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Contents

Federal Register

Vol. 70, No. 11

Tuesday, January 18, 2005

Agricultural Research Service
NOTICES
Inventions, Government-owned; availability for licensing, 2842

Agriculture Department
See Agricultural Research Service
See Food Safety and Inspection Service
See Forest Service
See Grain Inspection, Packers and Stockyards Administration
See Rural Utilities Service
NOTICES
Reports and guidance documents; availability, etc.:
Farm Service Agency; county committee elections; uniform guidelines, 2837–2842

Alcohol and Tobacco Tax and Trade Bureau
RULES
Alcohol; viticultural area designations:
McMinnville, Yamhill County, OR, 2801–2805
Alcoholic beverages:
Dried fruit and honey wine production, 2799–2801

Alcohol, Tobacco, Firearms, and Explosives Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 2882–2883

Army Department
See Engineers Corps

Coast Guard
RULES
Ports and waterways safety:
Potomac and Anacostia Rivers, DC and VA; security zone, 2806–2808

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Voting age population (2004); estimates, 2849–2850

Commodity Futures Trading Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 2854–2855

Defense Department
See Engineers Corps
NOTICES
Meetings:
Science Board task forces, 2855

Drug Enforcement Administration
NOTICES
Reports and guidance documents; availability, etc.:
Dispensing of Controlled Substances for Treatment of Pain; comment request, 2883

Education Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 2856–2857
Meetings:
Special Education and Rehabilitative Services Office, 2857–2858

Election Assistance Commission
NOTICES
Meetings; Sunshine Act, 2858

Energy Department
See Western Area Power Administration

Engineers Corps
NOTICES
Environmental statements; notice of intent:
Marin County, CA; Hamilton Wetland Restoration dredged material transfer facility, 2855–2856
Meetings:
Chief of Engineers Environmental Advisory Board, 2856

Environmental Protection Agency
RULES
Water pollution control:
Ocean dumping; designation of sites—
Palm Beach and Port Everglades Harbor, FL, 2808–2817
PROPOSED RULES
Water pollution control:
National Pollutant Discharge Elimination System (NPDES)—
Storm water discharges for oil and gas construction activity disturbing 1 to 5 acres of land; postponement, 2832–2836
NOTICES
Air pollution control:
California pollution control standards—
Zero Emission Vehicle regulation amendments; public hearing and comments request, 2860–2861

Executive Office of the President
See Management and Budget Office
See Presidential Documents
See Trade Representative, Office of United States
NOTICES
Meetings:
Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction Commission, 2862

Federal Aviation Administration
RULES
Procedural rules:
Investigative and enforcement procedures; civil penalty assessment procedures; correction
Correction, 2925
PROPOSED RULES
Aircraft:
Raytheon Aircraft Co.; owners and operators to discuss technical issues and corrective actions to ensure continued safety; public meeting, 2825–2826
Airworthiness directives:
Boeing, 2826–2829

Federal Communications Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 2862–2865

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Delaware and Ohio, 2817–2819
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 2875–2876
Grants and cooperative agreements; availability, etc.:
Cooperating Technical Partners Program, 2876–2879

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Addison and Rutland Counties, VT, 2922
New Hanover County, NC, 2922–2923

Federal Reserve System
NOTICES
Banks and bank holding companies:
Formations, acquisitions, and mergers, 2865
Permissible nonbanking activities, 2865

Fish and Wildlife Service
NOTICES
Environmental statements; availability, etc.:
Recovery plans—
Mobile Basin aquatic snails, 2879–2880

Food and Drug Administration
RULES
Freedom of Information Act; implementation; withdrawn, 2799

Food Safety and Inspection Service
NOTICES
Meetings:
Codex Alimentarius Commission—
Food Hygiene Codex Committee, 2842–2843

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Oregon—
Epson Portland Inc.; inkjet cartridge warehousing and manufacturing, 2850–2851
Texas—
Turbomeca USA; helicopter engine repair and manufacturing facilities, 2851

Forest Service
NOTICES
Meetings:
Resource Advisory Committees—
Flathead County, 2843
Sierra County, 2844

Grain Inspection, Packers and Stockyards Administration
NOTICES
Agency designation actions:
California, 2844

Health and Human Services Department
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency

Indian Affairs Bureau
NOTICES
Land acquisitions in trust:
Suquamish Tribe of Washington, 2880–2881

Inter-American Foundation
NOTICES
Meetings; Sunshine Act, 2879

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau

International Trade Administration
NOTICES
Antidumping:
Polyethylene terephthalate film, sheet and strip from—
India, 2851
Cheese quota; foreign government subsidies:
Annual list, 2852
Meetings:
Environmental Technologies Trade Advisory Committee, 2852–2853
Exporters' Textile Advisory Committee, 2853

International Trade Commission
NOTICES
Import investigations:
Electric robots and component parts thereof, 2881
Solid urea from—
Russia and Ukraine, 2881–2882
Meetings; Sunshine Act, 2882

Justice Department
See Alcohol, Tobacco, Firearms, and Explosives Bureau
See Drug Enforcement Administration

Management and Budget Office
NOTICES
Federal Activities Reform Act of 1998; implementation:
Agency Inventories of Activities that are and are not Inherently Governmental; availability, 2907–2908

National Aeronautics and Space Administration
NOTICES
Meetings:
Exploration Transportation System Strategic Roadmap Committee, 2883–2884
Solar System Exploration Strategic Roadmap Committee, 2884

National Institutes of Health
NOTICES
Meetings:
National Cancer Institute, 2866
National Center for Research Resources, 2866–2867
National Heart, Lung, and Blood Institute, 2867–2868
National Human Genome Research Institute, 2868
National Institute of Allergy and Infectious Diseases, 2868–2869
National Institute of Child Health and Human Development, 2869–2870

National Institute of Mental Health, 2868–2869
National Institute of Neurological Disorders and Stroke, 2870
National Library of Medicine, 2870–2871
Scientific Review Center, 28717–2875
Warren Grant Magnuson Clinical Center Board of Scientific Counselors, 2875

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Northeastern United States fisheries—
Atlantic sea scallop and northeast multispecies, 2821–2824
Northeast multispecies; yellowtail flounder and cod, 2820–2821
Summer flounder, scup and black sea bass; correction, 2820
NOTICES
Environmental statements; availability, etc.:
Washington Coastal Zone Management Program; revised Shoreline Master Program Guidelines Rule; incorporation; meetings; correction, 2853
Permits:
Endangered and threatened species, 2853–2854

National Science Foundation
NOTICES
Environmental statements; record of decision:
Antarctic activities, 2884

Nuclear Regulatory Commission
NOTICES
Meetings:
Reactor Safeguards Advisory Committee, 2885–2886
Operating licenses, amendments; no significant hazards considerations; biweekly notices, 2886–2907
Applications, hearings, determinations, etc.:
Veterans Affairs Department; Alan J. Blotcky Reactor Facility, Omaha, NE, 2885

Office of Management and Budget
See Management and Budget Office

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

Presidential Documents
PROCLAMATIONS
Special observances:
National Mentoring Month (Proc. 7861), 2797

Rural Utilities Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Distance Learning and Telemedicine Loan and Grant Program, 2844–2849

Securities and Exchange Commission
PROPOSED RULES
Securities:
Self-regulatory organizations; governance, administration, transparency and ownership, and reporting requirements, 2829
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC; correction, 2925
Chicago Board Options Exchange, Inc., 2910–2911
Fixed Income Clearing Corp., 2911–2915
International Securities Exchange, Inc., 2915–2916
National Association of Securities Dealers, Inc., 2917–2918
Pacific Exchange, Inc., 2918
Applications, hearings, determinations, etc.:
Corautus Genetics, Inc., 2908
Edison International, 2908–2909
Southern California Edison Co., 2909

Social Security Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 2918–2921

Surface Transportation Board
NOTICES
Meetings; Sunshine Act, 2923
Railroad services abandonment:
Norfolk Southern Railway Co., 2923–2924

Trade Representative, Office of United States
NOTICES
Andean Trade Preference Act:
2004 and annual review, 2921–2922

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Surface Transportation Board
RULES
Organization, functions, and authority delegations:
Transportation Deputy Secretary et al., 2819–2820

Treasury Department
See Alcohol and Tobacco Tax and Trade Bureau
RULES
Privacy Act:
Systems of records; implementation, 2805–2806
PROPOSED RULES
Terrorism Risk Insurance Program:
Additional claims issues; insurer affiliations, 2830–2832
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 2924
Bonds, Treasury:
10 percent bonds (2005-2010); call for redemption, 2924

Western Area Power Administration
NOTICES
Power rate adjustments:
Salt Lake City Area Integrated Projects, 2858–2859

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.

3 CFR
Proclamations:
7861 2797

14 CFR
13 2925
Proposed Rules:
39 (2 documents) 2825, 2826

17 CFR
Proposed Rules:
240 2829
242 2829
249 2829

21 CFR
20 2799

27 CFR
4 2799
9 2801
24 2799

31 CFR
1 2805
Proposed Rules:
50 2830

33 CFR
165 2806

40 CFR
228 2808
Proposed Rules:
122 2832

44 CFR
64 2817

49 CFR
1 2819

50 CFR
648 (3 documents) 2820, 2821

Federal Register
Vol. 70, No. 11
Tuesday, January 18, 2005

Presidential Documents

Title 3—

The President

Proclamation 7861 of January 12, 2005

National Mentoring Month, 2005

By the President of the United States of America

A Proclamation

All Americans are grateful for the special people who played a positive role in their childhood. Whether a relative, teacher, coach, or community leader, a dedicated mentor can profoundly change a young person's life. During National Mentoring Month, we recognize the role models who have influenced lives, and we continue to support programs that help the young people of America.

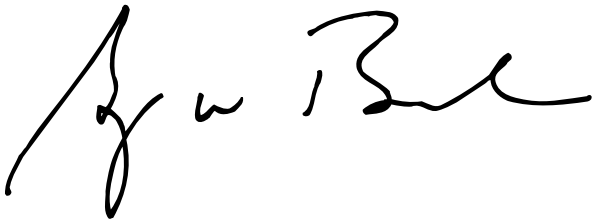
Mentoring programs pair a child in need with a caring adult who can help that child understand the importance of making the right choices in life. It is one of the best ways to send young people the right messages. Through friendship and encouragement, mentors can help prepare young Americans for a hopeful future.

My Administration has supported mentoring programs for young people at risk. In August 2004, my Administration made available over $45 million in grants to help provide mentors for children with parents in prison. In addition, my Administration provided $48 million in school-based grants in 2004 to provide at-risk youth with mentors to assist them in the successful transition from elementary to secondary school.

One mentor can change a life forever. I encourage all of our citizens to dedicate their time and talents to mentoring a young person. By providing help and hope to our youth, mentors help foster a more compassionate society that values every life and leaves no child behind.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 2005 as National Mentoring Month. I call upon the people of the United States to recognize the importance of mentoring, to look for opportunities to serve as mentors in their communities, and to celebrate this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of January, in the year of our Lord two thousand five, and of the Independence of the United States of America the two hundred and twenty-ninth.



