA
WPNS731	IG	BESCO BUILDING ELECTRICAL SYSTEMS INC	OK
WPNS740	IG	BUTTERFLY PAVILION & INSECT CENTER	CO
WPNS747	IG	HEWLETT PACKARD COMPANY	OR
WPNS754	IG	MORGAN GUARANTY TRUST CO OF NEW YORK	NY
WPNS756	IG	COMPASS GROUP	NY
WPNS771	IG	AMERICAN AUDIO VISUAL CENTER INC	CA
WPNS794	IG	MONET LANE PRODUCTIONS	NY
WPNS808	IG	WEIMAR, FRANK R.	MN
WPNS816	IG	ROHRER, TIM	PA
WPNS839	IG	MIDSTATE DIESEL INC	OR
WPNS860	IG	NIENKERK CONSTRUCTION INC	MN
WPNS864	IG	EAST ELEMENTARY SCHOOL	SC
WPNS865	IG	THE RESORT CLUB INC	NJ
WPNS875	IG	210 EAST 73RD OWNERS CORP	NY
WPNS896	IG	QUALITY ELECTRICAL CONSTRUCTION COMPANY	NJ
WPNS907	IG	FIRST UNION CAPITAL CENTER JOINT VENTURE	NC
WPNS908	IG	KEYSTONE MOBILE RADIO CORP	PA
WPNS922	IG	KRONSKE, JOHN E	MT
WPNS985	IG	RAIL CONTAINER CORP	NE
WPNT208	IG	PALOMINO, CARLOS	ME
WPNT219	IG	BAUER CONCRETE CONSTRUCTION	MO
WPNT236	IG	COOPER II, ALFRED J	ME
WPNT269	IG	LIBERTY LEADFORD WATER DISTRICT	IL
WPNT272	IG	ALBRECHT, JAMES	IN
Callsign	Radio Service	Licensee	State
WPNU455	IG	EPIC USA LLC	MN
WPNU468	IG	GREENVILLE TECHNOLOGY INC	OH
WPNU485	IG	THE THOMAS TAYLOR CO	MN
WPNU494	IG	REED, VERYL:REED, DEAN:REED, DARYL DBA VERYL REED AND SONS	MN
WPNU529	IG	PARKANS INTERNATIONAL LLC	TX
WPNU531	IG	LA RAZA CAR SERVICE	NY

		INC DBA COSERVE ELECTRIC	
WPNT442	IG	LSG/SKY CHEFS	CT
WPNT482	IG	GOVERNORS CLUB	NC
WPNT501	IG	HOFFLER FARMS	NC
WPNT513	IG	CHISHOLM COAL CO	KY
WPNT517	IG	SUNPARK INC	VA
WPNT545	IG	NORTH CAROLINA A & T STATE UNIVERSITY	NC
WPNT560	IG	PALM AIRE RESORT MANAGEMENT CORP	FL
WPNT588	IG	ALLEN LOGGING	GA
WPNT597	IG	Fone A Car	NY
WPNT609	IG	TROPICANA BEVERAGES NORTH AMERICA INC	FL
WPNT611	IG	THOMAS AND BETTS CORP	NY
WPNT633	IG	CALVIN GIORDANO ASSOCIATES INC	FL
WPNT641	IG	MOWERY, ANTHONY D	MI
WPNT690	IG	DAIRY QUEEN	LA
WPNT722	IG	ITHACA CITY SCHOOL DISTRICT	NY
WPNT725	IG	THEISEN FARMS INC	IA
WPNT733	IG	WORLD BAZAARS INC	CA
WPNT739	IG	SORDI & SONS INC	CA
WPNT755	IG	REDDMANN, GARY	AR
WPNT789	IG	CUTTING EDGE SECURITY SERVICES	VT
WPNT818	IG	WOODLAN JR-SR HIGH SCHOOL	IN
WPNT877	IG	AMERICAN INDUSTRIAL CENTER LTD	FL
WPNT884	IG	NEW SOUTH CONCRETE CONSTRUCTION	TN
WPNT892	IG	BARRETT SR, CHARLES R	VT
WPNT897	IG	HOSPITALITY RESOURCES INC DBA PRESENTATION SERVICES	TX
WPNT899	IG	GOLDKIST INC	AL
WPNT961	IG	KENTUCKY FRIED CHICKEN KY450006	CA
WPNT983	IG	YAMELLO, FRANK	CA
WPNU218	IG	TERRA INTERNATIONAL	IN
WPNU227	IG	USA DETERGENTS INC	MO
WPNU229	IG	SEPPANEN, DAN	SD
WPNU254	IG	CAMELOT MUSIC INC	OH
WPNU271	IG	TERRA INDUSTRIES INC	MN
WPNU275	IG	HARRAHS CHEROKEE SMOKY MOUNTAINS	NC
WPNU331	IG	BILLINGS BRICK & MASONRY SUPPLY	MT
WPNU368	IG	KIM, YOUNG KI	WY
WPNU370	IG	SANDY MOUNTAIN DEVELOPMENT COMPANY	TX

WPNU542	IG	DAIRY QUEEN #13801	TX
WPNU556	IG	RICHARD, RON	OH
WPNU566	PW	GREENSBORO, CITY OF	AL
WPNU572	IG	LOUISVILLE COUNTRY CLUB	KY
WPNU676	IG	CUCHARA MANAGEMENT CO LLC DBA CUCHARA MOUNTAIN RESORT	CO
WPNU680	IG	GALVSTAR LP	WV
WPNU684	IG	MURPHY, DANIEL J	NJ
WPNU689	IG	HELKENN, RYAN	SD
WPNU691	IG	KENTUCKY FRIED CHICKEN KW750206	FL
WPNU692	IG	KENTUCKY FRIED CHICKEN #KW750037	FL
WPNU693	IG	PHILLIPS MONITORS RALEIGH	NC
WPNU696	IG	NEW YORK CENTRAL RADIO INC	NY
WPNU706	IG	FOLEY ASSOCIATES INC	CO
WPNU714	IG	SITE CONSULTANTS INC	AZ
WPNU724	IG	KENTUCKY FRIED CHICKEN KY064051	NJ
WPNU732	IG	GRAY, GREG E	GA
WPNU741	IG	SWIFT CREEK ASSOC LLC DBA PUTT-PUTT GOLF AND GAMES	NC
WPNU744	IG	POINT BREAK TOWING	PA
WPNU747	IG	NORTHWEST CLEANING	MN
WPNU765	IG	BADGETT, MARY	TX
WPNU776	IG	KENTUCKY FRIED CHICKEN KW710167	GA
WPNU778	IG	KENTUCKY FRIED CHICKEN KW750274	FL
WPNU792	IG	TRANS STATES AIRLINES DBA TRANS WORLD EXPRESS	NY
WPNU804	IG	Kraft Foods Global, Inc.	IL
WPNU805	IG	JOHNSON & JOHNSON MEDICAL	TX
WPNU807	IG	RALHAM LLC DBA HOMEWOOD SUITES HOTEL	NC
WPNU811	IG	DAIRY QUEEN #19686	KY
WPNU839	IG	BETTINGER, JOE	AL
WPNU842	IG	BAXTER HEALTHCARE CORPORATION	PR
WPNU857	IG	CHANDLER & ASSOCIATES LLC	CO
WPNU861	IG	DEARBORN BROS CONSTRUCTION INC	ME
WPNU865	IG	GLENN, CALVIN	IL
WPNU898	IG	NESCO/REDONDO SE	PR
WPNU925	IG	NEW DIMENSION METALS INC	OH
WPNU928	IG	COUNSELOR MATERIAL PROCESSING INC	OH
WPNU997	IG	AVIS AMERICA HOMES	PA
WPNV236	IG	RETAMA FEED & SUPPLY	TX

WPNU374	IG	FORT VALLEY STATE UNIVERSITY	GA
WPNU406	IG	SCHULTZ, SCOTT	KS
WPNU410	IG	MIDWAY AIRLINES	NC
WPNU423	IG	SWANK AV	CA
WPNU424	IG	MILL BASIN CAR SERVICE INC	NY
WPNU434	IG	DIAL MOBILE COMMUNICATIONS	CA
WPNU437	IG	TERRYS ALARMS INC	LA
WPNU454	IG	WOODBRIDGE IRRIGATION DIST	CA
Callsign	Radio Service	Licensee	State
WPNV297	IG	PATTERSON, RICHARD	IA
WPNV306	IG	LUSTIN, RODRIGUE	NY
WPNV361	IG	STONE & WEBSTER ENGINEERING CORP CANFIBRE RIVERSIDE MDF	CA
WPNV365	IG	DEAN FOODS	IN
WPNV389	IG	MDOI INC	TX
WPNV393	IG	WRIGHT BROTHERS CONSTRUCTION	NC
WPNV397	IG	HOUSING ALTERNATIVES DEVELOPMENT CO	MN
WPNV398	IG	NEXUS PROPERTIES INC	NJ
WPNV445	IG	KLM SEED INC	ND
WPNV446	IG	CHIQUITA PROCESSED FOODS LLC	MN
WPNV452	IG	KENTUCKY FRIED CHICKEN KW750215	FL
WPNV458	IG	HIGGINS ARMORY MUSEUM	MA
WPNV476	IG	CARBOLINE COMPANY	OH
WPNV483	IG	UPPER HUDSON RIVER RAILROAD INC	NY
WPNV522	IG	KENTUCKY FRIED CHICKEN KW750236	FL
WPNV525	IG	DASMASH TRANSPORTATION CO INC DBA COUNTY YELLOW CAB CO	NJ
WPNV563	IG	UNION CAMP CORPORATION	AL
WPNV565	IG	LASER CRAFT INC	CA
WPNV580	IG	RUSSELL STOVER CANDIES INC	TX
WPNV604	IG	ENVIRO CLEAN CORPORATION	PR
WPNV612	IG	FARMER AG CENTER INC	MN
WPNV617	IG	SRE SAN FRANCISCO RETAIL INC	CA
WPNV621	IG	SWARTZLANDER, RICKY	AR
WPNV640	IG	WESTBURY SCHOOL	NY

WPNV254	IG	HOFFMAN, DAVID	ND
WPNV257	PW	PUERTO RICO, COMMONWEALTH OF	PR
WPNV276	IG	KENTUCKY FRIED CHICKEN	FL
WPNV279	IG	KENTUCKY FRIED CHICKEN	CA
WPNV280	IG	KENTUCKY FRIED CHICKEN KW750204	FL
WPNV282	IG	KENTUCKY FRIED CHICKEN	FL
WPNV289	IG	BURGER KING #12048	NC
WPNV292	IG	TACO BELL #1015	OK
Callsign	Radio Service	Licensee	State
WPNW316	IG	NEW BOSTON COKE CORPORATION	OH
WPNW323	IG	ZOELLICK, JOHN:ZOELLICK, LINDA DBA J & L FARMS	WI
WPNW346	IG	H B & R INC	WY
WPNW397	IG	MICHAEL WILSON FARMS	AR
WPNW402	IG	CROOKED CREEK GOLF COURSE	OH
WPNW405	IG	GENERAL PARTS INC DBA CARQUEST OF PLATTEWOODS	MO
WPNW408	IG	ANCOTECH INC	MI
WPNW414	IG	AMERISTEEL INC	NC
WPNW444	IG	INTERNATIONAL PAPER COMPANY	GA
WPNW447	IG	AGC ARROW CREEK GOLF COURSE	NV
WPNW466	IG	KRAMER, DALE	MN
WPNW489	IG	METEX INTERNATIONAL	TX
WPNW491	IG	FOXFIRE RESORT & COUNTRY CLUB	NC
WPNW561	IG	BRITTANY ESTATES HOMEOWNERS ASSOCIATION	IA
WPNW564	IG	NEALS TRUCK PARTS	MI
WPNW578	IG	RMS SAN FRANCISCO	CA
WPNW579	IG	AMAZON COM INC	DE
WPNW591	IG	OSBORN, WILLIAM U	CA
WPNW593	IG	JOLLIFF, PHILLIP	IN
WPNW594	IG	DOYLE PROTECTIVE SERVICES	NY
WPNW633	IG	TAYLOR & MARTIS INC DBA INVERNESS COUNTRY CLUB	AL
WPNW646	IG	ATCHLEY, RAY	LA
WPNW687	IG	NAPLES NATIONAL GOLF CLUB	FL
WPNW706	IG	LEE, JAMES R:LEE,	MS

		DISTRICT	
WPNV667	IG	S & W LOGGING COMPANY INC	VA
WPNV676	IG	MERIDIAN SCHOOL DISTRICT #505	WA
WPNV693	IG	WANG S INTERNATIONAL INC	TN
WPNV701	IG	DUPONT PHARMACEUTICALS CO	PA
WPNV709	IG	LAKE ROCKPORT ESTATES INC DBA LAKE ROCKPORT ESTATES	UT
WPNV710	IG	CAESARS ATLANTIC CITY	NJ
WPNV759	IG	TEMPO LIGHTING INC	CA
WPNV794	IG	PIKE COUNTY WATER DISTRICT NO 1	IL
WPNV796	IG	PIKE COUNTY WATER DISTRICT NO 1	IL
WPNV815	IG	VILLENEUVE RAY	NY
WPNV852	IG	COX, PAUL S	WA
WPNV853	PW	CALIFORNIA, STATE OF	CA
WPNV910	IG	RAY, HAROLD L:RAY, BILLYE J DBA HAROLD RAY FARMS	IL
WPNV931	IG	PROFESSIONAL FOOD SYSTEMS	CA
WPNV933	IG	STAR AQUISITION INC DBA CARL S JR #7056	CA
WPNV939	YG	TRAINING AND SERVICES CORP	TX
WPNV941	IG	FOOD FOR LESS	CA
WPNV950	IG	DAVIS, BRENT	NC
WPNV964	IG	RAMADA INN DOWNTOWN	CO
WPNV984	IG	NTN BEARING CORP OF AMERICA	IL
WPNV986	IG	UNITED RENTALS OF SOUTHERN CALIFORNA	CA
WPNV993	IG	RICHARD FAB & MACHINE INC	TX
WPNW204	IG	INTERNATIONAL TOTAL SERVICES INC	OH
WPNW233	IG	GRIZZLY SECURITY ARMORED EXPRESS	MT
WPNW274	IG	DOUBLE TREE INN	WA
WPNW277	IG	HINES INTEREST	OH
WPNW307	IG	ARGENBRIGHT SECURITY INC	NY
Callsign	Radio Service	Licensee	State
WPNX335	IG	SIDMAK LABORATORIES INC	NJ
WPNX337	IG	BURGER KING #12	NC
WPNX339	IG	TACO BELL #14390	MS
WPNX355	YG	HEWLETT PACKARD	CO
WPNX366	IG	CDR MANAGEMENT CORP	NY
WPNX386	IG	GIPSON, RANDY	AR

		KAREN DBA JIMMY R LEE & SON FARMS	
WPNW742	IG	PROMUS HOTEL CORPORATION DBA HOMEWOOD SUITES HOTEL	TX
WPNW799	IG	COUNTRY BLOOMERS LAWN CARE INC	IL
WPNW801	IG	ROGERS GROUP	TN
WPNW802	IG	FOOD LINER INC	TN
WPNW823	IG	NORTH AMERICAN VAN LINES	CA
WPNW830	IG	POSTAL EXPRESS INC	WA
WPNW846	IG	AKAR GULF MARINE	NE
WPNW858	IG	VETERANS LIVERY	NJ
WPNW860	IG	CRYSTAL HIGHLANDS GOLF COURSE	MO
WPNW864	IG	PELICAN POINT GOLF COURSE	LA
WPNW870	IG	EBAY INC	CA
WPNW915	IG	GALE & WENTWORTH LLC	MI
WPNW928	IG	MEDICAL EDUCATION COLLABORATIVE INC DBA MEC	CO
WPNW938	IG	320 E 21ST STREET PARTNERSHIP	IL
WPNW950	IG	PEPSI COLA OF GARNER	NC
WPNW953	IG	ROBINSON, BARRY S	CA
WPNW964	IG	AIRCRAFT SERVICES INTERNATIONAL	FL
WPNW977	IG	BURGER KING	TX
WPNW978	IG	HARDEE S	NC
WPNW981	IG	TACO BELL	WA
WPNW982	IG	FRANKLIN PROPERTIES DBA HOLIDAY INN	CO
WPNW983	IG	BRAND SCAFFOLD	LA
WPNW985	IG	HENDERSON, ANTHONY	OH
WPNX218	PW	WASHINGTON HOSPITAL HEALTHCARE SYSTEM	CA
WPNX224	IG	SOUTHWEST LAUDERDALE WATER ASSN	MS
WPNX288	IG	SUNPARK	TN
WPNX304	IG	SENTARA HAMPTON GENERAL HOSPITAL	VA
Callsign	Radio Service	Licensee	State
WPNY279	IG	SHUTTLE AMERICA AIRLINES INC	CT
WPNY286	IG	CAHNERS PUBLISHING COMPANY	IL
WPNY287	IG	PITTSFIELD BUILDING	IL
WPNY311	YG	CENTRAL ARKANSAS COMMUNICATIONS INC	AR
WPNY356	IG	HEWLETT PACKARD	CO
WPNY359	IG	DESERT FALLS COUNTRY	CA

WPNX401	IG	NESSMAN, STEVE	MN
WPNX415	IG	CALDWELL, JEFF	CO
WPNX436	IG	OZINGA RMC OF MICHIGAN	MI
WPNX446	IG	DOLLAR RENT A CAR	CA
WPNX474	IG	PORT SAINT LUCIE UTILITY SYSTEMS DEPT	FL
WPNX481	IG	KEIHIN AIRCON NORTH AMERICA INC	IN
WPNX535	IG	SMITH, JOHN	TN
WPNX553	IG	HUEN DE PUERTO RICO CORP	PR
WPNX561	IG	T & R TRUCKING INC	WV
WPNX588	IG	RUARK, NICK	WA
WPNX634	IG	MSD WAYNE TOWNSHIP	IN
WPNX649	IG	WASHINGTON IRVING LLC	NC
WPNX651	IG	EXCHANGE CLUB LLC	NV
WPNX656	IG	FAIRWAYS GROUP LP DBA INDIGO LAKES GOLF CLUB	FL
WPNX658	IG	CARTER JR, ALVA:CARTER SR, ALVA:CARTER, ALAN DBA AC FARMS	NM
WPNX674	IG	B F I WASTE SYSTEM OF NORTH AMERICA INC	PA
WPNX677	IG	KAUAI LIMOUSINE CORPERATION	HI
WPNX687	IG	LINDENWOOD GOLF CLUB	PA
WPNX696	IG	ADAPT INC	CO
WPNX710	IG	DWOSKIN A J	VA
WPNX713	IG	HENKELS & MCCOY INC	VA
WPNX717	IG	TISHMAN CONSTRUCTION CORPORATION OF PUERTO RICO INC	PR
WPNX735	IG	JCS ELECTRONIC INC	CA
WPNX756	IG	BRADLEY PLUMBING & HEATING	IN
WPNX759	IG	DAIRY QUEEN #13294	WI
WPNX764	IG	DAIRY QUEEN #19639	NE
WPNX771	IG	DAIRY QUEEN #12875	KY
WPNX787	IG	MORRISON KNUDSEN CORPORATION	HI
WPNX793	IG	ROBERT PLAN OF NEW JERSEY	NJ
WPNX801	IG	WORCESTER, CITY OF	RI
WPNX810	IG	BURGER KING RESTAURANT	IL
WPNX811	IG	DAIRY QUEEN #14145	FL
WPNX813	IG	NUESTRA PROPERTIES INC	MA
WPNX818	IG	RINEHART, HAROLD W	SD
WPNX836	IG	JOHN S RESTAURANTS	CA

		CLUB	
WPNY361	IG	S L G CONSTRUCTION GROUP	PR
WPNY363	IG	HILTON GARDEN INN SHOREVIEW	MN
WPNY368	IG	RDT SECURITY SYSTEMS INC	FL
WPNY376	IG	OWENS CORNING FIBERGLASS CORP	OH
WPNY386	IG	TIDEWATER DOCK INC	LA
WPNY393	IG	HOMEWOOD	MD
WPNY394	IG	A1 TOWING CO	GA
WPNY397	IG	COWAN, DAVID N	GA
WPNY421	IG	I T S INC	OH
WPNY425	IG	ATTIG, JOHN	MN
WPNY440	IG	NOLAND, KRIS	KS
WPNY441	IG	JACK BROS MCBURNEY INC	CA
WPNY542	IG	DANIEL SENIOR LIVING LLC DBA SOMERBY AT UNIVERSITY PARK	AL
WPNY559	IG	FAIRVIEW GOLD COURSE	IN
WPNY574	IG	MODOC LLC	KY
WPNY579	IG	JSG & ASSOCIATES	AZ
WPNY586	IG	CONTEC CO	FL
WPNY593	IG	BLOOMINGTON COUNTRY CLUB	UT
WPNY630	IG	GREEN MOUNTAIN GOLF COURSE	WA
WPNY645	PW	SOUTH OWEN VOLUNTEER FIRE DEPARTMENT INC	KY
WPNY677	IG	CITY AVENUE HOSPITAL	PA
WPNY678	IG	AFFILIATED BUILDING SERVICES INC	NY
WPNY684	IG	THE PILLSBURY COMPANY	OH
WPNY725	IG	DOWER ELECTRIC	CA
WPNY733	IG	CARMEL MTN RANCH COUNTRY CLUB	CA
WPNY736	IG	SPELLBOUND INC	MO
WPNY771	IG	FAIRCHILD FASTENERS	CA
WPNY780	IG	NATIONAL CAR RENTAL	NV
WPNY783	PW	WISE & JACK COUNTY EMERGENCY COMMUNICATION TEAM	TX
WPNY786	IG	QUALITY CONCRETE INC	VA
WPNY793	IG	DAIRY QUEEN #40527	TN
WPNY794	IG	DAIRY QUEEN #19685	FL
WPNY805	IG	JOSEPH T RYERSON & SONS STEEL CO	IL
WPNY819	IG	MAHONEY, MICHAEL J DBA HUDSON VALLEY INTELLIGENCE INC	NY
WPNY839	YG	ATLANTIC SALMON OF	ME

WPNX845	IG	ROBERT BRANCH FARMS	AR
WPNX863	IG	VICS AIR CONDITIONING	LA
WPNX902	IG	BIG SPRING STATE HOSPITAL	TX
WPNX908	IG	QUAIL HOLLOW GOLF & COUNTRY CLUB	FL
WPNX915	IG	THE HILLS GOLF CLUB DBA LANDMARK GOLF CLUB	CA
WPNX916	IG	NATIONAL CAR RENTAL	MN
WPNX926	IG	NELSON-KING FARMS	MS
WPNX940	IG	ERVIN CABLE	IL
WPNX968	IG	LAQUINTA HOTELS	CA
WPNX983	IG	GREEN VALLEY GOLF CLUB	OH
Callsign	Radio Service	Licensee	State
WPNY938	IG	BYNUM BROS TAXI INC	NY
WPNY939	IG	PURINA MILLS INC	GA
WPNY948	IG	W & L MOTOR LINES	NC
WPNY962	IG	C T FARM & COUNTRY INC	MD
WPNY972	IG	MARIOTT BRIGHTON GARDENS NORTHVILLE	MI
WPNY973	IG	SAINT JUDE MEDICAL DBA SAINT JUDE MEDICAL CRMD	CA
WPNY978	IG	CEDAR BRIDGE TAXI	NJ
WPNY981	IG	O SULLIVAN, DANIEL	MA
WPNY992	IG	BERRING, WILLIAM	AZ
WPNZ203	IG	DISNEY REGIONAL ENTERTAINMENT DBA CLUB DISNEY	CA
WPNZ215	IG	WEBB, PHIL	TN
WPNZ216	IG	DELTA DAILY FOOD INC	TX
WPNZ241	PW	TEXAS, STATE OF	TX
WPNZ246	IG	BISHOPS BAY COUNTRY CLUB	WI
WPNZ253	IG	HOAR CONSTRUCTION LLC	GA
WPNZ259	IG	KEY ENERGY SERVICES SOUTH TEXAS INC	TX
WPNZ263	IG	PIKE COUNTY WATER DISTRICT NO 1	IL
WPNZ273	IG	ATLANTIC IRRIGATION SPECIALISTS INC	NY
WPNZ274	IG	HIDDEN CREEK GOLF CLUB	FL
WPNZ348	IG	DISPATCH MANAGEMENT SERVICES CORP	MA
WPNZ354	YG	COMMUNICATIONS SUPPORT INC	LA
WPNZ372	IG	SPECTRA PRECISION SURVEYING INC	IL
WPNZ430	IG	GALLOP COURIERS INC	CA
WPNZ435	IG	PX RANCH WORTHINGTON ENT DBA PX RANCH	NV
WPNZ439	IG	I A C	WI
WPNZ445	IG	MEADOWBROOK COUNTRY	AR

		MAINE	
WPNY842	IG	HANSEN AGGREGATES	CA
WPNY845	IG	BRUTON, TOMMY	NC
WPNY854	IG	BUSKIRK, DONALD	NE
WPNY855	IG	HOLLAND ROOFING OF CINCINNATI INC	KY
WPNY864	IG	KVAERNER CONSTRUCTION INC	FL
WPNY886	IG	TOWER AIR	NY
WPNY892	PW	LOUISIANA, STATE OF	LA
WPNY908	IG	SARAHS HOME AGAIN BAKERY	KS
WPNY911	IG	BAX GLOBAL INC	CA
WPNY937	PW	FLORIDA, STATE OF	FL
Callsign	Radio Service	Licensee	State
WPNZ797	IG	GIBSON GUITAR	MT
WPNZ808	YG	DAVIDSON, ROBBIE R	TX
WPNZ816	IG	PRECISION ENERGY SERVICES	TN
WPNZ817	IG	SERVICE MANAGEMENT SYSTEMS INC	NV
WPNZ829	IG	KLUMPP, GARETT	LA
WPNZ834	IG	BOISE CASCADE CORPORATION	LA
WPNZ882	IG	AMS THORNTON MOTOR SPORTS	GA
WPNZ892	IG	FIELDSTONE CABINETRY INC	IA
WPNZ899	IG	HOPE CREEK L C	MI
WPNZ914	IG	INTER PARKING INC	IL
WPNZ915	IG	GF MANAGEMENT DBA HARLEY HOTEL	OH
WPNZ916	IG	MERCER RACEWAY PARK LLC	PA
WPNZ918	IG	CARQUEST OF FAYETTEVILLE	NC
WPNZ922	IG	CHARITERS COUNTRY CLUB	PA
WPNZ927	IG	PEARCE CATFISH FARM	AL
WPNZ954	IG	A & A EQUIPMENT ENTERPRISES INC	WV
WPNZ997	IG	STONEY RIDGE FARM	MI
WPOA549	IG	WARNER CAMP	MI
WPOA558	IG	VALUE SAVE SUPER STORE	MI
WPOA588	IG	TACO BELL #4576	CA
WPOA618	IG	GILL, STEPHEN	MA
WPOA669	IG	DORCHESTER GOLF COURSE	TN
WPOA694	IG	LURKEN, RONALD	MN
WPOA796	IG	ARGENBRIGHT INC	TX
WPOA826	IG	WARREN COUNTY SCHOOL DISTRICT-CAREER CTR	PA
WPOA842	IG	HODGDON POWDER	KS

		CLUB	
WPNZ452	IG	SUNDANCE CONSTRUCTION	ID
WPNZ455	IG	LANGANS RED APPLE	WA
WPNZ470	IG	WILLOW GLEN VILLA	CA
WPNZ493	IG	PIZARRO, CARLOS	MI
WPNZ501	IG	BERKSHIRE BITES INC	MA
WPNZ505	IG	K F C OF SMYRNA	TN
WPNZ550	IG	XYLAN CORPORATION	CA
WPNZ553	IG	GALLOP COURIERS INC	CA
WPNZ554	IG	GALLOP COURIERS INC	CA
WPNZ555	IG	GALLOP COURIERS INC	CA
WPNZ563	IG	ALLCOM ELECTRIC INC	NY
WPNZ564	IG	WEST SIDE HIGH SCHOOL	NY
WPNZ565	IG	GJF CONSTRUCTION CORP DBA BUILDERS GROUP	NY
WPNZ571	IG	SPEER WORLDWIDE DIGITAL TRANSMISSION & VAULTING	TN
WPNZ577	IG	QUEEN OF THE VALLEY HOSPITAL	CA
WPNZ578	IG	NEW DIMENSION METALS INC	OH
WPNZ581	IG	CLEMENTSON, SCOTT B	MN
WPNZ596	IG	MONROE TRUCK EQUIPMENT INC	WI
WPNZ610	IG	HERITAGE HOSPITAL	CA
WPNZ612	IG	HERITAGE HOSPITAL	CA
WPNZ616	IG	MBK CONSTRUCTION LTD	TX
WPNZ619	IG	HEALTHCARE REALTY	TX
WPNZ638	IG	BURDEN LAKE ENTERPRISES INC DBA BURDEN LAKE COUNTRY CLUB	NY
WPNZ644	IG	AMC LIFTBOATS INC	LA
WPNZ695	IG	LOS ROBLES REGIONAL MEDICAL CENTER	CA
Callsign	Radio Service	Licensee	State
WPOD265	IG	KENTUCKY FRIED CHICKEN KY064022	NJ
WPOD267	IG	KENTUCKY FRIED CHICKEN KY059093	NY
WPOD271	IG	TACO BELL #5778	NJ
WPOD286	IG	DEL TACO #920	AZ
WPOD299	IG	FOODMAKER DBA JACK IN THE BOX #3679	TX
WPOD307	IG	KNOLL GOLF CLUB	NJ
WPOD308	IG	PLAINFIELD COUNTRY CLUB	NJ

		COMPANY INC	
WPOB464	IG	DANA HALL SCHOOL	MA
WPOB652	IG	TACO BELL # TB631	TX
WPOB829	IG	CIVIC HOTEL COMPANY LLC	CA
WPOC497	IG	PRI MED MANAGEMENT CONSULTANTS INC DBA HILL PHYSICIANS MEDICAL GROUP	CA
WPOC508	IG	ORIENTAL FARMERS FOOD CORP	GA
WPOC509	IG	CLARK BEFINING & MARKETING INC	IL
WPOC510	IG	ATLANTA ORIENTAL FOOD WHLS CO	GA
WPOC517	IG	PTG LOGISTICS	OH
WPOC528	IG	S D COPELAND ELEMENTARY SCHOOL	GA
WPOC531	IG	JACK IN THE BOX #JB1413	IL
WPOC535	IG	ABUNDANT LIFE CHURCH DBA ABUNDANT LIFE COGIC	IL
WPOC554	IG	VALLEY AUTOMOTIVE SERVICES INC DBA TRUE 2 FORM VALLEY WEST COLLISION	PA
WPOC559	IG	BILL DE NOON LUMBER COMPANY	OH
WPOC587	IG	DANDY DONUTS #38852	CT
WPOC600	IG	SHEA VINEYARDS INC	CT
WPOC606	IG	NATHAN S FAMOUS	NY
WPOC609	IG	TACO BELL #2429	PA
WPOC612	IG	CRESCENT ROOM	GA
WPOC622	IG	BUNKLEMAN BUILDERS INC	WI
WPOC623	IG	LAMB WESTON 38928	WA
WPOD230	IG	MIDWEST STAINLESS INC	WI
WPOD241	IG	BOY SCOUTS OF AMERICA	NC
WPOD243	IG	CLARK METALS	OH
WPOD244	IG	HERRIN, IRA D.	NH
WPOD258	IG	RALPHS #38736	CA
Callsign	Radio Service	Licensee	State
WPOD660	IG	FOODMAKER DBA JACK IN THE BOX # 8304	WA
WPOD664	IG	FOODMAKER DBA JACK IN THE BOX #8411	WA
WPOD675	IG	CVAC ENTERPRISES INC DBA ARBYS #1877	CT
WPOD680	IG	FOODMAKER DBA JACK IN THE BOX #866	TX
WPOD682	IG	FOODMAKER DBA JACK IN THE BOX # 3802	TX
WPOD695	IG	RIVER CITY RASCALS	MO
WPOD699	IG	FUJITSU NEXION INC	MA