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Rules and Regulations

Federal Register
Vol. 70, No. 11
Tuesday, January 18, 2005

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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 20

[Docket No. 2004N–0214]

Public Information Regulations; Withdrawal

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; withdrawal.

SUMMARY: The Food and Drug Administration (FDA) published in the **Federal Register** of September 2, 2004, a direct final rule to incorporate exemptions one, two, and three of the Freedom of Information Act (FOIA) into FDA's public information regulations. The purpose was to implement more comprehensively the exemptions contained in FOIA. The comment period closed November 16, 2004. FDA is withdrawing the direct final rule because the agency received significant adverse comment.

DATES: The direct final rule published at 69 FR 53615 (September 2, 2004), is withdrawn as of January 13, 2005.

FOR FURTHER INFORMATION CONTACT: Betty B. Dorsey, Division of Freedom of Information (HFI–35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6567.

Authority: Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, the direct final rule published on September 2, 2004 (69 FR 53615), is withdrawn.

Dated: January 11, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–955 Filed 1–13–05; 9:55 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 4 and 24

[T.D. TTB–23; Ref. Notice No. 13]

RIN 1513–AC21

Production of Dried Fruit and Honey Wines (2001R–136P)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Treasury decision; final rule.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) makes two amendments to its regulations in response to two petitions submitted by producers of raisin and honey wines. One amendment allows the production of dried fruit wines with an alcohol by volume content of more than 14 percent. The other amendment lowers the minimum starting Brix of 22 degrees to 13 degrees in the production of honey wines. In addition, TTB corrects a technical error in the wine labeling regulations by raising the maximum limit on alcohol content derived from fermentation from 13 to 14 percent for ameliorated agricultural wines.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Jennifer Berry of the Alcohol and Tobacco Tax and Trade Bureau, Regulations and Procedures Division, at P.O. Box 18152, Roanoke, VA 24014; or telephone (540) 344–9333.

SUPPLEMENTARY INFORMATION:

Background

TTB Authority

Section 5387 of the Internal Revenue Code of 1986 (IRC), 26 U.S.C. 5387, provides that wines made from agricultural products other than the juice of fruit must be made ''in accordance with good commercial practice'' as may be prescribed by the Secretary of the Treasury by regulation. Under this statutory provision, wines made according to those regulations are classed as '' 'standard agricultural wines.' '' However, § 5387 precludes the following production processes:

- The addition of wine spirits to agricultural wines;
- The addition of coloring or flavoring materials to agricultural wines, with the exception of the addition of hops to honey wine; or
- The blending of wines from different agricultural commodities.

The Alcohol and Tobacco Tax and Trade Bureau (TTB) is responsible for the administration of the IRC provisions that relate to alcohol beverages, including wine. Part 24 of the TTB regulations (27 CFR part 24) addresses the IRC provisions pertaining to wine and contains, in subpart I, Production of Agricultural Wine, regulations that implement the provisions of IRC § 5387.

Requirements

Subpart I concerns the production of agricultural wines. Sections 24.202 and 24.203 specifically address dried fruit wine and honey wine, respectively, and § 24.204 addresses requirements for all agricultural wines other than dried fruit and honey wines. These sections prohibit the production of any agricultural wine with an alcohol content of more than 14 percent by volume following complete fermentation or complete fermentation and sweetening. The IRC does not specify this limitation, which has been in the regulations since 1954. Rather, the limitation derives from the law's ''good commercial practice'' standard.

Sections 24.202, 24.203, and 24.204 also contain limits on degrees Brix prior to fermentation for agricultural wines. Brix is the quantity of dissolved solids in a wine expressed as grams of sucrose in 100 grams of solution at 60 degrees Fahrenheit, that is, the percent of sugar by weight stated in degrees. The regulations permit the addition of water during the production of agricultural wines, to facilitate fermentation, as long as the density of the fermenting mixture is not reduced below 22 degrees Brix. The 22 degree limit, like that on alcohol content discussed above, was placed in the wine regulations in 1954 and is based on ''good commercial practice'' standards and not on specific statutory language.

Petitions

Dried Fruit Wine Petition

Bruno and George Wines, Inc., of Beaumont, Texas, petitioned TTB to amend § 24.202 to allow for the production of a standard dried fruit wine that contains more than 14 percent alcohol by volume. Because of the current prohibition in § 24.202 against

dried fruit wines with a higher alcohol content, we now classify such wines as Other Than Standard Wine (OTSW) under 27 CFR 24.210.

Shawn Bruno, president of Bruno and George Wines, Inc., wishes to produce and market a raisin wine made according to his grandfather's traditional Sicilian recipe. The resulting wine would have an alcohol content greater than 14 percent alcohol by volume, and Mr. Bruno argues that his wine can be classified as a dessert wine. Upon lifting this prohibition, Mr. Bruno's wine can be classified as a dessert raisin wine because § 4.21(f)(3) of the TTB regulations (27 CFR 4.21(f)(3)) allows designation of agricultural wines as agricultural dessert wines if they have an alcohol content greater than 14 percent but less than 24 percent by volume. This provision currently only applies to imported products by default because domestic producers are limited to the 14 percent maximum alcohol content.

Honey Wine Petition

Redstone Meadery of Boulder, Colorado, petitioned TTB to amend § 24.203 to allow for the production of a standard honey wine with a minimum starting Brix of less than 22 degrees. As indicated above, § 24.203 permits the addition of water in the production of honey wine to facilitate fermentation, as long as the density of the honey and water mixture is not reduced below 22 degrees Brix. We currently classify honey wines with a lower starting Brix as OTSW.

David Myers of Redstone Meadery states that he wants to make a lower alcohol honey wine that requires a starting Brix below 22 degrees. Mr. Myers argues that, because such a wine would still have honey as its primary fermentable ingredient, we should classify it as honey wine. He suggests that we create a new category for low-alcohol honey wines if the minimum starting Brix cannot be lowered. He proposes the names ''light honey wine'' or ''honey wine varietal'' for this new category, which would encompass honey wines with a starting Brix of between 22 degrees and 13 degrees, or roughly 7 percent alcohol by volume in the finished product.

Analysis

Both the language of IRC § 5387 and its implementing regulations in 27 CFR 24.202, 24.203, and 24.204 date from the Internal Revenue Code of 1954. The legislative history relating to § 5387 includes the following passage:

> These wines are not specifically referred to in existing law. This addition to the law enables the setting up by regulations of standards of agricultural wines after experience has shown to what extent provisions of law relating to natural wines should be considered applicable. Uniform limitations cannot be prescribed for all agricultural wines. Limitations consistent with good commercial practices in respect to the production of rice wines could not be prescribed for other wines, such as honey wine, rhubarb wine, etc. (H.R. Rep. 1337, 83rd Cong., 2nd Sess. (1954), reprinted 1954 U.S. Code Cong. & Admin. News 3, 4518.)

This explanation shows that the law recognizes that agricultural wines are unique, with production standards that may vary significantly from one type of wine to another. While standards for natural wine (wines made from sound, ripe grapes or other sound, ripe fruit) may influence agricultural wine standards, the two can vary significantly.

In 1954, the Internal Revenue Service established regulations based on standards of good commercial practice at that time. Because such standards change over time as a result of technical developments and consumer preferences, it is prudent to reassess these regulations in light of current industry practice and consumer understanding of these products.

TTB research initiated as a result of these proposals failed to locate the rationale for the maximum alcohol content limit of 14 percent for agricultural wines. The initial implementing regulations in 1954 do not explain why the limitation of 14 percent alcohol content was determined to be a good commercial practice for agricultural wines. (*See* 19 FR 7642, November 27, 1954, and 19 FR 9633, December 31, 1954.) While the IRC places similar limits on sweetened grape and sweetened fruit and berry wines (see 26 U.S.C. 5383(a) and 5384(a)), we decided that it may be unreasonable to apply standards for fruit and berry wines to all agricultural wines, since agricultural products typically have different requirements for fermentation.

Also, as noted by one of the petitioners, § 4.21(f)(3) permits a dessert wine classification for agricultural wines that are 14 to 24 percent alcohol by volume. Currently, producers of imported agricultural wines can legally call their products ''dessert agricultural wine,'' and some dessert raisin wines, in fact, are imported into the United States. On the other hand, because domestic raisin wine producers must comply with the production provisions in part 24, they cannot take advantage of § 4.21(f)(3) and label their wines as dessert wines. We expect that changing § 24.202 will put domestic dried fruit wines on an equal footing with imported products. In addition, customer preference drives the importation of these dried fruit dessert wines, which is evidence that the higher alcohol content represents a good commercial practice.

We also were unable to document a reason for the 22 degrees Brix limitation, but we believe it derives from the limitations placed on grape and fruit natural wines. IRC § 5382(b)(1) (26 U.S.C. 5382(b)(1)) states, in this regard, that the juice or must of grape and fruit wines may not be reduced with water to less than 22 degrees. It may be inappropriate to apply this same standard to all agricultural wines, since source products such as honey, raisins, and dandelions often contain far less natural water than do grapes and other fruits. In these cases, vintners must add water in order to achieve fermentation.

Our research into the production of honey wines identified references to a category of low-alcohol honey wine called ''hydromel.'' The fact that a recognized category already exists for a lower alcohol honey wine indicates that such a wine is consistent with good commercial practice.

Notice of Proposed Rulemaking

TTB published Notice No. 13 regarding these two petition proposals in the July 2, 2003, **Federal Register** (68 FR 39500). We received three comments, all of which supported the proposed amendments to the honey wine regulations. Two of the commenters produce honey wine; the third produces apple wine. They stated that the proposed amendments were consistent with producer practices and would allow them to make better products. One of the honey wine producers suggested additional changes to further liberalize the honey wine regulations. These changes were beyond the scope of the present rulemaking. We will, however, consider future petitions that propose additional amendments to the honey wine regulations.

Conclusion

Based on the above analysis, we amend § 24.202 to remove the 14 percent alcohol by volume limitation on wine produced from dried fruit. In addition, based on the above analysis and the submitted comments, we amend § 24.203 to lower the minimum Brix from 22 degrees to 13 degrees for honey wine. We also amend the latter section to make it clear that vintners may add sugar to sweeten honey wine only after fermentation. This restriction ensures that the alcohol in honey wine derives from honey and not from added sugar.

During the comment period, we also received an informal verbal comment from a wine industry member who felt that the proposed regulatory language for § 24.203 was confusing. We agree and have changed the structure of this paragraph. We have not, however, altered the meaning.

We do not adopt the suggestion of Mr. Myers to create a separate category for low-alcohol honey wines. No separate category exists for low-alcohol grape or fruit wines. Therefore, we see no need to have one for agricultural wines.

Also, the terms proposed by Mr. Myers, ''light honey wine'' and ''honey wine varietal,'' have other connotations that could cause consumer confusion when they are used in labeling wines. Section 4.21(a)(2) of the TTB regulations currently allows use of the term ''light'' on labels of grape wines that are less than 14 percent alcohol by volume. This authorization encompasses wines that are not usually considered low-alcohol. Creating a different meaning for ''light'' honey wines could confuse consumers.

In addition, we feel that the consumer associates the word ''varietal'' with grape varieties, not with agricultural products. In Notice No. 13, we stated that we would reconsider the creation of a separate category if we received sufficient comments that favor such a change over the lowering of the minimum Brix. We received no comments addressing this issue.

Technical Correction

While reviewing the regulations relating to agricultural wines, we noted a technical error in § 4.21(f)(1)(i) of the TTB regulations, which states that ameliorated agricultural wines may not have an alcohol content of more than 13 percent by volume that is derived from fermentation. This 13 percent limit is inconsistent with the IRC's treatment of other types of ameliorated wines. While the IRC does not contain a limit on alcohol content for ameliorated agricultural wines, it gives a 14 percent limit for ameliorated fruit and berry wines. Until corrected by T.D. ATF–458, §§ 4.21(d)(1)(i) and (e)(1)(i), the standards of identity for citrus and fruit wines respectively, also contained an incorrect limit of 13 percent. In order to establish consistency for all classes of wine, we amend § 4.21(f)(1)(i) to raise the alcohol content limit on ameliorated agricultural wines to 14 percent. Note that § 4.21(f)(1)(i) addresses only ameliorated agricultural wines and does not prohibit the production of nonameliorated agricultural wines that are greater than 14 percent alcohol by volume.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we certify that implementation of this regulation will not have a significant economic impact on a substantial number of small business entities. We expect no negative impact on small entities and are not enacting new reporting, recordkeeping, or other administrative requirements. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

This rule is not a significant regulatory action, as defined in Executive Order 12866. Therefore, it requires no regulatory analysis.

Drafting Information

The principal author of this document is Jennifer Berry, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau.

List of Subjects

27 CFR Part 4

Advertising, Customs duties and inspection, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Trade practices, Wine.

27 CFR Part 24

Administrative practice and procedure, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Vinegar, Warehouses, Wine.

Amendments to the Regulations

■ For the reasons discussed in the preamble, we amend 27 CFR parts 4 and 24 as follows:

PART 4—LABELING AND ADVERTISING OF WINE

■ 1. The authority citation for 27 CFR part 4 continues to read as follows:

Authority: 27 U.S.C. 205, unless otherwise noted.

§ 4.21 [Amended]

■ 2. Amend § 4.21 by removing the phrase ''13 percent'' where it appears in the proviso in paragraph (f)(1)(i) and adding in its place the phrase ''14 percent''.

PART 24—WINE

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

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5081, 5111'5113, 5121, 5122, 5142, 5143, 5173, 5206, 5214, 5215, 5351, 5353, 5354, 5356, 5357, 5361, 5362, 5364'5373, 5381'5388, 5391, 5392, 5511, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7011, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 31 U.S.C. 9301, 9303, 9304, 9306.

■ 4. Amend § 24.202 by revising the last sentence to read as follows:

§ 24.202 Dried fruit.

* * * After complete fermentation or complete fermentation and sweetening, the finished product may not have a total solids content that exceeds 35 degrees Brix. (26 U.S.C. 5387)

■ 5. Revise § 24.203 to read as follows:

§ 24.203 Honey wine.

(a) Subject to paragraph (b) of this section, a winemaker, in the production of wine from honey, may add the following:

(1) Water to facilitate fermentation, provided the density of the honey and water mixture is not reduced below 13 degrees Brix;

(2) Hops in quantities not to exceed one pound for each 1,000 pounds of honey; and

(3) Pure, dry sugar or honey for sweetening. Sugar may be added only after fermentation is completed.

(b) After complete fermentation or complete fermentation and sweetening, the wine may not have an alcohol content of more than 14 percent by volume or a total solids content that exceeds 35 degrees Brix. (26 U.S.C. 5387)

Signed: November 18, 2004.

Arthur J. Libertucci,

Administrator.

Approved: November 24, 2004.

Timothy E. Skud,

Deputy Assistant Secretary, (Tax, Trade, and Tariff Policy).

[FR Doc. 05–911 Filed 1–14–05; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[TTB T.D.–22; Re: Notice No. 12]

RIN 1513–AA63

Establishment of the McMinnville Viticultural Area (2002R–217P)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB), Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: This Treasury decision establishes the McMinnville viticultural area in Yamhill County, Oregon. The new McMinnville viticultural area is entirely within the existing Willamette Valley viticultural area. We designate viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Jennifer Berry, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014; telephone (540) 344–9333.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (the FAA Act, 27 U.S.C. 201 *et seq.*) requires that alcohol beverage labels provide the consumer with adequate information regarding a product's identity and prohibits the use of misleading information on such labels. The FAA Act also authorizes the Secretary of the Treasury to issue regulations to carry out its provisions. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers these regulations.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) contains the list of approved viticultural areas.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.3(b) of the TTB regulations requires the petition to include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that supports setting the boundary of the proposed viticultural area as the petition specifies;
- Evidence relating to the geographical features, such as climate, soils, elevation, and physical features, that distinguish the proposed viticultural area from surrounding areas;
- A description of the specific boundary of the proposed viticultural area, based on features found on United States Geological Survey (USGS) maps; and
- A copy of the appropriate USGS map(s) with the proposed viticultural area's boundary prominently marked.

McMinnville Viticultural Area Petition

In 2002, Mr. Kevin Byrd, of Youngberg Hill Vineyards in McMinnville, Oregon, filed a petition requesting the establishment of a viticultural area to be called ''McMinnville'' in Yamhill County, Oregon. The proposed viticultural area is located approximately 40 miles southwest of Portland, Oregon, just west of the city of McMinnville and north of the village of Sheridan. The McMinnville area is entirely within the existing Willamette Valley viticultural area (27 CFR 9.90). According to the petitioner, there were 14 wineries and 523 acres planted to vines within the proposed McMinnville viticultural area.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 12 regarding the proposed McMinnville viticultural area in the June 27, 2003, **Federal Register** (68 FR 38248). Three comments were received in response to this notice. Two of these were from Arthur and Linda Lindsay of Mystic Mountain Vineyards in McMinnville, Oregon. The Lindsays disagreed with the exclusion of land above 800 feet in elevation from the McMinnville viticultural area as the petitioner originally proposed. The third comment was from the petitioner, Kevin Byrd, who asked that TTB amend the originally petitioned boundaries to eliminate the 800-foot elevation restriction, stating that he agreed with the information presented by the Lindsays in their comments. These comments are addressed in more detail below in the ''Boundary Evidence'' discussion.

Below, we summarize the evidence presented in the petition.

Name Evidence

The viticultural area is named for the city of McMinnville, the county seat of Yamhill County, which is located at the northeastern border of the viticultural area. Mr. Byrd stated that the area is considered part of greater McMinnville and noted that most of the wineries within the proposed boundaries have McMinnville addresses. He provided historical information on the name ''McMinnville'' from ''Oregon Geographic Names'' by Lewis L. McArthur (Oregon Historical Society, 1982). Mr. McArthur stated:

> McMinnville was named by William T. Newby, who was born in McMinnville, Warren County, Tennessee, in 1820, and came to Oregon in 1843. He settled near the present site of McMinnville early in 1844, and in 1853 built a grist mill and founded the town. In 1854 he started a store. He was county assessor in 1848 and state senator in 1870. McMinville post office was established on May 29, 1855, with Elbrige G. Edson postmaster. The name was later changed to the present spelling.

According to the petitioner, consumers know McMinnville as a wine-producing region. To demonstrate this, he submitted several quotes from Internet sites. The first quote is from the Web site of the Greater McMinnville Chamber of Commerce; the other two are from travel sites:

- ''Nestled in the heart of Oregon's beautiful wine country, McMinnville is Oregon at its best.'' (See *http://www.mcminnville.org/welcome.html*.)
- ''Before gaining its glamorous reputation as a wine-producing center, McMinnville was known as the home of Linfield College * * *.'' (See *http://www.ohwy.com/or/m/mcminnvi.htm*.)
- ''McMinnville is known for its picturesque vineyards that dot the foothills. Located in Yamhill County, the oldest county in Oregon, McMinnville is often compared to the wine regions of France and Germany.'' (See *www.el.com/to/mcminnville*.)

In addition, the petitioner noted that McMinnville is the home of the International Pinot Noir Celebration, held every July since 1987 at the Linfield College campus.

Boundary Evidence

The McMinnville viticultural area's boundaries encompass Gopher Valley,

Dupee Valley, Muddy Valley, and the surrounding hills, all geographically part of the eastern foothills of the Coast Range. All land within the viticultural area is above 200 feet in elevation. According to the petitioner, this higher elevation causes the McMinnville viticultural area to have distinctive soils and climate when compared to other, lower parts of the Willamette Valley.

The petitioner stated that below the 200-foot elevation line the Willamette silt-based soils create growing conditions substantially different from those in the proposed viticultural area. The greater depth, water-holding capacity, and fertility of soils at these lower elevations extends the vegetative period of the vine and delays ripening of vineyards planted at those elevations. The soils of the proposed viticultural area are described in greater detail in the following section.

In addition, the petitioner noted that elevations below 200 feet are more prone to frost when compared to the higher elevations.

Initially, the petitioner proposed to exclude from the McMinnville viticultural area any land above 800 feet in elevation falling within the proposed boundaries, due to climatic differences with land below that elevation. In particular, the petitioner stated that land above 800 feet within the proposed McMinnville viticultural area experiences fewer degree growing days than lower elevations do, thus preventing the reliable ripening of wine grapes. Because of the unusual nature of the boundary proposal, TTB specifically asked in Notice No. 12 for comments regarding the proposed McMinnville viticultural area boundaries.

Mystic Mountain Vineyards submitted two comments disagreeing with the proposed elevation limitation—one signed by Linda Lindsay, the other by Arthur Lindsay. Mr. Lindsay noted that he and his wife own a vineyard within the proposed McMinnville viticultural area's boundary, but at an elevation of 1,200 feet. He stated that their records, dating back to 1999, show that their vineyard's degree growing days are sufficient to ripen their yearly crop. While Mr. Lindsay acknowledged that their vineyard's daily high temperatures are lower than those of vineyards at lower elevations, he argued that their nighttime temperatures are generally higher than those at lower elevations during the growing season. He pointed out that since degree growing days are calculated on a 24-hour basis, the degree growing days for their vineyard's elevation are as high as those found at lower elevations.

The petitioner, Kevin Byrd, wrote to request that TTB amend the McMinnville viticultural area's proposed boundary to eliminate the 800-foot elevation restriction. He stated that he researched the information provided by Mr. Lindsay and found that the degree growing days for the higher elevations within the McMinnville viticultural area are indeed comparable to those at lower elevations. He also noted that the Lindsays' vineyard has a history of producing quality grapes.