WPOD312	IG	FOODMAKER DBA JACK IN THE BOX #8496	WA
WPOD315	IG	ADVANCE LOGISTICS LLC	TN
WPOD317	IG	JACK IN THE BOX #8409	WA
WPOD337	IG	LIGHTHOUSE BAPTIST CHURCH	CA
WPOD340	IG	D SQUARED INC	NE
WPOD341	IG	REITTER & SCHEFENACKER USA LP	TN
WPOD343	IG	NORTHSIDE BAPTIST CHURCH	NC
WPOD354	IG	BARTON, TONY	TX
WPOD355	IG	914 MAIN STREET CORP	TX
WPOD392	IG	TACO BELL #15005	NC
WPOD393	IG	TACO BELL #3501	AR
WPOD396	IG	CAJU INC DBA BEST WESTERN-COCOA INN	FL
WPOD397	IG	CHUCKREY, STEVEN	CT
WPOD402	IG	MAAX USA INC	GA
WPOD410	IG	WILDERNESS COUNTRY CLUB	FL
WPOD416	IG	TACO BELL #4069	NY
WPOD422	IG	MIRROR LAKE	GA
WPOD423	IG	BURGER KING #12	FL
WPOD428	IG	KENTUCKY FRIED CHICKEN KW710064	GA
WPOD430	IG	ATTACHMATE CORP	WA
WPOD431	IG	COMPUCOM INC	CA
WPOD446	IG	AUTOMOTIVE SUPPLY CO	WI
WPOD462	IG	TACO BELL #315	TN
WPOD465	IG	KIRC LIMITED PARTNERSHIP	OH
WPOD468	IG	TACO BELL	IL
WPOD469	IG	TACO BELL	IL
WPOD470	IG	TACO BELL	IL
WPOD493	IG	GLOBE MANUFACTURING CORP	AL
WPOD497	IG	MONTABELLO GOLF COURSE	CA
WPOD505	IG	RIO VISTA ELEMENTARY SCHOOL	TX
WPOD507	IG	DAYS INN SOUTH	OH
WPOD511	IG	SPRING BRANCH MEDICAL CENTER	TX
WPOD541	IG	UNDERHILL INTERNATIONAL CORPORATION	CA
WPOD552	IG	MERCY MEDICAL CENTER	MD
WPOD580	IG	S D COPELAND	GA
WPOD705	IG	ATLANTIC IRRIGATION SPECIALITIES	NY
WPOD731	IG	BORDER FOODS DBA TACO BELL	WI
WPOD732	IG	BORDER FOODS DBA TACO BELL	MN
WPOD735	IG	FAIRFIELD INDEPENDENT SCHOOL DISTRICT	TX
WPOD744	IG	WELSH INC DBA PETRO SHOPPING CENTER #66	IN
WPOD764	IG	KASTAUI, MOSTAFA EL	FL
WPOD767	IG	SYBRA DBA ARBYS	TX
WPOD779	IG	KOEHLER, JOSEPH	WI
WPOD785	IG	EXEL LOGISTICS AMERICAS	IL
WPOD793	IG	ROANOKECHOWAN HOSPITAL UNIV HEALTH SYSTEMS OF EASTERN CAROLINA DBA ROANOKE CHOWAN HOSPITAL	NC
WPOD797	IG	SYBRA INC DBA ARBYS	ND
WPOD806	IG	SYBRA INC DBA ARBYS	TX
WPOD807	IG	SYBRA INC DBA ARBYS	TX
WPOD818	IG	NEWSWEEK	NY
WPOD828	IG	TWO WAY TRAFFIC INC	PA
WPOD835	IG	NEWTON INSTRUMENT CO INC	NC
WPOD861	IG	PANCO MANAGEMENT CORP DBA TOP OF THE HILL ASSOCIATION	DE
WPOD875	IG	EVERGLADES ALLIGATOR FARM	FL
WPOD898	IG	JIFFY FOOD MART DBA HARDEE S #1993	FL
WPOD909	IG	SYSTEM COMMUNICATIONS INC	IN
WPOD926	IG	RAITH, GREGORY P	MA
WPOD934	IG	BORDER FOODS DBA TACO BELL	MN
WPOD935	IG	WILDWOOD BEVERAGE INC DBA WENDYS	MI
WPOD937	IG	ARBYS	NC
WPOD946	IG	BURGER KING #644	TX
WPOD948	IG	TACO BELL #9379	NY
WPOD961	IG	OAKLAND GOLF PROPERTIES	TN
WPOD968	IG	TRFZ & TREFZ DBA ARBYS	NC
WPOD971	IG	TREFZ & TREFZ DBA ARBYS	KS
WPOD972	IG	MONTICELLO GOLF COURSE	SC
WPOD973	IG	HERMITAGE COUNTRY CLUB	TN
WPOD974	IG	SAPPHIRE VALLEY	NC
WPOD979	IG	WESTERN COUNTRY ENTERTAINMENT	CO
WPOD981	IG	HARDEES	NC
WPOD986	IG	KISER, MITCHELL	TX

		ELEMENTARY SCHOOL	
WPOD582	IG	MILES FARM SUPPLY INC	KY
WPOD590	IG	BATTERY ENGINEERING INC	MA
WPOD602	IG	CLAYCO CONSTRUCTION	MO
WPOD610	IG	BEHAVIORAL HEALTHCARE OF COLUMBUS DBA B H C	IN
WPOD615	IG	BURGER KING #48	IN
WPOD624	IG	LIFE CHRISTIAN CENTER	MO
WPOD638	IG	HEWLETT PACKARD COMPANY	VA
WPOD650	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOD656	IG	INDIAN SPRINGS VILLAGE APARTMENTS	AZ
Callsign	Radio Service	Licensee	State
WPOE282	IG	VILLAGE LANDSCAPING	OH
WPOE286	IG	REDDMAN, LAWRENCE G	AR
WPOE332	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE333	IG	FOODMAKER DBA JACK IN THE BOX #3785	TX
WPOE334	IG	FOODMAKER DBA JACK IN THE BOX #3790	TX
WPOE338	IG	FOODMAKER DBA JACK IN THE BOX #3788	TX
WPOE339	IG	FOODMAKER DBA JACK IN THE BOX #3787	TX
WPOE344	IG	FOODMAKER DBA JACK IN THE BOX #3907	TX
WPOE346	IG	FOODMAKER DBA JACK IN THE BOX #3902	TX
WPOE347	IG	FOODMAKER DBA JACK IN THE BOX #3900	TX
WPOE353	IG	FOODMAKER DBA JACK IN THE BOX #4038	MO
WPOE372	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE373	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE374	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE375	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE376	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE378	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE379	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE383	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOE388	IG	FOODMAKER DBA JACK IN THE BOX	IL
WPOE404	IG	AWB RANCH INC	OK

WPOD995	IG	SENIOR LIFESTYLES CORPORATION	IL
WPOE200	IG	WHITE TAIL INN	WI
WPOE203	IG	GREAT DAY FOOD CENTERS	MI
WPOE224	IG	MACTAC V INC DBA MCDONALDS	WV
WPOE252	IG	THE WAVE PARTNERS LLC DBA THE WAVE AUTO CARE CENTER	CA
WPOE267	IG	RAMADA PLAZA HOTEL INTERNATIONAL	CA
WPOE274	IG	NELSON, CLIFF	ND
WPOE275	IG	MYLEA TAXI INC	NJ
WPOE276	IG	ZIESCH, ROBIN	ND
Callsign	Radio Service	Licensee	State
WPOG347	IG	H & R FOOD SERVICES DBA ARBYS RESTAURANT	CA
WPOG350	IG	KENTUCKY FRIED CHICKEN	MI
WPOG357	IG	BUNNELL, GARY	MO
WPOG358	IG	ANSON RESTAURANT GROUP DBA WENDYS	AL
WPOG359	IG	ANSON RESTAURANT GROUP DBA WENDYS RESTAURANT	AL
WPOG360	IG	ANSON RESTAURANT GROUP DBA WENDYS	NC
WPOG368	IG	RED ROBIN INTERNATIONAL INC DBA RED ROBIN BURGER & SPIRITS EMPORIUM	WA
WPOG376	IG	EDDY CORPORATION DBA MCDONALDS	FL
WPOG378	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG380	IG	FOODMAKER DBA JACK IN THE BOX	WA
WPOG396	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG397	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG402	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG404	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG405	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG406	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG407	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG410	IG	FOODMAKER DBA JACK IN THE BOX	OR
WPOG411	IG	FOODMAKER DBA JACK IN THE BOX	OR
WPOG415	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG422	IG	STRATEGIC SPORTS INC	VA

WPOE407	IG	DEARBORN MIDWEST CONVEYOR CO	MO
WPOE410	IG	BEAL AEROSPACE TECHNOLOGIES INC	TX
WPOE420	IG	WORLD WRESTLING FEDERATION	NV
WPOE423	IG	STANKARD, CHARLIE	MA
WPOE424	IG	THE GAP INC	CA
WPOE437	IG	SCHOOL SERVICES & LEASING INC	KS
WPOE476	IG	MOREHEAD CITY COUNTRY CLUB	NC
WPOE504	IG	OUTDOORS UNLIMITED	CA
WPOE510	IG	HEATHROW GOLF COMPANY LTD	FL
WPOE532	IG	STARGAS PROPANE INC	IN
WPOE547	IG	LUCKY SPOT FOOD LLC	NY
WPOE550	IG	SOUTH FORD INC	OR
WPOE551	IG	SENTRY CUDAHY	WI
WPOE555	IG	EMPIRE SUPERMARKET INC DBA KEY FOODS	NY
WPOE556	IG	FOOD DYNASTY	NY
WPOE558	IG	SIXTH STREET FOOD STORE INC	NE
WPOE561	IG	MOUNT ROYAL SUPERVALU	MN
WPOE563	IG	CUB FOODS CORPORATE	MN
WPOE564	IG	CANTON IGA	NY
WPOE573	IG	WEST OAKS MALL	FL
WPOE579	IG	TRI STAR THEME BUILDERS INC	NV
WPOE584	IG	MCCALLIE SCHOOL DINING SERVICES	TN
WPOE597	IG	ASSET MANAGEMENT SERVICES	CA
WPOE601	IG	THE GAP INC	CA
WPOE618	IG	WORLD OF WONDER SCHOOL	OH
WPOE636	IG	WATERLEFE GOLF AND RIVER CLUB	FL
WPOE642	IG	ARCH CHEMICALS INC	LA
WPOE656	IG	PHARR, CITY OF	TX
WPOE658	IG	SHOU CHENG, HONG	NY
WPOG339	IG	POINT INC	KS
Callsign	Radio Service	Licensee	State
WPOX360	IG	OSBORN, WILLIAM U	CA
WPOX406	IG	DEAN COMBS RACING	NC
WPOX409	IG	UNITED STATES CAN COMPANY	IL

		DBA PEV'S PAINTBALL	
WPOG431	IG	FOODMAKER DBA JACK IN THE BOX	TX
WPOG435	IG	FOXFIRE RESORTS & COUNTRY CLUB	NC
WPOG439	IG	GAS CITY LTD DBA GAS CITY	AZ
WPOG443	IG	WMCR DBA KENTUCKY FRIED CHICKEN	WI
WPOG448	IG	RUNNELS, RICHARD	MS
WPOG453	IG	GLASSMERE FUEL SERVICE DBA GLASSMART #13	PA
WPOG457	IG	FOODMAKER DBA JACK IN BOX #6801	NC
WPOG460	IG	MCKECHNIE PLASTIC COMPONENTS	SC
WPOG479	IG	YOUNG, JOHN D: YOUNG, SHANNON	CO
WPOG485	IG	CAPITAL WHOLESALE MEATS	IL
WPOG488	IG	HACIENDA MEXICAN RESTAURANT	IN
WPOG500	IG	TR II CORPORATION DBA MCDONALDS	CA
WPOG505	IG	SOUTH CHARLESTON HIGH SCHOOL	WV
WPOG520	IG	SUMMER FRESH SUPERMARKET	MO
WPOG521	IG	SUMMER FRESH SUPERMARKET	MO
WPOG522	IG	SUMMER FRESH SUPERMARKET	MO
WPOG538	IG	GORMAN ENTERPRISES INC	MN
WPOG554	IG	EDISON ELEMENTARY	OH
WPOG567	IG	KAMEHAMEHA SCHOOLS	HI
WPOG569	IG	EUREST DINING SERVICES	GA
WPOG570	IG	KAUFMAN, MARK H	WY
WPOG592	IG	TCC CONTRACTING CO	MD
WPOG593	IG	CRESTLIVE PLASTICS INC	MD
WPOX232	IG	BRIDGEWATER PROTECTIVE COATINGS	NJ
WPOX234	IG	CONNELLY CONTAINERS INC	PA
WPOX245	IG	HAMPTON INN LEBANON MANHEIM	PA
WPOX296	IG	COLLEGE POINT CINEMAS	NY
WPOX309	IG	MISSOURI VALLEY STOCK CAR ASSOCIATION	ND
WPOX351	IG	CEDARVILLE COLLEGE	OH
WPOX352	IG	SCHERING PLOUGH LAS PIEDRAS	PR
Callsign	Radio Service	Licensee	State
WPOY750	IG	ASTRO TAXI LLC	WI
WPOY758	IG	CORNING PAINTED POST SCHOOL DISTRICT	NY
WPOY787	IG	VOWELS & COMPANY INC	MO

WPOX430	IG	PROGRESSIVE MOTORSPORTS	NC
WPOX441	IG	WENDYS OF FORT WAYNE DBA WENDYS	IN
WPOX477	IG	SPENCER MOTOR VENTURES INC	NC
WPOX496	IG	RUPLEYS SECURITY	KY
WPOX509	IG	ABLE BODY CORP	KS
WPOX519	IG	NEW MEXICO STATE DEPARTMENT OF EDUCATION	NM
WPOX579	IG	SONOCO PRODUCTS	TN
WPOX599	IG	RUMPH SURVEYS INC	WY
WPOX617	PW	TEKEL INC	LA
WPOX703	IG	SPRINGHILL ENGINEERING CORPORATION	MT
WPOX718	IG	EAST COAST SECURITY SERVICES	GA
WPOX744	IG	HAMILTON, TRAVIS	AR
WPOX798	IG	NAILS, CHRISTOPHER W	NC
WPOX803	IG	MONROE, TOWN OF	IN
WPOX813	IG	STOCKINGER, JOHN F	TX
WPOX869	IG	G-P GYPSUM EAST	MI
WPOX877	IG	RESIDENCE INN BY MARRIOTT	CA
WPOX903	IG	ORIENTAL AMBULANCE SERVICE INC	PR
WPOX906	IG	NORDSTROM INC #230	IL
WPOY213	IG	LANDLINK COMMUNICATIONS LLC	CO
WPOY221	IG	SULLIVAN, BILLY C	AK
WPOY222	IG	LAFAYETTE EAST CO OP INC	MI
WPOY243	IG	EAGLE AIR INC	MT
WPOY255	IG	WHIRPOOL DISTRIBUTION CENTER	OH
WPOY267	IG	HARRIS TEETER INC	NC
WPOY268	IG	C T E INC	NY
WPOY271	IG	LTE FOOD CORPORATION DBA ASSOCIATED SUPERMARKETS	NY
WPOY308	IG	BEARCOM OPERATING L P	CA
WPOY333	IG	D D WILLIAMS INC	FL
WPOY337	IG	SOONER LAND SURVEYING INC	OK
WPOY343	IG	KFC NATIONAL MANAGEMENT COMPANY	CA
WPOY346	IG	KROGER FOOD STORES	TX

WPOY796	IG	FERNANDO, JOSE	PR
WPOY805	IG	WARMACK & COMPANY	AR
WPOY855	IG	WINCHESTER PROPERTIES LLC DBA WINCHESTER COUNTRY CLUB	CA
WPOY859	IG	FEDERAL MOGUL	VA
WPOY872	IG	UNITED ROLL FORMING	IN
WPOY892	IG	ELECTROGLAS INC	CA
WPOY923	IG	CACHE VALLEY ELECTRIC	NC
WPOY955	IG	ATLANTIC CITY MEDICAL CENTER	NJ
WPOY957	IG	LODGE OF FOUR SEASONS	MO
WPOY973	IG	GWENNAP, JAMES P	KS
WPOY977	IG	SCHUECK STEEL INC	NC
WPOZ267	IG	MIDWAY AIRLINES	NC
WPOZ319	IG	H N T B CORPORATION	IN
WPOZ348	IG	CHARLES CRAFT INC	NC
WPOZ358	IG	VOICENET RADIO COMMUNICATIONS	MA
WPOZ359	IG	VOICENET RADIO COMMUNICATIONS	MA
WPOZ360	IG	VOICENET RADIO COMMUNICATIONS	MA
WPOZ368	IG	UNITED LAUNDRY SERVICE, INC.	HI
WPOZ407	IG	SMITH, PHIL	AR
WPOZ417	YG	HEWLETT PACKARD COMPANY	VA
WPOZ452	IG	TELEDYNE LEWISBURG INC	TN
WPOZ460	IG	LASALLE PARTNERS MANAGEMENT SERVICES	FL
WPOZ468	IG	MEADOWCREEK HIGH SCHOOL	GA
WPOZ469	IG	VALERIE SCHOOL	OH
WPOZ506	IG	HOUSTONIAN GOLF LTD DBA HOUSTONIAN & SHADOW HAWK GOLF CLUBS	TX
WPOZ542	IG	COMDISCO INC	GA
WPOZ554	IG	ARCRAFT SERVICES INTERNATIONAL	FL
WPOZ570	IG	SCHLESINGER, BARRY:MC MORROW, BILL:FREEMAN, LYLE DBA KENNEDY WILSON PROPERTIES	TX
WPOZ575	IG	EL DORADO BUILDERS INC	TX
WPOZ622	IG	HOTEL PARTNERS MANAGEMENT	MN
WPOZ638	IG	ALBERT EINSTEIN MEDICAL CENTER	PA
WPOZ645	IG	EGLESTON CHILDRENS HOSPITAL AT EMORY UNIVERSITY INC	GA

WPOY367	IG	DAYS INN	MN
WPOY388	IG	ELITE SOD FARMS LLC	OK
WPOY394	IG	NEU VENTURES INC DBA MOUNTAIN ZONE TV SYSTEMS	TX
WPOY482	IG	OUR LADY OF MERCY NURSING HOME	NY
WPOY488	IG	COLUMBIA SERVICE INTERNATIONAL INC	TX
WPOY555	IG	SHEFFIELD CHEMICAL CORPORATION	TX
WPOY575	IG	GREAT LAKES ENERGY COOPERATIVE	MI
WPOY597	IG	DRUMMOND, LINDA DBA COUNTRY CLASSICS	GA
WPOY600	IG	HEWLETT PACKARD CO	MO
WPOY606	IG	AMES DISTRIBUTION CENTER	NY
WPOY632	IG	ADAMS, CHRIS	MO
WPOY649	IG	MAPP BEER CONSTRUCTION	LA
WPOY669	IG	DALLAS GARLAND & NORTHEASTERN R R INC	TX
WPOY687	IG	LILBURN MIDDLE SCHOOL	GA
WPOY725	PW	FIRST RESPONDER OF BROWN COUNTY	TX
WPOY727	IG	SUPERIOR CAM INC	MI
Callsign	Radio Service	Licensee	State
WPOZ849	IG	WAWA FOOD MARKETS	DE
WPOZ854	IG	WAWA FOOD MARKETS	DE
WPOZ855	IG	WAWA FOOD MARKETS	DE
WPOZ860	IG	WAWA FOOD MARKETS	DE
WPOZ878	IG	WOODSIDE FARMS	LA
WPOZ891	IG	ARAMARK CORP HEALTH CARE	PA
WPOZ901	IG	FILHART, ROBERT	SD
WPOZ928	IG	NRG ENERGY INC	NY
WPOZ947	IG	GARZA III, AMANDO	TX
WPOZ967	IG	ELEGANCE LIVERY & LIMO INC	NJ
WPOZ970	IG	G F I AMERICA INC	MN
WPOZ998	IG	K W 1055 WILSHIRE GROUP INC	CA
WPPA201	IG	TYDICO INC	WA
WPPA210	IG	PINNELL, RALPH S	TX
WPPA212	IG	DAVIDSON, ROBBIE R	TX
WPPA217	IG	VACCO INDUSTRIES	CA
WPPA277	IG	HARBOR POINTE ENTERTAINMENT	MI
WPPA283	IG	NATIONAL FOOTBALL	NY

WPOZ656	IG	PHOENIX SPEEDWAY CORP DBA PHOENIX INTERNATIONAL RACEWAY	AZ
WPOZ689	IG	PRECOR USA INC	WA
WPOZ707	IG	INDEPENDENT SCHOOL DISTRICT 14	MN
WPOZ708	IG	SCHUH, KENNETH J	ND
WPOZ717	IG	WASTEMASTERS	OH
WPOZ727	IG	ARB INC	CA
WPOZ733	IG	AFSCME DISTRICT COUNCIL 33	PA
WPOZ769	IG	LEGGETT & PLATT CO DBA BLAZON TUBE INC	MS
WPOZ771	IG	LANDEX CORPORATION	AR
WPOZ775	IG	BROOKDALE LIVING COMMUNITIES INC	IL
WPOZ783	IG	GUDORF, EUGENE W	IN
WPOZ785	IG	U A P RICHTER BROWNS	IL
WPOZ799	IG	EXEL LOGISTICS	OH
WPOZ825	IG	GPS MANAGEMEMT	CA
WPOZ831	IG	SHILOH OF MICHIGAN, LLC	MI
WPOZ835	IG	FIESTA DEVELOPMENT INC	CA
Callsign	Radio Service	Licensee	State
WPPA893	YG	ANCHOR ALARM CENTER INC	GA
WPPA909	PW	PHYSICIANS ACCESS INCORPORATED	VA
WPPA914	IG	FISHER WAYLAND COOPER LEADER & ZARAGOZA L L P	DC
WPPA921	IG	SAGEWALK OUTDOOR SCHOOL #4502	OR
WPPA927	IG	WESTIN RESORT SAINT JOHN	VI
WPPA929	IG	AMERICAN RED CROSS	CO
WPPA937	YG	DAVIDSON, ROBBIE R	TX
WPPA991	IG	BELL SOUTH ENTERTAINMENT	FL
WPPB205	IG	UNIVERSITY OF PENNSYLVANIA	PA
WPPB301	IG	WALZ, DANIEL R	MI
WPPB307	IG	COLORADO AUTO AUCTION	CO
WPPB335	IG	MILLBROOK CHRISTIAN SCHOOL	MI
WPPB369	IG	HELIX ELECTRIC INC	NV
WPPB374	YG	GLOBAL ELECTRONICS INC	NC
WPPB410	IG	WINCHESTER COUNTRY CLUB	VA
WPPB449	IG	ROCHESTER CAB CO	NY
WPPB472	IG	Fridley, J David	TN
WPPB482	IG	VOLSON, RALPH	ND

		LEAGUE	
WPPA368	IG	CENTEX ROONEY CONSTRUCTION	CA
WPPA370	IG	RAPID TAXI COMPANY INC	GA
WPPA384	IG	LACHANCE, GLADYS	NY
WPPA390	IG	VOICENET RADIO COMMUNICATIONS	MA
WPPA393	IG	VOICENET RADIO COMMUNICATIONS	MA
WPPA402	IG	LAST RESORT INC	CA
WPPA430	IG	NEW BETHEL BAPTIST CHURCH	NC
WPPA464	IG	BECHTEL PARSONS BRINCKERHOFF	ME
WPPA484	IG	DAIRY QUEEN BULL MKT 19	TN
WPPA526	IG	BUFFALO PRAIRIE GANG CAMP	IL
WPPA528	IG	VOICENET RADIO COMMUNICATIONS	MA
WPPA550	IG	DIERBERGS MARKET INC	MO
WPPA552	IG	ERICKSONS FOODS	MN
WPPA565	IG	DAIRY QUEEN 19383	NC
WPPA600	IG	ACCESS AIR INC	IA
WPPA602	IG	H B INC DBA H B FUEL CO AND P S V CO	MA
WPPA607	IG	RUESCHER, WILLIAM C DBA LAZER X TYLER	TX
WPPA641	IG	ORMWOOD ENTERPRIZES INC DBA CALYPSO BEACH RESORT	FL
WPPA691	PW	CENTRAL VIRGINIA MEDICAL TRANSPORTATION	VA
WPPA712	IG	EXEL LOGISTICS	OH
WPPA727	YG	LANE, CHRISTOPHER H	CA
WPPA728	YG	REED, GENE E	CA
WPPA746	IG	ARIZONA STATE UNIVERSITY	AZ
WPPA757	IG	MT OLIVET VILLAGE CORPORATION INC DBA MARSHALL L SHEPARD VILLAGE	PA
WPPA788	IG	WHITING TURNER CONTRACTING COMPANY	MA
WPPA808	IG	CENTRAL PARKING	UT
WPPA810	IG	PHILLIPS, EUGENE	MO
WPPA831	IG	MILLENNIUM WIRELESS GROUP INC	NY
WPPA833	IG	WOODSIDE TERRACE SENIOR HOUSING	CA
WPPA839	IG	GAP INC	KY
WPPA858	IG	Sprint Communications Company L.P.	KS
WPPA874	IG	MADAME TUSSAUDS LAS VEGAS	NV
WPPA875	IG	DAWKINS CONCRETE PRODUCTS INC	NC

WPPB498	IG	SANTEE, GEORGE E	OH
WPPB507	IG	LIVING EARTH TECHNOLOGY CO	TX
WPPB521	IG	ARAMARK UNIFORM SERVICES	IA
WPPB524	IG	HERAS CARLOS R DBA UC COLUMBUS CAR SERVICE	NY
WPPB535	IG	GLOBAL TECHNOLOGY ENTERPRISES INC	FL
WPPB543	IG	LAKE CHELAN CAB CO INC	WA
WPPB552	IG	RESORT MANAGEMENT SERVICES INC	FL
WPPB582	IG	TOWER AIR	NY
WPPB603	IG	MESA AIRLINES INC	PA
WPPB620	IG	TRANSMONTAIGNE	IN
WPPB622	IG	WILD ROSE FURNITURE MANUFACTURING INC	MS
WPPB629	IG	POWELL, JAMES R	GA
WPPB634	IG	AUTOMOTIVE LOGISTICS SERVICE	MI
WPPB673	IG	GREENWOOD EXECUTIVE INN	KY
WPPB684	IG	R A WEBBER & SONS INC	ME
WPPB689	IG	CHEROKEE CASINO ENTERPRISES	OK
WPPB717	IG	GRAY & OSBORNE INC	WA
WPPB745	IG	HAL THOMAS LAND SURVEYING	FL
WPPB749	IG	ADOLFO, CORRAL T	TX
WPPB773	PW	KEAMS CANYON, CITY OF	AZ
WPPB791	IG	TONY S CONSTRUCTION INC	MN
WPPB801	IG	TRIGEN BIOPOWER INC DBA TRIGEN ALABAMA	NC
WPPB809	IG	VAN GO	DE
WPPB900	IG	ALDELANO PACKAGING	MI
WPPB965	IG	OGDEN ENTERTAINMENT INC DBA TOP OF THE WORLD AT THE WORLD TRADE CTR	NY
WPPB976	IG	RACAL NCS INC	TX
WPPB979	IG	OPUS OF GRAND RAPIDS	MI
WPPB987	IG	STEVE BROWN APARTMENTS	FL
WPPB991	IG	NORTHSIDE LEXUS	TX
WPPB992	IG	MOBILE CAR SERVICE INC	NY
WPPB995	IG	VOICENET RADIO COMMUNICATIONS	MA
WPPC219	IG	SUNSHINE RENTALS CO	FL
WPPC242	IG	LEHRER MC GOVERN BOVIS	NY

Callsign	Radio Service	Licensee	State
WPPC256	IG	COOK INSTITUTE	MI
WPPC257	IG	Invista Inc.	DE
WPPC324	IG	SOUTHLAND SECURITY	CA
WPPC338	IG	PRECISION PARTNERS INC	ND
WPPC352	IG	CIRCUIT CITY STORES INC	VA
WPPC358	IG	JHS BUILDING PRODUCTS	TX
WPPC367	IG	ST HUBERT CATHOLIC UNIVERSITY	MN
WPPC369	IG	RESCO PRODUCTS	OH
WPPC374	IG	FINKBEINER PETTIS & STOUT INC	OH
WPPC383	IG	SYCUAN CASINO	CA
WPPC386	IG	K MARKET INC DBA KHOURY S MARKET PLACE	NV
WPPC390	IG	GOOD SHEPHERD SCHOOL	MD
WPPC408	IG	WELLS ALUMINUM	OH
WPPC409	IG	LSG SKY CHEFS	NJ
WPPC412	IG	BRAINTREE BEST TAXI INC	MA
WPPC418	IG	SODEXHO MARRIOTT MANAGEMENT INC	MI
WPPC426	IG	JUB ENGINEERS INC	ID
WPPC462	IG	RESEARCH CORPORATION UNIVERSITY OF HAWAII	HI
WPPC464	IG	C C ROUSTABOUT	TX
WPPC483	IG	SURE WAY LIVERY SERVICE	IL
WPPC485	IG	GOODWILL INDUSTRIES OF SAN ANTONIO	TX
WPPC495	IG	MUEBLERIA HIRAM Y CENTRO GAS	PR
WPPC534	YG	LEGACY COMMUNICATIONS INC	CO
WPPC548	IG	VINCENT COMPANY INC DBA STRATEGIX DIAGNOSTIC CENTER	CO
WPPC595	IG	BURGER KING BK3810	LA
WPPC605	IG	SAN FRANCISCO CHRISTIAN CENTER	CA
WPPC640	IG	GOLF CLUBS OF TEXAS	TX
WPPC641	IG	SIERRA LAKES COUNTRY CLUB	CA
WPPC646	IG	GOLF CLUB OF MICHIGAN	MI
WPPC680	PW	VALLEY TOWNSHIP VOLUNTEER FIRE DEPT INC	OH
WPPC720	IG	LACK ENTERPRISES DBA WENDYS RESTAURANT	TX

Callsign	Radio Service	Licensee	State
WPPD374	IG	SHINER MOSELEY AND ASSOCIATES INC	TX
WPPD388	IG	BRACHS CONFECTIONS INC	TN
WPPD406	IG	METRO RACING SYSTEMS INC	FL
WPPD450	IG	LOZANO, ED	TX
WPPD453	IG	AUDIO VISUAL MANAGEMENT GROUP	LA
WPPD490	IG	IZARD COUNTY CONSOLIDATED SCHOOL DISTRICT	AR
WPPD507	IG	MANGUM FARMER S COOP	OK
WPPD509	IG	GARRETT, TOMMY	MS
WPPD538	IG	GORDER, RON	SD
WPPD549	IG	FEDERATED DEPARTMENT STORE DBA FEDERATED LOGISTICS IN OPERATION (F	GA
WPPD551	IG	HIDDEN BROOK FARMS	NY
WPPD565	IG	WESTERN DIGITAL CORPORATION	MN
WPPD581	IG	SELECT SPECIALTY HOSPITAL	TX
WPPD582	IG	AMERICAN COMMUNICATION TECH INTERNATIONAL INC	CA
WPPD608	IG	CUMMINGS, BRAD	MS
WPPD614	IG	TANNER CONSTRUCTION CO INC	TX
WPPD625	IG	BROCK MAINTENANCE	TX
WPPD631	IG	TIDEWATER MANAGEMENT GROUP INC	VA
WPPD668	IG	AMERICAN PROTECTIVE SERVICES INC	TX
WPPD673	IG	OMAR SANATOS INC	TX
WPPD719	PW	ORA V F D	TX
WPPD726	IG	PREMIER PRESENTATIONS	CA
WPPD767	IG	NOKIA MOBILE PHONES INC	TX
WPPD816	IG	VISION QUEST OF NEW JERSEY INC	NJ
WPPD884	IG	HANOVER MATERIALS INC	VA
WPPD899	YG	RICE ELECTRONICS	TX
WPPD942	IG	WAWA FOOD MARKETS	DE
WPPD943	IG	WAWA FOOD MARKETS	DE
WPPD946	IG	FUENTES, TOM	CA
WPPD951	IG	EUROBROKERS	NY
WPPD957	IG	MCDONALDS RESTAURANT DBA MCDONALDS RESTAURANT #23653	CA

WPPC728	IG	WORLDWIDE CLINIC TRIALS	GA
WPPC785	IG	CADIZ EXCAVATING	KY
WPPC793	IG	TRIMBLE ELECTRIC	IN
WPPC795	IG	AIR QUALITY SERVICES LLC	IN
WPPC824	IG	MONTGOMERY, BILL	CA
WPPC827	IG	CT MANAGEMENT INC	MI
WPPC846	IG	PRECISION ENERGY SERVICES	TN
WPPC865	IG	SALVATION ARMY	MI
WPPC915	IG	SEARS ROEBUCK	LA
WPPC918	IG	METRO TAXI & LIMOUSINE INC	NY
WPPC933	IG	UNIVERSAL TRANSPORTATION GROUP INC	NY
WPPC941	IG	GOLF LLC	NE
WPPC942	IG	GRANITE CONSTRUCTION INC	TX
WPPD241	IG	LAND TECH LLC	DE
WPPD253	IG	YAVAPAI SURVEYING INC	AZ
WPPD257	IG	NOLTE & ASSOCIATES	CA
WPPD291	IG	PILLSBURY DANIEL:PILLSBURY LARRY DBA BREEZY VALLEY REGISTERED HOLSTEINS DAIRY	VT
WPPD307	IG	CENTRAL RESOURCES INC	CO
WPPD344	IG	BROKEN ARROW	UT
WPPD352	IG	BLACKSTONE GOLF COURSE	TX
Callsign	Radio Service	Licensee	State
WPPF356	IG	WING INDUSTRIES INC	TX
WPPF410	IG	TIDEWATER MANAGEMENT GROUP INC	VA
WPPF431	IG	UNITED NATIONS FEDERAL CREDIT UNION	NY
WPPF451	IG	LOUIS BROMFIELD HIGH SCHOOL	OH
WPPF487	IG	INTERNATIONAL THOMSON PUBLISHING	KY
WPPF592	IG	WARNER COMMUNICATIONS CORP	MO
WPPF617	IG	SANDIA CASINO	NM
WPPF641	IG	SOUTH FLORIDA FAIR & PALM BEACH CO EXPOSITIONS INC DBA SOUTH FLORIDA FAIR	FL
WPPF675	IG	DAHL, STEVEN M	ND
WPPF698	IG	DIAL MOBILE COMMUNICATIONS	CA
WPPF732	IG	REAL ESTATE EQUITIES MANAGEMENT	MN
WPPF744	IG	GOSHEN FARMS OF	VT

WPPD990	IG	PRECISION WELL SERVICE	WY
WPPE232	IG	W9/PHC REAL ESTATE LP	CA
WPPE262	IG	MARSHALLS INC	MA
WPPE268	IG	PALOMAR HOTEL	CA
WPPE274	IG	LA PALMA INTER COMMUNITY HOSPITAL	CA
WPPE320	YG	PIONEER HI-BRED INT'L INC	IA
WPPE396	IG	CARL J LAMB SCHOOL	ME
WPPE398	IG	SW J FINANCIAL INC DBA BURGER KING #931	TX
WPPE400	IG	PRIORITY PARKING	CA
WPPE403	IG	JIT TRANSPORTATION INC	CA
WPPE427	IG	MOUNTAIN POINTE HIGH SCHOOL	AZ
WPPE541	IG	VOICENET RADIO COMMUNICATIONS	MA
WPPE542	IG	VOICENET RADIO COMMUNICATIONS	MA
WPPE677	IG	LYNN UNIVERSITY	FL
WPPE753	IG	Comcast of Montana/Indiana/Kentucky/Utah	NY
WPPE876	IG	VOICENET RADIO COMMUNICATIONS	MA
WPPE891	IG	HERGERT MILLING INC	NE
WPPE959	IG	HOOPER, DONALD E.	MI
WPPF330	IG	DIVERSIFIED SERVICES INC	WY
WPPF341	IG	DEL MESA FARMS	AR
Callsign	Radio Service	Licensee	State
WPPG731	IG	VAUGHN LAND SURVEYING INC	AZ
WPPG751	IG	SWIDER, DALE	CA
WPPG796	IG	CITY CONTRACTING CORP	MI
WPPG803	YG	SCHMIDT, TODD	PA
WPPG820	IG	ASKEW, JEFF	ND
WPPG833	IG	KISS MANAGEMENT DBA CHECKERS #747	FL
WPPG834	IG	KISS MANAGEMENT DBA CHECKERS #329	FL
WPPG852	IG	LAUE, GRETCHEN M	CA
WPPG854	IG	ROSE ASSOCIATES	NY
WPPG859	IG	GIRL SCOUTS LONE STAR COUNCIL	TX
WPPH201	IG	MEIG ENTERPRISES DBA KENTUCKY FRIED CHICKEN	MI
WPPH235	IG	AT T WIRELESS	NV

		FLORIDA INC	
WPPF756	IG	BOMBARDIER CAPITOL	CO
WPPF808	PW	CITY EMS INC	GA
WPPF833	IG	BRIGIOTTAS FARMLAND PRODUCE & GARDEN CENTER	NY
WPPF893	IG	SPRECKLES SUGAR	CA
WPPF896	IG	FMI TRUCKING INC	NJ
WPPF907	YG	ZAPATA, HOMERO C	TX
WPPF976	IG	TWIN VALLEY LOCAL SCHOOLS	OH
WPPG252	IG	IZARD COUNTY CONSOLIDATED SCHOOL DISTRICT	AR
WPPG255	IG	METAL RECOVERY SYSTEMS	MO
WPPG265	IG	AMERISERVE	OK
WPPG281	IG	TRANSPERFECT TRANSLATIONS INC	NY
WPPG292	IG	HAYMES BROTHERS INC	VA
WPPG316	IG	HIBMA, DAN	IA
WPPG317	IG	PARAMOUNT CITRUS	CA
WPPG319	IG	EAGLE USA	OH
WPPG344	IG	ARS ENGINEERS INC	TX
WPPG362	IG	JDB SYSTEMS INC DBA ARBYS RESTAURANT #95	OH
WPPG363	IG	N Y CERTITIED FOOD MARKET INC	NJ
WPPG381	PW	SHERMAN VETERINARY SERVICE	ME
WPPG383	IG	AGRO DISTRIBUTION LLC	WI
WPPG419	IG	STEVEN POTTER INC DBA RADIO EXPRESS	MN
WPPG447	IG	NISKAYUNA CENTRAL SCHOOL DISTRICT	NY
WPPG448	IG	GISCO INC	AL
WPPG452	IG	WESTERN RESERVE RESTAURANT DBA WENDYS RESTAURANT 4	OH
WPPG460	IG	MIERS, CLYDE	NY
WPPG487	IG	ANDREW WHITAKER DBA G & T INDUSTRIES	IN
WPPG490	IG	TOMBSTONE PIZZA CORP	WI
WPPG494	IG	GEORGIA PACIFIC CORP	WV
WPPG510	IG	LEAHY, DAN	WI
WPPG531	IG	HINEN, DARREN	WA
WPPG548	IG	MELLON, ROBERT C	MS
WPPG572	IG	LEAR CORP	MI
WPPG581	IG	ASBESTOS CONTAINMENT	NJ
WPPG633	IG	COCHECHO COUNTRY CLUB	NH
WPPG640	IG	D-BEST FARMS INC	KS
WPPG653	IG	JEWELL AGRI SERVICES INC	KS

		SERVICES DBA TECH OPERATIONS MGR	
WPPH315	IG	RYAN, BRYAN T	IN
WPPH345	IG	HYATT REGENCY CERROMAR BEACH	PR
WPPH348	IG	LANDDESIGN INC	NC
WPPH349	IG	BARBERTON, CITY OF	OH
WPPH361	IG	VOGTS FEED SERVICE	WI
WPPH392	PW	BROWNSVILLE ISD	TX
WPPH435	IG	PRIZE ENERGY INC	TX
WPPH455	IG	DURHAM BEST CAB CO	NC
WPPH472	IG	LANDLINK COMMUNICATIONS LLC	CO
WPPH508	IG	DAYS INN	FL
WPPH517	PW	SAN ELIZARIO, CITY OF	TX
WPPH523	IG	SETEC PROTECTION SERVICE L P	TX
WPPH529	IG	DAIRY MART	KY
WPPH556	IG	CENTINEL SECURITY	PR
WPPH578	IG	KINSMAN, MERLIN	OH
WPPH600	IG	WILD BASIN LODGE & RANCH	CO
WPPH676	IG	MCDONALDS RESTAURANT DBA MCDONALDS	IN
WPPH680	IG	LONG JOHN SILVER	KS
WPPH681	IG	EL RANCHO FOODS DBA TACO BELLQ	NJ
WPPH688	IG	RALPHS GROCERY COMPANY DBA FOOD 4 LESS	CA
WPPH698	IG	EL RANCHO FOODS DBA TACO BELL #4403	NJ
WPPH703	IG	HASTINGS COMPANY DBA HARDEES COMPANY	NC
WPPH721	IG	VELAZQUEZ, JOSE	PA
WPPH755	IG	MONROC INC	UT
WPPH769	IG	WYNDHAM CORPORATION	CA
WPPH775	IG	BRE BUILDERS INC	CA
WPPH778	IG	TRINITY INDEPENDENT SCHOOL DISTRICT	TX
WPPH806	IG	AMERICAN DISPOSAL	IN
WPPH829	IG	CLEVELAND LUMBE JACKS HOCKEY CLUB	OH
WPPH832	IG	C&B BLUEPRINT COMPANY INC	WV
WPPH849	IG	CAPE PROPERTIES DBA CAPE CORAL GOLF & TENNIS	FL
WPPH850	IG	PINKERTON INC	OH
WPPH854	IG	DENNIS COMPANIES	MN
WPPH892	IG	KROGER CORPORATION DBA KROGERS	TX
WPPH909	IG	WAXMAN CONSUMER PRODUCTS	OH
WPPH918	IG	BIG WHEEL DBA ROSSI	MN

WPPG654	IG	HIDE OUT GOLF CLUB	FL
WPPG662	IG	SOUTHWEST MED-TRANS INC	VA
WPPG670	IG	PEPPERMILL PALMS GOLF COURSE	AZ
Callsign	Radio Service	Licensee	State
WPPH985	IG	HGCI INC	TX
WPPN769	IG	CANON COMPUTERS	CA
WPPN774	IG	SOUTHEASTERN CONTAINER INC	OH
WPPN775	IG	BERRY, MICHAEL	NV
WPPN780	IG	ARM MARKETING INC DBA ARM COMMUNICATIONS	TX
WPPN781	IG	P HENDEL PRODUCTS	NY
WPPN786	IG	SCHISLER FARM TRUST	IL
WPPN804	IG	WMCR DBA KENTUCKY FRIED CHICKEN88	WI
WPPN808	IG	DUNBAR SENIOR HIGH SCHOOL	DC
WPPN812	IG	HOWARDS FLORIST & GARDEN	NY
WPPN821	IG	SANDPIPER BAY GOLF CLUB	NC
WPPN827	IG	POPEYES OFFICE DBA POPEYES #1711	TX
WPPN829	IG	NPC INTERNATIONAL INC DBA PIZZA HUT	OK
WPPN838	IG	AVIATION CLEANING SERVICES LTD	VT
WPPN847	IG	POPE, WILLIAM P	MO
WPPN857	IG	EDDY CORPORATION DBA MCDONALDS RESTAURANT	FL
WPPN858	IG	EDDY CORPORATION DBA MCDONALDS	FL
WPPN859	IG	EDDY CORPORATION DBA MCDONALDS	FL
WPPN860	IG	EDDY CORPORATION DBA MCDONALDS	FL
WPPN868	IG	INOVA HEALTH SYSTEM	VA
WPPN886	IG	AMERICAN COATING TECHNOLOGY INC	WI
WPPN892	IG	PLACEDOME NORTH AMERICA GETCHELL GOLD MINE INC	NV
WPPN912	IG	BURGER KING CORPORATE DBA BURGER KING	FL
WPPN918	IG	JEAN GERMAIN GIRAULT DBA LA COURTOISIE TAXI COMPANY	NY
WPPN921	IG	ENTERTAINMENT LIGHTING SERVICES	CA
WPPN922	IG	ENRON WIND LLC	CA
WPPN925	IG	BURGER KING CORPORATE DBA BURGER KING #3433	FL

		AUTO PARTS	
WPPH943	IG	TURNER PROPANE SERVICE INC	IL
WPPH961	IG	LA-VAN HAWKINS FOOD GROUP DBA BURGER KING	MI
WPPH974	IG	ALGER-SULLIVAN LUMBER CO	FL
Callsign	Radio Service	Licensee	State
WPPP300	IG	RED HILLS MIDDLE SCHOOL	UT
WPPP310	IG	FAIRFIELD INN	GA
WPPP311	IG	PBS & J CONSTRUCTION SERVICES INC	FL
WPPS442	IG	LAND & SEA TOURS INC	AR
WPPS444	IG	WINDERMERE GOLF CLUB	GA
WPPS450	IG	PFT INC DBA FERRAROS MARKET	NJ
WPPS451	IG	NIKKI JENN SUPERMARKET DBA AVON IGA SUPER FOOD STORE	NJ
WPPS454	IG	FARM FRESH FOODS	NY
WPPS455	IG	LINA FOOD CORP	NY
WPPS457	IG	MOTHERS MARKET & KITCHEN	CA
WPPS472	IG	RIGEL CORPORATION	NE
WPPS494	IG	THE HERTZ CORP	OK
WPPS499	IG	HOMELAND STORES INC	OK
WPPS500	IG	REGA ENTERPRISES LLC DBA STATFIELD IGA	CT
WPPS502	IG	WURTSBORO G-MART INC	NY
WPPS504	IG	97TH AVENUE FOOD CORP DBA FINE FARE	NY
WPPS515	IG	PEREZ TRADING COMPANY INC	FL
WPPS518	IG	R T MAYBERRY INC	ME
WPPS530	IG	GRANT RIVERSIDE NUTRITION SERVICES	OH
WPPS531	IG	RESTAURANT ASSOCIATES	DE
WPPS560	IG	ROBERT BOSCH CORPORATION	SC
WPPS561	IG	JOHNSTON INDUSTRIES INC	AL
WPPS566	IG	TRANSWORLD ENTERTAINMENT	NY
WPPS575	IG	COLORTEX FINISHING DBA NORTH CAROLINA FINISHING	NC
WPPS601	IG	POPEYES DBA POPEYES	GA
WPPS615	IG	EAST MANUFACTURING CORP	OH
WPPS632	IG	SONIC INDUSTRIES INC DBA SONIC DRIVE IN #4101	OK

WPPN928	IG	ROCKFORD LIGHTNING PROF BASKETBALL TEAM	IL
WPPN929	IG	BURGER KING CORPORATE DBA BURGER KING 2349	FL
WPPN930	IG	BURGER KING DBA BURGER KING #3140	FL
WPPN931	IG	CLIFFBREAKERS INC	IL
WPPN935	IG	LAUNIUS, DAVID A	IL
WPPN942	IG	UNICARE LIFE AND HEALTH INSURANCE CO	IL
WPPN945	IG	SNOW, HARRY	NH
WPPN949	IG	FRANKLIN TWP BOARD OF EDUCATION	NJ
WPPN950	IG	JORGENSEN, JOHN	MN
WPPN951	IG	SINCLAIR COMMUNITY COLLEGE	OH
WPPN959	IG	KRONFLI SPUNDALE MILLS INC	CA
WPPN964	IG	RISKTRAC INC	NH
WPPN968	IG	TEAM CLEAN INC	HI
WPPN975	IG	PINTO, LUIS CARLOS	TX
WPPN976	IG	TUSCARAWAS AUTO PARTS	OH
WPPN977	IG	TEMPLE UNIVERSITY CHILDRENS MEDICALCENTER	PA
WPPN992	IG	USA DIGITAL INC	NE
WPPN993	IG	ZOTOS INTERNATIONAL	NY
WPPP224	IG	SCHOOL BOARD OF SARASOTA COUNTY	FL
WPPP225	IG	SCHOOL BOARD OF SARASOTA COUNTY	FL
WPPP239	IG	HH OF NEVADA DBA C2K	NV
WPPP246	IG	UNIVERSITY OF KENTUCKY	KY
WPPP281	IG	DORAL PARK JOINT VENTURE DBA JDC AMERICA CORP	FL
WPPP285	IG	LEACH, DENNIS A	MN
Callsign	Radio Service	Licensee	State
WPPT355	IG	ADVANCED LOGISTICS DBA ADVANCED LOGISTICS	MO
WPPT364	IG	DAIRY MART 7564 DBA DAIRY MART CORPORATION	OH
WPPT366	IG	DAIRY MART 7516	OH
WPPT370	IG	DAIRY MART 295	KY
WPPT384	IG	VALKING INC DBA CHURCHS CHICKEN/TRAVEL MART/EXXON	TX
WPPT386	IG	PILOT TRAVEL CENTER DBA WENDYS RESTAURANT	NY
WPPT388	IG	HOBBLE CREEK GOLF COURSE	UT

WPPS639	IG	FAMILY EXTENDED CARE SARASOTA INC DBA CABOT RESERVE ON THE GREEN	FL
WPPS657	IG	MIDWAY AIRLINES	CT
WPPS688	IG	KARANGWA, DENIS	GA
WPPS689	IG	BOWMAN, JIM	KS
WPPT224	IG	AUTO WAREHOUSING COMPANY	WA
WPPT235	IG	BEACON HOME DIRECT INC	IL
WPPT243	IG	CARROLLS CORPORATION DBA BURGER KING 12844	NY
WPPT253	IG	EPPS, WILLIAM H	SC
WPPT255	IG	POPEYES RESTAURANTS DBA POPEYES 4640	GA
WPPT266	IG	SONIC RESTAURANTS DBA SONIC DRIVE-IN	OK
WPPT267	IG	SONIC RESTAURANT INC DBA SONIC DRIVE-IN	AR
WPPT268	IG	SONIC RESTAURANTS INC DBA SONIC DRIVE-IN	IN
WPPT269	IG	SONIC RESTAURANTS INC DBA SONIC DRIVE-IN	KY
WPPT276	IG	MERRILL LYNCH	NJ
WPPT288	IG	JRL FOOD CORP DBA KEY FOOD 1308	NY
WPPT291	IG	SERVICE MARKET	CA
WPPT312	IG	SCHMOLL, BRADLEY	MN
WPPT317	IG	NUWAY PAPER LLC	MI
WPPT325	IG	HASBRO INC	RI
WPPT328	IG	COMAR INC DBA SUN INTERNATIONAL DIVISION	NC
WPPT331	IG	DELUXE VIDEO SERVICES	CA
WPPT332	IG	JOHNSTON INDUSTRIES INC	AL
WPPT339	IG	KIENSTRA BLOCK & BRICK	MO
WPPT354	IG	MURPHY, JERRY	TX
Callsign	Radio Service	Licensee	State
WPPT793	IG	WAWA FOOD MARKETS	PA
WPPT795	IG	WAWA FOOD MARKETS	PA
WPPT820	IG	KEY WEST GOLF CLUB	FL
WPPT826	IG	CREEKS AT BEECHWOOD	TX
WPPT831	IG	MARKS & MORGAN JEWELERS INC	GA
WPPT843	IG	SCHEFERS,ANSELM: SCHEFERS,GERALD: SCHEFERS,BRIAN DBA SCHEFERS FARM	MN
WPPT844	IG	MID HUDSON PSYCHIATRIC CENTER	NY

WPPT389	IG	MICK RILEY GOLF COURSE	UT
WPPT400	IG	ORIGINAL HAMBURGER STAND	CO
WPPT401	IG	KENTUCKY FRIED CHICKEN	WI
WPPT402	IG	KENTUCKY FRIED CHICKEN	WI
WPPT404	IG	JDS RESTAURANTS DBA TACO BELL RESTAURANT	LA
WPPT410	IG	PILOT TRAVEL CENTERS DBA PILOT TRAVEL CENTER/ DAIRY QUEEN S	CA
WPPT420	IG	SWANK AUDIO VISUAL	CA
WPPT421	IG	LAS COLINAS COUNTRY CLUB	TX
WPPT423	IG	TRAVEL CENTERS OF AMERICA	KY
WPPT424	IG	CAPSTONE GOLF CLUB	AL
WPPT425	IG	CHICOPEE WOODS GOLF COURSE	GA
WPPT439	IG	WILDWOOD BEVERAGE INC DBA WENDYS RESTAURANT	MI
WPPT450	IG	BEAU RIVAGE COUNTRY CLUB	NC
WPPT454	IG	WAWA FOOD MARKETS	PA
WPPT455	IG	WAWA FOOD MARKETS	PA
WPPT463	IG	WMCR CORPORATION DBA KENTUCKY FRIED CHICKEN	WI
WPPT465	IG	NPC INTERNATIONAL DBA PIZZA HUT #2659	KS
WPPT469	IG	G M MECHANICAL OF MACOMB INC	IL
WPPT470	IG	DAMMIER, WAYNE S	TX
WPPT474	IG	POPEYES DBA POPEYES RESTAURANT	TX
WPPT476	IG	NPC INTERNATIONAL DBA PIZZA HUT	IL
WPPT477	IG	NPC INTERNATIONAL DBA PIZZA HUT	TX
WPPT483	IG	TREE OF LIFE INC DBA GOURMET AWARD FOODS	FL
WPPT497	IG	SNAKE RIVER TAXI	WY
WPPT508	IG	TACO BELL CORPORATION DBA TACO BELL	KS
WPPT509	IG	TACO BELL CORPORATION DBA TACO BELL	LA
WPPT510	IG	TACO BELL CORPORATION DBA TACO BELL	IL
WPPT513	IG	TACO BELL CORPORATION DBA TACO BELL	WV
WPPT521	IG	HARDEES RESTAURANT DBA HARDEES	NC
WPPT524	IG	HARDEES RESTAURANT DBA HARDEES RESTAURANT	AL
WPPT525	IG	HED INC DBA HARDEES RESTAURANT	FL
WPPT526	IG	HED INC DBA HARDEES RESTAURANT	IA

WPPT849	IG	SHERIDAN FOOD MART	IL
WPPT854	IG	SENDIKS MARKET	WI
WPPT859	IG	FOOT HILL FOOD CORP DBA KEY FOOD	NY
WPPT860	IG	ESTEVEZ GROUP CORPORATION	NY
WPPT866	IG	LORD LOGGING INC	FL
WPPT883	IG	MAGRUDERS	MD
WPPT884	IG	WAWA FOOD MARKETS	PA
WPPT885	IG	WAWA FOOD MARKETS	PA
WPPT902	IG	HIER, SCOTT	SD
WPPT943	IG	SANDBURG VILLAGE	IL
WPPT959	IG	THERMALEX INC	AL
WPPT961	IG	PERDUE FARMS INC	AL
WPPT965	IG	WAWA FOOD MARKETS	PA
WPPT966	IG	WAWA FOOD MARKETS	PA
WPPT978	IG	SHADES OF GREEN GARDEN CENTER	NJ
WPPT979	IG	RYERSON TULL	IN
WPPT999	IG	BELK PARK GOLF COURSE	IL
WPPU243	IG	LEGEND AIRLINES INC	TX
WPPU270	IG	SAM BRADLEY FARMS INC	AR
WPPU271	IG	ADVOCATE HEATH & HOSPITALS CORP DBA CHRIST HOSPITAL&MEDICAL CENTER	IL
WPPU280	IG	EBS UTILITIES	KY
WPPU286	IG	LANE EQUIPMENT CO INC	VA
WPPU307	IG	EVANS PETROLEUM COMPANY INC	SC
WPPU323	IG	WENDELLS FERTILIZER INC	NE
WPPU408	IG	BOULDER POINTE GOLF CLUB	MI
WPPU411	IG	ATLAS INDUSTRIAL	OH
WPPU447	IG	WESTERN RESOURCES	KS
WPPU488	IG	FUNHOUSE PRODUCTIONS INC	CA
WPPU492	IG	SODEXHO MARRIOTT @ MT SCENARIO COLLEGE	WI
WPPU509	IG	SPEAKMAN COMPANY	DE
WPPU516	IG	HOLLYWOOD TERMINALS INC	TX
WPPU527	IG	HUDSON RIVER SHIPBUILDERS COOPERATIVE	NY

WPPT529	IG	HED INC DBA HARDEES RESTAURANT	TN
WPPT530	IG	HED INC DBA HARDEES	NC
WPPT534	IG	PALO VERDE GOLF COURSE	AZ
WPPT566	IG	REMINGTON HYBRID SEED	IA
WPPT577	IG	THE MINSTER MACHINE COMPANY	OH
WPPT590	IG	CLEVELAND ELEMENTARY SCHOOL	OH
WPPT595	IG	DAYTON HARBORSIDE HEALTHCARE	OH
WPPT602	IG	LACLEDE STEEL CO	PA
WPPT608	IG	FLORIN MALL	CA
WPPT610	IG	MIDDLETOWN COUNTRY CLUB	PA
WPPT656	IG	DRIVCO LTD	IL
WPPT781	IG	TACO BELL CORPORATION DBA TACO BELL 20607	WA
Callsign	Radio Service	Licensee	State
WPPU789	YG	SIEMENS CORPORATION	FL
WPPU823	IG	BURGER KING	TX
WPPU825	IG	DURGIN & CROWELL LUMBER COMPANY	NH
WPPU874	IG	Invista Inc.	DE
WPPU993	IG	WELCH, ARDELLA R	OK
WPPV211	IG	DAIRY QUEEN DBA DAIRY QUEEN # 40534	CA
WPPV214	IG	DAIRY QUEEN DBA DAIRY QUEEN # 19691	TN
WPPV235	IG	MARTIN K EBY CONSTRUCTION CO INC	FL
WPPV322	IG	DURACELL BATTERIES	TN
WPPV372	IG	QUINT, LENDELL	ME
WPPV378	IG	TARRANT HIGH SCHOOL ATHLETICS	AL
WPPV392	IG	A WILBERTS SONS LLC	LA
WPPV416	IG	HAYES LEMMERZ INTERNATIONAL	KY
WPPV419	IG	GEORGIA PACIFIC CORPORATION	OK
WPPV422	IG	BRIDGEMAN FOODS DBA WENDY S	KY
WPPV423	IG	LORD & COOK VENTURES DBA TACO BELL	CA
WPPV427	IG	BRIDGEMAN FOODS DBA WENDY S	KY
WPPV437	IG	LOS ALTOS GOLF AND COUNTRY CLUB	CA
WPPV447	IG	MILKWAY COMMUNICATIONS	UT
WPPV488	IG	AFFILIATED BUILDING SERVICES INC	KS
WPPV555	IG	COLUMBIA CREDIT UNION	WA
WPPV557	IG	NORTH MESQUITE HIGH SCHOOL	TX

WPPU548	IG	RMI/ATLANTA	GA
WPPU549	IG	FAIRLEIGH DICKINSON UNIVERSITY	NJ
WPPU564	IG	ERLITZ, CRAIG	WI
WPPU579	IG	DAIRY QUEEN #40520	AZ
WPPU580	IG	OMC EL PASO	TX
WPPU622	IG	LAKE CHARLES CANE COOPERATIVE INC	LA
WPPU626	IG	POMONA UNIFIED SCHOOL DISTRICT	CA
WPPU687	IG	NEW HORIZONS FARM SERVICE INC	IA
WPPU690	IG	S I SECURITY	NC
WPPU696	IG	CLARION HOTEL	GA
WPPU713	IG	SUNSHINE MARKETING INC DBA RIVER RUN GOLF COURSE	AL
WPPU776	IG	MR. MIKE S	KS
Callsign	Radio Service	Licensee	State
WPPW202	IG	ST JOHN WEST SHORE HOSPITAL	OH
WPPW211	IG	ST MARYS BANK	NH
WPPW220	IG	AMERISTEEL INC	NC
WPPW228	IG	AMERICAN DYNAMICS GROUP INC	GA
WPPW245	IG	THE GAP INC	CA
WPPW248	IG	AMERICAN PROTECTIVE SERVICES	CA
WPPW282	IG	GREENTREE STRATEGIES INC	NY
WPPW290	IG	HODGSKISS, LEVI CALEB	MT
WPPW294	IG	STARBUCKS COFFEE CORPORATION DBA STARBUCKS	MA
WPPW308	IG	ALLIED SYSTEMS DBA ALLIED SYSTEM	KY
WPPW337	IG	GRANITE FALLS NORTH	AZ
WPPW345	IG	WASTE SYSTEMS INTERNATIONAL INC	PA
WPPW367	IG	STARBUCKS DBA STARBUCKS #8312	FL
WPPW429	IG	MAURY REGIONAL HOSPITAL	TN
WPPW433	IG	HARBOR TOWER CONDOMINIUM TRUST	MA
WPPW439	IG	KENNETT SQUARE GOLF COUNTRY CLUB	PA
WPPW463	IG	COX, J WYATT	VA
WPPW532	IG	RYDER GOLF COURSE	NC
WPPW534	IG	EAGLE PRODUCTS INC	IN
WPPW577	PW	LYNN VOCATIONAL TECHNICAL INSTITUTE	MA
WPPW598	IG	CSC LTD	OH
WPPW643	IG	AT T WIRELESS SERVICES	NV

WPPV579	IG	SCHOOL DISTRICT OF WEST ALLIS	WI
WPPV583	IG	GILLEY ENTERPRISES DBA MCDONALDS	LA
WPPV596	IG	QUAD D ENTERPRISES	IL
WPPV608	IG	LOWELL HOTEL DBA LOWELL HOTEL ASSOC LP	NY
WPPV609	IG	MORRILL COUNTY READY MIX	NE
WPPV626	IG	SCHAEFER, KEVIN	MN
WPPV659	IG	OCONEE REGIONAL MEDICAL CTR INC	GA
WPPV694	IG	SLOWINSKI, JEFF	MN
WPPV701	IG	RLC ENTERPRISES DBA TACO BELL	IL
WPPV731	IG	WENDOAK CORP DBA WENDYS	KY
WPPV749	IG	E Z GO TEXTRON INC	GA
WPPV754	IG	SCHATZ, ETHAN	HI
WPPV789	IG	WAWA FOOD MARKETS	DE
WPPV791	IG	WAWA FOOD MARKETS	DE
WPPV807	IG	SALAMON, DANUTA	NJ
WPPV860	IG	MOTT RESOURCES DBA KFC	NM
WPPV861	IG	MOTT RESOURCES DBA KFC	NM
WPPV863	IG	MOTT RESOURCES DBA KFC	NM
WPPV864	IG	MOTT RESOURCES DBA KFC	NM
WPPV873	IG	CT MANAGEMENT INC	MI
WPPV882	IG	ART SOUTH INC	PA
WPPV885	IG	ACTION FORCE SECURITY INC	PR
WPPV902	IG	EMMES ASSET MANAGEMENT CO LLC	NY
WPPV903	IG	SPECTA GUARD	NY
WPPV951	IG	MALLARD POINT COUNTRY CLUB	AR
WPPV959	IG	TIN STAR RANCH	TX
WPPV965	IG	MORGAN HILL PARTNERS	CA
WPPV981	IG	CLEAN ENERGY	KY
WPPV991	IG	HENSEL PHELPS CONSTRUCTION CO	TX
Callsign	Radio Service	Licensee	State
WPPX794	IG	PINNACLE ALLIANCE	NY
WPPX799	IG	WOODLAND MEADOWS	OH
WPPX810	IG	LINDELL MAY TRUCKING SERVICE INC	IL
WPPX815	IG	FOUNTAINS CLOVE ROAD APARTMENTS INC	NY

WPPW675	IG	G E POWER SYSTEMS	SC
WPPW714	IG	PREMIER TECHNOLOGIES INC	KY
WPPW721	IG	EMERALD ESTATES	MD
WPPW747	IG	PREMIER AUTO CAB INC	NJ
WPPW815	IG	THE FARMERS CO-OP OIL CO	AR
WPPW868	IG	ALPINE HIGH SCHOOL	TX
WPPW874	IG	JONES G FINKE INC	TX
WPPW897	IG	ARTS MILLING SERVICE INC	IA
WPPW908	IG	HF EPSTEIN HEBREW ACADEMY	MO
WPPW941	IG	KENTUCKY FRIED CHICKEN KY 4500	CA
WPPW942	PW	MASSACHUSETTS, COMMONWEALTH OF	MA
WPPW957	IG	MORRISON COUNTY AMBULANCE MED CAB	MN
WPPX224	IG	HOULE, SUSAN	MA
WPPX247	IG	PARK CITY TIME SHARE	UT
WPPX384	IG	NORTHAMPTON VA MEDICAL CENTER	MA
WPPX477	IG	ACCURATE PLUMBING & HEATING INC	WY
WPPX480	IG	FUGATE, WATER: COOPER, RUSSELL DBA NATIVE AMERICAN SECURITY SERVICE	OH
WPPX521	IG	AIRTOUCH COMMUNICATIONS INC	WA
WPPX581	IG	RUDOLPH SLETTEN INC	CA
WPPX609	IG	LETSON, DAVID	VI
WPPX618	IG	BLUE RIDGE GROUP INC	KY
WPPX713	IG	AMAN COLLECTION SERVICE INC	SD
WPPX722	IG	LIFE TECHNOLOGIES INC	MD
WPPX725	IG	DSC LOGISTICS INC	NJ
WPPX731	IG	ONE EMBARACADERO SOUTH DBA 725 SECOND STREET LP	CA
WPPX745	IG	DERBY FP DBA FOUR POINTS HOTEL AND SUITES	KY
WPPX746	IG	PISCHKE BACKHOE SERVICE	MN
WPPX784	YG	PROGRESSIVE COMMUNICATIONS SERVICES INC DBA PROGRESSIVE COMMUNICATIONS	OH
WPPX786	IG	SKI WINDHAM SKI PATROL SKI WINDHAM INC	NY
Callsign	Radio Service	Licensee	State
WPPY841	IG	GREEN, LARRY R	MD
WPPY852	IG	ENTERPRIZE PARK CORPORATION	NC
WPPY895	IG	BEAL AND COMPANY INC	MA
WPPY940	IG	SALVATION ARMY TRI CITIES CORPS	CA