TTB believes that the information presented by the commenters provides an adequate basis for amending the McMinnville viticultural area boundary originally proposed in Notice No. 12. Accordingly, the proposed restriction limiting the McMinnville viticultural area to land below 800 feet within the described boundary has been eliminated in this final rule. All land within the described boundary is included within the McMinnville viticultural area regardless of elevation.

Distinguishing Features

The petitioner asserted that the geographic and climatic features of the McMinnville viticultural area distinguish it from surrounding areas of the Willamette Valley.

Temperature and Precipitation

According to the petitioner, the McMinnville viticultural area's location just east of the Coast Range and northeast of the Van Duzer Corridor greatly affects its growing season temperatures and precipitation. He submitted temperature and precipitation data from the Oregon Climate Service comparing McMinnville with two other sites in the western Willamette Valley—Dallas, Oregon, to the south of McMinnville, and Scoggins Dam, Oregon, to the north.

The submitted data show that McMinnville is, on average, warmer and drier than Dallas and Scoggins Dam. McMinnville averaged 2,178 degree growing days above 50 degrees (each degree that a day's mean temperature is above 50 degrees F counts as one degree day) during the growing season for the years 1971–2000, with average yearly precipitation of 41.66 inches. Dallas, for the same period, averaged 2,116 degree growing days above 50 degrees, with precipitation of 49.13 inches. Scoggins Dam, for the period, averaged 1,974 degree growing days above 50 degrees, with precipitation of 50.68 inches.

The petitioner explained that cooler and wetter conditions south of McMinnville viticultural area are due to the Van Duzer Corridor, a pass through Oregon's Coast Range. Cool, wet marine air flows inland through this pass, causing cooler, wetter growing conditions in areas east of the pass. North and west of McMinnville, at Scoggins Dam for example, the petition stated that the land makes a rapid transition to the slopes of the Coast Range, which has much cooler temperatures and greater rainfall.

Soils and Geology

According to the petitioner, the soils and geology of the McMinnville viticultural area are different from those in surrounding areas, thus providing distinctive growing conditions for the area's grapes. To demonstrate the soil differences, the petitioner submitted soil survey maps published by the Soil Conservation Service of the U.S. Department of Agriculture. Several types of shallow (less than 40 inches deep) silty clay and clay loams that exhibit low total available moisture characterize the McMinnville viticultural area. These soils, primarily Yamhill, Nekia, Peavine, Willakenzie, and Hazelair, all have a typical depth to base materials of between 20 and 40 inches, while the average total available moisture for these soils ranges from 4.8 to 6.3 inches.

To the west and northwest of the McMinnville viticultural area, the petition notes, the soils transition to those of the Olyic and Hembre associations. While these soils are also shallow silty clay and clay loams, they tend to be acidic. To the north of the McMinnville area (within another proposed viticultural area named Yamhill-Carlton District), a greater percentage of the soils are of the Woodburn-Willamette association. These soils are of greater depth (60 inches) and have higher available moisture (12 to 13 inches). The Woodburn-Willamette soils also predominate to the south and southwest of the McMinnville area.

The petitioner stated that the most distinctive geological feature within the McMinnville viticultural area is the Nestucca Formation, a 2,000-foot thick bedrock formation that extends west from the city of McMinnville to the slopes of the Coast Range. This formation contains marine sandstone and mudstone with intrusions of marine basalts. These intrusions differentiate the formation from the pure basaltic parent materials found under the Red Hills and Chehalem Mountains and the pure marine sedimentary materials of the Yamhill Formation found on the valley floor.

Because of these marine basalts, the petition notes that the ground water composition of the McMinnville

viticultural area is significantly different from that of areas to the east. According to data obtained from Oregon State University's Drinking Water Program, it contains greater dissolved sodium (66 mg/L vs. 16 mg/L), less dissolved potassium (0.9 mg/L vs. 3.8 mg/L), and greater dissolved boron (230 µg/L vs. 20 µg/L) than the ground water east of McMinnville. The petitioner asserts that significant variations in these component materials can result in grapes with unique flavor and development characteristics.

Boundary Description

See the narrative boundary description of the viticultural area in the regulatory text published at the end of this notice.

Maps

The petitioner(s) provided the required maps, and we list them below in the regulatory text.

TTB Finding

After careful review of the petition and the comments, TTB finds that the evidence submitted supports the establishment of the proposed viticultural area. Therefore, under the authority of the Federal Alcohol Administration Act and part 4 of our regulations, we establish the ''McMinnville'' viticultural area in Yamhill County, Oregon, effective 60-days from this document's publication date.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. With the establishment of this viticultural area and its inclusion in part 9 of the TTB regulations, its name, ''McMinnville,'' is recognized as a name of viticultural significance. Consequently, wine bottlers using ''McMinnville'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, must ensure that the product is eligible to use the viticultural area's name as an appellation of origin.

For a wine to be eligible to use as an appellation of origin the name of a viticultural area specified in part 9 of the TTB regulations, at least 85 percent of the grapes used to make the wine must have been grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible to use the viticultural area name as an appellation of origin and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the viticultural area name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label.

Different rules apply if a wine has a brand name containing a viticultural area name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

Regulatory Analyses and Notices

Regulatory Flexibility Act

We certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name is the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

This rule is not a significant regulatory action as defined by Executive Order 12866 (58 FR 51735). Therefore, it requires no regulatory assessment.

Drafting Information

Jennifer Berry of the Regulations and Procedures Division drafted this document.

List of Subjects in 27 CFR Part 9

Wine.

The Final Rule

■ For the reasons discussed in the preamble, we amend 27 CFR, chapter 1, part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.181 to read as follows:

§ 9.181 McMinnville.

(a) *Name.* The name of the viticultural area described in this section is ''McMinnville.''

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the McMinnville viticultural area are five United States Geological Survey (USGS) 1:24,000 scale topographic maps titled:

(1) McMinnville, Oregon, 1957, revised 1992;

(2) Muddy Valley, Oregon, 1979, revised 1992;

(3) Stony Mountain, Oregon, 1979, revised 1992;

(4) Sheridan, Oregon, 1956, revised 1992; and

(5) Ballston, Oregon, 1956, revised 1992.

(c) *Boundary.* The McMinnville viticultural area is located in Yamhill County, Oregon, and is entirely within the Willamette Valley viticultural area. The boundary of the McMinnville viticultural area is as described below—

(1) The beginning point is on the McMinnville, Oregon, map where the 200-foot contour line intersects the common boundary between section 13, T4S, R5W, and section 18, T4S, R4W. From this point follow the meandering 200-foot contour line westerly for about 2 miles to its intersection with Baker Creek Road in section 54, T4W, R5W, on the Muddy Valley map;

(2) Then follow Baker Creek Road west about 2 miles through Happy Valley to the road's intersection with Power House Hill Road in section 50, T4S, R5W (Muddy Valley map);

(3) Proceed southwest on Power House Hill Road for about 1.4 miles to its intersection with Peavine Road in section 17, T4S, R5W (Muddy Valley map);

(4) Follow Peavine Road west and then northwest about 1.5 miles to its intersection with Gill Creek in section 18, T4S, R5W (Muddy Valley map);

(5) Follow Gill Creek southerly (downstream) for about 0.6 miles to its intersection with the 800-foot contour line in section 18, T4S, R5W, on the Muddy Valley map;

(6) From Gill Creek, follow the meandering 800-foot contour line westerly, crossing Deer Creek in section 14, T4S, R6W, on the Stony Mountain map, and, crossing back and forth four times between the Stony Mountain and Muddy Valley maps in section 24, T4S, R6W, continue southwesterly to the contour line's intersection with Thomson Mill Road in section 27, T4S, R6W, on the Stony Mountain map;

(7) Continue to follow the meandering 800-foot contour line southwesterly, crossing Cronin and Beaver Creeks, to the 800-foot contour line's intersection with Rock Creek Road in section 46, T5S, R6W, on the Stony Mountain map;

(8) Then follow Rock Creek Road south for about 5 miles to its intersection with the West Valley Highway in section 44, T5S, R6W, on the Sheridan map, and continue about

200 feet due south in a straight line to from that intersection to the 200-foot contour line, just north of the Yamhill River (Sheridan map);

(9) Then follow the meandering 200-foot contour line easterly, passing north of most of the village of Sheridan, crossing onto the Ballston map, and continue easterly and then northerly along the 200-foot contour line to its first intersection with Christensen Road at the common boundary between sections 27 and 34, T5S, R5W (Ballston map);

(10) Continue to follow the 200-foot contour line westerly and then northerly, passing onto the Muddy Valley map and then the Stony Mountain map, to the contour line's intersection with Deer Creek in section 64, T5S, R6W (Stony Mountain map);

(11) Cross Deer Creek and follow the 200-foot contour line southeasterly, crossing Dupree Creek in section 64, T5S, R6W, on the Muddy Valley map, and, crossing onto the Ballston map, continue southerly and then easterly along the 200-foot contour line to its intersection with State Route 18 at the hamlet of Bellevue, section 28, T5S, R5W (Ballston map);

(12) Continue westerly then northerly along the meandering 200-foot contour line, crossing Latham Road at the northern boundary of section 53, T5S, R5W, and, crossing onto the Muddy Valley map, continue northerly along the 200-foot contour line to its intersection with Muddy Creek in section 40, T5S, R5W (Muddy Valley map);

(13) Crossing Muddy Creek, follow the 200-foot contour line southerly, then easterly, and then northerly to its intersection with Peavine Road in the western extension of section 47, T4S, R5W (Muddy Valley map);

(14) From Peavine Road, continue northeasterly along the meandering 200-foot contour line, crossing Cozine Creek in section 46, T4S, R5W, and, crossing onto the McMinnville map, follow the 200-foot contour line across Redmond Hill Road in section 44, T4S, R5W, and return to the point of beginning (McMinnville map)

Signed: November 22, 2004.

Arthur J. Libertucci,

Administrator.

Approved: December 9, 2004.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 05–912 Filed 1–14–05; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

31 CFR Part 1

Privacy Act of 1974; Implementation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of the Treasury exempts a new Internal Revenue Service (IRS) system of records entitled ''IRS 42.031—Anti-Money Laundering/Bank Secrecy Act (BSA) and Form 8300 Records'' from certain provisions of the Privacy Act.

EFFECTIVE DATE: January 18, 2005.

FOR FURTHER INFORMATION CONTACT: IRS National Anti-Money Laundering Program Manager, S: C: CP: RE: AML, 19th Floor, 1601 Market Street, Philadelphia, PA 19106, phone (215) 861–1547.

SUPPLEMENTARY INFORMATION: The IRS published a notice of proposed rulemaking on April 30, 2004 at 69 FR 23705–23706 exempting the new system of records from certain provisions of the Privacy Act of 1974, as amended. The IRS published the proposed system notice in its entirety at 69 FR 23854 on April 30, 2004. No comments were received by the IRS.