WPPX818	IG	C S I INC DBA CLUB 209	KS
WPPX836	PW	NEVERSINK FIRE COMPANY	PA
WPPX839	IG	SPECIALTY POLYMERS INC	SC
WPPX842	IG	ASSIMAKOPOULOS, GEORGE	DC
WPPX868	IG	PRO PET LLC	OH
WPPX875	IG	PARK AMERICA INC	PA
WPPX928	IG	ISZLER, ELLIOT	MT
WPPX957	IG	CRESCENT PARK	NJ
WPPX978	IG	UNITED PARKING INC DBA PARKING COMPANY OF AMERICA	AZ
WPPX983	IG	ENERGY SAVING PRODUCTS INC	TN
WPPX986	IG	NORTH AMERICAN LIGHTING	IL
WPPY219	IG	PARUEL, DICK DBA ACTION ASAP DELIVERY SERUICE	CA
WPPY258	YG	DELPHI ENGINE AND ENERGY MANAGEMENT	WI
WPPY264	IG	PUBLIC WATER SUPPLY DISTRICT 2 OF PULASKI	MO
WPPY296	IG	INTERNATIONAL PAPER	TN
WPPY337	IG	DOMINICK SCANNAVINO MANAGEMENT ASSOCIATION DBA EASTLAKE WOODLANDS	FL
WPPY365	IG	PACKARD, LANCE W	NH
WPPY366	IG	TISHMAN SPEYER PROPERTIES DBA TST TOWER	CA
WPPY370	IG	WENDYS OFFICE DBA WENDYS	NJ
WPPY379	IG	ST MARY S HOSPITAL	NJ
WPPY383	IG	APPLIED PROPERTY MANAGEMENT CO INC	NJ
WPPY404	IG	HOGGARD EURE ASSOCIATES	VA
WPPY470	IG	E L LINDQUIST & SONS INC	MN
WPPY479	IG	Cable & Wireless Internet Services, Inc.	CA
WPPY485	IG	ENRON WIND LLC	CA
WPPY495	IG	RACING RADIO INC	GA
WPPY507	IG	INTERNATIONAL TOTAL SERVICES INC	OH
WPPY516	IG	THOMAS S BYRNE INC	TX
WPPY545	IG	WENDYS INTERNATIONAL DBA WENDYS RESTAURANT	MI
WPPY588	IG	VARNER HOME SERVICES	TX
WPPY597	IG	MONSON ENTERPRISES DBA KFC TACO BELL	AZ
WPPY600	IG	PHILIPPINE MASONIC ASSOCIATION OF NEW	NJ

WPPY943	YG	GLOBAL ELECTRONICS INC	NC
WPPY950	IG	MENU MART FOODS	IL
WPPY957	IG	INDUSTRIAL POWDER COATING INC	OH
WPPY961	IG	NEW ENGLAND WENDICO INC DBA WENDYS	NY
WPPY975	IG	MCDOWELL MANUFACTURING	PA
WPPY991	IG	CONTI ELECTRIC	MI
WPPY995	IG	MAD RUSSIAN GOLF COURSE	CO
WPPZ210	IG	ZANESVILLE MEMORIAL PARK	OH
WPPZ213	IG	FAIRFAX UNITED METHODIST CHURCH	VA
WPPZ219	IG	J P MORGAN	NY
WPPZ228	IG	QUALITY BLOCK AND SUPPLY INC	OH
WPPZ251	IG	BLUE JAY PROCESSING I LTD	TX
WPPZ268	IG	KENNETH BALK & ASSOCIATES INC	MO
WPPZ327	PW	TEXAS, STATE OF	TX
WPPZ342	IG	ROHR MANUFACTURING	OH
WPPZ361	IG	RLG DBA RICH S - PERIMETER MALL	GA
WPPZ490	IG	VERDANT BRANDS INC	MO
WPPZ516	IG	MEDLINE INDUSTRIES INC	MA
WPPZ553	IG	AVON COMMUNITY SCHOOL DISTRICT	IN
WPPZ554	IG	ROSELLE AUTO CAB INC	NJ
WPPZ557	IG	VLASIC FARMS INC	TX
WPPZ565	IG	TRUSTEES OF THE CA STATE UNIVERSITY MARITIME ACADEMY	CA
WPPZ569	IG	FOSTER WHEELER ENVIRONMENTAL CORPORATION	NJ
WPPZ571	IG	UNITED CELLULAR AND PAGING	NY
WPPZ576	IG	HALLMARK HEALTH SYSTEMS INC DBA WHIDDEN MEMORIAL HOSPITAL	MA
WPPZ587	IG	DOGGETT DISPOSAL SYSTEMS INC	VA
WPPZ591	IG	MICROMINI ASSOCIATES INC	IN
WPPZ596	IG	J T RYERSON & SONS	IL
WPPZ607	IG	R&H FOOD SERVICES DBA LITTLE CEASERS #209	TX
WPPZ610	IG	STEVCON INC DBA BURGER KING #2742	MI
WPPZ616	IG	REDLINE EXTENDED CARE	MN
WPPZ634	PW	RUSSELLVILLE, CITY OF	KY

		JERSEY INC	
WPPY613	IG	ADVANCED CONCRETE CONSTRUCTION INC	CO
WPPY615	IG	QUALITY BLOCK SUPPLY INC	OH
WPPY617	IG	PROVENA ST JOSEPH MEDICAL CENTER	IL
WPPY623	IG	SIGNATURE WIRELESS GROUP	CA
WPPY627	IG	WALT LOWE FARMS INC	AR
WPPY655	IG	WILFONG, KEVIN C	OH
WPPY658	IG	WCS INC DBA KAR SERVICES	KS
WPPY718	IG	RIVER RECYCLING	OH
WPPY755	IG	SOLAR TURBINES INC	TX
WPPY766	IG	PROGRESS PRINTING	VA
WPPY771	IG	BEAL AND COMPANY INC	MA
WPPY778	IG	CHECKER CAB OF COLLIER COUNTY INC	FL
WPPY824	IG	DUDDORF, PRESTON	OH
WPPY838	IG	ACORDIS INDUSTRIAL FIBERS INC	AL
WPPY840	IG	UNITED TECHNOLOGIES RESEARCH CENTER	CT
Callsign	Radio Service	Licensee	State
WPPZ960	PW	WHEATLAND, TOWN OF	WI
WPPZ987	IG	OROURKE, JAMES P	TN
WPQA225	IG	SPRINHILL SUITES BY MARRIOTT	TX
WPQA250	IG	DR SUSAN SMITH MCKINNEY NURSING & REHAB CENTER	NY
WPQA292	IG	TROPICANA INC DBA TROPICANA PRODUCTS INC	FL
WPQA342	IG	SPRINT SPECTRUM LP DBA SPRINT PCS	MO
WPQA367	IG	GORDER, RONALD J	SD
WPQA420	IG	T L INDUSTRIES INC	AR
WPQA465	IG	JACOBI MEDICAL CENTER	NY
WPQA487	IG	CONTI ELECTRIC	MI
WPQA489	IG	OGDON FOOD SERVICE INC	IN
WPQA509	PW	CALIFORNIA, STATE OF	CA
WPQA528	IG	OSBORN RETIREMENT COMMUNITY INC	NY
WPQA542	IG	SCA ENGINEERING INC	WA
WPQA591	IG	BOISE CASCADE	WA
WPQA604	IG	AIRTOUCH COMMUNICATIONS INC	CA
WPQA616	IG	EDDY CORPORATION DBA MCDONALDS #15630L	FL

WPPZ653	IG	REPUBLIC WASTE OF H H	SC
WPPZ659	IG	NYOFCO HOLDINGS INC DBA NEW YORK ORGANIC FERTILIZER COMPANY	NY
WPPZ700	IG	CENTER FOR ECONOMICS & LAW CHARTER SCHOOL	PA
WPPZ796	IG	JONES PROPERTIES LLC	TN
WPPZ818	IG	FLOWSERVE CORPORATION DBA FLOWSERVE RED TULSA	OK
WPPZ825	IG	WHISKEY ISLAND MARINA	OH
WPPZ832	IG	QUALITY RESEARCH INC	VA
WPPZ848	IG	1918 MEAT AND PRODUCE CORP	NY
WPPZ895	IG	CUYAHOGA HEIGHTS BOARD OF EDUCATION	OH
WPPZ904	IG	MARTIN LUTHOR KING CAB CO INC	NJ
WPPZ923	IG	KING LAND SURVEYING	TX
WPPZ935	IG	MERIDIAN RESOURCES	LA
WPPZ936	IG	NORTHEAST TOWING AND RECOVERY INC	ME
WPPZ943	IG	GOSHEN COMPUTER ASSOCIATES INC	IN
WPPZ949	IG	ALLIED PROTECTIVE SYSTEM	CA
Callsign	Radio Service	Licensee	State
WPQB597	IG	BERLIN, CHARLES	NY
WPQB599	IG	BERLIN, CHARLES	NY
WPQB609	PW	LEIGH, CITY OF	NE
WPQB620	IG	INTERNATIONAL PAPER CO	MA
WPQB682	IG	ACADIA REALTY TRUST	AL
WPQB727	IG	DAIRY QUEEN 12856	MN
WPQB728	IG	DAIRY QUEEN 13471	MN
WPQB730	IG	DAIRY QUEEN 40589	GA
WPQB763	IG	EQUAL REPRESENTATION OF MEDIA ADVOCACY DBA KRZA	CO
WPQB767	IG	WORLD BAZAARS INC	CA
WPQB774	IG	STANT MANUFACTURING INC	IN
WPQB782	IG	SARA ENTERPRISES INC DBA KFC/TACO BELL	CO
WPQB810	IG	F & H COMPANY LLC	NE
WPQB854	IG	DANA CORPORATION	OK
WPQB880	IG	ROSSFORD BOARD OF EDUCATION	OH
WPQB914	IG	ROCHESTER ARMORED CAR CO INC	SD
WPQB919	IG	NEW MEXICO STATE DEPT OF EDUCATION	NM

WPQA626	IG	SHERATON CHAPEL HILL HOTEL	NC
WPQA635	IG	GREEN BROOK COUNTRY CLUB	NJ
WPQA666	IG	C&P SALEBRA PARTNER DBA MCDONALDS RESTAURANT	CA
WPQA707	IG	NORTHWOOD ELEMENTARY SCHOOL	OH
WPQA722	IG	EXEL LOGOSTICS	OH
WPQA733	IG	AEF COMMUNICATIONS INC	CT
WPQA735	IG	CIRCLE FOUR FARMS	UT
WPQA741	IG	YOUTHTRACK INC	PR
WPQA770	IG	GODOY JR, FORTUNATO	GU
WPQA807	IG	BEACON ELEMENTARY HILLIARD CITY SCHOOLS	OH
WPQA841	PW	TANANA CHIEFS CONFERENCE INC	AK
WPQA882	IG	POWER TRANS DBA TECH INC	WY
WPQA958	IG	C AND S FARMS	IA
WPQA959	IG	EDLER IMPLEMENT	IA
WPQA981	IG	AKIN GUMP STRAUSS HAUER & FELD LLP	DC
WPQA990	IG	SIX FLAGS INC	OH
WPQB201	IG	BEACH BURGERS CORPORATION DBA BURGER KING #3713	NC
WPQB266	IG	KMART CORPORATION	CA
WPQB269	IG	CALPINE HIDALGO CENTER LP	TX
WPQB279	IG	ALPINE RESTORATION	WY
WPQB313	IG	DORRICOTT RACING	CA
WPQB335	PW	METS	WV
WPQB339	IG	SURINDA SHARMA, KUMARADEE	AK
WPQB342	IG	STATE GROUP INTERNATIONAL LIMITED	MI
WPQB379	IG	JOHNSON, JOHN W	AL
WPQB386	IG	GRATZ AREA AMBULANCE CLUB INC	PA
WPQB393	IG	BARRAND INC DBA WHAT A BURGER	TX
WPQB418	IG	GABLE, GEORGE	SC
WPQB425	IG	MCDONALDS RESTAURANT #24712	CA
WPQB436	IG	MILL CREEK ELEMENTARY SCHOOL	SC
WPQB482	IG	MORNINGSIDE MINISTRIES DBA THE MEADOWS RETIREMENT COMMUNITY	TX
WPQB488	IG	APACHE WELLS COUNTRY CLUB INC	AZ
WPQB498	IG	SEA POWER MARINE INC	CA
WPQB551	IG	The Cleaver Company	MO
WPQB927	IG	N D PETERS & CO INC	NY
WPQB992	IG	FIRST CHOICE TAXI	VT
WPQC207	IG	ASTRA-ZENECA PHARMACEUTICALS	DE
WPQC223	IG	TRANSIT MIX CONCRETE BAYTOWN INC	TX
WPQC229	PW	MEDIC ONE EMERGENCY MEDICAL SERVICE	VA
WPQC236	IG	DEPENDABLE CAB COMPANY INC	NY
WPQC279	IG	BERINGER WINE ESTATES DBA GRACE BENOIST VINEYARDS	CA
WPQC295	IG	SUMMIT BANK	NJ
WPQC341	IG	PECOS VALLEY MOTORSPORTS INC	NM
WPQC346	IG	HEARTHSTONE INC	TN
WPQC351	IG	MRS GILES COUNTRY KITCHEN INC	VA
WPQC366	IG	DELBROOK GOLF COURSE	WI
WPQC387	IG	RADISON TWELVE CAESARS	PA
WPQC436	IG	NEAL FLYING SERVICE	MS
WPQC466	IG	M B M CORP	OH
WPQC478	IG	MISSION FOODS	AZ
WPQC482	IG	STARBUCKS COFFEE DBA STARBUCKS #834	MA
WPQC506	IG	GILLIS, GLEN	AR
WPQC536	IG	GULF SHORES GOLF CLUB	AL
WPQC546	IG	AKZO NOBEL CHEMICALS INC	NY
WPQC555	IG	OVERMAN, WESLEY WAYNE	IA
WPQC569	IG	ARCHER DANIELS MIDLAND DBA TEXAS SESAME	TX
WPQC676	IG	VANGUARD AIRLINES INC	MO
WPQC693	PW	NORTH EAST OHIO EMS LTD LLC	OH
WPQC703	IG	BEAUDRY RV TRAILERS	AZ
WPQC725	IG	TALLASSEE CITY SCHOOLS	AL
WPQC735	IG	INTERNATIONAL PAPER	MS
WPQC742	IG	L OREAL RETAIL	CO
WPQC790	IG	PAULS CAB COMPANY	OH
WPQC805	IG	GABRIEL PROPERTIES LLC	LA
WPQC828	IG	FULLEN, STEVE	TN
WPQC862	IG	SUBURBAN GOLF CLUB	NJ
WPQC887	IG	ANDERSON, BLAIR	MN
WPQC899	IG	PRIDE MOBILITY PRODUCTS CORP	PA

Callsign	Radio Service	Licensee	State
WPQC903	IG	DUPONT PLAZA HOTEL	FL
WPQC915	IG	ALLIANCE GOOD SAMARITIAN	NE
WPQC924	IG	MERCON INC	AZ
WPQC950	IG	WHISPERING WINDS INC	WA
WPQC977	IG	HARDEES OF WAUKESHA DBA HARDEE S #130	WI
WPQC978	IG	HARDEES RESTAURANT #423 DBA HARDEES	WI
WPQD201	IG	QUATCHAK, REGIS L	PA
WPQD206	PW	WESTMORELAND, COUNTY OF	PA
WPQD281	IG	PEE DEE COTTON GIN	SC
WPQD309	IG	ROUND ROBIN ENTERPRISES DBA BULLETS	AL
WPQD324	IG	CPF FOODS INC	CO
WPQD325	IG	PALM SPRINGS UNIFIED SCHOOL DISTRICT	CA
WPQD354	YG	GORMAN ENTERPRISES INC	MN
WPQD414	IG	CENTRAL PROPERTY SERVICE	PA
WPQD416	IG	MONTANA RAIL LINK	MT
WPQD418	IG	MONTANA RAIL LINK	MT
WPQD424	IG	KRATINA, ERNEST L	KS
WPQD426	IG	MONTANA RAIL LINK	MT
WPQD429	IG	GEORGIA PACIFIC CNS	FL
WPQD461	IG	ANITA SPRING WATER	KY
WPQD484	IG	EAST TENNESSEE PROTECTIVE SERVICES INC	TN
WPQD512	IG	DAIRY QUEEN 11831	MN
WPQD516	IG	DAIRY QUEEN 19448	NV
WPQD522	IG	TREE OF LIFE INC DBA GOURMET AWARD FOODS	FL
WPQD525	IG	CREEK, LUTHER	TX
WPQD527	IG	STARBUCK S COFFEE INC DBA STARBUCK S	MA
WPQD528	IG	SVI DBA BURGER KING #9911	CA
WPQD556	IG	NEW YORK UNIVERSITY	NY
WPQD558	IG	HYATT HOTELS OF PUERTO RICO DBA HYATT DEVELOPMENT PROJECT OFFICE	PR
WPQD567	IG	SALVATION ARMY	GA
WPQD572	IG	PAULS SANITARY SERVICE	MN
WPQD589	IG	GRANDE OAKS GOLF CLUB	FL
WPQD825	IG	REHOBOTH CHRISTIAN SCHOOL	NM

Callsign	Radio Service	Licensee	State
WPQE202	IG	BUDD OIL COMPANY MEENAN OIL CO LP	NJ
WPQE235	IG	BUDGETEL INN 742	MI
WPQE286	IG	LINDELL MAY TRUCKING SERVICE INC	IL
WPQE289	IG	SOMERVILLE CHARTER SCHOOL	MA
WPQE302	IG	DAVISON YOUTH BASEBALL INC	MI
WPQE330	IG	JOHNSON CONTROLS INC	TX
WPQE349	IG	T C INTERNATIONAL INC	TX
WPQE352	IG	LARIVIERE LAWN MAINTENENCE CORP	NH
WPQE424	IG	PERFORMANCE CONTRACTING INC	OR
WPQE426	IG	CAL TEX PROTECTIVE COATINGS INC	TX
WPQE427	IG	HUNTER CONSTRUCTION GROUP INC	NC
WPQE431	IG	NPC INTERNATIONAL DBA PIZZA HUT	AL
WPQE432	IG	DEL TACO CORPORATION DBA DEL TACO	CA
WPQE476	IG	MOTT RESOURCES INC DBA KFC	NM
WPQE491	IG	SAUERS, JACK	WI
WPQE503	IG	KISSENA GOLF COURSE	NY
WPQE532	IG	HARDEES RESTAURANT DBA HARDEES	MI
WPQE537	IG	PIPER GLEN GOLF CLUB INC	IL
WPQE603	IG	FOLEY, RALPH W	IL
WPQE688	IG	STRUCTURE	OH
WPQE702	IG	NORDHUS, ROGER	SD
WPQE723	IG	STEVECON INC DBA BURGER KING #2742	MI
WPQE810	IG	OPPENHEIMER FUNDS INC	NY
WPQE843	IG	FRED JONES AUTO COLLECTION	OK
WPQE863	IG	NAVAL COATINGS	CA
WPQE875	IG	EDDY CORPORATION DBA MCDONALDS	FL
WPQE888	IG	NATIONAL CAR RENTAL	TX
WPQE895	IG	KENTUCKY FRIED CHICKEN	CO
WPQE897	IG	PRUNDENTIAL CENTER FOR LEARNING & INNOVATION	CT
WPQE956	IG	BUG SURVEYING	NM
WPQE960	IG	TACO BELL CORPORATION DBA TACO BELL #20635	CA
WPQE963	IG	TACO BELL CORPORATION DBA TACO BELL	NY
WPQE982	IG	SHENANDOAH ENERGY INC	CO

WPQD831	IG	HERSEY, CHARLES:HERSEY, MONICA	MT
WPQD836	IG	USCO LOGISTICS	KY
WPQD840	IG	VULCAN MATERIALS CO	IN
WPQD852	IG	PARSONS, RICHARD E	CA
WPQD867	IG	HARRIS, WILLIAM T	KS
WPQD890	IG	PMC CONSTRUCTION	AR
WPQD895	IG	MAINE INDEPENDENCE STATION	ME
WPQD902	IG	PUTOY, EMELITA	CA
WPQD905	IG	ROUSE, BUREN GENE	NC
WPQD913	IG	NPC INTERNATIONAL DBA PIZZA HUT	TN
WPQD935	IG	MOTT RESOURCES INC DBA KFC	NM
WPQD936	IG	MOTT RESOURCES INC DBA KFC	NM
WPQD949	IG	MONTANA RAIL LINK	MT
WPQD967	IG	DEL TACO CORPORATION DBA DEL TACO #328	CA
WPQD988	IG	SIMMONDS RESTAURANT MANAGEMENT DBA BURGER KING #12567	NE
WPQD989	IG	SVI DBA BURGER KING #9911	CA
WPQD990	IG	LONE STAR DOUGHNUTS DBA KRISPY KREME DOUGHNUTS #5950	TX
WPQD993	IG	MILLER, ROGER E:CARROLL, JOHN B	NC
Callsign	Radio Service	Licensee	State
WPQF590	IG	A FOXWORTH-GALBRAITH COMPANY DBA BROOKHARTS BUILDING CENTERS	CO
WPQF592	IG	TACO BELL CORPORATION DBA TACO BELL	IL
WPQF595	IG	R AND C AUTO PARTS INC DBA BIG A AUTO PARTS	CT
WPQF599	IG	MOTT RESOURCES INC DBA KFC	NM
WPQF601	IG	MOTT RESOURCES INC DBA KFC	NM
WPQF646	IG	SHANNON RANCHES INC	CA
WPQF706	IG	COOK CONSULTANTS INC	TX
WPQF880	IG	ROUSH RACING	NC
WPQF891	IG	PAPILLON HELICOPTERS	NV
WPQF897	IG	HIDDEN VALLEY FARMS INC	PA
WPQF898	IG	HOLY REDEEMER HOSPITAL & MEDICAL CENTER	PA
WPQF902	IG	COLE, JIM	AR
WPQF950	IG	DAISY FOUNDATION	LA
WPQF992	IG	PAIGE ELECTRIC CO LP	NJ
WPQG238	IG	ST LOUIS CARING	MO

WPQE983	IG	SOUTHERN COLORADO MACHINERY	CO
WPQF204	IG	BLACK HAWK TRANSFER	IA
WPQF316	IG	LONZA INC	TX
WPQF345	IG	SAN DIEGO LAND SURVEYING & ENGINEERING INC	CA
WPQF355	IG	HED INC DBA HARDEES RESTAURANT	NC
WPQF358	IG	GRANDYS	TX
WPQF364	IG	NPC INTERNATIONAL DBA PIZZA HUT	MS
WPQF429	IG	PHILA POLICE EXPLORERS	PA
WPQF433	IG	CUMMING RITER CONSULTANTS INC	PA
WPQF440	IG	HARGROVE, MARK	AR
WPQF444	IG	HARBISON, CHRISTERPHOR A	MO
WPQF471	IG	AGC DIAMOND BAR GOLF COURSE	CA
WPQF504	IG	DAIRY MART 7215	OH
WPQF520	IG	TACO BELL CORPORATION DBA TACO BELL #120488	TX
WPQF535	IG	POPEYES CORPORATION	GA
WPQF549	IG	CORNERSTONE PROPERTIES	MA
WPQF568	IG	NEILL, SCOTT	AL
WPQF588	IG	AUCOIN & ASSOCIATES INC	LA
Callsign	Radio Service	Licensee	State
WPQH266	IG	R B FAMILY FARMS INC	IL
WPQH269	IG	HONEY RUN GOLF CLUB	PA
WPQH275	IG	DEVON POWER LLC	CT
WPQH337	IG	SNAG CREEK GOLF COURSE	IL
WPQH347	IG	LEWIS, RICHARD	IL
WPQH442	IG	JERICO LTD DBA JITTERS COFFEE & CAFE	NV
WPQH491	IG	BARTON SUPPLY	CO
WPQH498	PW	CHILDRENS NATIONAL MEDICAL CENTER	DC
WPQH509	IG	SWIDER, DALE	CA
WPQH510	IG	MCI WorldCom Network Services, Inc. (debtor-in-possession)	TX
WPQH599	IG	SILICON VALLEY GROUP	CA
WPQH617	IG	DADS PRODUCTS CO	PA
WPQH632	IG	QUALLS, DANNY K	AR
WPQH636	IG	OVERHEAD DOOR COMPANY DULUTH	MN
WPQH637	IG	GEIER JR, JAMES	SD

		COMMUNITIES	
WPQG245	IG	MISSION FOODS	WA
WPQG283	IG	COUSINS PROPERTIES INC	GA
WPQG351	IG	CANALCO LTD	MI
WPQG361	IG	OAKVIEW APARTMENTS	MD
WPQG370	IG	DPR DBA OES EQUIPMENT	OR
WPQG376	IG	JOHN CONRAD GOLF COURSE	OK
WPQG400	IG	AIR SYSTEMS OF SACRAMENTO INC	CA
WPQG401	IG	CLAY, ISABEL	KY
WPQG440	IG	METALS USA	IL
WPQG477	IG	UNIVERSITY TRANSPORTATION & LIVERY SERVICE LTD	IL
WPQG482	IG	MT PLYMOUTH COUNTRY CLUB	FL
WPQG486	IG	DE LA CRUZ COLON, CARLOS E	PR
WPQG509	IG	FRANCISCAN UNIVERSITY OF STEUBENVILLE	OH
WPQG512	IG	PROXIMA CORPORATION	CA
WPQG632	IG	WAWA FOOD MARKETS	PA
WPQG639	IG	WAWA FOOD MARKETS	PA
WPQG640	IG	WAWA FOOD MARKETS	PA
WPQG673	IG	OSTERWYK, STEPHEN W	MI
WPQG709	IG	SULTANS RUN GOLF COURSE	IN
WPQG717	IG	JOHNSON CONTROLS	WI
WPQG760	IG	NEW YORK UNIVERSITY	NY
WPQG766	IG	NORTHROP GRUMMAN FEDERAL CREDIT UNION	CA
WPQG812	IG	MTE INC DBA BAYPORT PROPERTIES	MN
WPQG819	IG	MARRIOTTS SHADOW RIDGE RESORT	CA
WPQG821	IG	LAKE WINDS GOLF COURSE	NC
WPQG843	IG	SEA MACK CONSTRUCTION	TX
WPQG851	IG	HOLY REDEEMER HOSPITAL AND MEDICAL CENTER	PA
WPQG913	IG	PIONEER AMERICAS INC	LA
WPQG915	IG	HEIMANN, STEVEN	IL
WPQG938	IG	ALMONTE, HECTOR	PR
WPQG946	IG	TELLURIDE GOLF COURSE	CO
WPQG977	IG	CHARLOTTE COLISEUM	NC
WPQH202	IG	AUTONATION	FL
WPQH206	IG	HEARTLINE MEDIX INC	WI
WPQH210	IG	WAWA FOOD MARKETS	PA
WPQH223	IG	LITTLE RAPIDS CORPORATION	WI

WPQH651	IG	WILSON JR, DEAN S	AL
WPQH682	IG	FORRESTER, DALE C	MI
WPQH687	IG	WALMART STORES INC	UT
WPQH723	IG	RIM AVIATION INC DBA LIFE RESCUE	AZ
WPQH752	IG	FLORA, TOWN OF	IN
WPQH785	IG	IRVIN, VAN:DEES, KENNETH	GA
WPQH830	IG	INDIANA HOTEL ASSOCIATES LLC DBA TOWNE PLACE SUITES FAIRFIELD INN	IN
WPQH832	IG	KENT COMMUNITY HOSPITAL	MI
WPQH840	IG	DAIRY QUEEN #40634	MS
WPQH850	IG	UNIVERSITY OF BRIDGEPORT	CT
WPQH856	IG	THELAN REID & PRIEST LLP	CA
WPQH894	IG	MIKE ROACH INC	SC
WPQH921	IG	BOWIE CONCRETE CO INC	TX
WPQH934	IG	SCHIRO, DONAVON	MN
WPQH964	IG	CADDO CONSTRUCTION	AK
WPQH967	IG	HAMPTON COUNTY COUNTRY CLUB	SC
WPQI218	IG	MANGUM FARMERS CO-OP	OK
WPQI225	IG	AMERICAN PROTECTIVE SERVICES-PINKERTON	CA
WPQI276	IG	EGREETINGS NETWORK	CA
WPQI281	IG	SOUTHWEST LAND SURVEYORS INC	TX
WPQI314	IG	MEDINA VALLEY EMERGENCY MEDICAL SERVICES INC	TX
WPQI337	IG	DRUM HILL ASSOCIATES INC	NY
WPQI339	IG	COLLINS BUILDING SERVICE	NY
WPQI351	IG	SIMON & SCHUSTER PUBLISHING COMPANY	NJ
WPQI381	IG	ZAREMNBA ENTERPRISES	CO
WPQI389	IG	CALOUN JR, ROBERT M	WI
WPQI402	IG	MANUFACTURERS SERVICES LIMITED	CA
WPQI404	PW	ALMA VOLUNTEER FIRE DEPARTMENT	AL
WPQI421	IG	DEPENDABLE CAB	GA
WPQI441	IG	ROCKY MOUNTAIN FORESTRY	MT
WPQI450	IG	FREEDOM INTERMEDIATE SCHOOL	TN
WPQI470	IG	ACRAN INC	TX
WPQI499	IG	CASE, TYLER	UT
WPQI509	IG	S P THOMAS ENGLISH MUFFIN DBA BEST FOODS	MD
WPQI519	IG	HALJOHN-SAN ANTONIO DBA MCDONALDS RESTAURANT	TX
WPQI526	IG	IGLESIA PRESBITERIANA	PR

Callsign	Radio Service	Licensee	State
WPQI534	IG	HOWARD HUGHES CORPORATION	NV
WPQI539	IG	HOWARD HUGHES CORPORATION	NV
WPQI545	IG	HOWARD HUGHES CORPORATION	NV
WPQI574	IG	SIGNATURE FOODS INC DBA WENDY S OF BENNINGTON	VT
WPQI588	IG	TAHOE TIMBERS TRAILS	CA
WPQI664	PW	ETNA, BOROUGH OF	PA
WPQI752	IG	WESTWOOD GOLF COURSE	CT
WPQI759	IG	WORLD WILDLIFE FUND	DC
WPQI762	IG	VIRATEC THIN FILMS	MN
WPQI778	IG	CRISLER, WILSON	AR
WPQI852	IG	JHE Production Group Inc	NC
WPQI874	IG	WALKER BAPTIST MEDICAL CENTER	AL
WPQI909	IG	MARSCHALL, DUANE	MN
WPQI939	IG	BRA AND GILLESPIE LLC III DBA THE PLAZA RESORT SPA	FL
WPQI948	IG	MCAFEES REPEATER SERVICE LTD	OH
WPQJ212	IG	OTIS ELEVATOR	CT
WPQJ214	IG	LITTLE MOUNTAIN COUNTRY CLUB	OH
WPQJ225	IG	RICH PEST CONTROL	CA
WPQJ246	IG	PTS CORPORATION	NV
WPQJ296	IG	REA PARK GOLF COURSE	IN
WPQJ306	IG	TIJERINA, TRACE	NM
WPQJ324	IG	CALAWAY TRADING	WA
WPQJ335	IG	WESTBROOK ENERGY CENTER	ME
WPQJ349	IG	INGLETT & STUBBS	GA
WPQJ383	IG	SECURITY TRANSPORT SERVICES INC	KS
WPQJ390	IG	AMERICAN HOMESTAR WEST INC	ID
WPQJ404	IG	DORTCH, LANE	SC
WPQJ411	IG	NRG HUNTLEY	NY
WPQJ516	IG	GREENVILLE TECHNICAL COLLEGE	SC
WPQJ533	IG	COMANCHE CREEK CONCRETE	CO
WPQJ537	IG	PRIMEDIA WORKPLACE LEARNING	TX
WPQJ551	IG	800 PAGE USA INC	FL
WPQJ560	IG	WALKER, GERALD	CA
WPQJ570	IG	TURNER CONSTRUCTION COMPANY	CA

Callsign	Radio Service	Licensee	State
WPQJ877	IG	FEDEX GROUND	TX
WPQJ886	IG	SIEM, GERALD	MN
WPQJ899	IG	DODDS, LONZELL	AR
WPQJ916	IG	SONIC	GA
WPQJ974	IG	DETTON CONSTRUCTION INC	MT
WPQJ996	IG	PIZZA HUT DBA TRICON GLOBAL RESTAURANTS	TX
WPQK246	IG	WISEMAN, TOM	IA
WPQK264	IG	BURGER KING CORP DBA BURGER KING	IL
WPQK286	IG	IRONHORSE GOLF CLUB	NE
WPQK287	IG	COBBLESTONE CROSSING GOLF COURSE	IN
WPQK296	IG	LUMILEDS LIGHTING US LLC	CA
WPQK303	IG	VANDERCOOK CO INC	NC
WPQK323	IG	TACO BELL DBA TRICON GLOBAL RESTAURANTS	TX
WPQK330	IG	TACO BELL DBA TRICON GLOBAL RESTAURANTS	TX
WPQK349	IG	ASSOCIATED SAND & GRAVEL	WA
WPQK350	IG	HEINZ FARMS	ID
WPQK375	IG	MUSCO SPORTS LIGHTING	IA
WPQK379	IG	TACO BELL DBA JDS RESTAURANTS	TX
WPQK387	IG	PORTRERO HILLS LANDFILL	CA
WPQK391	IG	PRECISION PREPARATION INC	CA
WPQK392	IG	STORM ENGINE CO	CT
WPQK395	IG	DEL TACO CORPORATION DBA DEL TACO #012	CA
WPQK427	IG	PARK HILL GOLF CLUB	CO
WPQK438	IG	BROWNSVILLE I S D FAULK MIDDLE SCHOOL	TX
WPQK444	IG	IQUEST MOTOR SPORTS	IN
WPQK463	IG	GEOPHYSICAL SERVICE INCORPORATED	TX
WPQK531	IG	BURGER KING DBA RHODE & ASSOCIATES	CA
WPQK553	IG	KRISPY KREME	CA
WPQK555	IG	DIEDRICH COFFEE PLANTATION	AZ
WPQK556	IG	THE GAP INC	CA
WPQK562	IG	CLUB CORP USA	TX
WPQK570	IG	FINE CAB CO	OK
WPQK579	IG	GALYANS TRADING COMPANY	IN
WPQK580	IG	GALYANS TRADING COMPANY	IN

WPQJ574	IG	REED MINERALS- A HARSCO COMPANY	CA
WPQJ594	IG	WYNDHAM GARDEN HOTELS	IL
WPQJ607	IG	BOUCHER, JAMES D	OH
WPQJ610	IG	BEST BLOCK COMPANY	MI
WPQJ627	IG	EAGLES LANDING GOLF COURSE	CO
WPQJ639	IG	FERNDALE SCHOOLS	MI
WPQJ641	IG	MILLENIUM PARTNERS	DC
WPQJ679	IG	HUTTON, JAIME	MT
WPQJ688	IG	WIEDENBEIN, ARTHUR	OH
WPQJ791	IG	3 COM CORPORATION	CA
WPQJ795	IG	UNIVERSITY OF SOUTH FLORIDA	FL
WPQJ830	IG	TARA PRESERVE	FL
WPQJ847	PW	SCOTLAND, COUNTY OF	NC
WPQJ855	IG	DANLY MACHINE CORP	IL
WPQJ862	IG	WOODFIN RIDGE COUNTRY CLUB	SC
WPQJ867	IG	PEARLSON, DAVID LYLE	NJ
WPQJ872	IG	K W CAMPBELL INC	VA
Callsign	Radio Service	Licensee	State
WPQY385	PW	STANDING ROCK SIOUX TRIBE	ND
WPQZ289	IG	SEROCKI, JOSEPH	MN
WPQZ603	IG	UNIVERSITY OF KENTUCKY	KY
WPQZ615	IG	INTERNATIONAL TRADING COMPANY	TX
WPQZ720	IG	CALSTAR PROPERTIES LLC DBA GREEN OAKS HOTEL	TX
WPRA207	IG	TRUST BUILDING ASSOCIATES I P CLUB QUARTERS PHILADELPHIA	NY
WPRA209	IG	HELIX ELECTRIC INC	NV
WPRA228	IG	GRESHAM SAND AND GRAVEL COMPANY	OR
WPRA237	IG	SUPREME BEEF PROCESSORS INC	TX
WPRA242	IG	RHODES DESIGN DEVELOPMENT CORP DBA RHODES HOMES	NV
WPRA246	IG	RITCHIE BROTHERS AUCTIONEERS AMERICA INC	MN
WPRA265	IG	LYMAN FEEDLOT	UT
WPRA271	IG	CHARTWELLS	CT
WPRA274	IG	SPIRTAS WRECKING CO	MO
WPRA282	IG	METRO TRANSPORTATION	IL
WPRA312	IG	TRICON GLOBAL RESTARAUNT	TX

WPQK661	IG	HEART OF TEXAS SHUTTLE AND CABS	TX
WPQK694	IG	TACO BELL DBA TRICON GLOBAL RESTAURANTS	TX
WPQK696	IG	PIZZA HUT DBA TRICON GLOBAL RESTAURANTS	TX
WPQK697	IG	TACO BELL DBA TRICON GLOBAL RESTAURANTS	TX
WPQK701	IG	TACO BELL DBA TRICON GLOBAL RESTAURANTS	TX
WPQK714	IG	HOLIDAY SHORES CAMPGROUND RESORT INC	WI
WPQK722	IG	JACK IN THE BOX	TX
WPQK726	IG	RYERSON TULL DBA JOSEPH T RYERSON AND SONS INC	IL
WPQK758	IG	RELIANCE STEEL ALUMINUM COMPANY	CA
WPQK839	IG	BRIGHTON BEST SOCKET SCREW MFG INC DBA D & C SALES	TX
WPQK845	IG	WINDROWS AT PRINCETON	NJ
WPQK880	PW	SPENCER COUNTY RESCUE INC	KY
WPQK892	IG	M & H VALVE	MO
WPQK932	IG	NOVELLUS	CA
WPQK959	IG	VANDER SCHAAF, RANDY	IA
WPQK965	IG	PREPARED FOODS INC	TX
WPQK989	IG	SPRINGFIELD LAKES GOLF COURSE	AZ
Callsign	Radio Service	Licensee	State
WPRA681	IG	TACO BELL	KY
WPRA693	IG	STARKWEATHER, TODD O	NH
WPRA710	IG	CONAIR CORPORATION	IL
WPRA716	IG	JOHN FARLEY FARMS	TX
WPRA720	IG	KENTUCKY FRIED CHICKEN	IN
WPRA728	IG	CONAGRA POULTRY CO	LA
WPRA732	IG	GRAVES INC	ND
WPRA737	IG	JAEGER, DANIEL	CO
WPRA741	IG	TACO BELL	WI
WPRA745	IG	HARDEE S	NC
WPRA746	IG	OCEAN PROPERTIES MANAGEMENT INC	FL
WPRA747	IG	WEISER SECURITY SERVICES	FL
WPRA767	IG	COLE ENGINEERING	NJ
WPRA781	IG	SCHOOL SERVICES LEASING INC	KS
WPRA783	IG	FOAMCRAFT PACKAGING INC	MN
WPRA802	IG	OIL CAPITAL SPRINKLER SERVICE	WY

WPRA315	IG	TRESMEX INC	CA
WPRA317	IG	WENDYS OF LAS VEGAS INC	NV
WPRA320	IG	S J FINANCIAL INC DBA BURGER KING	TX
WPRA323	IG	CARROLS CORP DBA BURGER KING	PA
WPRA324	IG	BURGER KING	FL
WPRA336	IG	MT ZION BAPTIST CHURCH	PA
WPRA337	IG	PCT INC	IA
WPRA356	IG	FOUR SEASONS MARKET	IL
WPRA362	IG	XTRA FOODS	MI
WPRA363	IG	TAMAHKA TRAILS GOLF COURSE	LA
WPRA386	IG	COMMAND SYSTEM INC	IN
WPRA387	IG	KATAYAMA AMERICAN CO INC	KY
WPRA391	IG	ELMORE, MIKE	TN
WPRA396	IG	WINDERMERE GOLF CLUB	GA
WPRA398	IG	WESTVACO	VA
WPRA403	IG	TACO BELL DBA TRICON GLOBAL RESTAURANTS	TX
WPRA404	IG	TACO BELL DBA TRICON GLOBAL RESTAURANTS	TX
WPRA405	IG	TACO BELL DBA TRICON GLOBAL RESTAURANTS	TX
WPRA415	IG	JOHNSON CONTROLS INC	WI
WPRA416	IG	SOUTHERN WISCONSIN HMONG ASSOCIATION	WI
WPRA422	IG	RAYTHEON ENGINEER & CONTRACTORS	PR
WPRA431	IG	KENTUCKY FRIED CHICKEN	MI
WPRA448	IG	SONIC DRIVE IN	GA
WPRA453	IG	LOGHRY, RYAN	WA
WPRA454	IG	MISSION WOODS APTS	CA
WPRA458	IG	WESTAK OF OREGON	OR
WPRA474	IG	JOHN MORRELL & COMPANY	OH
WPRA485	IG	QUIRK, EDWARD R	NY
WPRA493	IG	SNOWS DOXSEE INC	NC
WPRA494	IG	COLUMBUS EASTON HOTEL DBA HILTON COLUMBUS	OH
WPRA495	IG	HABANA CASINO	WA
WPRA505	IG	RITZ CARLTON	PA
WPRA541	IG	FORD TAXI SERVICE	MA
WPRA557	IG	WORKNET	MO
WPRA653	IG	BRIERE, DAVID G	MD
Callsign	Radio Service	Licensee	State
WPRF371	IG	VINTAGE PETROLEUM INC	OK
WPRF381	IG	VICKERS INC	NE
WPRF404	IG	FORD TAXI SERVICE	MA
WPRF416	IG	UNOVA INC	CA
WPRF421	IG	BURGER KING	FL
WPRF422	IG	BURGER KING	FL

WPRA805	IG	FOLWELL SCHOOL	NJ
WPRB305	IG	KENTUCKY FRIED CHICKEN	MI
WPRB343	IG	POPEYE S # 2094	LA
WPRB346	IG	VECTOR PRODUCT CENTER DBA DIVISION OF SCHLUMBERGER	TX
WPRB347	IG	LEINER HEALTH PRODUCTS	CA
WPRB350	IG	BETHLEHEM WOODS	IL
WPRB357	IG	SKATE FREDERICK LLC	MD
WPRB371	IG	CAROLANN & LORRAINE APT	NE
WPRB386	IG	TMG CONSTRUCTION	MO
WPRB395	IG	F S ERECTORS INC	MO
WPRB439	IG	ECHOSTAR COMMUNICATIONS CORP	AZ
WPRB450	IG	FIRST GOLF INC DBA CITIES IF GOLD GOLF COURSE	NM
WPRB477	IG	NEW YORK UNIVERSITY	NY
WPRB485	IG	SONIC # 4041	GA
WPRB511	IG	A J AUTO CAB INC	NJ
WPRB525	IG	UV COLOR INC	MN
WPRB577	IG	INDALLOY	NC
WPRB584	IG	JINON CORPORATION DBA NIJIYA	CA
WPRB586	IG	OAK VIEW TERRACE APARTMENTS	IA
WPRB604	IG	SAINT MARKS REFINERY	FL
WPRB614	IG	CROSSINGS GOLF CLUB	SC
WPRB616	IG	CRESCENT POINT GOLF CLUB	SC
WPRB631	IG	SONIC # 4273	NM
WPRB663	IG	AMERICAN SALES	CT
WPRB665	IG	BRAEGELMAN, GERALD	MN
WPRB672	IG	GUEST SERVICES	DC
WPRB673	IG	UTMAN, R BRUCE	CT
WPRF205	IG	TECH TRANSPORTATION SYSTEM INC	NJ
WPRF272	IG	GALYANS TRADING COMPANY	IN
WPRF301	IG	E TOYS DISTRIBUTION LLC	VA
WPRF316	IG	WESCOTT PLANTATION	SC
WPRF322	IG	SPECTRUM WIRELESS	AK
WPRF333	IG	TRI-STAR PRODUCTIONS	TX
WPRF354	IG	FRANKLIN MC KINLEY SCHOOL DISTRICT	CA
WPRF355	IG	UNICAN PAINTING COMPANY	OR
Callsign	Radio Service	Licensee	State
WPRG514	PW	ST JOHNS, COUNTY OF	FL
WPRG537	IG	MARTIN, WILLIAM E	IL
WPRG538	IG	THE DORIC	NJ
WPRG566	IG	NATIONWIDE ARENA	OH
WPRG596	IG	DOMINE, TROY	MN
WPRG621	IG	JACK IN THE BOX	NC

WPRF423	IG	BURGER KING	SC
WPRF439	IG	LINCOLN ELKS GOLF CLUB	IL
WPRF445	IG	SHOPLINK COM	CT
WPRF450	IG	EVERGREEN OPERATING CORP	CO
WPRF457	IG	DELTA AIRLINES	MA
WPRF460	IG	USF HOLLAND	MI
WPRF473	IG	BONDS COMPANY INC	MS
WPRF543	IG	RESIDENCE INN	OH
WPRF546	IG	INTERNATIONAL PAPER COMPANY	AR
WPRF553	IG	EXECUTIVE CENTRE AOAO	HI
WPRF578	YG	HARRAHS LAKE CHARLES	LA
WPRF586	IG	PAHOKEE HOUSING AUTHORITY INC	FL
WPRF591	PW	HAYS, COUNTY OF	TX
WPRF593	IG	BURNS FARMS INC	IA
WPRF630	IG	COASTAL BEND TRANSPORTATION INC	TX
WPRF667	IG	PANNELL, WAYNE	MS
WPRF745	IG	TIDYMAN S LLC DBA HELENA COUNTY MARKET	MT
WPRF748	IG	S AND A RESTURANT DBA BENNIGANS RESTURANT	TX
WPRF751	IG	EEL RIVER FUELS	CA
WPRF771	IG	CHAMPION AIR	MN
WPRF788	IG	LIBERTY ELECTRIC POWER LLC	PA
WPRF815	IG	MERIT EXCAVATING	IN
WPRF827	IG	MAC ALLISTER MACHINERY CO INC	IN
WPRF836	IG	LAKESIDE MARINA	NV
WPRF861	IG	TENNALUM	TN
WPRF921	IG	MCDONALD S	NY
WPRF924	IG	HARDEES	FL
WPRF937	IG	HICKORY STICK GOLF COURSE	IN
WPRF971	IG	MCNEIL TECHNOLOGIES INC	VA
WPRF994	IG	MARRIOTT CORPORATION	MA
WPRF997	IG	AVERY DENNISON CLEVELAND FILMS FACILITY	OH
WPRG347	IG	O A RICE MASONRY	UT
WPRG350	IG	BURGER KING	FL
WPRG388	IG	HILLCREST HIGH SCHOOL	SC
WPRG394	IG	WOOD RODGERS INC	CA
WPRG402	IG	MIKES MOBILE HOME SERVICE INC	SD
WPRG407	IG	WENDY S	FL
WPRG408	IG	TACO BELL	CO
WPRG410	IG	JACK IN THE BOX	TX
WPRG427	IG	ANTY TRUCKING	NJ
WPRG444	IG	MCDONALD S	WA
WPRG452	IG	MCDONALD S	MI
WPRG468	IG	ARBYS	MI
WPRG495	IG	COMCORP INC	IN
WPRG628	IG	JACK IN THE BOX	TN
WPRG629	IG	JACK IN THE BOX	TX
WPRG679	IG	WEITZ COMPANY INC	NE
WPRG720	YG	NATIONWIDE ARENA	OH
WPRG757	IG	TACO BELL	AZ
WPRG758	IG	TACO BELL	CA
WPRG776	PW	TEXAS, UNIVERSITY OF	TX
WPRG778	PW	ULYSSES, VILLAGE OF	NE
WPRG784	IG	TACO BELL	MI
WPRG790	IG	MOLOAA BAY RANCH	HI
WPRG792	IG	PIZZA HUT	TX
WPRG800	IG	ONE HUNDRED TOWERS GARAGE CORP	CA
WPRG804	IG	GILBERT, TIM	OR
WPRG807	IG	GOOD SAMARITAN HOSPITAL	CA
WPRG811	IG	CHERRY HILL GOLF COURSE	MA
WPRG813	IG	MAUI RECREATION	HI
WPRG819	IG	M W ZANDER INC	TX
WPRG829	IG	BILL UTTER FORD	TX
WPRG851	IG	NEW BEDFORD GOLF COURSE	MA
WPRG859	IG	KDL TAXI SERVICES DBA MARIN CAB CO	CA
WPRG872	IG	WENDY S	OH
WPRG898	IG	PAVILIONS ON CENTRAL	AZ
WPRG908	IG	BURGER KING	NH
WPRG912	IG	BURGER KING	FL
WPRG922	IG	GURNEYS INN RESORT & SPA LTD	NY
WPRG928	IG	MCDONALDS	MI
WPRG929	IG	LASELL VILLAGE INC	MA
WPRG931	IG	KENTUCKY FRIED CHICKEN	MI
WPRG978	IG	HOTEL INTERCONTINENTAL	FL
WPRG979	IG	RONEY PLAZA	FL
WPRG988	IG	DAIRY QUEEN # 13615	GA
WPRH235	IG	SONGER, EVERETTE	IA
WPRH261	IG	ARCADIA TRANSIT INC	CA
WPRH315	IG	COURTNEY GENERAL CONSTRUCTION	NC
WPRH373	IG	TURNER GOLF COURSE	GA
WPRH394	IG	MOUNTAINVIEW HOSPITAL	NV
WPRH396	IG	BASF CORPORATION	SC
WPRH457	IG	CMS ENERGY OIL GAS	TX
WPRH481	IG	WESTFIELD CORPORATION INC	NC
WPRH604	IG	MC NEIL PHARMACEUTICAL CO	PR
WPRH606	IG	MCKEES ROCKS INDUSTRIAL ENTERPRISES INC	PA
WPRH610	IG	JACK IN THE BOX	SC
WPRH614	IG	JACK IN THE BOX	WA
WPRH628	IG	DEL TACO	CA

WPRG507	IG	WALKER BAPTIST MEDICAL CENTER	AL
Callsign	Radio Service	Licensee	State
WPRH640	IG	KFC	KY
WPRH642	IG	BURGER KING	NC
WPRH644	IG	CREATIVE TRAVEL CONCEPTS INC	FL
WPRH698	IG	ZEINATY, SLEIMAN B	CA
WPRH910	IG	STARBUCK S	FL
WPRH926	IG	SEDAN SERVICES INC	MD
WPRH929	IG	DEL TACO	CA
WPRH934	IG	TACO BELL	WI
WPRH944	IG	TIMBER MOUNTAIN HARDWOODS	CA
WPRH965	IG	JOHN T MATHER MEMORIAL HOSPITAL	NY
WPRH967	IG	KRISPY KREME	TX
WPRH970	IG	FRONTIER ASPHALT INC	NY
WPRH986	IG	APPLE CREEK APARTMENTS DBA S W INC	OK
WPRI210	IG	PURE TECH SYSTEMS	OH
WPRI223	IG	CASTLE PINES HOMES ASSN INC	CO
WPRI269	PW	CATHOLIC HEALTHCARE WEST SO CALIFORNIA	CA
WPRI333	IG	MORNING STAR ENTERTAINMENT	NC
WPRI339	IG	UNITED WATER OWEGO INC	NY
WPRI367	IG	SOUTHWESTERN PUBLIC SERVICE CO	TX
WPRI369	IG	SUBRIGHT UTILITY DISTRICT	TN
WPRI390	IG	TACO BELL	CA
WPRI406	PW	EDGEWATER MEDICAL CENTER	IL
WPRI408	PW	GRANT HOSPITAL OF CHICAGO	IL
WPRI410	IG	ROACH, JB	MS
WPRI425	IG	SUNRISE RANCH	CA
WPRI458	IG	JOHN LANCE FORD INC	OH
WPRI470	IG	DAIRY QUEEN	MO
WPRI485	IG	TURKEY RUN BUILDERS	IN
WPRI492	IG	DEL TACO	CA
WPRI547	IG	PURCELL, THOMAS	CT
WPRI573	PW	MICHIGAN, STATE OF	MI
WPRI593	IG	HARRISON LAKE COUNTRY CLUB	IN
WPRI595	IG	RONDEBUSH, SCOTT	IN
WPRI598	IG	ALCOA	TX
WPRI606	IG	RECYCLING INDUSTRIES OF ATLANTA INC	GA
WPRI607	IG	THE ONYX DBA THE ONYX CLUB	OR
WPRI623	IG	CITIWEST STRUCTURES INC	WA

WPRH630	IG	CONROE REGIONAL MEDICAL CENTER	TX
Callsign	Radio Service	Licensee	State
WPRI960	IG	KEW GARDEN HILL APARTMENT OWNERS INC	NY
WPRI964	IG	JACK IN THE BOX	TX
WPRJ201	IG	PTS INCORPORATED DBA MCDONALDS	NM
WPRJ221	IG	CHILDRENS NATIONAL MEDICAL CENTER	DC
WPRJ228	IG	PICKERING, DONALD E	WA
WPRJ249	PW	WILLS EYE HOSPITAL	PA
WPRJ256	IG	SCOTT HEAD GUILD	TX
WPRJ350	IG	OPERATIONAL ENERGY CORPORATION	IN
WPRJ353	IG	SUE-BOLIN PROPERTIES LP	KS
WPRJ357	IG	WENDY S	AL
WPRJ408	IG	SHOOTERS BILLIARDS	MN
WPRJ432	IG	GOODYS DRIVE IN	CA
WPRJ434	IG	WENDYS	TX
WPRJ456	IG	ORANGE COUNTY TAXI	CA
WPRJ457	IG	CHICAGO MILITARY ACADEMY	IL
WPRJ458	IG	STEEL TECHNOLOGIES LP	KY
WPRJ479	IG	SPARTANBURG STAINLESS PRODUCTS	SC
WPRJ480	IG	GOLDEN ROD BROILERS INC	AL
WPRJ483	IG	TEXAS HEALTH SYSTEM	TX
WPRJ522	PW	STONE COUNTY EMERGENCY SERVICES BOARD	MO
WPRJ530	PW	STONE, COUNTY OF	MO
WPRJ533	IG	QUALITECH STEEL SBQ LLC	IN
WPRJ589	PW	MC CRACKEN, COUNTY OF	KY
WPRJ648	IG	SONIC AUTOMOTIVE DBA LEXUS AND RANGE ROVER OF MARIN	CA
WPRJ649	IG	ADVO INC	TX
WPRJ650	IG	MEESE, RANDAL A	CA
WPRJ680	IG	SUBMIT ORDER COM INC	OH
WPRJ681	IG	TYONEK CONTRACTORS LLC	AK
WPRJ723	IG	LEISURE ARTS	AR
WPRJ739	IG	RODRIGUEZ, DAMIAN	NY
WPRJ785	IG	COLUMBIA PRESBYTERIAN CENTER	NY
WPRJ806	IG	ARTHUR ANDERSEN LLP	IL
WPRJ808	IG	WEST ASCENSION ELEMENTARY	LA
WPRJ867	IG	CLARION HOTEL	CA
WPRJ878	IG	KROGERS	TX
WPRJ883	IG	DEL TACO	CA
WPRJ922	IG	CARLSBAD	NM

WPRI624	IG	CITIWEST STRUCTURES INC	WA
WPRI654	IG	RAILSERVE INC	GA
WPRI667	IG	DU PAGE PRESTIGE LIMO	IL
WPRI685	PW	BROXTON FIRE DEPARTMENT	OK
WPRI737	IG	GALE FORCE HOLDINGS L P	NC
WPRI752	IG	STRONG, JOHN	IL
WPRI781	IG	F W A DRILLING CO INC	TX
WPRI793	IG	JACK IN THE BOX	TX
WPRI816	IG	COKEN COMPANY INC	RI
WPRI874	IG	P S 203	NY
WPRI917	IG	FAST BURGER	ID
WPRI935	IG	HMS HOST	TN
WPRI952	IG	TACO BELL	GA
WPRI954	IG	WMS GAMING INC	IL
Callsign	Radio Service	Licensee	State
WPRK496	IG	AMERICAN MANAGEMENT INC	MO
WPRK508	IG	CLEMENT PAPPAS & CO INC	NJ
WPRK531	IG	FELICIANO ALBINO, RAUL	PR
WPRK564	IG	PATRINELY GROUP LLC	NJ
WPRK614	IG	RADISYS CORP	OR
WPRK617	IG	TIMBERLAND COMPANY	NH
WPRK635	IG	BREMEN CORPORATION A SUBSIDIARY OF CREATIVE FOAM	IN
WPRK645	IG	WENDY S	NV
WPRK686	IG	UNITED SIGNATURE FOODS LLC	IN
WPRK873	IG	BT FOODS DBA WENDYS	FL
WPRK874	IG	BURGER KING	MA
WPRK886	IG	TAXI DEL NORTE	GA
WPRK904	IG	JACK IN THE BOX # 6908	TN
WPRK912	IG	CRANE COFFEE	NE
WPRK936	IG	RADISSON PONCE DELEON GOLF & CONFERENCE RESORT	FL
WPRK978	IG	SCHOOL BOARD OF SARASOTA COUNTY	FL
WPRL204	IG	GT FOODS LLC	CA
WPRL220	IG	CUSTODIO, MARTIN E	NY
WPRL235	IG	GLASTONBURY HILLS COUNTRY CLUB	CT
WPRL250	IG	JSO ENTERPRISES INC DBA JIM S FOOD FAIR	KS
WPRL293	IG	STRIKER GOLF COURSE	NC
WPRL315	IG	MONMOUTH, COUNTY OF	NJ
WPRL321	IG	PETERSON MACHINERY CORP	MT
WPRL329	IG	GALE & WENTWORTH	NJ
WPRL386	IG	THE JOSHUA GROUP RMP	GA

		TECHNOLOGY INC	
WPRJ923	IG	INTERNATIONAL UTILITY STRUCTURES INC	AR
WPRJ961	IG	VAN CLEVE ELEMENTARY	OH
WPRK234	IG	BUSINESS EXPRESS	NH
WPRK334	IG	TACO BELL #20946	CO
WPRK337	IG	LEONS IGA	MO
WPRK338	IG	NAVISITE INC	CA
WPRK357	IG	WIRENET INC	OH
WPRK396	IG	KROGERS #302	TX
WPRK413	IG	DAIRY QUEEN #40688	FL
WPRK417	IG	CRAB MEADOW GOLF COURSE	NY
WPRK419	IG	NELSON, MIKE	NE
WPRK451	IG	KENNY KENT AUTOMOTIVE	IN
WPRK485	IG	GOLDEN VALLEY MICROWAVE	OH
WPRK490	IG	ST JOSEPHS HOSPITAL	NY
Callsign	Radio Service	Licensee	State
WPRL878	IG	INTERNATIONAL FUEL CELLS	CT
WPRL880	IG	RIVER POINTE	CA
WPRL933	IG	US FOODSERVICE	CA
WPRL954	IG	JT MAC	KS
WPRM202	IG	OAKLAND PARK, CITY OF	FL
WPRM208	IG	DOANE PET CARE COMPANY	OH
WPRM237	IG	LITHONIA LIGHTING	TX
WPRM249	IG	FBG HARRIMAN LLC	NY
WPRM283	IG	KRISPY KREME	CA
WPRM289	IG	DAIRY QUEEN #40591	CA
WPRM318	IG	REGIS PROPERTY MANAGEMENT	TX
WPRM338	IG	MERRILL LYNCH DBA MERRILL LYNCH MERIDIAN FACILITIES	CO
WPRM390	IG	FAN NW LTD INC	WA
WPRM426	IG	SMG C/O VETERANS MEMORIAL COLISEUM	CT
WPRM436	IG	SIMMONS FOODS INC	MO
WPRM452	IG	WHIRPOOL CORPORATION	GA
WPRM456	IG	SMILEYS TRANSPORT TOO INC	NY
WPRM476	IG	PANDA EXPRESS 529	AZ
WPRM477	IG	PANDA EXPRESS 559	WA
WPRM487	IG	RADISSON HOTEL	CO
WPRM574	IG	COBB VANTRESS INC	AR
WPRM578	IG	DINUBA PUBLIC SCHOOLS	CA
WPRM607	IG	ITEL LTD	NV
WPRM613	IG	MANUFACTURERS SERVICE LIMITED	UT
WPRM618	IG	CITIWEST STRUCTURES	WA

		INC DBA BEAR CREEK GOLF & COUNTRY CLUB	
WPRL404	IG	ST ALEXIUS MEDICAL CENTER	IL
WPRL411	IG	MARY KAY COSMETICS INC	TX
WPRL437	IG	LASELL VILLAGE INC	MA
WPRL447	IG	SCHLOTZSKYS #1103	TX
WPRL448	IG	UNIVERSITY OF CALIFORNIA IRVINE	CA
WPRL507	IG	WENDY S	PA
WPRL518	IG	WARREN BROTHERS LLP	MO
WPRL569	IG	PILOT CORPORATION	AR
WPRL601	IG	EL POLLO LOCO #5425	CA
WPRL606	IG	ROARING FORK AGGREGATES	CO
WPRL619	IG	WANNAMOISETT COUNTRY CLUB	RI
WPRL621	IG	LINK AT WINDY KNOLL	OH
WPRL626	IG	WHITMORE WORSLEY	NY
WPRL650	IG	RHINO MASONRY INC	AZ
WPRL703	IG	HAMMOND, NORMAN	MI
WPRL720	IG	CONTAINER MAINTENANCE SERVICE INC	TX
WPRL756	IG	GROTTO PIZZA INC	DE
WPRL758	IG	CAROLINA FOOTBALL ENTERPRISES LLC	NC
WPRL759	IG	UPPER ARLINGTON CITY SCHOOL DISTRICT	OH
WPRL787	IG	PALLET SOLUTIONS INC	IN
WPRL791	IG	DICKEYS BARBECUE PIT	TX
WPRL794	IG	BURGER KING # 13309	OH
WPRL795	IG	POPEYE S CHICKEN	TX
WPRL815	IG	SOUTHWIRE	AR
WPRL825	IG	BOTTOM LAND HUNTING CLUB	AR
WPRL862	IG	WILLOUGHBY CAB COMPANY	OH
Callsign	Radio Service	Licensee	State
WPRT247	IG	MARRIOTT S MOUNTAIN SIDE	UT
WPRT301	IG	NATIONAL RENTAL SERVICES INC	TX
WPRT402	IG	SONIC # 3509	TX
WPRT406	IG	MARRONE, ROBERT	VA
WPRT410	IG	INTERNATIONAL PAPER	AL
WPRT454	IG	ST PAUL ARENA CO	MN
WPRT494	IG	MCSWAIN, CURT T	SC
WPRT548	IG	LAKE TOXAWAY OUTDOOR RESORTS	NC
WPRT550	IG	COCA COLA BOTTING CO	IN

		INC	
WPRM622	IG	TOSHIBA AMERICA BUSINESS SOLUTIONS INC	TN
WPRM628	IG	LEONARDS BBQ INC	NV
WPRM634	IG	FRIENDLY CAB SERVICE	WI
WPRR674	IG	TACO BELL	WV
WPRR684	IG	INTERNATIONAL CAB	NC
WPRR837	IG	MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT	AZ
WPRR850	PW	TOWN OF LANSING	NC
WPRS420	IG	ENRON WIND LLC	CA
WPRS427	IG	CARITAS HEALTH SERVICES	KY
WPRS459	IG	KENTUCKY FRIED CHICKEN	TN
WPRS535	IG	WENDY S	PA
WPRS627	IG	JEFFERSON COUNTY HEALTH DEPT	KY
WPRS665	IG	FORCENERGY INC	LA
WPRS764	IG	PRINCEVILLE CORPORATION	HI
WPRS784	IG	SAMIR BELHSEINE DBA ROCHESTER DEWEY DONUT INC	NY
WPRS797	IG	GOLDEN DELIVERY LLC	TN
WPRS798	IG	AMERICAN STYLE CAR AND LIMO SERVICE	NY
WPRS834	IG	SAN FERNANDO GARDENS RESIDENT MGMT CORP	CA
WPRS858	IG	DACION CORP	NY
WPRS878	YG	CHASE RESORTS INC DBA LODGE OF THE FOUR SEASONS	MO
WPRS886	IG	TTX COMPANY	CA
WPRS899	IG	JACK IN THE BOX # 3933	TX
WPRS927	IG	KELLEY TRUCKING INC	AL
WPRS954	IG	SERVAES, ANDY	KS
WPRS961	IG	VISTA LAKES COMMUNITY DEVELOPMENT DISTRICT	FL
WPRS968	IG	VISTA RIDGE MALL	TX
Callsign	Radio Service	Licensee	State
WPRV877	IG	C & S WHOLESALE GROCERS INC	PA
WPRV968	IG	MEDIAN SUPPLY	OH
WPRW222	IG	HATTUM, ALBERT	SD
WPRW326	IG	SOUTHERN STATES DONALDSONVILLE SERVICE	GA
WPRW345	IG	BEERS CONSTRUCTION	GA
WPRW360	IG	SWANSEA MALL	MA
WPRW382	IG	M A ANGELIADES INC	NY
WPRW454	IG	La Union Farms Inc	NM
WPRW462	IG	PIZZA HUT	FL