Under 5 U.S.C. 552a(k)(2), the head of an agency may promulgate rules to exempt any system of records within the agency from certain provisions of the Privacy Act if the system is investigatory material compiled for law enforcement purposes. The exemption is from provisions 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) because the system contains investigatory material compiled for law enforcement purposes. The following are the reasons why this system of records maintained by the IRS is exempt pursuant to 5 U.S.C. 552a(k)(2) of the Privacy Act of 1974.

(1) 5 U.S.C. 552a(c)(3). This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c) (1) and (2) to the individual named in the record at his/her request. The reasons for exempting this system of records from the foregoing provision is:

(i) The release of disclosure accounting would put the subject of an investigation on notice that an investigation exists and that such person is the subject of that investigation.

(ii) Such release would provide the subject of an investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to which disclosure was made. The release of such information to the subject of an investigation would provide the subject with significant information concerning the nature of the investigation and could result in the altering or destruction of documentary evidence, the improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(iii) Release to the individual of the disclosure accounting would alert the individual as to which agencies were investigating the subject and the scope of the investigation and could aid the individual in impeding or compromising investigations by those agencies.

(2) 5 U.S.C. 552a(d), (e)(4)(G), (e)(4)(H), and (f). These provisions of the Privacy Act relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requested access to records, the agency procedures relating to access to records and the content of the information contained in such records and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. The reasons for exempting this system of records from the foregoing provisions are as follows: To notify an individual at the individual's request of the existence of an investigative file pertaining to such individual or to grant access to an investigative file pertaining to such individual could interfere with investigative and enforcement proceedings; deprive co-defendants of a right to a fair trial or an impartial adjudication; constitute an unwarranted invasion of the personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by such sources; and, disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(1). This provision of the Privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The reasons for exempting this system of records from the foregoing are as follows:

(i) The IRS will limit the Anti-Money Laundering/Bank Secrecy Act (BSA) and Form 8300 Records to those relevant and necessary for identifying, monitoring, and responding to

complaints, allegations and other information received concerning violations or potential violations of the anti-money laundering provisions of Title 31 and Title 26 laws. However, an exemption from the foregoing is needed because, particularly in the early stages of an investigation, it is not possible to determine the relevance or necessity of specific information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when first received may subsequently be determined to be irrelevant or unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established with certainty.

(4) 5 U.S.C. 552a(e)(4)(I). This provision of the Privacy Act requires the publication of the categories of sources of records in each system of records. The reasons an exemption from this provision has been claimed are as follows:

(i) Revealing categories of sources of information could disclose investigative techniques and procedures;

(ii) Revealing categories of sources of information could cause sources that supply information to investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality.

As required by Executive Order 12866, it has been determined that this rule is not a significant regulatory action, and therefore, does not require a regulatory impact analysis.

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

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby certified that these regulations will not significantly affect a substantial number of small entities. The rule imposes no duties or obligations on small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1995, the Department of the Treasury has determined that this rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

List of Subjects in 31 CFR Part 1

Privacy.

■ Part 1, subpart C of title 31 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552 as amended. Subpart C also issued under 5 U.S.C. 552a.

■ 2. Section 1.36 paragraph (g)(1)(viii) is amended by adding the following text to the table in numerical order.

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 522a and this subpart.

* * * * *

(g) * * *
(1) * * *
(viii) * * *

Number		Name of system
*	*	*
IRS	42.031	Anti-Money Laundering/Bank Secrecy Act BSA) and Form 8300 Records.
*	*	*

* * * * *

Dated: December 22, 2004.

Arnold I. Havens,

General Counsel.

[FR Doc. 05–916 Filed 1–14–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–04–210]

RIN 1625–AA87

Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone from January 14 through January 25, 2005, encompassing certain waters of the Potomac and Anacostia Rivers. This action is necessary to provide for the security of persons and property, and prevent terrorist acts or incidents during the 2005 Presidential Inauguration activities in Washington, DC. This rule prohibits vessels and persons from entering the security zone and requires vessels and persons in the security zone to depart the security zone, unless specifically exempt under the provisions in this rule or granted specific permission from the Coast Guard Captain of the Port Baltimore.

DATES: This rule is effective from 4 a.m. local time on January 14, 2005, through 10 p.m. local time on January 25, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–04–210 and are available for inspection or copying at Coast Guard Activities Baltimore, Waterways Management Branch, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Houck, at Coast Guard Activities Baltimore, Waterways Management Branch, at telephone number (410) 576–2674 or (410) 576–2693.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On December 3, 2004, we published a notice of proposed rulemaking (NPRM) entitled ''Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, Virginia'' in the **Federal Register** (69 FR 70211). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Immediate action is needed to protect the public from waterborne acts of sabotage or terrorism. Any delay in the effective date of this rule is impractical and contrary to the public interest.

Background and Purpose

The U.S. Maritime Administration (MARAD) in Advisory 02–07 advised U.S. shipping interests to maintain a heightened state of alert against possible terrorist attacks. MARAD more recently issued Advisory 03–06 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 hostilities in Afghanistan and Iraq 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 an ongoing intention to conduct armed attacks on U.S. interests worldwide.

Due to increased awareness that future terrorist attacks are possible the Coast Guard, as lead federal agency for maritime homeland security, has determined that the Coast Guard Captain of the Port must have the means to be aware of, deter, detect, intercept, and respond to asymmetric threats, acts of aggression, and attacks by terrorists on the American homeland while still maintaining our freedoms and sustaining the flow of commerce. This security zone is part of a comprehensive port security regime designed to safeguard human life, vessels, and waterfront facilities against sabotage or terrorist attacks.

The Captain of the Port Baltimore is establishing a security zone for the 2005 Presidential Inauguration activities in Washington, DC to address the aforementioned security concerns and to take steps to prevent the catastrophic impact that a terrorist attack against a large gathering of high-ranking officials and spectators in Washington, DC, would have. This security zone applies to all waters of the Potomac River from shoreline to shoreline bounded by the Woodrow Wilson Memorial Bridge upstream to the Key Bridge, including the waters of the Anacostia River downstream from the Highway 50 Bridge to the confluence with the Potomac River, including the waters of the Georgetown Channel Tidal Basin, from January 14 through January 25, 2005. Vessels underway at the time this security zone is implemented will immediately proceed out of the zone. We will issue Broadcast Notices to Mariners to further publicize the security zone. This security zone is issued under authority contained in 50 U.S.C. 191 and 33 U.S.C. 1226.

Except for Public vessels and vessels at berth, mooring or at anchor, this rule temporarily requires all vessels in the designated security zone as defined by this rule to depart the security zone. However, the Captain of the Port may, in his discretion grant waivers or exemptions to this rule, either on a case-by-case basis or categorically to a particular class of vessel that otherwise is subject to adequate control measures.

Discussion of Comments and Changes

The Coast Guard received no comments on the proposed rule during the comment period published in the NPRM. No public meeting was requested, and none was held. As a result, no change to the proposed regulatory text was made.

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).

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to operate or transit on a portion of the Potomac River, from the surface to the bottom, from the Woodrow Wilson Memorial Bridge upstream to the Key Bridge, including the waters of the Anacostia River downstream from the Highway 50 Bridge to the confluence with the Potomac River, including the waters of the Georgetown Channel Tidal Basin. This security zone will not have a significant economic impact on a substantial number of small entities because vessels with compelling interests that outweigh the port's security needs may be granted waivers from the requirements of the security zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. 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 rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Ronald Houck, at Coast Guard Activities Baltimore, Waterways Management Branch, at telephone number (410) 576–2674.

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 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 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 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. This regulation establishes a security zone. 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 recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard temporarily 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 § 165.T05–210 to read as follows:

§ 165.T05–210 Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, Virginia.

(a) *Definitions.* For the purposes of this section, *Captain of the Port Baltimore* means the Commander, U.S. Coast Guard Activities Baltimore, Maryland and any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Commander, U.S. Coast Guard Activities Baltimore, Maryland to act as a designated representative on his or her behalf.

(b) *Location.* The following area is a security zone: All waters of the Potomac River, from shoreline to shoreline, bounded by the Woodrow Wilson Memorial Bridge upstream to the Key Bridge, and all waters of the Anacostia River, from shoreline to shoreline, downstream from the Highway 50 Bridge to the confluence with the Potomac River, including the waters of the Georgetown Channel Tidal Basin.

(c) *Regulations.* (1) The general regulations governing security zones found in § 165.33 of this part apply to the security zone described in paragraph (b) of this section.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. Except for Public vessels and vessels at berth, mooring or at anchor, all vessels in this zone are to depart the security zone. However, the Captain of the Port may, in his discretion grant waivers or exemptions to this rule, either on a case-by-case basis or categorically to a particular class of vessel that otherwise is subject to adequate control measures.

(3) Persons desiring to transit the area of the security zone must first obtain authorization from the Captain of the Port Baltimore. To seek permission to transit the area, the Captain of the Port Baltimore can be contacted at telephone number (410) 576–2693. The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, VHF channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Baltimore and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(4) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(d) *Effective period.* This section will be effective from 4 a.m. local time on January 14, 2005, through 10 p.m. local time on January 25, 2005.

Dated: January 7, 2005.

Jonathan C. Burton,

Commander, U.S. Coast Guard, Acting Captain of the Port, Baltimore, Maryland.

[FR Doc. 05–961 Filed 1–12–05; 4:06 pm]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL–7861–7]

Ocean Dumping; Designation of Sites Offshore Palm Beach Harbor, FL and Offshore Port Everglades Harbor, FL

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates two Ocean Dredged Material Disposal Sites (ODMDSs) in the Atlantic Ocean offshore Southeast Florida, as EPA-approved ocean dumping sites for the disposal of suitable dredged material. One site is located offshore Palm Beach Harbor, Florida and the other offshore Port Everglades Harbor, Florida. This action is necessary to provide acceptable ocean disposal sites for consideration as an option for dredged material disposal projects in the vicinity of Palm Beach Harbor and Port Everglades Harbor. These site designations are for an indefinite period of time, but the sites will be subject to continued monitoring to insure that unacceptable adverse environmental impacts do not occur. The interim designated ocean disposal sites located offshore Palm Beach Harbor and Port Everglades Harbor are de-designated by this rule.

DATES: This rule is effective on February 17, 2005.

ADDRESSES: The administrative record for this action is available for public inspection at the following location: EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Christopher J. McArthur, Ocean Dumping Program Coordinator, U.S. Environmental Protection Agency, Region 4, Coastal Section, 61 Forsyth Street, SW., Atlanta, GA 30303, telephone: (404)562–9391, e-mail: *mcarthur.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401 *et seq.*, gives the Administrator of EPA the authority to designate sites where ocean disposal may be permitted. On October 1, 1986, the Administrator delegated the authority to designate ocean disposal sites to the Regional Administrator of the Region in which the sites are located. These designations are being made pursuant to that authority.