		OF INDIANAPOLIS INC	
WPRT589	IG	ENGELHARD CORPORATION	CT
WPRT590	IG	SENA ENTERPRISES INC	PA
WPRT592	IG	LEGENDS GOLF & COUNTRY CLUB	FL
WPRT667	IG	BEAMS PAVEMENT MAINTENANCE COMPANY INC	SC
WPRT669	IG	BOVIS LEND LEASE INC	NJ
WPRT675	IG	RIVERWATCH GOLF CLUB	TN
WPRT692	IG	MARICOPA COMMUNITY COLLEGES	AZ
WPRT738	IG	LINKS AT WATERCHASE	TX
WPRT745	IG	G W CARVER COMPREHENSIVE HIGH SCHOOL	GA
WPRT747	IG	KENTUCKY FRIED CHICKEN	TX
WPRT753	IG	MINNISOTA WILD	MN
WPRT757	IG	EAST PORT RESTURANT LLC	IL
WPRT763	IG	SANTANA S MEXICAN FOOD	CA
WPRT822	IG	PANGEA CONSTRUCTION INC	MO
WPRT834	IG	COLORTECH INC	TN
WPRT861	IG	THE GLEN	IL
WPRT903	IG	KELCO	TN
WPRT910	IG	KENTUCKY FRIED CHICKEN	CO
WPRT926	IG	MONMOUTH, COUNTY OF	NJ
WPRU210	IG	WORLD OF WONDER SCHOOL	OH
WPRU393	IG	PIONEER USED AUTO SALES INC	WV
WPRU422	IG	MORTON INTERNATIONAL INC	IL
WPRU423	IG	BURGER KING # 5921	FL
WPRU424	IG	PIZZA HUT # 2680	OK
WPRU474	IG	CES TEAM ONE COMMUNICATIONS INC	FL
WPRU497	IG	COMMEMORATIVE BRANDS INC	TX
WPRU692	IG	BIDDLE PRECISION COMPONENTS INC	IN
WPRU748	IG	THE SPRINGS COUNTRY CLUB	CA
WPRU776	IG	BELL LIVERY	IL
WPRU868	IG	BLITCH PLACE FARMS INC	GA
WPRV340	IG	PETsMART, Inc.	AZ
WPRV341	IG	ASPIRE PUBLIC SCHOOLS	CA
WPRV342	IG	R. W. Sidley, Inc.	PA
WPRV389	IG	AMCOR BLOCK PRODUCTS	UT
WPRV409	IG	ST ANNES BELFIELD SCHOOL	VA
WPRV652	IG	BELLSOM ELECTRIC INC	IN
WPRV687	IG	WHITE CASTLE SYSTEM INC	OH
WPRV727	IG	ELMORE ENVIRONMENTAL SERVICES	FL
WPRV734	IG	KENTUCKY FRIED CHICKEN	CA
WPRV750	IG	ROADRUNNER TRUCKING	AZ
WPRV753	IG	DAIRY QUEEN 14381	TX

WPRW617	IG	WENDYS	CA
WPRW618	IG	BURGER KING	CA
WPRW702	IG	EDENBROOK	GA
WPRW709	IG	SOUTH HAVEN GOLF CLUB	AR
WPRW811	IG	TOMLINSON INC DBA HARVARD MARKET	WA
WPRW860	IG	PETROZONE INC	FL
WPRW862	IG	POPEYES	TX
WPRW866	IG	MIDWAY AIRLINES CORP	NC
WPRW887	IG	LOUDY, PAMELA J	CA
WPRW894	IG	C J FARMS	GA
WPRW908	IG	MOTOROLA TELEMATICS COMMUNICATION GROUP	IL
WPRW918	IG	OXFORD INDUSTRIES	IN
WPRW983	IG	PANOS HOTEL GROUP	NC
WPRW996	IG	Jack In The Box Inc	LA
WPRX208	IG	BURGER KING	CA
WPRX216	IG	CHEN, JOHN	NY
WPRX233	IG	Jack In The Box Inc	TN
WPRX252	IG	BRIGHTON BEST SOCKET SCREW MFG INC DBA WILL TECH	GA
WPRX254	IG	COKEN COMPANY INC	RI
WPRX282	YG	RADI LINK INC	IL
WPRX436	IG	Jack In The Box Inc	TN
WPRX496	IG	ALTERRA STERLING HOUSE	KS
WPRX505	IG	STARBUCKS	MA
WPRX513	IG	SONIC 4301	KY
WPRX526	IG	SCHOOL OF ENVIRONMENTAL EDUCATION	TX
WPRX555	IG	SONIC 1251	AL
WPRX657	IG	UNITED TELEPHONE COMPANY OF OHIO	OH
WPRX661	IG	BRIERCREEK GOLF CLUB	NC
WPRX686	IG	DUNKIN DONUTS 4886	NY
WPRX741	IG	Taco Bell/Pizza Hut	CA
WPRX779	IG	Steelcase Inc	MI
WPRX831	IG	MOULDING CENTER	CA
WPRX872	IG	THE TACO MAKER	WV
WPRX880	IG	TACO BELL	NJ
WPRX941	IG	DUNKIN DONUTS 517	MA
WPRX960	IG	HCA THE HEALTHCARE COMPANY	TX
WPRX981	IG	CAMP TOCANGA	MI
WPRY202	IG	I2WAY CORPORATION	CA
WPRY251	IG	SCHOONMAKER JR, JOSEPH M	NY
WPRY260	IG	TACO BELL EXPRESS	FL
WPRY271	IG	American Golf	NY

WPRV792	IG	POLYONE CORPORATION	OH
Callsign	Radio Service	Licensee	State
WPRY283	IG	SPECIAL DELIVERY PIZZA HUT	TX
WPRY287	IG	CHP ENERGY SERVICES COMPANY	MI
WPRY325	IG	KENTUCKY FRIED CHICKEN	DE
WPRY328	IG	VULCAN NORTHWEST	WA
WPRY337	IG	I2WAY CORPORATION	CA
WPRY338	YG	I2WAY CORPORATION	CA
WPRY356	IG	MC CLOSKEY LAND DEVELOPMENT	PA
WPRY382	IG	SUNRISE OF WILSON LLC dba HOLIDAY INN EXPRESS	NC
WPRY397	YG	I2WAY CORPORATION	CA
WPRZ795	IG	The McGraw-Hill Companies, Inc.	IA
WPRZ878	IG	UNIVERSITY OF MARYLAND MEDICAL SYSTEMS	MD
WPRZ974	YG	I2WAY CORPORATION	CA
WPRZ978	YG	I2WAY CORPORATION	CA
WPRZ982	YG	I2WAY CORPORATION	CA
WPRZ984	YG	I2WAY CORPORATION	CA
WPRZ985	YG	I2WAY CORPORATION	CA
WPSD719	IG	FIG GARDEN GOLF COURSE	CA
WPSD720	IG	THE QUANAH CORPORATION	MO
WPSD738	IG	Kmart Corporation	NJ
WPSD739	IG	JACK IN THE BOX INC DBA JACK IN THE BOX RESTAURANT	TX
WPSD756	IG	BURGER KING 4095	MI
WPSD838	IG	CUMBERLAND MOUNTAIN PAGING SERVICES	KY
WPSD855	IG	AEF COMMUNICATIONS	CT
WPSD997	IG	LYNDEN CHAMBER OF COMMERCE	WA
WPSE270	IG	TACO BELL EXPRESS 021115	OH
WPSE273	IG	WMS GAMING INC	IL
WPSE412	IG	JACK IN THE BOX INC DBA JACK IN THE BOX RESTAURANT	WA
WPSE425	IG	TORRES, PEDRO J	PR
WPSE451	IG	TUCKER, DAVID	GA
WPSE491	IG	FOSTER WHEELER	TN
WPSE523	IG	TACO BELL EXPRESS 021065	NM
WPSE528	IG	BROKEN ARROW	UT

WPRY275	IG	BETHESDA HEALTH GROUP	MO
Callsign	Radio Service	Licensee	State
WPSF582	IG	DIXON TICONDEROGA PENCIL COMPANY	MO
WPSF596	IG	G E ENERGY PARTS	GA
WPSF597	IG	RUTGERS STATE UNIVERSITY OF NEW JERSEY	NJ
WPSF601	IG	DEARBORN HOMES RESIDENT MANAGEMENT CORP	IL
WPSF648	IG	JELLYSTONE PARK CONDO ASSOC	WI
WPSF724	IG	HYLTON MOTORSPORTS	CA
WPSF738	IG	BURGER KING 02336	PA
WPSF839	IG	YOURS CAR SERVICE INC	NY
WPSF863	IG	Jack In The Box Inc DBA Jack In The Box	NC
WPSF906	IG	COASTAL MANAGEMENT GROUP INC	CA
WPSF934	IG	ONESOURCE GOLF SERVICES	FL
WPSF937	IG	BURGER KING 02618	PA
WPSF962	IG	WEN-ALABAMA INC DBA WENDYS	AL
WPSF966	IG	AIWA AMERICA	PA
WPSF991	IG	XFL LLC	CT
WPSG265	IG	NORTH AMERICAN INTERCONNECT LLC	IL
WPSG364	IG	GONZALEZ, JORGE	HI
WPSG417	IG	WENDYS	AL
WPSG438	IG	JARAVI INC DBA TACO BELL PIZZA HUT EXPRESS	CA
WPSG453	IG	SHADOW OAKS APTS	CA
WPSG522	IG	KROGER TEXAS DBA KROGER	TX
WPSG547	IG	SCHOOL BOARD OF VOLUSIA COUNTY FL	FL
WPSG562	IG	HUDSON WATERFRONT COMPANY	NY
WPSG630	IG	RENZE FEED INC	IA
WPSG635	IG	SHELL OIL POPEYES	OH
WPSG639	IG	ROANOKE HIGHER EDUCATION CENTER	VA
WPSG666	YG	ISLE OF CAPRI	MO
WPSG745	IG	WENDYS 65	NC
WPSG756	IG	TRI CON GLOBAL RESTERAUNT DBA PIZZA HUT	TX
WPSG824	IG	DESIGN ASSOCIATES OF LINCOLN INC	NE
WPSG944	IG	Cottonwood Golf Course	AZ
WPSG948	IG	MERIT TEXAS PROPERTIES	TX

WPSE547	IG	SANTA FE ISD	TX
WPSE556	IG	JACK IN THE BOX INC DBA JACK IN THE BOX RESTAURANT	TX
WPSE557	IG	Star Hardees DBA Hardees	OH
WPSE567	IG	GOURMET AWARD FOODS	TX
WPSE793	IG	BEHR PROCESS CORP	GA
WPSE803	IG	Star Hardees DBA Hardees	TN
WPSE833	IG	ISLAND DUNES COUNTRY CLUB	FL
WPSE840	IG	SONIC 4142	MO
WPSE940	IG	MARIST COLLEGE MECHANICAL SERVICES	NY
WPSE956	YG	I2WAY CORPORATION	CA
WPSE963	IG	EVERGREEN AVIATION GROUND LOGISTICS	CO
WPSF265	IG	ISRAEL BAPTIST CHURCH	DC
WPSF301	IG	WENDYS	AL
WPSF339	IG	TIFTON TURF	GA
WPSF399	IG	BURGER KING CORPORATION DBA BURGER KING	PA
WPSF400	IG	BURGER KING 3092	TX
WPSF403	IG	BROOKLINE HIGH SCHOOL	MA
WPSF529	IG	SCOTT EQUIPMENT CO INC	ND
WPSF535	IG	Burger King Corporation DBA Burger King	PA
Callsign	Radio Service	Licensee	State
WPSI227	IG	KEATING BUILDING SYSTEMS	PA
WPSI266	PW	Metrocall USA, Inc.	VA
WPSI357	IG	M & E PACIFIC INC	HI
WPSI409	IG	MC CARTHY BUILDING COMPANIES INC	TX
WPSI500	IG	HARRISBURG BAPTIST CHURCH	MS
WPSI507	IG	MEXICAN RESTAURANT VENTURE INC DBA TACO BELL	SC
WPSI563	IG	ARCHSTONE MEDICAL CENTER APARTMENTS	TX
WPSI566	IG	RGT MANAGEMENT DBA TACO BELL	MS
WPSI580	IG	Valet Parking Service LP	CA
WPSI590	IG	BASELL USA INC	LA
WPSI692	IG	THOMAS, BERT	AR
WPSI698	IG	RICHARD J SOLOMON DBA WIENORSCHNITZEL	NM
WPSI743	IG	Jack In The Box Inc DBA Jack	WA

WPSH314	IG	VERONICA GAMBOA DBA CQ BEEP	TX
WPSH316	IG	ARGENBRIGHT INC	GA
WPSH320	IG	ROLLA READY MIX CONCRETE LLC	MO
WPSH340	IG	JACK IN THE BOX INC DBA JACK IN THE BOX	TX
WPSH382	IG	Meier & Frank	OR
WPSH402	IG	HOFFMAN TRANSPORTATION	IL
WPSH503	IG	BLOOMINGDALE GOLF COURSE	FL
WPSH524	IG	GROTTO PIZZA INC	DE
WPSH556	IG	TISH INC DBA MCDONALDS 3519 15267 14045 25831	MI
WPSH575	IG	Cable & Wireless Internet Services, Inc.	CA
WPSH648	IG	CUMBERLAND MOUNTAIN PAGING SERVICES	KY
WPSH660	IG	POPEYES 5336	GA
WPSH757	IG	Chenna Farms Inc	WA
WPSH774	IG	Monco dba Coleman Dispatch Service	LA
WPSH877	IG	DAUBS FLORAL & GARDEN CENTER	NJ
WPSH902	IG	TAXI SERVICE	LA
WPSH947	IG	Jack In The Box Inc DBA Jack In The Box	TX
WPSH992	IG	PISCES FOODS LP DBA WENDYS	TX
WPSI208	IG	NATH FLORIDA FRANCHISE GROUP DBA BURGER KING	FL
Callsign	Radio Service	Licensee	State
WQC985	IG	CAMPBELL, JERRY H	TN
WQD255	IG	SCHINDLER ELEVATOR CORPORATION	NJ
WQD256	IG	SCHINDLER ELEVATOR CORPORATION	NJ
WQD303	IG	RICHARDS, LEONARD:RICHARDS, CHARLES DBA RICHARDS BROTHERS	MN
WQD693	IG	BELLEVUE HILTON	WA
WQD711	IG	PETERSON, WILLIS C	NE
WQD781	IG	ALLEN, BILLY	TX
WQF214	IG	ASKINS, BILLY	TX
WQG364	IG	LATIN CAB CORPORATION	FL
WQG467	IG	WILKINSON, IVAN	MO
WQG476	IG	DE KALB CO L P GAS CO INC	AL
WQG864	IG	OTTAWA OIL COMPANY INC	OH
WQG978	IG	RECYCLING INDUSTRIES	NC

		In The Box	
WPSI782	IG	Jack In The Box Inc DBA Jack In The Box	LA
WPSI784	IG	Broadwing Communications Inc	TX
WPSI803	IG	GCWILL DBA KINGMAN DBA WENDYS	AZ
WPSI875	IG	CitiWest Structure Inc	WA
WPSI909	IG	Tesco Services, Inc.	TX
WPSI925	IG	B P C ASSOCIATES LP	NY
WPSI929	IG	TRIBECA EQUITY PARTNERS LP	NY
WPSJ233	IG	NORTH WEND FOODS LLC DBA WENDYS	WI
WPSJ240	IG	FORREST COMMUNICATIONS LLC	CA
WPSJ312	IG	THE RITZ CARLTON	DC
WPSJ359	IG	Charles E Smith Residential Realty	MA
WPSJ458	IG	DAIRY QUEEN 19510	TN
WPSJ463	IG	37TH STREET REALTY COMPANY C/O NEWMARK & COMPANY	NY
WPSJ473	IG	Nelson, Merle F	KS
WPSJ474	IG	Con AM Management	NV
WPSJ495	IG	WENDYS INTERNATIONAL DBA WENDYS	UT
WPSJ501	IG	JACK IN THE BOX INC DBA JACK IN THE BOX	LA
WPSJ506	IG	DAIRY QUEEN 40752	LA
WPSJ626	PW	JEFFERSON HOSPITAL ASSOCIATION INC	AR
WPSJ644	IG	PTS INCORPORATED	NM
WPSJ689	IG	STARFISH ELECTRONICS INC	LA
WPSJ753	IG	JACK IN THE BOX INC DBA JACK IN THE BOX	TX
WPSJ770	IG	KNOX BODY SHOP INC	KY
WPSJ785	IG	PACIFIC OROVILLE POWER INC	CA
WPSJ921	IG	GEORGIA PACIFIC CORPORATION	GA
WPSJ991	IG	The Ranches Golf Club	UT
WPSK215	IG	Calusa Pines Golf Club	FL
WPSK268	IG	DSL FORUM	CA
WPSK387	IG	PACIFIC OROVILLE POWER INC	CA
WPSK389	IG	Plateau Electrical Constructors Inc	AZ
WPSK412	IG	Maui Country Club	HI
WPSK471	YG	AQUA CALIENTE INDIANS	CA
WPSK521	IG	Burger King Corporation DBA Burger King	FL
WPSK546	IG	Transit America	PA

		OF WINSTON SALEM INC	
WQH252	IG	HUNTER, JACK W	TX
WQH267	PW	KENTUCKY, COMMONWEALTH OF	KY
WQI304	IG	INDIANA & OHIO RAILROAD	OH
WQI394	IG	WATKINS, GLENN	MO
WQI399	IG	JOHNSON, GREG	KY
WQJ228	IG	BAKER, SHARON L	IL
WQJ250	IG	RIGGENBACH BROTHERS	OH
WQJ739	IG	H & H RAMSEY TOWING CO	CA
WQL379	IG	COOPER FUEL OIL CO INC	NY
WQM336	IG	HAMMER, MARY E:HAMMER, MELVIN O DBA M H ELECTRONICS	CA
WQM597	IG	DELTA CONSTRUCTION INC	WY
WQM624	PW	MOORELAND, TOWN OF	IN
WQM650	PW	CASTLE ROCK, TOWN OF	CO
WQN724	PW	CORYELL MEMORIAL HOSPITAL	TX
WQP889	IG	WILLIAMS PLUMBING & HTG INC	IN
WQQ408	IG	HAAS, CHARLES R	MO
WQQ487	IG	ROHRBAUGH BROS	KS
WQQ546	IG	SOUND AVE EQUIPMENT CO	NY
WQQ622	IG	PLANT INSULATION	CA
WQR424	IG	STOVESAND FARM PARTNERSHIP	AR
WQR450	IG	MAY DEPARTMENT STORES COMPANY DBA HECHTS/STRAWBRIDGES	VA
WQR837	IG	GROWERS AERIAL SERVICE	CA
WQS389	IG	CALCOTE, BILL	TX
WQS772	IG	MC GREW TIRE CO INC	WV
WQS896	PW	MARTIN, COUNTY OF	NC
WQS917	PW	CALIFORNIA, STATE OF	CA
WQT465	IG	MILLER III, JOHN H	DE
WQT553	IG	GEORGIA-PACIFIC CORPORATION	GA
WQT913	IG	MAY DEPARTMENT STORES COMPANY DBA HECHTS/STRAWBRIDGES	VA
WQU642	IG	TREVINO, JOSE	TX
WQU651	IG	LINDNER, FREDRICK	IL
WQU872	IG	MAY DEPARTMENT STORES COMPANY DBA HECHTS/STRAWBRIDGES	VA
WQU873	IG	MAY DEPARTMENT STORES COMPANY DBA HECHTS/STRAWBRIDGES	VA
WQU874	IG	MAY DEPARTMENT STORES COMPANY DBA	VA

WPSK779	IG	Unique Cab Company Inc	MI
WPSK810	IG	Marriott Calusa Harbour	FL
WPSK845	IG	DELTA ORLANDO RESORT	FL
WQC445	IG	JOHNSON, HURSEL B	NC
Callsign	Radio Service	Licensee	State
WQV926	IG	MAY DEPARTMENT STORES COMPANY DBA HECHTS/STRAWBRIDGES	VA
WQV965	PW	SAINT ANTHONY HOSPITAL	OK
WQW238	IG	W C SPRATT INC	VA
WQW766	IG	LETZIG, JOHN W	MO
WQW773	IG	LOCKWOODS ELECTRIC MOTOR SERVICE INC	NJ
WQX492	IG	TIEGS FARMS	ID
WQX509	IG	WYMANS INC	MA
WQX982	PW	RAVENSWOOD HOSPITAL MEDICAL CENTER	IL
WQY473	IG	FELICIANO, JOAQUIN E	PR
WQY479	IG	MAY DEPARTMENT STORES COMPANY DBA HECHTS/STRAWBRIDGES	VA
WQY780	IG	JOHNSON, DAVID A	MO
WRA266	PW	BIG OAK FLAT GROVELAND UNIFIED SCHOOL DISTRICT	CA
WRA285	IG	FRIENDSHIP CENTER OF PETASKEY	MI
WRA548	IG	MADISON, CITY OF	IN
WRA784	PW	CALIFORNIA, STATE OF	CA
WRB400	PW	NEWTON, COUNTY OF	TX
WRB408	PW	ANSONIA, CITY OF	CT
WRB459	PW	SELMA DALLAS COUNTY RESCUE SQUAD	AL
WRB632	IG	LEA LUMBER & PLYWOOD LLC	NC
WRB675	IG	DAVILLA, ROBERT H	IL
WRB819	IG	ST PAUL DISPATCH PIONEER PRESS	MN
WRC209	IG	SULLIVAN AND MERRITT INC	ME
WRC223	IG	WAYNE CAR RELEASING SERVICES INC	MI
WRD269	IG	SODA SPRINGS ELEVATOR INC	ID
WRD850	PW	CAMDEN, TOWNSHIP OF	MN
WRE268	PW	TEXAS, STATE OF	TX
WRE345	PW	DORRIS VOLUNTEER FIRE DEPARTMENT	CA
WRE634	IG	WEAVER, CARL G	WI
WRE799	IG	DEER PARK ISD	TX
WRG478	IG	HARRY FAIRLESS CONSTRUCTION	CA
WRH358	IG	THISTLE, RONALD F	MA
WRH385	IG	WYNNS AG CENTER INC	IA
WRH551	IG	TERRA INTERNATIONAL INC	MO
WRH563	IG	DRAGONS BREATH BALLOON SCHOOL LTD	TX
WRI231	PW	HOBART, TOWNSHIP OF	IN
WRI887	IG	OCHOA, JESUS	CA

		HECHTS/STRAWBRIDGES	
WQV355	IG	JIMCO ENTERPRISES INC	TX
WQV375	IG	CUTLER HAMMER OHIO GENERAL PARTNERSHIP	SC
WQV728	IG	GAGLIARDO, VINCENT D	PA
WQV819	PW	JUSTIN, CITY OF	TX
Callsign	Radio Service	Licensee	State
WRN734	IG	TERRA INTERNATIONAL INC	IA
WRN738	IG	TERRA INTERNATIONAL INC	IA
WRN950	IG	CIRCLE B LOGGING INC	AR
WRO467	IG	NASCAR RACING	FL
WRP229	IG	VETERINARY HOSPITAL INC PC	MT
WRP242	IG	NIEMEYER, RODGER	PA
WRP372	IG	GRUNDMEIER, GARY	IA
WRP408	IG	COLSTON, SHERILL	NY
WRP507	IG	BAKER SURVEYING INC	TX
WRP582	IG	BUTLER, JAMES G	OK
WRP746	IG	CLINTON, ARLISS R	NE
WRP861	IG	MID WAY GARAGE	MA
WRP977	IG	SCHOESSLER FARMS	ID
WRQ285	IG	YEATER, GRANT L	OH
WRQ914	IG	WGL INC	NC
WRR342	IG	NELSON, LEONARD E	NE
WRR494	IG	STOUT, JACK	TX
WRR673	IG	SCHINDLER ELEVATOR CORP	NJ
WRR719	IG	MORGAN AND LEE INC	GA
WRR722	IG	MC CULLOCH REALTY	AZ
WRR817	IG	ROTH, LONNIE	NE
WRR850	IG	TWIN VALLEY IMPLEMENT INC	NE
WRS429	IG	MC CALLIE, ROY C	AR
WRS523	IG	RIMES, JOE	TX
WRS679	IG	C & B ASSOCIATES INC	TX
WRT850	IG	SOUTHERN AUTO SUPPLY	CA
WRU910	PW	ANGELICA, VILLAGE OF	NY
WRV723	PW	Puerto Rico Police Communication Division	PR
WRW950	IG	CUSHMAN & WAKEFIELD	NJ
WRW951	IG	DUDLEY & ASSOCIATES	UT
WRW990	IG	I B E W	DC
WRX346	IG	LACASSE HEATING & COOLING SUPPLY INC	MA
WRX688	IG	TH & N ELECTRIC SERVICE INC	MO
WRX887	IG	CITY OF INDUSTRY SECURITY CO INC	CA
WRZ437	IG	W J HARDY CONCRETE CONTRACTOR INC	AZ
WRZ620	PW	TRI CITY EMERGENCY	KY

WRI997	IG	HANSON, BOB	MT
WRJ247	IG	MORRIS JR, B F	NC
WRJ302	IG	CAPITAL HEIGHTS AUTO CLINIC INC	ND
WRK327	IG	BESS, TOM:BESS, DON DBA BESS FARMS	IL
WRK525	IG	TIPTON, COLON	AR
WRK967	IG	CORAL REEF PARK CO INC	FL
WRK998	IG	POWERS, WILLIAM D	ND
WRL313	IG	GEHRICKE, CARL	CA
WRL453	IG	GOEBEL BROS INC	IN
WRL772	IG	W F MAGANN CORP	VA
WRL934	IG	C & C WRECKER SERVICE	FL
WRN296	IG	CONSTRUCTION MACHINERY INC	AK
WRN337	IG	SCHULTHIES, VAUGHN	OR
WRN673	IG	BRENDEMUHL, ALDEN	MN
WRN703	IG	STEARNS, RALPH W	OR
Callsign	Radio Service	Licensee	State
WSD815	IG	ANDERSON, PAUL B	FL
WSD837	IG	CHASON ENGINEERS INC	MD
WSE425	IG	BLUE FLAME OF LANCASTER	OH
WSF318	IG	PETERSONS SERVICES INC	MI
WSF325	IG	SANSING, MACK	TX
WSF567	IG	JACKSON, HORACE J	GA
WSG231	IG	SUTCLIFFE ESTATES	SC
WSH211	IG	HOLIDAY INN	MS
WSH224	IG	TRINITY INDUSTRIES INC	AL
WSH252	IG	VALLEY ROCK & SAND INC	CA
WSH378	IG	TRINITY RIVER AUTHORITY OF TEXAS	TX
WSH702	IG	CALEXICO TAXI	CA
WSH975	IG	BODEN, JIM	OK
WSI645	IG	H & J HERBEL FARMS INC	KS
WSJ636	IG	RAYS CANOES DIVISION OF ASAMCO INC	MI
WSK876	IG	AMES RENTAL CENTER INC	NE
WSL324	IG	SAINT ROSE HOSPITAL	CA
WSM379	IG	FISHER, DARWIN	ND
WSM464	IG	NEW YORK POWER POOL	NY
WSM620	IG	WESTINGHOUSE ELECTRIC CO LLC	PA
WSM667	IG	EVERHART, HERMAN J	OK
WSM920	IG	VULCAN MATERIALS COMPANY	WI
WSM966	IG	CUSTOM SERVICES	AL
WSN236	IG	CHANDLER & SON INC	TX

		AND RESCUE SQUAD INC	
WRZ936	IG	SUNSHINE PLUMBING & IRRIGATION INC	FL
WRZ950	IG	HOPPE, CURTIS	MN
WSA260	IG	RODKEY, FERN A	MD
WSA485	IG	OASIS RANCH	NV
WSA531	IG	MAYNARDS ELECTRIC CORP	NY
WSA578	IG	LOGAN, JOHN D	IL
WSA592	IG	TRI CITIES INDUSTRIAL BUILDERS INC	VA
WSA828	IG	EVANS COOPERAGE CO INC	TX
WSB434	IG	MENDILLO, JOSEPH	CT
WSC401	IG	BROGDEN, ROY	NC
WSC554	IG	PRICES MILL FARM SUPPLY INC	KY
WSC711	IG	SUGAR MILL RUIN CAMPGROUND	FL
WSD260	IG	MOORE, JAY T	TN
WSD722	IG	CONCORD HOTEL	NY
WSD729	IG	COWHICK, HERB	SD
Callsign	Radio Service	Licensee	State
WSX244	IG	OWENS BURNER SERVICE	VA
WSX350	IG	STEPHEN S WISE TEMPLE	CA
WSX567	IG	POMERADO HOSPITAL	CA
WSX697	IG	A & A CAB	NJ
WSY352	IG	G F WRIGHT STEEL & WIRE COMPANY INC	MA
WSY626	IG	FINNEY, DENZEL R	NM
WSY700	IG	FELIX INDUSTRIES INC	NY
WSY750	IG	SWENSON LAND & CATTLE CO	TX
WSZ511	IG	VIKING FREIGHT SYSTEM INC	CA
WSZ535	IG	AMERICAN NATIONAL CAN COMPANY	IL
WSZ725	IG	L J MORELLO CONCRETE CONTRACTORS INC	MA
WWA299	PW	PUERTO RICO, COMMONWEALTH OF	PR
WWA303	PW	Puerto Rico Police Communication Division	PR
WWA306	PW	Puerto Rico Police Communication Division	PR
WWA309	PW	Puerto Rico Police Communication Division	PR
WWA318	IG	PONCE TAXICABS INC	PR
WWA323	PW	Puerto Rico Police Communication Division	PR
WWA332	PW	Puerto Rico Police Communication Division	PR
WWA404	PW	Puerto Rico Police Communication Division	PR
WWA409	PW	Puerto Rico Police Communication Division	PR
WWA410	PW	Puerto Rico Police Communication Division	PR
WWA411	PW	Puerto Rico Police Communication Division	PR
WXA517	IG	LYTLE ELECTRIC CO INC	KS
WXA693	IG	MIDWEST PATROL	ND

WSN303	IG	JOHNSONIUS & SONS INC	TN
WSN506	IG	JENSEN, JACK	CA
WSN601	IG	RPJS INC	MT
WSN614	IG	BRACKEN, TERRY	CA
WSO426	IG	NIEDFELDT TRUCKING SERVICE INC	WI
WSO593	IG	RENSINK, LELAND	IA
WSO639	IG	JOSEPH F COLLUCCI TRUCKING	NJ
WSP205	IG	FITE, VINSON	OK
WSP274	IG	TEXAS SOUTHERN INC	TX
WSP762	IG	BURNEY TRANSPORTATION INC	CA
WSQ907	IG	LOWER FARM	KS
WSQ970	PW	NEVADA, STATE OF	NV
WSR258	IG	BETTIN, MIKE	MN
WSR378	IG	GROSVENOR HOTEL	CA
WSS482	IG	SCHWERDTFEGER, RONALD	KS
WSS505	IG	FAIRVIEW COUNTRY CLUB INC	CT
WST312	IG	SCHINDLER ELEVATOR CORP	NJ
WST533	IG	MODIN JR, RALPH L	ND
WST733	IG	SCHINDLER ELEVATOR CORP	NJ
WSU226	IG	CALVERT, CARL:CALVERT, LESTER DBA CALVERT FARMS	CA
WSU440	IG	PIKE MAUGANS AVE INC	MD
WSU555	IG	BETHLEHEM LUKENS PLATE	PA
WSV203	IG	WESTERN MASS COURTESY PATROL INC	MA
WSV476	IG	DATACOM INC	NY
WSV979	IG	DE WOLFE EXCAVATORS INC	MI
WSW315	PW	RAPPAHANNOCK RAPIDAN EMER MED SRVS INC	VA
WSW535	IG	SCHAFER CATTLE CO	OK
Callsign	Radio Service	Licensee	State
WYF283	IG	L & S SERVICE CO	LA
WYG881	IG	STEWIES OIL INC	MA
WYH213	IG	ADAM, MARK R	NE
WYJ900	IG	G A BOVE COAL & OIL CO	NY
WYJ982	IG	CAMPBELL, DAVONA M	NE
WYL510	IG	KELLER, DEAN E	IA
WYL533	IG	COPIAH COUNTY SCHOOLS	MS
WYM743	IG	TORRADO SOLUBMOLL INC	PR
WYP227	IG	FINKEN INC	MN

WXD953	IG	VAN WILSON WRECKER SERVICE	NC
WXD962	IG	KUESTER IMPLEMENT CO	OH
WXH338	IG	LAWN O GREEN	SC
WXH830	IG	WYOMING NATURAL GAS INC	WV
WXJ762	PW	TENNESSEE, STATE OF	TN
WXK699	PW	ASBURY PARK, CITY OF	NJ
WXL729	IG	TERRA INTERNATIONAL INC	IN
WXM945	IG	MILLER, BRUCE:MILLER,PAUL:MILLER, JAMES DBA MILLER PARKING COMPANY	MI
WXN242	IG	MOTT SMITH LANILOA	HI
WXN658	IG	WHEELER LANDSCAPING INC	OH
WXP321	PW	ARLINGTON, COUNTY OF	VA
WXQ420	IG	PHOENIX JEWISH COMMUNITY KIVEL NURSING HOME DBA KIVEL CARE CENTER	AZ
WXQ932	PW	PERU, TOWN OF	VT
WXS685	IG	BOLLER, MARTIN DBA MARTIN BOLLER & SONS	IA
WXU468	IG	PIONEER VALLEY HEATING COMPANY	MA
WXX260	IG	STARLINER CAB CO	NC
WXY526	IG	TAXICO	MA
WXY758	IG	TERRA INTERNATIONAL INC	IA
WXY759	IG	TERRA INTERNATIONAL INC	IA
WXY806	IG	JODOCK, MARLO	ND
WXZ783	IG	SWEARINGIN CONSTRUCTION INC	MO
WYC565	PW	WEST PARIS, TOWN OF	ME
WYC666	PW	FALLSTON GENERAL HOSPITAL INC	MD
WYC971	IG	MILLWOOD BROTHERS INC	GA
WYE392	PW	OUR LADY OF MERCY MEDICAL CENTER	NY
WYE528	IG	UNIVERSAL INVESTIGATION INC	TX
WYE825	IG	GUAM SANKO TRANSPORTATION INC	GU
Callsign	Radio Service	Licensee	State
WZK559	IG	D M WILSON LUMBER INC	WY
WZK641	IG	WHITING FORENSIC INSTITUTE	CT
WZL699	IG	COATES REID AND WALDRON INC	CO
WZL756	IG	COUNTRYMARK INC	OH
WZL816	IG	TRAUGHBER BROTHERS	KY
WZL942	IG	BAIRD, JAMES	ND
WZM321	IG	QUALITY CHIPS INC	MI
WZM788	IG	HOWELL, VERNON	NC
WZM983	PW	LOS EXPLORADORES	CA

WYP770	IG	SAINT PAUL DISPATCH PIONEER PRESS	MN
WYR640	PW	OREGON, STATE OF	OR
WYR910	IG	TRI WAY TRANSPORTATION INC	NY
WYS711	IG	BOBS EXCAVATING SERVICE INC	IL
WYS723	IG	ROBERTS, CLARENCE	TX
WYS925	IG	SPURGIN INC	NE
WYS961	PW	LOS ANGELES, CITY OF	CA
WYS990	IG	CHRISTENSEN, JOSEPH R	NV
WYT235	IG	ROSE COMMUNICATIONS COMPANY INC	AL
WYT988	IG	L & L TAXI	NY
WYU751	IG	HOMESTEAD TRACTOR & IMPLEMENT INC	AR
WYU964	IG	SHAPLEY, CHARLES P	MO
WYU965	IG	SHAPLEY, CHARLES P	MO
WYU992	PW	HAZLETON STATE GENERAL HOSPITAL	PA
WYV470	IG	FOLSOMS AIR SERVICE INC	ME
WYV605	IG	JOSEPH, SAINTIL	NJ
WYV862	PW	HOFFA, H A	MO
WYW507	IG	OMDAHL, PHILIP:OMDAHL, TOM:OMDAHL, HOWAR DBA OMDAHL RIDGE FARMS	ND
WYW525	IG	JONES, TOM	FL
WYW698	IG	CHETS TILE & DRAINAGE SERVICE	IA
WYX629	IG	WOODYS BIG SKY SUPPLY INC	MT
WYX767	IG	FEDERATED REALTY	OH
WYY525	IG	RICH LANE FARMS	ID
WYY721	IG	BARBER & TEDDER INC	GA
WYY741	IG	METHODIST MEDICAL CENTER	MS
WZA439	IG	CHARLES E DAVIS INC	DE
WZB354	IG	LUNCEFORD, SCOTT	UT
WZB597	PW	LOS ANGELES, CITY OF	CA
WZB902	IG	MAXWELL, JERRY	KY
WZC582	IG	KING, TOM	FL
WZC598	PW	KENTUCKY, COMMONWEALTH OF	KY
WZE345	IG	MONTAGUE TV SERVICE	NY
WZE500	IG	BUCHANAN, EDWARD M	IL
WZF305	IG	ZIMBELMAN, PAUL	ND
WZF485	IG	ALIDA PEARL CO OP ASSOCIATION	KS
WZF569	IG	WINDING BROOK TURF FARM INC	CT

		SEARCH & RESCUE INC	
WZN846	PW	LOS ANGELES, CITY OF	CA
WZP351	IG	LEYENDECKER, LEO:LEYENDECKER, DOROTHY DBA LEYENDECKER & LEYENDECKER	MN
WZP828	IG	YOST, GENE D	PA
WZP907	IG	H HELLER & CO INC	NY
WZQ415	IG	DAWSON, STEVE	TX
WZQ888	IG	RUDD SPRAY SERVICE INC	NY
WZR287	IG	VACHE, MIKE	OK
WZR435	IG	CURTIS BROTHERS INC	FL
WZR549	IG	KINGSBURY HIGH SCHOOL JR & SR	TN
WZR766	IG	TRANS CARGO INC	DE
WZR814	IG	LACASSE HEATING & COOLING SUPPLY INC	ME
WZR905	IG	BROWN TRACTOR & IMPLEMENT CO	OH
WZR928	IG	CARPENTER REALTY & AUCTION CO	NC
WZT205	IG	MASTER INC	AZ
WZT391	IG	R J WOOD INC	MA
WZT604	IG	GREENWAY FARMS	AR
WZT615	IG	BISSETTE, Z ROYCE	NC
WZT638	IG	SHEARER, JAMES	OK
WZT734	IG	K E CURTIS CONSTRUCTION COMPANY INC	CA
WZT776	PW	SMETHPORT AREA AMBULANCE SERVICE	PA
WZU221	PW	KENTUCKY, COMMONWEALTH OF	KY
WZU351	PW	FLORIDA, STATE OF	FL
WZU699	IG	HARSHS FARM SERVICE INC	OH
WZU874	IG	BLAKNEY CONSTRUCTION INC	TX
WZV351	IG	DRUMMOND COMPANY	AL
WZV567	IG	SMITH III, JAMES T	SC
WZV858	IG	CACHE VALLEY BUILDERS SUPPLY CO	UT
WZV962	IG	E L J INC	RI
WZW269	IG	TRAPP FARM SUPPLY	KY
WZW734	PW	PACIFIC WEST AMBULANCE	OR
WZX263	IG	DORAN REED & SONS INC	NE
WZX681	PW	KENTUCKY, COMMONWEALTH OF	KY
WZX691	PW	KENTUCKY, COMMONWEALTH OF	KY
WZZ477	IG	KREMEIER, WAYNE	OK

WZG289	PW	CALIFORNIA, STATE OF	CA
WZG366	IG	GREENVILLE LUMBER CO	MS
WZG458	IG	COBACO REAL ESTATE CORP	NY
WZH639	IG	SCHULER, GERALD	IL
WZH683	IG	HARTLINE CONSTRUCTION	IA
WZK479	IG	MARSEE, JAMES C	PA

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BILLING CODE 6712–01–C

Federal Register

Monday,
July 19, 2004

Part V

Nuclear Regulatory Commission

Issuance of Draft Supplement Standard Review Plan; Notices

NUCLEAR REGULATORY COMMISSION

Issuance of Draft Supplement Standard Review Plan

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of draft supplement to Standard Review Plan for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is issuing a draft supplement to the Standard Review Plan (SRP) which expands NUREG–1577, Rev. 1, ''Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance.'' The proposed draft supplement to the SRP provides criteria for evaluating the use of an insurance policy to provide decommissioning funding assurance under 10 CFR 50.75. The NRC finds that the proposed criteria will enable the staff to determine whether through the use of an insurance policy, there is reasonable assurance of providing decommissioning funding to ensure adequate protection of public health and safety. The NRC is interested in stakeholder comments that will improve the safety benefits, effectiveness, and efficiency of the review of insurance policies to provide decommissioning funding assurance.

DATES: Submit comments by August 18, 2004. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for the comments received before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following reference, NUREG–1577, Rev. 1, in the subject line of your comments. Comments on the draft supplement in writing or in electronic form will be available for public inspection. Because your comments will not be edited to remove identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

Mail comments to: Chief, Rules and Directives Branch, Mail Stop TG-D59, Nuclear Regulatory Commission, Washington, DC 20555–0001.

E-mail comments to: *NRCREP@nrc.gov*. You may also submit comments via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov*. This site provides the capability to upload comments as files (any format), if your Web browser supports that function. Address questions about the rulemaking Web site to Carol Gallagher at (301) 415–5905; e-mail *CAG@nrc.gov*.

Hand deliver comments to: One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays, telephone (301) 415–1966.

Fax comments to: Chief, RDB, Nuclear Regulatory Commission at (301) 415–5144.

Copies of the draft supplement specified in this notice and other publicly available documents related to this draft supplement, including public comments received, can be viewed electronically on public computers in the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Room O–1F21, and open to the public on Federal workdays from 7:45 a.m. until 4:15 p.m. The PDR reproduction contractor will make copies of documents for a fee. Selected documents, including public comments on the draft supplement, can be viewed and downloaded electronically via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov*.

Publicly available NRC documents created or received in connection with this draft supplement are also available electronically via the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact NRC PDR Reference staff at (800) 397–4209, (301) 415–4737 or by e-mail at *PDR@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Michael A. Dusaniwskyj, Office of Nuclear Reactor Regulation, Mail Stop O–12D3, United States Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–1260, or e-mail *MAD1@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Abstract

The NRC is issuing this draft supplement to the SRP to provide criteria that will be used to review the insurance method of providing decommissioning funding assurance. This draft supplement reflects current regulations and policy, and will be updated for any future initiatives.

Proposed Supplement to Standard Review Plan: Decommissioning Funding Insurance for Power Reactors

I. Areas of Review

The NRC is issuing this draft supplement to describe criteria that will be used by the staff to review power reactor license applicants' and licensees' insurance methods of providing required decommissioning funding assurance. This document provides detailed criteria with respect to section III.2(f)(4) of NUREG–1577, Rev. 1 and as such will supplement NUREG–1577, Rev. 1, ''Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance'' (October 2003).

II. Acceptance Criteria

Decommissioning funding insurance may be referred to by different names such as ''decommissioning insurance,'' ''decommissioning liability insurance,'' ''decommissioning expense liability policy,'' etc. The label is much less important than (1) the terms and conditions of the policy relating to (a) the amount and scope of coverage and (b) the certainty of availability of funds, and (2) the qualifications of the issuer of the insurance policy. For these key elements, acceptance criteria are provided below.

Amount and Scope of Insurance Coverage

1. *Per 10 CFR 50.75(b)(1), Amount of Coverage Equal or Greater than Table of Minimum Amounts (§ 50.75(c)) for NRC § 50.2 Decommissioning Costs* (*e.g.*, excluding cost of removal and disposal of spent fuel and non-radioactive structures and materials beyond that necessary to terminate the license) or a *Site-Specific Decommissioning Cost Estimate* (§ 50.75(b)(4)).

Confirm that the policy provides an adequate amount of coverage (''liability limit'') for NRC decommissioning costs, which is an amount *not less than* the table of minimum amounts (§ 50.75(b)(1)). Although the ''Declarations'' section of the policy (often the cover page) typically shows the ''limit of liability'' or ''face amount,'' it is important to review the entire policy. The amount of coverage should be a specific dollar number and not be a schedule or formula contingent on projected earnings under the policy. Coverage for amounts *only in excess* of the minimum amounts (or site-specific cost estimate) and *up to* the actual cost of decommissioning does not satisfy the regulations. The insurance policy should guarantee at least the total amount of currently estimated

decommissioning costs (NUREG–1577, Rev. 1 § III.2.f(2)).

Determine whether the amount of coverage includes both NRC and non-NRC costs. If a policy covers both NRC and non-NRC costs, they should be separately identified and only NRC-required costs should be assessed as equal to or greater than the minimum amount. *See* §§ 2.1.2 and 2.1.7 NUREG 1.159 Rev. 1 and NUREG–1577, Rev. 1 § III.2.a(3). The same approach should be used if the amount of coverage includes costs for onsite spent fuel management (*see* NUREG–1700, Rev. 1).

Evaluate whether there are any stated sublimits. In particular, a policy containing a sublimit for NRC costs lower than the minimum amount may render the policy non-compliant, even if the sublimit applies only in the event of premature closure or only in the event of cancellation, termination, non-renewal or rescission of the policy.

Different limits for decommissioning that occur during the initial license period or during the period of license renewal are acceptable if they are for amounts not less than the NRC minimum amounts.

The amount of coverage should be capable of being adjusted (§ 50.75(b)(2) and § 2.1.5, Reg. Guide 1.159, Rev. 1). The policy language may not be clear on whether and how the limits of liability may be adjusted. Typically, this is done through ''endorsement.'' Find any ''changes'' clause (see #14 below). A policy with limits that can be adjusted down but not upwards would require that another financial assurance mechanism make up the difference.

Determine whether there are any ''deductibles.'' A deductible may be called a ''retention,'' a ''self-insured retention,'' ''self-insurance,'' or other euphemism. Typically, the deductible is expressed as a flat dollar amount that must be paid by the insured before the insurer's liability under the policy is triggered. A deductible is acceptable if the policy provides ''first dollar coverage'' of the deductible by the insurer. First dollar coverage means that the insurer is responsible for paying the deductible amount (*e.g.*, into the standby trust fund), while the insured is separately responsible for reimbursing the insurer for the amount of the deductible. Another type of deductible involves the insured sharing in some defined proportion of the decommissioning expenses from a dollar starting point (termed the ''attachment point'') until some defined dollar ending point. Absent first dollar coverage expressly provided by the policy, the licensee must provide another assurance mechanism in combination with insurance to cover deductible amounts or demonstrate that its sinking funds can cover the deductible(s) (§ 50.75(e)(1)(vi)). The combined amount should at least equal currently estimated decommissioning costs (NUREG–1577, Rev. 1 § 111.2.f(2)).

2. *Annual Adjustment of Minimum Amount of Coverage* (§ 50.75(c)(2)).

If this is not the first year the policy is used, determine whether the amount of coverage provided satisfies the adjusted required minimum amount.

3. *Scope of Coverage* (§ 50.2).

Verify the scope of coverage, which should be for NRC (§ 50.2) defined decommissioning costs. Relevant language defining the scope may appear in different sections of the policy, such as under ''Insuring Agreement, Definitions, Exclusions, Conditions, and Declarations.''

Review any policy language that defines covered decommissioning costs only as those incurred by reason of work performed during the policy period; such a limit is inconsistent with the payment of funds into the standby trust prior to decommissioning costs being incurred by the licensee by reason of work actually performed.

If the scope of the policy covers non-NRC (*i.e.*, greenfield costs) costs as well as NRC costs, verify that coverage of non-NRC costs is limited in amount so that those costs do not draw on money intended for NRC costs. Similarly, if the policy covers spent fuel management financial assurance (§ 50.54(bb)), verify that coverage of these costs will not draw on money intended for coverage under § 50.75 (*see* C.11 ''Use of Funds'' NUREG 1.184).

Determine if the scope of coverage has been unduly restricted by any ''exclusions'' written into the policy. Exclusions of costs not intended to be covered under decommissioning, not appropriate for coverage under decommissioning insurance, and costs covered under other insurance programs should be acceptable.

Costs NOT intended to be covered under decommissioning include:

- Operational expenses.
- Accident response (*see* § 50.54(w)).
- Repair or replacement of damaged property.
- On-site spent nuclear fuel management (*see* § 50.54(bb)).
- Decontamination or cleanup prior to permanent cessation of operations.
- Transportation and disposal of spent fuel.

Costs not appropriate under insurance for decommissioning funding:

- Costs due to fraudulent, dishonest, or criminal acts, unless such acts result in decommissioning.
- Fines, penalties, etc. imposed for violation of Federal or State law.
- Intentional, willful, or deliberate non-compliance, unless such acts result in decommissioning.
- Bodily injury/property damage*.
- Workers compensation, disability benefits, unemployment compensation*.
- Post-accident decommissioning*.

Note: *Costs covered under other insurance.

It is common to find legal fees excluded from insurance coverage in liability policies. However, such costs related to decommissioning must be covered by decommissioning insurance if incurred.

NRC review should be based on the *entire policy and all endorsements* and not solely on any Certificate of Insurance provided or solely on the Declarations page.

Certainty of Coverage: Issuer Qualifications

4. *Issuer Qualifications.*

Determine the identity of the issuer of the policy (not to be confused with any broker or agent involved in the transaction). The name and address of the issuer should be included in the policy (§ A.12.3, NUREG–1757).

Determine the ''domicile'' of the insurer, which may be a U.S. state or a foreign country where the insurer is incorporated. Special terms and conditions are appropriate for insurers domiciled outside of the U.S.

The insurer must be ''licensed'' by authorities of the State where the relevant nuclear plant is located to transact the business of insurance, (§ 2.3.3, NUREG 1.159 Rev. 1). One can verify that the insurer is licensed by checking with the insurance commission or agency in that state; many states provide on-line directories of their licensed insurers.

Where practical, review databases or reference documents to determine whether the insurer is a commercial firm capable of selling policies to anyone or is instead an organization—termed a ''captive,'' a ''risk retention group (RRG),'' or ''mutual'' insurer—that can sell insurance only to one or a limited number of reactor owners.

A policy issued by a captive insurer that covers only a single owner's reactor(s), often termed a ''pure captive,'' will be problematic. Such a policy is synonymous to self-insurance, which NRC regulations do not permit.

A mutual, captive, or RRG that can insure more than a single owner's reactors also may be problematic unless the insurer covers a relatively large number of owners and reactors.

A group captive, RRG, or mutual insurer is acceptable if:

(a) The Internal Revenue Service has issued a letter ruling finding that premiums paid to the insurer will be considered deductible for tax purposes, and

(b) The issuer of the insurance policy has received a financial strength or safety rating of *A-or better from A.M. Best, A-or better from Standard & Poor's, A–3 or better from Moody's, A-or better from Fitch,* or *B-or better from Weiss Rating,* as its most recent, issuer-specific rating.

Note: The issuer of the policy must be acceptable to the NRC. As required for nuclear energy liability insurance, the Commission may require proof that the organization or organizations which have issued policies are legally authorized to issue them and do business in the United States and have clear ability to meet their obligations (§ 140.18(a)).

5. *The Trustee of the Standby Trust Must Be Acceptable to NRC (§ 50.75(e)(1)(iii)(A)(2)).*

An acceptable trustee includes (1) an appropriate State or Federal government entity or (2) an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State Agency (§ 50.75(e)(1)(iii)(A)(2)). *See* § 2.2.6 of NUREG 1.159 Rev. 1 for information on verifying the acceptability of financial institutions as trustees. One can also use § 4.3.2.15 of NUREG–1757, Vol. 3 to determine the acceptability of a non-government trustee.

Certainty of Coverage: Terms and Conditions of Policy

6. *Covered Licensee(s).*

The policy must include the name and address of the covered licensee(s), their NRC license number(s), and the name(s) and address(es) of the covered facility(ies), (§ A.12.3, NUREG–1757).

7. *Licensee's Regulatory Obligations.*

The policy should contain a statement of the licensee(s)' regulatory obligations as the reason for the policy.

8. *Duration/Term of Coverage (§ 50.75(e)(1)(iii)(A)(1)).*

The policy must state an ''effective date'' (or ''inception date'') and may state an expiration or termination date.

Verify that the term of coverage either is open-ended, or, if written for a specified term ending on a particular date, that the policy is automatically renewed, unless the issuer notifies NRC, the beneficiary, and the licensee of its intent not to renew; as stated by § 50.75(e)(1)(iii)(A)(1), such a provision must require notice at least 90 days prior to the renewal date, which is best evidenced by return receipts.

9. *Cancellation/Termination and Non-Renewal.*

The policy should require a minimum of 90 days prior notice to NRC, as evidenced by return receipts, of the insurer's or the insured's intent to cancel, non-renew, or terminate the policy (§ A.12.3, NUREG–1757, Vol. 3, & § 50.75(e)(1)(iii)(A)(1) (for non-renewal only)).

It is acceptable if the policy states that the insurer may cancel or terminate the policy if the premium is not paid. Some policies may provide only a short period (*e.g.*, 10 days) prior to cancellation/termination in the event of non-payment of premium or misrepresentation/fraud.[1] Such a short period is not acceptable, because it does not allow sufficient time for the licensee to arrange alternative coverage or for NRC to take appropriate action prior to its cancellation/termination if the licensee fails to provide an acceptable substitute. A period of 90 days should be the minimum following notice to NRC and the insured. A provision stating that the insurer may not cancel, terminate, or non-renew the policy if the licensee is named as a ''debtor in bankruptcy proceedings'' is desirable.

10. *Automatic Payment Prior to Cancellation/Termination/Non-renewal (§ 50.75(e)(1)(iii)(A)(1)).*

The insurance policy must provide that the full ''face amount'' for NRC decommissioning costs be paid to the beneficiary (*i.e.*, decommissioning trust) automatically prior to policy cancellation/termination/non-renewal ''without proof of forfeiture'' if the licensee fails to provide a replacement acceptable to the NRC within 30 days after the licensee or NRC receives notice of cancellation/termination/non-renewal, as evidenced by return receipts (§ 50.75(e)(1)(iii)(A)(1) provides 30 days after notice of intent to cancel).

11. *Beneficiary.*

The ''beneficiary'' should be the standby trust, but may be defined as the licensee of the covered facility. A policy should be acceptable even if it does not designate a beneficiary, so long as it guarantees that funds drawn from the policy must be paid into the standby trust (*see* #20 below).

12. *Bankruptcy or Insolvency of the Insured.*

The policy should contain a provision to the effect that bankruptcy or insolvency (a condition of financial distress) of the insured does not relieve the insurer of any of its obligations.

13. *Primary Not Excess Insurance.*

The policy should not contain a clause to the effect that if the licensee has other valid and collectible insurance applicable to decommissioning, then the decommissioning insurance under review shall be ''excess insurance'' over such other coverage. Because licensee property insurance (*e.g.*, Nuclear Electric Insurance Limited) may cover decommissioning in certain situations, certainty and timeliness of decommissioning coverage may be impeded by having to resolve which insurance coverage is primary or excess.

14. *Changes.*

The policy should state that its terms shall not be waived or changed except by written ''endorsement''[2] issued to form a part of the policy and unless sixty days prior written notice has been given to the NRC, and the NRC has not objected within that time. A clause that permits the insurer and the insured to agree to changes in the policy against the disapproval of the NRC is not acceptable.

15. *Designated Agent.*

The policy should identify an agent of the insurer who is to receive all notices and other required communications and whose requests, demands, and agreements are deemed to have been made directly by the insurer (*see,* for example, clause 16 in 10 CFR 140.91). Complete contact information should be provided in the policy.

16. *Authorized Signatories* (§ 2.1.3, NUREG 1.159, Rev. 1).

The policy must be signed and dated. The parties signing the policy must be authorized to act for the licensee and the insurer in the transactions. A duly authorized representative may be either a named individual or any individual occupying a named position. All required signatures should be notarized. For a licensee that is a corporation or limited liability company, a principal executive officer of at least the level of vice president should sign; for a licensee that is a municipality, State, Federal, or other public agency, either a principal executive officer or ranking elected official should sign. A person is deemed to be a duly authorized representative if the person is authorized in writing by an individual described above, and the authorization specifies either an individual or a position having responsibility for the overall operation of the reactor or power company, such as the position of plant manager, a superintendent, or person of equivalent responsibility.

[1] Misrepresentation/fraud is a basis for declaring an insurance policy null and void through the legal process of rescission.

[2] An ''endorsement'' is a document that is treated as an integral part of the policy although it typically is issued later. Endorsements will be labeled as such and numbered.

17. *Original, Conformed Copy, or Photocopy of Original* (§ 2.1.4, NUREG 1.159, Rev. 1).

NRC may review the original, a conformed copy, or a photocopy of the original policy. A conformed copy is a word for word copy of a document, which may be marked ''conformed copy.'' A conformed copy may substitute the printed or typewritten name of each signatory in place of each signature. If the copies are not signed, they should be accompanied by a declaration signed by an officer authorized to sign for the organization, certifying that they are ''complete and accurate copies'' of the original document. A photocopy is produced by a process that accurately reproduces the original and is marked as a ''copy.'' An originally signed duplicate is a conformed copy or photocopy that bears originally handwritten signatures.

18. *Policy Must Conform to Applicable State Law* (§ 2.3.1, NUREG 1.159, Rev. 1).

A determination that the policy conforms to applicable state law can be based on opinion letters, which are best provided by an independent law firm or lawyer that practices insurance law and/or by an insurance broker's in-house counsel. The opinion letter should identify the state whose law is applicable (*e.g.*, the state where the reactor is located, the state where the policy is issued) and should state that the policy conforms to the laws of that state. The counsel signing the letter should be admitted to the bar of the state whose law is at issue and the letter should so state; NRC can confirm the lawyer's qualifications by contacting the state bar association or by checking with legal reference books (*e.g.*, Martindale-Hubbell Law Directory).

19. *State Public Utility Commission Approval or Non-objection.*

For electric utility licensees with access to non-bypassable charges, the licensee's State public utility commission must have approved the use of the insurance policy or raised no objection to the use of the particular policy. There should be some documentation of such approval or non-objection (*e.g.*, correspondence between the licensee and Public Utility Commission).

20. *Assignment.*

The policy should contain a provision allowing ''assignment'' (*i.e.*, transfer) of the policy to a successor licensee. The policy may specify that the assignment is conditional upon the consent of the insurer so long as the policy also states that such consent ''will not be unreasonably refused.'' Right of assignment enables a licensee to redeem value from the policy if ownership or operation of the covered facility is transferred to a new party. The insurer may want the right to consent to or refuse assignment in order to protect itself against transfers of ownership or operation that would unfairly prejudice the interests of the insurer in a manner not contemplated originally (*e.g.*, transfer of the facility to an insolvent owner). Refusal to consent to assignment would be ''unreasonable'' where the interests of the insurer are not prejudiced by a successor licensee replacing the original insured party.

21. *Proceeds Payable to a Decommissioning Trust Fund* (§ 50.75(e)(1)(iii)(A)(2)).

The insurance policy must be payable to a trust established for decommissioning costs (§ 50.75(e)(1)(iii)(A)(2)). The trust may or may not be identified in the policy as the ''beneficiary'' of the insurance.

If there are any conditions or limitations in the policy regarding payments to the trust fund, these should be assessed for their impact on availability and certainty of financial assurance. For example, it is preferable that the policy does not state that payments shall be made only on the ''default'' of the licensee to satisfy decommissioning requirements.

A policy may identify several different parties to whom proceeds are payable, and these will need to be reviewed and clarified; NRC should expect that improvements in drafting can eliminate any ambiguities and inconsistencies in the policy.

Although the regulations clearly state that the insurance must be payable to a decommissioning trust, they do not state when or how to make the payments. Any policy terms that would impact the timing and amount of payments into the trust fund should be reviewed from the point of view of the guiding principle of having reasonable assurance of having funds when needed. The NRC's decommissioning regulations contemplate that decommissioning payments will be made from the trust and not by the insurer, so the insurer must timely transfer ample funds to the trust, if not all the funds covered by the policy at once, on a schedule consistent with access to funds allowed by § 50.82(a)(8). For funds not required to meet near term pay-out needs, it is acceptable if the policy offers the option of retaining those funds in the insurance mechanism.

22. *Role and Rights of the Insurer.*

The insurer must invest all NRC decommissioning funds transferred from prepaid funds or an external sinking fund, and all earnings thereon, consistent with the prudent investor standard set forth in 18 CFR part 35 subpart E. This should be stated as a condition in the policy.

The policy may give the insurer the right to monitor all aspects of decommissioning to which the policy applies, and the right of reasonable access to the site. Moreover, the insured may be required to seek the insurer's review and approval of individuals and firms under consideration to perform decommissioning. Such provisions are subject to negotiation between the insurer and the insured and are problematic only if they interfere with NRC's regulatory controls and oversight of decommissioning or the decommissioning flexibility granted by § 50.59.

The staff shall evaluate whether there are policy provisions relating to ''claims procedures'' or ''claims management,'' which indicate that the insurer will be involved directly in the review, adjustment, approval, and payment of claims for decommissioning expenses. These provisions are subject to negotiation between the insurer and the insured; however, actual payment of claims (*i.e.*, cutting and sending checks) may best be performed through the trust. These provisions are problematic if they undermine the system of financial controls established under § 50.82(a)(8), or if they interfere with the insured's ability to complete decommissioning in a timely manner and/or to perform decommissioning activities under plans approved by the NRC or orders issued by the NRC.

Note: The terms and conditions of the policy must be acceptable to the NRC. The NRC reserves the right to take the following steps to ensure an acceptable policy: either independently or in cooperation with the Federal Energy Regulatory Commission and the licensee's state Public Utility Commission, take additional actions as appropriate on a case-by-case basis, including ensuring or directing the addition or removal of clauses through written endorsement.

23. *The Standby Trust Must Be Acceptable to NRC* (§ 50.75(e)(1)(iii)(A)(2)).

The terms of an acceptable standby trust would be similar to the sample standby trust language contained in Appendix B–3.2 of NUREG 1.159, Rev. 1. Licensees that are ''electric utilities'' (as defined in § 50.2) that use prepayment or external sinking fund trusts must include the terms and conditions found in § 50.75(h)(2) relating to disbursement or payments. Note that amended regulations applicable to decommissioning trusts of electric utility and non-electric utility

licensees became effective on December 24, 2003. Section 50.75 requires that licensees that are not ''electric utilities'' (as defined in § 50.2) must include in their trusts the terms and conditions found in § 50.75(h)(1) relating to investment of funds (§ 50.75(h)(1)(i)), management of funds (§ 50.75(h)(1)(ii)), amendment of trusts (§ 50.75(h)(1)(iii)), and disbursement or payments from trusts (§ 50.75(h)(1)(iv)).

A tax-qualified decommissioning trust set up under 468A of the Internal Revenue Code and associated regulations is not likely capable of serving as a standby trust because the amounts that can be placed in such a trust are limited by the Commissioner of Internal Revenue.

However, a non-tax qualified trust potentially could serve as a standby trust if it meets the requirements noted above.

III. Evaluation Findings

The reviewer verifies that sufficient information has been provided to satisfy the requirements of this Standard Review Plan section and the underlying regulations, and concludes that his or her evaluation is sufficiently complete and adequate to support the conclusion to be included in the staff's safety evaluation report that the applicant has satisfied the NRC's decommissioning funding assurance requirements using insurance.

IV. Implementation

The following is intended to provide guidance to applicants and licensees regarding the NRC staffs plans for using this SRP.

Except in those cases in which the applicant proposes an acceptable alternative method for complying with specified portions of the NRC's regulations, the method described herein will be used by the staff in its evaluation of conformance with Commission regulations.

V. References

U.S. Nuclear Regulatory Commission, Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance, NUREG–1577, Rev. 1.

C.L. Pittiglio, Standard Review Plan for Evaluating Nuclear Power Reactor License Termination Plans, NUREG–1700, Rev. 1 (April 2000).

U.S. Nuclear Regulatory Commission, Assuring the Availability of Funds for Decommissioning Nuclear Reactors, Regulatory Guide 1.159, Rev. 1 (October 2003).

U.S. Nuclear Regulatory Commission, Decommissioning of Nuclear Power Reactors, Regulatory Guide 1.184 (July 2000).

U.S. Nuclear Regulatory Commission, Consolidated NMSS Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness (Vol. 3), NUREG–1757 (September 2003).

Dated in Rockville, Maryland, this 12th day of July, 2004.

For the Nuclear Regulatory Commission.

Catherine Haney,

Program Director, Policy and Rulemaking Program.