A list of ''Approved Interim and Final Ocean Dumping Sites'' was published on January 11, 1977 (42 FR 2461 *et seq.*). That list established the Palm Beach Harbor West, Palm Beach Harbor East and Port Everglades Harbor, FL ODMDSs on an interim basis. Due to the proximity of the interim sites to shore, the potential for adverse impacts to nearby coral reefs and the documented impacts at the Port Everglades Harbor interim ODMDS, these interim sites are no longer being used, were not considered for final designation and are being de-designated by this rule. The Palm Beach Harbor and Port Everglades Harbor ODMDS designations are being published as final rulemaking in accordance with § 228.4(e) of the Ocean Dumping Regulations, which permits the designation of ocean disposal sites for dredged material.

B. Regulated Entities

Entities potentially affected by this action are persons, organizations, or government bodies seeking to dispose of dredged material into ocean waters offshore Port Everglades Harbor and Palm Beach Harbor, Florida, under the MPRSA and its implementing regulations. This final rule is expected to be primarily of relevance to (a) parties seeking permits from the COE to transport dredged material for the purpose of disposal into ocean waters and (b) to the COE itself for its own dredged material disposal projects. Potentially regulated categories and entities that may seek to use the proposed dredged material disposal sites may include:

Category	Examples of potentially regulated entities
Federal Government	U.S. Army Corps of Engineers Civil Works Projects, U.S. Navy, and Other Federal Agencies.
Industry and General Public	Port Authorities, Marinas and Harbors, Shipyards, and Marine Repair Facilities, Berth Owners.
State, local and tribal governments	Governments owning and/or responsible for ports, harbors, and/or berths, Government agencies requiring disposal of dredged material associated with public works projects.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. To determine whether your organization is affected by this action, you should carefully consider whether your organization is subject to the requirement to obtain an MPRSA permit in accordance with Section 103 of the MPRSA and the applicable regulations at 40 CFR Parts 220 and 225, and whether you wish to use the sites subject to today's action. EPA notes that nothing in this final rule alters the jurisdiction or authority of EPA or the types of entities regulated under the MPRSA. Questions regarding the applicability of this final rule to a particular entity should be directed to the contact person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

C. EIS Development

Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321 *et seq.*, requires that federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare NEPA documents in connection with ocean disposal site designations.(See 63 FR 58045 [October 29, 1998], ''Notice of Policy and Procedures for Voluntary Preparation of National Environmental Policy Act (NEPA) Documents.'').

EPA, in cooperation with the COE, has prepared a Final EIS (FEIS) entitled ''Final Environmental Impact Statement for Designation of the Palm Beach Harbor Ocean Dredged Material Disposal Site and the Port Everglades Harbor Ocean Dredged Material Disposal Site.'' On August 27, 2004, the Notice of Availability (NOA) of the FEIS was published in the **Federal Register** (69 FR 52668 [August 27,2004]). Anyone desiring a copy of the FEIS may obtain one from the addresses given above. The wait period on the FEIS closed on September 27, 2004.

EPA received eight comment letters on the FEIS. Six letters were supportive of the Port Everglades Harbor ODMDS designation based on need for the disposal site. The remaining two letters were from the State of Florida (the State) and the National Marine Fisheries Service (NMFS). The State's comments are discussed in the following paragraph

and the NMFS letter noted that the Essential Fish Habitat (EFH) consultation process was ongoing. No letters were critical of the FEIS.

Pursuant to an Office of Water policy memorandum dated October 23, 1989, EPA has evaluated the proposed site designations for consistency with the State's approved coastal management program. EPA has determined that the designation of the proposed sites is consistent to the maximum extent practicable with the State coastal management program, and submitted this determination to the State for review in accordance with EPA policy. In a letter dated October 22, 2004, the State concurred with this determination. In addition, as part of the NEPA process, EPA has consulted with the State regarding the effects of the dumping at the proposed sites on the State's coastal zone. EPA has taken the State's comments into account in preparing the FEIS for the sites, in determining whether the proposed sites should be designated, and in determining whether restrictions or limitations should be placed on the use of the sites. There were six main concerns raised by the State during consultation: (1) Placement of beach quality sand in the ODMDS; (2) the volume of material to be disposed and number of projects to use the sites; (3) the adequacy and recency of the data on the benthic habitat within and near the ODMDSs; (4) cumulative impacts of activities in the area; (5) potential adverse impacts to essential fish habitat and in particular the habitat of the blue-line tilefish; and (6) the potential of Florida Current spin-off eddies to transport disposed dredged material to important marine habitats. Concerns raised regarding use of suitable material for beach nourishment and other beneficial uses, were addressed in the FEIS. EPA concurs with the State regarding the use of suitable material for beach nourishment and other beneficial uses, in circumstances where this use is practical. The dredging projects currently proposed as well as potential future projects were discussed in more detail in the FEIS including a detailed discussion of anticipated project disposal volumes. Projects in excess of 500,000 cubic yards are not permitted at either ODMDS until additional capacity studies have been completed. The State was provided additional information on the benthic habitats within and adjacent to the ODMDSs including a copy of the video taken at the Port Everglades Harbor ODMDS and quantification of the habitat types within each ODMDS. A pre-disposal high resolution bathymetry requirement was added to the Site Management and Monitoring Plan (SMMP) to address the State's concerns regarding recency of data. The discussion of cumulative impacts was expanded in the FEIS including discussions of additional activities in the area as requested by the State. EFH concerns were addressed by EPA through the development of an EFH Assessment for each ODMDS. The EFH Assessments were coordinated with the NMFS and the State and were included as part of the FEIS. EPA concluded that the designations will not have a substantial individual or cumulative adverse impact on the EFH of managed species including tilefish. The State's concerns regarding the potential of Florida Current spin-off eddies to transport disposed dredged material to important marine habitats have been addressed through modeling of the disposal plumes by the COE. The State was involved in selecting input parameters for the model and in reviewing the draft results. In addition, EPA has an ongoing effort at the nearby Miami ODMDS to address concerns regarding the potential of Florida Current spin-off eddies to transport disposed dredged material to important near-shore marine habitats.

In a letter dated June 7, 2004, the Florida Department of State agreed that it is unlikely that the proposed designations will affect any archaeological or historic resources listed, or eligible for listing, in the *National Register of Historic Places,* or otherwise of significance in accordance with the National Preservation Act of 1966 (Pub. L. 89–6654), as amended.

The action discussed in the FEIS is the permanent designation for continuing use of ocean disposal sites offshore Palm Beach Harbor and Port Everglades Harbor, Florida. The purpose of the action is to provide an environmentally acceptable option for the ocean disposal of dredged material. The need for the permanent designation of the ODMDSs is based on a demonstrated COE need for ocean disposal of maintenance dredged material from the Federal navigation projects in the Palm Beach Harbor and Port Everglades Harbor areas. The need for ocean disposal for these and other projects, and the suitability of the material for ocean disposal, will be determined on a case-by-case basis as part of the COE's process of issuing permits for ocean disposal and a public review process for its own actions. This will include an evaluation of disposal alternatives.

For the ODMDSs, the COE and EPA would evaluate all federal dredged material disposal projects pursuant to the EPA criteria set forth in the Ocean Dumping Regulations (40 CFR 220–229) and the COE regulations (33 CFR 209.120 and 335–338). The COE issues MPRSA permits to applicants for the transport of dredged material intended for disposal after compliance with regulations is determined. EPA has the right to disapprove any ocean disposal project if, in its judgment, all provisions of MPRSA and the associated implementing regulations have not been met.

The FEIS discusses the need for these site designations and examines ocean disposal site alternatives to the proposed actions. Non-ocean disposal options have also been examined in the Disposal Area Studies for Palm Beach Harbor and Port Everglades Harbor, prepared by the COE and included as appendices to the FEIS. Alternatives to ocean disposal may include upland disposal within the port areas, or utilization of dredged material for beneficial use such as beach nourishment. The studies concluded that upland disposal in the intensively developed port areas is not feasible. Undeveloped areas within cost-effective haul distances are environmentally valuable in their own right. Beach placement is limited to predominately sandy material.

The following ocean disposal alternatives were evaluated in the FEIS:

1. Alternative Sites on the Continental Shelf

The continental shelf is narrow in the project area with a width of about 0.63 nautical mile (nmi). In the Palm Beach Harbor and Port Everglades Harbor nearshore area, hardgrounds supporting coral and algal communities are concentrated on the continental shelf. Disposal operations on the shelf could adversely impact this reef habitat. Therefore, following discussions with the State, a zone of siting feasibility for alternative ODMDSs was established eliminating from consideration any areas within 3 nmi of shore to avoid impact to natural reefs in the area. Consequently, no alternatives on the continental shelf were considered in the FEIS.

2. Designated Interim Sites

Two interim sites were designated for Palm Beach Harbor, one of which is located nearshore at the port entrance and the other is located approximately 2.9 nmi (4.5 km) offshore. Following discussions with the State of Florida, a zone of siting feasibility was established, eliminating from consideration any areas within 3 nautical miles of shore to avoid direct

impact to natural reefs in the area. As a result, both Palm Beach Harbor interim sites were not considered further.

The interim site for Port Everglades is located 1.7 nmi (3.2 km) offshore. A 1984 survey conducted by the EPA indicated that some damage to nearby inshore, hard bottom areas may have occurred due to the movement of fine grained material associated with disposed dredged material. In light of the survey findings, disposal at the Port Everglades interim site was discontinued and the site was eliminated from further consideration.

3. Alternative Sites Beyond the Continental Shelf

Alternative sites beyond the continental shelf considered for Palm Beach Harbor include the 3 mile site, the 4.5 mile site and the 9 mile site. The 4.5 mile site is approximately one square mile in size and is located within the eastern portion of the 3 mile site. The 3 mile site is four square miles in size. The 3 mile site was dropped from further consideration in favor of the 4.5 mile site as it was determined that a site four square miles in size was not necessary at the depths at this location. The 9 mile site is 4 square miles in size. The deeper depths at the 9 mile site result in a larger disposal footprint, due to greater dispersion, necessitating a larger 4 square mile disposal site. Both the 4.5 mile site and the 9 mile site were considered in the FEIS.

Alternative sites beyond the continental shelf considered for the Port Everglades Harbor include the 4 mile site and the 7 mile site. The 4 mile site is approximately one square mile in size whereas the 7 mile site is two square miles in size. The deeper depths at the 7 mile site result in a larger disposal footprint necessitating a larger 4 square mile disposal site. Both the 4 mile site and the 7 mile site were considered in the FEIS.

4. No Action

The No-Action Alternative would not provide acceptable EPA-designated ocean disposal sites for use by the COE or other entities for the disposal of dredged material. Without final-designated disposal sites, the maintenance of the existing Federal Navigation Projects at Palm Beach Harbor and Port Everglades Harbor would be adversely impacted with subsequent effects upon the local and regional economies. Interim designated ODMDSs are not available. Alternative dredged material disposal methods would be required or the dredging and dredged material disposal discontinued. In the absence of an EPA designated ocean dredged material disposal site, the COE could select an alternative pursuant to section 103 of MPRSA. In such cases, the ocean site selected for disposal would be evaluated according to the criteria specified in section 102(a) of MPRSA and EPA's Ocean Dumping Regulation and Criteria 40 CFR part 228, and EPA concurrence is required. A site so selected can be used for five years without EPA designation, and can continue to be used for another five years under limited conditions. Accordingly, the No-Action alternative would not provide a long-term management option for dredged material disposal.