[FR Doc. 04–16302 Filed 7–16–04; 8:45 am]

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Vol. 69, No. 137

Monday, July 19, 2004

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FEDERAL REGISTER PAGES AND DATE, JULY

39811–40304 1
40305–40532 2
40533–40762 6
40763–41178 7
41179–41374 8
41375–41748 9
41749–41900 12
41901–42086 13
42087–42328 14
42329–42548 15
42549–42848 16
42849–43282 19

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7800 40299
7801 41179

Executive Orders:
11269 (See EO 13345) 41901
12163 (Amended by EO 13346) 41905
12757 (Revoked by EO 13345) 41901
12823 (Revoked by EO 13345) 41901
13028 (Revoked by EO 13345) 41901
13131 (Revoked by EO 13345) 41901
13227 (Amended by EO 13346) 41905
13261 (Amended by EO 13344) 41747
13344 41747
13345 41901
13346 41905

Administrative Orders:
Memorandums:
Memorandum of June 29, 2004 40531
Memorandum of July 5, 2004 42087
Presidential Determinations:
No. 2004–38 of June 24, 2004 40305
No. 2004–39 of June 25, 2004 40761

7 CFR

16 41375
301 ..... 40533, 41181, 42849
916 41120
917 41120
930 41383
958 42850
981 ..... 40534, 41907
989 41385
1435 39811

Proposed Rules:
39 40819
924 42899
3402 41763

8 CFR

103 39814
214 ..... 39814, 41388
299 39814

Proposed Rules:
236 42901
241 42901
1236 42901
1240 42901
1241 42901

9 CFR

1 42089
2 42089
51 41909
78 40763
94 41915

Proposed Rules:
50 42288
51 ..... 41909, 42288
52 42288
53 42288
54 42288
55 42288
56 42288
57 42288
58 42288
59 42288
60 42288
61 42288
62 42288
63 42288
64 42288
65 42288
66 42288
67 42288
68 42288
69 42288
70 42288
71 42288
72 42288
73 42288
74 42288
75 42288
76 42288
77 ..... 40329, 42288
78 ..... 40556, 42288
79 42288
80 42288
81 42288
82 42288
83 42288
84 42288
85 42288
309 42288
310 42288
311 42288
318 42288
319 42288

10 CFR

2 41749

12 CFR

25 41181
201 41388
228 41181
345 41181
563e 41181
609 42852
611 42852
612 42852
614 ..... 42852, 42853
615 42852

617....42852
703....39827
704....39827
Proposed Rules:
Ch. VII....41202
41....42502
222....42502
303....43060
325....43060
327....43060
334....42502
347....43060
571....42502
701....39871
717....42502
723....39873
1412....41606

13 CFR

Proposed Rules:
121....39874

14 CFR

25....40307, 40520, 40537, 42329
36....41573
39....39833, 39834, 39835, 40309, 40539, 40541, 40764, 41189, 41389, 41391, 41394, 41396, 41398, 41401, 41403, 41405, 41407, 41410, 41411, 41413, 41414, 41417, 41418, 41419, 41421, 41920, 41923, 41925, 41926, 41928, 41930, 42549, 42855, 42858, 42860, 42861
71....39837, 40310, 40542, 41189, 42331
97....41934
383....41423
1260....41935
1274....41935
1275....42102
Proposed Rules:
39....39875, 39877, 40819, 40821, 40823, 41204, 41207, 41209, 41211, 41213, 41985, 41987, 41990, 41992, 41994, 41997, 42356, 42358, 42360, 42363, 42365, 42368, 41612, 42912
71....40330, 40331, 41215, 41216, 41218
121....42324
125....42324
135....42324

15 CFR

736....42332
738....41879
742....42862
744....42332
748....42862
770....42862
774....42862

16 CFR

305....42107
315....40482
456....40482
Proposed Rules:
682....41219
698....41616

17 CFR

1....41424
4....41424
31....41424
140....41424
145....41424
190....41424
200....41060, 41936
240....41060
249....41060
270....41696
275....41696
279....41696
Proposed Rules:
1....39880
38....39880
247....42302

18 CFR

388....41190
Proposed Rules:
5....40332
16....40332
156....40332
157....40332
385....40332

19 CFR

101....41749

20 CFR

667....41882
670....41882
Proposed Rules:
404....40338
416....40338
667....41769
1001....40724

21 CFR

110....40312
172....40765
189....42256
510....40765, 41427
520....41427
522....40765
524....40766, 41427
700....42256
Proposed Rules:
56....40556
189....42275
589....42288
700....42275

22 CFR

121....40313
123....40313
Proposed Rules:
22....42913

24 CFR

5....41712
35....40474
570....41712
Proposed Rules:
81....39886
570....41434

25 CFR

170....43090
Proposed Rules:
Ch. 1....39887
36....41770
48....41770

26 CFR

1....41192, 42551, 42559
31....41938
157....41192
301....41938
602....41192, 41938
Proposed Rules:
1....42370, 42919
26....42000
49....40345

27 CFR

9....41750

28 CFR

302....41943
506....40315
540....40315
Proposed Rules:
550....39887

29 CFR

2....41882
37....41882, 41894
4022....42333
4044....42333
Proposed Rules:
37....41769
1910....41221
1915....41221
1917....41221
1918....41221
1926....41221, 42379

30 CFR

3....42112
913....42870
Proposed Rules:
18....42812
48....42842
75....42812
902....42920
914....42927, 42931, 42937
917....42939
920....42943
943....42948

32 CFR

260....42114
Proposed Rules:
635....41626

33 CFR

100....41196, 42870
107....41367
110....42335
117....41196, 41944, 42872, 42874, 42876
151....40767
161....39837
165....40319, 40542, 40768, 41196, 41367, 41944, 42115, 42335, 42876
Proposed Rules:
165....40345, 42950

34 CFR

75....41200

36 CFR

228....41428
242....40174
251....41946
261....41946
295....41946
701....39837
702....39837
704....39837
705....39837
800....40544
Proposed Rules:
7....40562
212....42381
251....42381
261....42381
294....41636
295....42381

37 CFR

Proposed Rules:
202....42004
211....42004
212....42004
270....42007

38 CFR

1....39844
3....42879
17....39845

39 CFR

3....42340
265....39851

40 CFR

9....41576
51....40274, 40278, 42560
52....39854, 39856, 39858, 39860, 40274, 40278, 40321, 40324, 41336, 41431, 42340, 42560, 42880
60....40770, 41346, 42117
62....42117
63....39862, 41757, 42885
81....39860, 41336
93....40004
122....41576
123....41576
124....41576
125....41576
147....42341
152....39862
154....39862
158....39862
159....39862
168....39862
178....39862
180....40774, 40781, 42560
194....42571
239....42583
257....42583
710....40787
Proposed Rules:
51....41225
52....39892, 40824, 41344, 41441
60....40824, 40829, 42123
62....42123, 41641
63....41779, 42954
81....41344
131....41720
180....40831, 41442
239....41644
257....41644
261....42395
271....40568

42 CFR

414....40288

43 CFR

3830....40294

3834 40294

44 CFR

64 ..... 40324, 42584

Proposed Rules:

67 ..... 40836, 40837

45 CFR

74 42586
87 42586
92 42586
96 42586

Proposed Rules:

30 42010
33 42022
46 40584

47 CFR

0 41130
1 ..... 39864, 40326, 41028, 41130
27 39864
64 40325
73 ..... 39868, 39869, 40791, 41432, 42345, 42897
90 39864
95 39864

Proposed Rules:

54 40839
64 42125
73 ..... 39893, 41444, 42956, 42957
101 40843

48 CFR

Proposed Rules:

16 40514
39 40514
45 42544
52 42544
533 40730
552 40730

49 CFR

37 40794
172 41967
193 41761
544 41974
571 42595
572 42595

Proposed Rules:

571 42126

50 CFR

17 ..... 40084, 40796
100 40174
216 41976
223 40734
622 41433
635 40734
648 ..... 40850, 41980
660 ..... 40805, 40817, 42345
679 ..... 41984, 42122, 42345

Proposed Rules:

17 ..... 41445, 43058
32 42127
224 41446
300 41447
402 40346
648 41026
660 40851
679 ..... 41447, 42128

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JULY 19, 2004

COMMERCE DEPARTMENT

Industry and Security Bureau

Export administration regulations:

Commerce Control List—

Export licensing jurisdiction of certain types of energetic material and other chemicals; published 7-19-04

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Buy American Act; nonavailable articles; published 6-18-04

Definitions clause; published 6-18-04

Federal supply schedules services and blanket purchase agreements; published 6-18-04

Gains and losses, maintenance and repair costs, and material costs; published 6-18-04

Procurement lists; published 6-18-04

Unallowable costs; application of cost principles and procedures and accounting; published 6-18-04

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks; amendments; published 7-19-04

Air quality implementation plans; approval and promulgation; various States:

California and Nevada; published 5-20-04

Florida; published 6-17-04

Georgia; published 6-17-04

Indiana; published 5-20-04

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; published 5-20-04

FARM CREDIT ADMINISTRATION

Farm credit system:

Borrower rights

Correction; published 7-19-04

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Buy American Act; nonavailable articles; published 6-18-04

Definitions clause; published 6-18-04

Federal supply schedules services and blanket purchase agreements; published 6-18-04

Gains and losses, maintenance and repair costs, and material costs; published 6-18-04

Procurement lists; published 6-18-04

Unallowable costs; application of cost principles and procedures and accounting; published 6-18-04

HEALTH AND HUMAN SERVICES DEPARTMENT

Health care programs; fraud and abuse:

Healthcare Integrity and Protection Data Bank; data collection reporting requirements; published 6-17-04

HEALTH AND HUMAN SERVICES DEPARTMENT

Inspector General Office, Health and Human Services Department

Health care programs; fraud and abuse:

Healthcare Integrity and Protection Data Bank; data collection reporting requirements; published 6-17-04

HOMELAND SECURITY DEPARTMENT

Coast Guard

Drawbridge operations:

Florida; published 6-17-04

Outer Continental Shelf activities:

Gulf of Mexico; safety zones; published 6-17-04

Ports and waterways safety and uninspected vessels:

Towing vessels; fire suppression systems and voyage planning; published 6-18-04

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Public and Indian housing:

Indian Housing Block Grant Program; minimum funding extension; published 6-17-04

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Illinois; published 7-19-04

JUSTICE DEPARTMENT

Prisons Bureau

Inmate control, custody, care, etc.:

Admission and Orientation Program; regulations removed; published 6-18-04

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Buy American Act; nonavailable articles; published 6-18-04

Definitions clause; published 6-18-04

Federal supply schedules services and blanket purchase agreements; published 6-18-04

Gains and losses, maintenance and repair costs, and material costs; published 6-18-04

RULES GOING INTO EFFECT JULY 19, 2004

Procurement lists; published 6-18-04

Unallowable costs; application of cost principles and procedures and accounting; published 6-18-04

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Hamilton Sundstrand Corp.; published 6-14-04

PZL-Bielsko; published 6-8-04

VETERANS AFFAIRS DEPARTMENT

Adjudication; pensions, compensation, dependency, etc.:

Disruption of normal business practices; exceptions to definition; published 7-19-04

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Cotton classing, testing and standards:

Classification services to growers; 2004 user fees; Open for comments until further notice; published 5-28-04 [FR 04-12138]

Nectarines and fresh pears and peaches grown in—

California; comments due by 7-27-04; published 5-28-04 [FR 04-12137]

Raisins produced from grapes grown in—

California; comments due by 7-26-04; published 5-25-04 [FR 04-11742]

COMMERCE DEPARTMENT

International Trade Administration

Watches, watch movements, and jewelry:

Duty-exemption allocations—

Virgin Islands, Guam, American Samoa, and Northern Mariana Islands; comments due by 7-30-04; published 6-30-04 [FR 04-14854]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish; comments due by 7-28-04; published 6-29-04 [FR 04-14717]

Marine mammals:

Incidental taking—

U.S. Navy; operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar; comments due by 7-29-04; published 6-29-04 [FR 04-14718]

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Semi-annual agenda; Open for comments until further notice; published 12-22-03 [FR 03-25121]

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Payment withholding; comments due by 7-26-

04; published 5-25-04 [FR 04-11736]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Electric rate and corporate regulation filings:
Virginia Electric & Power Co. et al.; Open for comments until further notice; published 10-1-03 [FR 03-24818]

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control:
Fuel economy testing and calculation procedures; Bluewater Network petition; comments due by 7-27-04; published 3-29-04 [FR 04-06827]

Air programs:
Ambient air quality standards, national—
Fine particulate matter and ozone; interstate transport control measures; comments due by 7-26-04; published 6-10-04 [FR 04-11923]

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
Missouri; comments due by 7-30-04; published 6-30-04 [FR 04-14701]

Air quality implementation plans; approval and promulgation; various States:
Illinois; comments due by 7-28-04; published 6-28-04 [FR 04-14382]
Maryland; comments due by 7-29-04; published 6-29-04 [FR 04-14602]
New Jersey; comments due by 7-28-04; published 6-28-04 [FR 04-14605]
Virginia; comments due by 7-26-04; published 6-24-04 [FR 04-14214]

Environmental statements; availability, etc.:
Coastal nonpoint pollution control program—
Minnesota and Texas; Open for comments until further notice; published 10-16-03 [FR 03-26087]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Imidacloprid; comments due by 7-26-04; published 5-26-04 [FR 04-11780]
Isoxadifen-ethyl; comments due by 7-26-04; published 5-26-04 [FR 04-11561]
Ultramarine blue; comments due by 7-26-04; published 5-26-04 [FR 04-11672]

Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update; comments due by 7-26-04; published 6-24-04 [FR 04-14218]
National priorities list update; comments due by 7-26-04; published 6-24-04 [FR 04-14217]

Water pollution; effluent guidelines for point source categories:
Meat and poultry products processing facilities; Open for comments until further notice; published 12-30-99 [FR 04-12017]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
International telecommunications; U.S. providers; reporting requirements; comments due by 7-26-04; published 5-25-04 [FR 04-10837]

Radio frequency devices:
Unlicensed operation in 3650-3700 MHz band; comments due by 7-28-04; published 5-14-04 [FR 04-11007]

FEDERAL ELECTION COMMISSION

Bipartisan Campaign Reform Act; implementation:
Coordinated and independent expenditures by party committees; comments due by 7-30-04; published 6-30-04 [FR 04-14817]

FEDERAL RESERVE SYSTEM

Collection of checks and other items by Federal Reserve banks and funds transfers through Fedwire (Regulation J):
Check Clearing for the 21st Century Act—
Check processing service options; collection of substitute checks and items converted to electronic form; comments due by 7-26-04; published 6-18-04 [FR 04-13147]

FEDERAL TRADE COMMISSION

Fair and Accurate Credit Transactions Act; implementation:
Consumer report information and records; disposal; comments due by 7-30-04; published 7-8-04 [FR 04-15579]

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):
Payment withholding; comments due by 7-26-04; published 5-25-04 [FR 04-11736]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Public Health Security and Bioterrorism:
Food importation; sampling services and private laboratories requirements; comments due by 7-28-04; published 4-29-04 [FR 04-09699]

Reports and guidance documents; availability, etc.:
Evaluating safety of antimicrobial new animal drugs with regard to their microbiological effects on bacteria of human health concern; Open for comments until further notice; published 10-27-03 [FR 03-27113]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Anchorage regulations:
Maryland; Open for comments until further notice; published 1-14-04 [FR 04-00749]

Ports and waterways safety:
Atlantic Ocean, Chesapeake and Delaware Canal, Delaware Bay, Delaware River, et al.; security zone; comments due by 7-28-04; published 6-28-04 [FR 04-14562]
Port Valdez and Valdez Narrows, AK; security zones; comments due by 7-30-04; published 5-19-04 [FR 04-11232]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:
Beluga sturgeon; comments due by 7-29-04; published 6-29-04 [FR 04-14795]
Findings on petitions, etc.—
Greater sage-grouse; comments due by 7-30-04; published 7-9-04 [FR 04-15588]

Endangered Species Act:
Incidental take permit revocation regulations; comments due by 7-26-04; published 5-25-04 [FR 04-11741]

Hunting and fishing:
Refuge-specific regulations; comments due by 7-30-04; published 6-30-04 [FR 04-13897]
Correction; comments due by 7-30-04; published 7-14-04 [FR 04-15860]

INTERIOR DEPARTMENT

Watches, watch movements, and jewelry:
Duty-exemption allocations—
Virgin Islands, Guam, American Samoa, and Northern Mariana Islands; comments due by 7-30-04; published 6-30-04 [FR 04-14854]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):
Payment withholding; comments due by 7-26-04; published 5-25-04 [FR 04-11736]

NUCLEAR REGULATORY COMMISSION

Environmental statements; availability, etc.:
Fort Wayne State Developmental Center; Open for comments until further notice; published 5-10-04 [FR 04-10516]

SMALL BUSINESS ADMINISTRATION

Disaster loan areas:
Maine; Open for comments until further notice; published 2-17-04 [FR 04-03374]

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Trade Representative, Office of United States

Generalized System of Preferences:
2003 Annual Product Review, 2002 Annual Country Practices Review, and previously deferred product decisions; petitions disposition; Open for comments until further notice; published 7-6-04 [FR 04-15361]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Raytheon; comments due by 7-26-04; published 5-26-04 [FR 04-11877]

Class E airspace; comments due by 7-26-04; published 5-25-04 [FR 04-11788]

Restricted areas; comments due by 7-26-04; published 6-9-04 [FR 04-12969]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Potential defects; quarterly early warning reports; submission due dates; comments due by 7-29-04; published 6-29-04 [FR 04-14699]

Registration of importers and importation of motor vehicles not certified as conforming to Federal standards; fees schedule; comments due by 7-26-04; published 6-9-04 [FR 04-12722]

TREASURY DEPARTMENT

Fiscal Service

Treasury certificates of indebtedness, notes, and bonds; State and local government series:

Securities; electronic submission of subscriptions, account information, and redemption; updates; comments due by 7-27-04; published 7-12-04 [FR 04-15607]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

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H.R. 4103/P.L. 108–274

AGOA Acceleration Act of 2004 (July 13, 2004; 118 Stat. 820)

H.R. 1731/P.L. 108–275

Identity Theft Penalty Enhancement Act (July 15, 2004; 118 Stat. 831)

Last List July 9, 2004

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–052–00001–9)	9.00	[4] Jan. 1, 2004
3 (2003 Compilation and Parts 100 and 101)	(869–052–00002–7)	35.00	[1] Jan. 1, 2004
4	(869–052–00003–5)	10.00	Jan. 1, 2004
5 Parts:			
1–699	(869–052–00004–3)	60.00	Jan. 1, 2004
700–1199	(869–052–00005–1)	50.00	Jan. 1, 2004
1200–End	(869–052–00006–0)	61.00	Jan. 1, 2004
6	(869–052–00007–8)	10.50	Jan. 1, 2004
7 Parts:			
1–26	(869–052–00008–6)	44.00	Jan. 1, 2004
27–52	(869–052–00009–4)	49.00	Jan. 1, 2004
53–209	(869–052–00010–8)	37.00	Jan. 1, 2004
210–299	(869–052–00011–6)	62.00	Jan. 1, 2004
300–399	(869–052–00012–4)	46.00	Jan. 1, 2004
400–699	(869–052–00013–2)	42.00	Jan. 1, 2004
700–899	(869–052–00014–1)	43.00	Jan. 1, 2004
900–999	(869–052–00015–9)	60.00	Jan. 1, 2004
1000–1199	(869–052–00016–7)	22.00	Jan. 1, 2004
1200–1599	(869–052–00017–5)	61.00	Jan. 1, 2004
1600–1899	(869–052–00018–3)	64.00	Jan. 1, 2004
1900–1939	(869–052–00019–1)	31.00	Jan. 1, 2004
1940–1949	(869–052–00020–5)	50.00	Jan. 1, 2004
1950–1999	(869–052–00021–3)	46.00	Jan. 1, 2004
2000–End	(869–052–00022–1)	50.00	Jan. 1, 2004
8	(869–052–00023–0)	63.00	Jan. 1, 2004
9 Parts:			
1–199	(869–052–00024–8)	61.00	Jan. 1, 2004
200–End	(869–052–00025–6)	58.00	Jan. 1, 2004
10 Parts:			
1–50	(869–052–00026–4)	61.00	Jan. 1, 2004
51–199	(869–052–00027–2)	58.00	Jan. 1, 2004
200–499	(869–052–00028–1)	46.00	Jan. 1, 2004
500–End	(869–052–00029–9)	62.00	Jan. 1, 2004
11	(869–052–00030–2)	41.00	Feb. 3, 2004
12 Parts:			
1–199	(869–052–00031–1)	34.00	Jan. 1, 2004
200–219	(869–052–00032–9)	37.00	Jan. 1, 2004
220–299	(869–052–00033–7)	61.00	Jan. 1, 2004
300–499	(869–052–00034–5)	47.00	Jan. 1, 2004
500–599	(869–052–00035–3)	39.00	Jan. 1, 2004
600–899	(869–052–00036–1)	56.00	Jan. 1, 2004
900–End	(869–052–00037–0)	50.00	Jan. 1, 2004
13	(869–052–00038–8)	55.00	Jan. 1, 2004
14 Parts:			
1–59	(869–052–00039–6)	63.00	Jan. 1, 2004
60–139	(869–052–00040–0)	61.00	Jan. 1, 2004
140–199	(869–052–00041–8)	30.00	Jan. 1, 2004
200–1199	(869–052–00042–6)	50.00	Jan. 1, 2004
1200–End	(869–052–00043–4)	45.00	Jan. 1, 2004
15 Parts:			
0–299	(869–052–00044–2)	40.00	Jan. 1, 2004
300–799	(869–052–00045–1)	60.00	Jan. 1, 2004
800–End	(869–052–00046–9)	42.00	Jan. 1, 2004
16 Parts:			
0–999	(869–052–00047–7)	50.00	Jan. 1, 2004
1000–End	(869–052–00048–5)	60.00	Jan. 1, 2004
17 Parts:			
1–199	(869–052–00050–7)	50.00	Apr. 1, 2004
200–239	(869–050–00050–4)	58.00	Apr. 1, 2003
240–End	(869–052–00052–3)	62.00	Apr. 1, 2004
18 Parts:			
*1–399	(869–052–00053–1)	62.00	Apr. 1, 2004
400–End	(869–052–00054–0)	26.00	Apr. 1, 2004
19 Parts:			
1–140	(869–050–00054–7)	60.00	Apr. 1, 2003
141–199	(869–050–00055–5)	58.00	Apr. 1, 2003
*200–End	(869–052–00057–4)	31.00	Apr. 1, 2004
20 Parts:			
*1–399	(869–052–00058–2)	50.00	Apr. 1, 2004
400–499	(869–052–00059–1)	64.00	Apr. 1, 2004
500–End	(869–050–00059–8)	63.00	Apr. 1, 2003
21 Parts:			
1–99	(869–052–00061–2)	42.00	Apr. 1, 2004
*100–169	(869–052–00061–0)	47.00	Apr. 1, 2004
170–199	(869–052–00063–9)	50.00	Apr. 1, 2004
200–299	(869–052–00064–7)	17.00	Apr. 1, 2004
300–499	(869–050–00064–4)	29.00	Apr. 1, 2003
500–599	(869–052–00066–3)	47.00	Apr. 1, 2004
600–799	(869–052–00067–1)	15.00	Apr. 1, 2004
800–1299	(869–052–00068–0)	58.00	Apr. 1, 2004
1300–End	(869–052–00069–8)	24.00	Apr. 1, 2004
22 Parts:			
1–299	(869–052–00070–1)	63.00	Apr. 1, 2004
300–End	(869–050–00070–9)	44.00	Apr. 1, 2003
***23**	(869–052–00072–8)	45.00	Apr. 1, 2004
24 Parts:			
0–199	(869–050–00072–5)	58.00	Apr. 1, 2003
200–499	(869–050–00073–3)	50.00	Apr. 1, 2003
500–699	(869–052–00075–2)	30.00	Apr. 1, 2004
700–1699	(869–050–00075–0)	61.00	Apr. 1, 2003
1700–End	(869–052–00077–9)	30.00	Apr. 1, 2004
25	(869–050–00077–6)	63.00	Apr. 1, 2003
26 Parts:			
§§ 1.0–1–1.60	(869–050–00078–4)	49.00	Apr. 1, 2003
§§ 1.61–1.169	(869–050–00079–2)	63.00	Apr. 1, 2003
*§§ 1.170–1.300	(869–052–00081–7)	60.00	Apr. 1, 2004
§§ 1.301–1.400	(869–050–00081–4)	46.00	Apr. 1, 2003
§§ 1.401–1.440	(869–052–00083–3)	62.00	Apr. 1, 2004
§§ 1.441–1.500	(869–052–00084–1)	57.00	Apr. 1, 2004
§§ 1.501–1.640	(869–052–00085–0)	49.00	Apr. 1, 2004
§§ 1.641–1.850	(869–052–00086–8)	60.00	Apr. 1, 2004
*§§ 1.851–1.907	(869–052–00087–6)	61.00	Apr. 1, 2004
§§ 1.908–1.1000	(869–052–00088–4)	60.00	Apr. 1, 2004
§§ 1.1001–1.1400	(869–050–00088–1)	61.00	Apr. 1, 2003
§§ 1.1401–1.1503–2A	(869–050–00089–0)	50.00	Apr. 1, 2003
§§ 1.1551–End	(869–052–00091–4)	55.00	Apr. 1, 2004
2–29	(869–052–00092–2)	60.00	Apr. 1, 2004
30–39	(869–052–00093–1)	41.00	Apr. 1, 2004
40–49	(869–052–00094–9)	28.00	Apr. 1, 2004
50–299	(869–050–00094–6)	41.00	Apr. 1, 2003
300–499	(869–052–00096–5)	61.00	Apr. 1, 2004

Title	Stock Number	Price	Revision Date
500–599	(869–050–00096–2)	12.00	[5]Apr. 1, 2003
600–End	(869–050–00097–1)	17.00	Apr. 1, 2003
27 Parts:			
1–199	(869–050–00098–9)	63.00	Apr. 1, 2003
200–End	(869–052–00100–7)	21.00	Apr. 1, 2004
28 Parts:			
0–42	(869–050–00100–4)	61.00	July 1, 2003
43–End	(869–050–00101–2)	58.00	July 1, 2003
29 Parts:			
0–99	(869–050–00102–1)	50.00	July 1, 2003
100–499	(869–050–00103–9)	22.00	July 1, 2003
500–899	(869–050–00104–7)	61.00	July 1, 2003
900–1899	(869–050–00105–5)	35.00	July 1, 2003
1900–1910 (§§ 1900 to 1910.999)	(869–050–00106–3)	61.00	July 1, 2003
1910 (§§ 1910.1000 to end)	(869–050–00107–1)	46.00	July 1, 2003
1911–1925	(869–050–00108–0)	30.00	July 1, 2003
1926	(869–050–00109–8)	50.00	July 1, 2003
1927–End	(869–050–00110–1)	62.00	July 1, 2003
30 Parts:			
1–199	(869–050–00111–0)	57.00	July 1, 2003
200–699	(869–050–00112–8)	50.00	July 1, 2003
700–End	(869–050–00113–6)	57.00	July 1, 2003
31 Parts:			
0–199	(869–050–00114–4)	40.00	July 1, 2003
200–End	(869–050–00115–2)	64.00	July 1, 2003
32 Parts:			
1–39, Vol. I		15.00	[2]July 1, 1984
1–39, Vol. II		19.00	[2]July 1, 1984
1–39, Vol. III		18.00	[2]July 1, 1984
1–190	(869–050–00116–1)	60.00	July 1, 2003
191–399	(869–050–00117–9)	63.00	July 1, 2003
400–629	(869–050–00118–7)	50.00	July 1, 2003
630–699	(869–050–00119–5)	37.00	[7]July 1, 2003
700–799	(869–050–00120–9)	46.00	July 1, 2003
800–End	(869–050–00121–7)	47.00	July 1, 2003
33 Parts:			
1–124	(869–050–00122–5)	55.00	July 1, 2003
125–199	(869–050–00123–3)	61.00	July 1, 2003
200–End	(869–050–00124–1)	50.00	July 1, 2003
34 Parts:			
1–299	(869–050–00125–0)	49.00	July 1, 2003
300–399	(869–050–00126–8)	43.00	[7]July 1, 2003
400–End	(869–050–00127–6)	61.00	July 1, 2003
35	(869–050–00128–4)	10.00	[6]July 1, 2003
36 Parts			
1–199	(869–050–00129–2)	37.00	July 1, 2003
200–299	(869–050–00130–6)	37.00	July 1, 2003
300–End	(869–050–00131–4)	61.00	July 1, 2003
37	(869–050–00132–2)	50.00	July 1, 2003
38 Parts:			
0–17	(869–050–00133–1)	58.00	July 1, 2003
18–End	(869–050–00134–9)	62.00	July 1, 2003
39	(869–050–00135–7)	41.00	July 1, 2003
40 Parts:			
1–49	(869–050–00136–5)	60.00	July 1, 2003
50–51	(869–050–00137–3)	44.00	July 1, 2003
52 (52.01–52.1018)	(869–050–00138–1)	58.00	July 1, 2003
52 (52.1019–End)	(869–050–00139–0)	61.00	July 1, 2003
53–59	(869–050–00140–3)	31.00	July 1, 2003
60 (60.1–End)	(869–050–00141–1)	58.00	July 1, 2003
60 (Apps)	(869–050–00142–0)	51.00	[8]July 1, 2003
61–62	(869–050–00143–8)	43.00	July 1, 2003
63 (63.1–63.599)	(869–050–00144–6)	58.00	July 1, 2003
63 (63.600–63.1199)	(869–050–00145–4)	50.00	July 1, 2003
63 (63.1200–63.1439)	(869–050–00146–2)	50.00	July 1, 2003
63 (63.1440–End)	(869–050–00147–1)	64.00	July 1, 2003
64–71	(869–050–00148–9)	29.00	July 1, 2003
72–80	(869–050–00149–7)	61.00	July 1, 2003
81–85	(869–050–00150–1)	50.00	July 1, 2003
86 (86.1–86.599–99)	(869–050–00151–9)	57.00	July 1, 2003
86 (86.600–1–End)	(869–050–00152–7)	50.00	July 1, 2003
87–99	(869–050–00153–5)	60.00	July 1, 2003
100–135	(869–050–00154–3)	43.00	July 1, 2003
136–149	(869–150–00155–1)	61.00	July 1, 2003
150–189	(869–050–00156–0)	49.00	July 1, 2003
190–259	(869–050–00157–8)	39.00	July 1, 2003
260–265	(869–050–00158–6)	50.00	July 1, 2003
266–299	(869–050–00159–4)	50.00	July 1, 2003
300–399	(869–050–00160–8)	42.00	July 1, 2003
400–424	(869–050–00161–6)	56.00	July 1, 2003
425–699	(869–050–00162–4)	61.00	July 1, 2003
700–789	(869–050–00163–2)	61.00	July 1, 2003
790–End	(869–050–00164–1)	58.00	July 1, 2003
41 Chapters:			
1, 1–1 to 1–10		13.00	[3]July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3]July 1, 1984
3–6		14.00	[3]July 1, 1984
7		6.00	[3]July 1, 1984
8		4.50	[3]July 1, 1984
9		13.00	[3]July 1, 1984
10–17		9.50	[3]July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3]July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3]July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3]July 1, 1984
19–100		13.00	[3]July 1, 1984
1–100	(869–050–00165–9)	23.00	[7]July 1, 2003
101	(869–050–00166–7)	24.00	July 1, 2003
102–200	(869–050–00167–5)	50.00	July 1, 2003
201–End	(869–050–00168–3)	22.00	July 1, 2003
42 Parts:			
1–399	(869–050–00169–1)	60.00	Oct. 1, 2003
400–429	(869–050–00170–5)	62.00	Oct. 1, 2003
430–End	(869–050–00171–3)	64.00	Oct. 1, 2003
43 Parts:			
1–999	(869–050–00172–1)	55.00	Oct. 1, 2003
1000–end	(869–050–00173–0)	62.00	Oct. 1, 2003
44	(869–050–00174–8)	50.00	Oct. 1, 2003
45 Parts:			
1–199	(869–050–00175–6)	60.00	Oct. 1, 2003
200–499	(869–050–00176–4)	33.00	Oct. 1, 2003
500–1199	(869–050–00177–2)	50.00	Oct. 1, 2003
1200–End	(869–050–00178–1)	60.00	Oct. 1, 2003
46 Parts:			
1–40	(869–050–00179–9)	46.00	Oct. 1, 2003
41–69	(869–050–00180–2)	39.00	Oct. 1, 2003
70–89	(869–050–00181–1)	14.00	Oct. 1, 2003
90–139	(869–050–00182–9)	44.00	Oct. 1, 2003
140–155	(869–050–00183–7)	25.00	Oct. 1, 2003
156–165	(869–050–00184–5)	34.00	Oct. 1, 2003
166–199	(869–050–00185–3)	46.00	Oct. 1, 2003
200–499	(869–050–00186–1)	39.00	Oct. 1, 2003
500–End	(869–050–00187–0)	25.00	Oct. 1, 2003
47 Parts:			
0–19	(869–050–00188–8)	61.00	Oct. 1, 2003
20–39	(869–050–00189–6)	45.00	Oct. 1, 2003
40–69	(869–050–00190–0)	39.00	Oct. 1, 2003
70–79	(869–050–00191–8)	61.00	Oct. 1, 2003
80–End	(869–050–00192–6)	61.00	Oct. 1, 2003
48 Chapters:			
1 (Parts 1–51)	(869–050–00193–4)	63.00	Oct. 1, 2003
1 (Parts 52–99)	(869–050–00194–2)	50.00	Oct. 1, 2003
2 (Parts 201–299)	(869–050–00195–1)	55.00	Oct. 1, 2003
3–6	(869–050–00196–9)	33.00	Oct. 1, 2003
7–14	(869–050–00197–7)	61.00	Oct. 1, 2003
15–28	(869–050–00198–5)	57.00	Oct. 1, 2003
29–End	(869–050–00199–3)	38.00	[9]Oct. 1, 2003
49 Parts:			
1–99	(869–050–00200–1)	60.00	Oct. 1, 2003

Title	Stock Number	Price	Revision Date
100–185	(869–050–00201–9)	63.00	Oct. 1, 2003
186–199	(869–050–00202–7)	20.00	Oct. 1, 2003
200–399	(869–050–00203–5)	64.00	Oct. 1, 2003
400–599	(869–050–00204–3)	63.00	Oct. 1, 2003
600–999	(869–050–00205–1)	22.00	Oct. 1, 2003
1000–1199	(869–050–00206–0)	26.00	Oct. 1, 2003
1200–End	(869–048–00207–8)	33.00	Oct. 1, 2003
50 Parts:			
1–16	(869–050–00208–6)	11.00	Oct. 1, 2003
17.1–17.95	(869–050–00209–4)	62.00	Oct. 1, 2003
17.96–17.99(h)	(869–050–00210–8)	61.00	Oct. 1, 2003
17.99(i)–end	(869–050–00211–6)	50.00	Oct. 1, 2003
18–199	(869–050–00212–4)	42.00	Oct. 1, 2003
200–599	(869–050–00213–2)	44.00	Oct. 1, 2003
600–End	(869–050–00214–1)	61.00	Oct. 1, 2003
CFR Index and Findings Aids	(869–052–00049–3)	62.00	Jan. 1, 2004
Complete 2004 CFR set		1,342.00	2004
Microfiche CFR Edition:			
Subscription (mailed as issued)		325.00	2004
Individual copies		2.00	2004
Complete set (one-time mailing)		298.00	2003
Complete set (one-time mailing)		298.00	2002

[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.