5. Preferred Alternative

The site near Palm Beach Harbor selected for ODMDS designation is an area approximately 1 square nautical mile (nmi^2) located east northeast of the Lake Worth Inlet and approximately 4.5 nmi offshore. The site at Port Everglades Harbor selected for ODMDS designation is an area approximately 1 nmi^2 located east northeast of Port Everglades and approximately 4 nmi offshore. These sites were found to comply with the criteria for evaluation of ocean disposal sites established in 40 CFR Sections 228.5 and 228.6 of EPA's Ocean Dumping Regulations. No significant impacts to critical resource areas are expected to result from designation of either of these sites. Similar types of impacts are expected from use of these sites as impacts from use of the alternative sites located further offshore. However, use of these sites is expected to result in less area being impacted as a result of their shallower depth. The selected sites would require significantly less consumption of resources and would result in significantly less air emissions than the offshore sites. In addition, monitoring of the selected sites would be less costly to the federal government and less difficult than the offshore sites. Therefore, these sites were selected as the preferred alternatives.

The FEIS presents the information needed to evaluate the suitability of ocean disposal areas for final designation use and is based on a series of disposal site environmental studies. The environmental studies and final designation are being conducted in accordance with the requirements of MPRSA, the Ocean Dumping Regulations, and other applicable Federal statutory provisions.

This final rulemaking notice fills the same role as the Record of Decision required under regulations promulgated by the Council on Environmental Quality for agencies subject to NEPA.

D. Site Designations

On July 30, 2004, EPA proposed designation of two sites for continuing disposal of dredged materials from Palm Beach Harbor and Port Everglades Harbor, Florida. The public comment period on this proposed action closed on September 13, 2004. Six letters of comment were received. All six letters were supportive of the Port Everglades Harbor ODMDS designation based on the need for alternatives to upland disposal for maintenance and construction dredged material from the port. No comment letters were received for the Palm Beach Harbor ODMDS.

The ODMDS for Palm Beach Harbor is located east of Palm Beach, Florida, the western boundary being 4.3 nmi offshore. The ODMDS occupies an area of about 1 nmi^2, in the configuration of an approximate 1 nmi by 1 nmi square. Water depths within the area range from 525 to 625 feet. The coordinates of the Palm Beach Harbor ODMDS are as follows:

26°47′30″ N 79°57′09″ W;
26°47′30″ N 79°56′02″ W;
26°46′30″ N 79°57′09″ W;
26°46′30″ N 79°56′02″ W;

Center coordinates are 26°47′00″ N and 79°56′35″ W.

The ODMDS for Port Everglades Harbor is located east of Fort Lauderdale, Florida, the western boundary being 3.8 nmi offshore. The ODMDS occupies an area of about 1 nmi^2, in the configuration of an approximate 1 nmi by 1 nmi square. Water depths within the area range from 640 to 705 feet. The coordinates of the Port Everglades Harbor ODMDS designation are as follows:

26°07′30″ N 80°02′00″ W;
26°07′30″ N 80°01′00″ W;
26°06′30″ N 80°01′00″ W;
26°06′30″ N 80°01′00″ W;

Center coordinates are 26°07′00″ N and 80°01′30″ W. All coordinates utilize the North American Datum of 1983 (NAD83).

E. Analysis of Criteria Pursuant to the Ocean Dumping Act Regulatory Requirements

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to prevent any temporary perturbations associated with the disposal from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where

feasible, locations off the Continental Shelf and other sites that have been historically used are to be chosen. If, at any time, disposal operations at a site cause unacceptable adverse impacts, further use of the site can be restricted or terminated by EPA. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6 lists eleven specific factors used in evaluating a disposal site to assure that the general criteria are met. The sites, as discussed below under the eleven specific factors, are acceptable under the five general criteria.

The characteristics of the sites are reviewed below in terms of these eleven criteria (the FEIS may be consulted for additional information).

1. Geographical Position, Depth of Water, Bottom Topography, and Distance From Coast (40 CFR 228.6(a)(1))

The ODMDS for Palm Beach Harbor is located east of Palm Beach, Florida, the western boundary being 4.3 nmi offshore. Water depths within the area range from 525 to 625 feet with depth contours parallel to the coastline. The coordinates of the Palm Beach Harbor ODMDS are as follows:

26°47′30″ N 79°57′09″ W;
26°47′30″ N 79°56′02″ W;
26°46′30″ N 79°57′09″ W; and
26°46′30″ N 79°56′02″ W;

Center coordinates are 26°47′00″ N and 79°56′35″ W.

The ODMDS for Port Everglades Harbor is located east of Fort Lauderdale, Florida, the western boundary being 3.8 nmi offshore. Water depths within the area range from 640 to 705 feet with depth contours parallel to the coastline. The coordinates of the Port Everglades Harbor ODMDS designation are as follows:

26°07′30″ N 80°02′00″ W;
26°06′30″ N 80°01′00″ W;
26°06′30″ N 80°02′00″ W; and
26°06′30″ N 80°01′00″ W;

Center coordinates are 26°07′00″ N and 80°01′30″ W. All coordinates utilize the North American Datum of 1983 (NAD83).

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult or Juvenile Phases (40 CFR 228.6(a)(2))

The most active breeding and nursery areas are located in inshore waters, along adjacent beaches, or in nearshore reef areas. While breeding, spawning, and feeding activities may take place near the ODMDSs, these activities are not believed to be confined to, or concentrated in, these areas. While many marine species may pass through the ODMDSs, passage is not geographically restricted to these areas.

EPA initially coordinated with the National Marine Fisheries Service (NMFS) regarding the Endangered Species Act (ESA) on March 24, 2004. At that time, EPA sent NMFS a copy of the Draft EIS, which included two Appendices, each entitled Biological Assessment. Those Assessments evaluated the potential impacts from the site designations to Federally listed threatened and endangered species. In its letter, EPA referenced the Assessments, which concluded that the site designations ''will not adversely affect'' any listed species or critical habitat. While the letter stated that EPA concluded the action ''will not affect'' any listed species, EPA informally consulted with NMFS and sought comments from the NMFS on the proposed site designations with the March 2004 letter. In a May 24, 2004 letter of response, NMFS concluded that adverse effects on whales are unlikely to occur from this project and no effects to the shortnose sturgeon or smalltooth sawfish are likely to occur from this project.

On March 24, 2004, EPA also consulted with NMFS pursuant to Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) 16 U.S.C. 1855, and the applicable implementing regulations. At that time, EPA sent NMFS a copy of the Draft EIS which included an Essential Fish Habitat (EFH) Assessment within the body of the document. In a May 6, 2004 letter of response, NMFS requested a stand alone EFH Assessment that specifically addressed potential impacts to deepwater habitats, such as black corals and Oculina, and potential impacts to deepwater managed species including tilefish. The EFH Assessments were provided to NMFS on July 15, 2004 and included as appendices to the FEIS. Based on comments received from NMFS, EPA revised the EFH Assessments. Revised EFH Assessments for designation of the Palm Beach Harbor ODMDS and the Port Everglades Harbor ODMDS were provided to NMFS on September 22, 2004 and October 12, 2004, respectively. The Assessments set forth EPA's determination that the site designation of the Palm Beach Harbor ODMDS and Port Everglades Harbor ODMDS will not have a substantial individual or cumulative adverse impact on the EFH of managed species. In letters dated October 19, 2004 and October 20, 2004, NMFS concluded that the fishery conservation requirements of the MSFCMA were completed for the Palm Beach Harbor ODMDS and the Port Everglades Harbor ODMDS, respectively.

3. Location in Relation to Beaches and Other Amenity Areas (40 CFR 228.6(a)(3))

The disposal sites for Palm Beach Harbor and Port Everglades Harbor are located approximately 4.5 nmi and 4.0 nmi offshore, respectively. The nearest beaches are located on the shorelines west of the sites. Because of the distance of the sites from the shoreline, the predominate northerly directed current, and the expected localized effects at the disposal sites, it is unlikely that dredged material disposal at either of the sites would adversely affect coastal beaches. Amenity areas in the vicinity of the sites include artificial and natural reefs. Both sites are located at least 2.3 nmi from the nearest artificial reef. From West Palm Beach to the Florida Keys, there are generally three separate series of reefs or hard bottoms. The disposal sites for Palm Beach Harbor and Port Everglades Harbor are located approximately 2.6 nmi and 3.0 nmi from the outer of these reef series, respectively. In addition, colonies of the deepwater coral *Oculina varicosa* extend north from Palm Beach Harbor and parallel the break between the edge of the continental shelf and the Florida-Hatteras slope. The Palm Beach Harbor ODMDS is located approximately 1.7 nmi east of the nearest observed deepwater corals. Currents in the vicinity trend alongshore in a general north-south orientation. Modeling performed by the COE indicates that disposed material will not impact these natural areas.

4. Types and Quantities of Wastes Proposed To Be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Waste, if Any (40 CFR 228(a)(4))

The only material to be placed at the ODMDSs will be dredged material that meets the EPA Ocean Dumping Criteria in 40 CFR Parts 220 through 229. The sites are expected to be used for routine maintenance of the respective harbor projects. Annual average disposal volumes of 30,000 cubic yards of material are expected at each site with disposal occurring every three years. Dredged material from Port Everglades Harbor is expected to have a solids content of 60 to 70 percent solids by weight with a grain size of 38 to 5 percent of the grains finer than sand by weight. Dredged material from Palm Beach Harbor is expected to have solids content of 80 to 85 percent solids by weight with a grain size of 6 percent finer than sand. It has been

demonstrated by the COE that the most cost effective method of dredging is clamshell/barge dredging for Palm Beach Harbor and hopper dredging for Port Everglades Harbor. Additional foreseen use of the Port Everglades Harbor site could be the Federal Port Everglades Deepening Project or use by the U.S. Navy in Port Everglades. The Deepening Project has not yet been authorized and there are no currently planned Navy projects. The disposal of dredge material at the proposed sites will be conducted using a near instantaneous dumping type barge or scow.

5. Feasibility of Surveillance and Monitoring (40 CFR 228.6(a)(5))

Surveillance and monitoring of the proposed sites is feasible. Survey vessels, aircraft overflights, or automated Geographic Positioning Systems (GPS) surveillance systems are feasible surveillance methods. The depths at these sites make conventional ODMDS monitoring techniques difficult to utilize. A draft Site Management and Monitoring Plan (SMMP) for each ODMDS was developed and included in an appendix in the FEIS. The SMMPs were finalized by EPA and the COE in November, 2004. The SMMPs establish a sequence of monitoring surveys to be undertaken to determine any impacts resulting from disposal activities. The SMMPs may be reviewed and revised by EPA.

6. Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area Including Prevailing Current Direction and Velocity, if Any (40 CFR 228.6(a)(6))

Prevailing currents parallel the coast and are generally oriented along a north-south axis. Northerly flow predominates. Mean surface currents range from 10 to 100 cm/sec depending on direction with maximum velocities up to 530 cm/sec. Current speeds are lower and current reversals more common in near-bottom waters. Mean velocities of 20 cm/sec and maximum velocities of 130 cm/sec have been measured for near-bottom waters in the area. Dredged material dispersion studies conducted by the COE for both short (hours) and long-term (months) transport of material disposed at the Palm Beach Harbor and Port Everglades Harbor sites indicate little possibility of disposed material affecting near-shore reefs or other amenities in the areas of the disposal sites.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) (40 CFR 228.6(a)(7))

There are no current or previous discharges within the ODMDSs. There are two interim-designated ODMDSs near Palm Beach Harbor. The disposal of 5.2 million cubic yards of dredged material from Palm Beach Harbor occurred between 1950 and 1983 in the interim sites. The characteristics of the dredged material were poorly graded sand with traces of shell fragments.

An interim-designated ODMDS at Port Everglades Harbor is located approximately 2.5 nmi west-southwest of the Port Everglades Harbor ODMDS. The disposal of 220,000 cubic yards of dredged material occurred in this interim ODMDS between 1952 and 1982. The characteristics of the disposed dredged material were organic silt with some clay. A 1984 survey conducted by EPA indicated that some damage to nearby inshore, hard bottom areas may have occurred because of the movement of fine material associated with the disposal of dredged material at the site. In light of the survey findings, disposal at the Port Everglades interim site was discontinued after 1984.

There are two wastewater ocean outfall discharges in the vicinity of each proposed ODMDS. The nearest outfall to either of the proposed sites is 11 miles. The effluent from wastewater outfalls has undergone secondary treatment and chlorination. Significant adverse impacts to the marine environment have not been documented in association with either of these offshore wastewater outfalls. Any effects from these discharges would be local and predominately in a north-south direction due to prevailing currents. Therefore, these discharges should not have any effect within the sites.

8. Interference With Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean (40 CFR 228.6(a)(8))

The infrequent use of the proposed sites should not significantly disrupt either commercial shipping or recreational boating. Commercial and recreational fishing activities are concentrated in inshore and nearshore waters. No mineral extraction, desalination, or mariculture activities occur in the immediate area. Scientific resources present near the Port Everglades Harbor site include the South Florida Ocean Measurement Center (SFOMC, formerly the South Florida Testing Facility). The SFOMC is located 1.5 nmi south of the ODMDS. Interference with activities at the SFOMC is not expected.

9. The Existing Water Quality and Ecology of the Site as Determined by Available Data or by Trend Assessment or Baseline Surveys (40 CFR 228.6(a)(9))

Baseline surveys conducted for the Palm Beach Harbor and the Port Everglades Harbor ODMDSs show the water quality and other environmental characteristics of the proposed ODMDSs to be typical of the Atlantic Ocean. Salinity, dissolved oxygen, and transmissivity (water clarity) data indicated water masses over the sites were similar to water masses in open ocean waters and deviated little between sites. Macroinfaunal samples were dominated in numbers by annelids and arthropods. Water quality at the proposed ODMDSs is variable and is influenced by frequent Florida Current intrusions of offshore oceanic waters, and periodic up welling of deep ocean waters. The proposed disposal sites lie on the continental slope in an area traversed by the western edge of the Florida Current. The location of the western edge of the current determines to a large extent whether waters at the site are predominantly coastal or oceanic. Frequent intrusions or eddies of the Florida Current transport oceanic waters over the continental shelf in the vicinity of the ODMDSs. Periodic up welling/down welling events associated with wind stress also influence waters in the area.

No critical habitat or unique ecological communities have been identified within or adjacent to the ODMDSs.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site (40 CFR 228.6(a)(10)).

The disposal of dredged materials should not attract or promote the development of nuisance species. No nuisance species have been reported to occur at previously utilized disposal sites in the vicinity of either ODMDSs.

11. Existence at or in Close Proximity to the Site of Any Significant Natural or Cultural Features of Historical Importance (40 CFR 228.6(a)(11))

Due to the proximity of ODMDSs to entrance channels, the cultural resource that has the greatest potential for impact would be shipwrecks. Sidescan sonar surveys of the sites were conducted which should have identified any potential shipwrecks. No such features were noted within the disposal sites in the sidescan sonar surveys of the

disposal sites. No natural or cultural features of historical importance have been identified at either site. The Florida Department of State Division of Historical Resources was consulted and they determined that it is unlikely that designation of the ODMDSs would affect archaeological or historical resources eligible for listing in the *National Register of Historic Places,* or otherwise of significance.

F. Site Management

Site management of the ODMDSs is the responsibility of EPA in cooperation with the COE. The COE issues permits to private applicants for ocean disposal; however, EPA Region 4 assumes overall responsibility for site management. Development of Site Management Plans is required by the MPRSA prior to final designation. A Site Management and Monitoring Plan (SMMP) for each ODMDS was developed as a part of the process of completing the FEIS. The SMMPs were finalized by EPA and the COE in November, 2004. The plans provide procedures for both site management and for the monitoring of effects of disposal activities. The SMMPs are intended to be flexible and may be reviewed and revised by the EPA.

G. Action

The FEIS concludes that the sites may appropriately be designated for use. The sites are also consistent with the five general criteria and eleven specific factors in the Ocean Dumping Regulations used for site evaluation.

The designation of the Palm Beach Harbor and Port Everglades Harbor sites as EPA-approved ODMDSs is being published as final rulemaking. Overall management of these sites is the responsibility of the Regional Administrator of EPA Region 4.

It should be emphasized that, if an ODMDS is designated, such a site designation does not constitute EPA's approval of actual disposal of material at sea. Before ocean disposal of dredged material at the site may commence, the COE must evaluate a permit application according to EPA's Ocean Dumping Criteria (40 CFR part 227) and authorize disposal. EPA has the right to disapprove the actual disposal if it determines that environmental concerns under MPRSA have not been met.

H. Statutory and Executive Order Reviews

1. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(A) 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;

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

(C) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

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

EPA has determined that this action does not meet the definition of a ''significant regulatory action'' under E.O. 12866 as described above and is therefore not subject to OMB review.

2. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, is intended to minimize the reporting and record-keeping burden on the regulated community, as well as to minimize the collection and dissemination. In general, the Act requires that information requests and record-keeping requirements affecting ten or more non-Federal respondents be approved by OPM. Since this rule does not establish or modify any information or record-keeping requirements, it is not subject to the provisions of the Paperwork Reduction Act.

3. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996, (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. For the purposes of assessing the impacts of today's rule on small entities, a small entity is defined as: (1) A small business based on the Small Business Administration's (SBA) size standards; (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. EPA has determined that this action will not have a significant economic impact on small entities. The ocean disposal site designations will only have the effect of providing a long term, environmentally acceptable disposal option for dredged material. This action will help to facilitate the maintenance of safe navigation on a continuing basis. After considering the economic impacts of today's final action on small entities, I certify that this action will not have a significant impact on a substantial number of small entities.

4. The Unfunded Mandates Reform Act and Executive Order 12875

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

small governments on compliance with the regulatory requirements.

EPA has determined that this action contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and tribal governments or the private sector. It imposes no new enforceable duty on any State, local or tribal governments or the private sector. Thus, the requirements of section 202 and section 205 of the UMRA do not apply to this final rule. Similarly, EPA has also determined that this action contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, the requirements of section 203 of the UMRA do not apply to this final rule.

5. Executive Order 13132: Federalism

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

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This final rule addresses the designation and de-designation of ocean disposal sites for the potential disposal of dredged materials. This action neither creates new obligations nor alters existing authorizations of any State, local or other governmental entities. Thus, Executive Order 13132 does not apply to this rule. However, EPA did consult with State and local government representatives in the development of the FEIS and through solicitation of comments on the Draft and Final EIS. In addition, in the spirit of Executive Order 13132, and EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on the proposed rule from State and local officials.

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

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

This action does not have Tribal implications. This action will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes, as specified in Executive Order 13175. This final rule designates ocean dredged material disposal sites and does not establish any regulatory policy with tribal implications. Thus, Executive Order 13175 does not apply to this rule.

7. 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 might have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health and safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This final rule is not an economically significant rule as defined under Executive Order 12866 and does not concern an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. Therefore, it is not subject to Executive Order 13045.

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

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

9. National Technology Transfer Advancement Act

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

Although EPA stated that the proposed action did not directly involve technical standards, the proposed action and today's final action include environmental monitoring and measurement as described in EPA's SMMPs. EPA will not require the use of specific, prescribed analytic methods for monitoring and managing the designated sites. Rather, the Agency plans to allow the use of any method, whether it constitutes a voluntary consensus standard or not, that meets the monitoring and measurement criteria discussed in the SMMP.

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

Executive Order 12898 requires that, to the greatest extent practicable and permitted by law, each Federal agency must make achieving environmental justice part of its mission. Executive Order 12898 provides that each Federal agency must conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons

(including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin.

Because this action addresses ocean disposal site designations (away from inhabited land areas), no significant adverse human health or environmental effects are anticipated. Therefore, no action from this final rule would have a disproportionately high and adverse human health and environmental effect on any particular segment of the population. In addition, this rule does not impose substantial direct compliance costs on those communities. Accordingly, the requirements of Executive Order 12898 do not apply.

11. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule as defined in 5 U.S.C. 804(2) cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective February 17, 2005.

12. The Endangered Species Act

Under section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. 1536(a)(2), federal agencies are required to ''insure that any action authorized, funded, or carried on by such agency * * * is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat of such species * * *.'' Under regulations implementing the ESA, a Federal agency is required to consult with either the FWS or the NMFS (depending on the species involved) if the agency's action ''may affect'' endangered or threatened species or their critical habitat. *See,* 50 CFR 402.14(a).

EPA initially coordinated with the National Marine Fisheries Service (NMFS) regarding the Endangered Species Act (ESA) on March 24, 2004. At that time, EPA sent NMFS a copy of the Draft EIS, which included two Appendices, each entitled Biological Assessment. Those Assessments evaluated the potential impacts from the site designations to federally listed threatened and endangered species. In its letter, EPA referenced the Assessments, which concluded that the site designations ''will not adversely affect'' any listed species or critical habitat. While the letter stated that EPA concluded the action ''will not affect'' any listed species, EPA informally consulted with NMFS and sought comments from the NMFS on the proposed site designations with the March 2004 letter. In a May 24, 2004 letter of response, NMFS concluded that adverse effects on whales are unlikely to occur from this project and no effects to the shortnose sturgeon or smalltooth sawfish are likely to occur from this project.

13. Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)

The 1996 Sustainable Fisheries Act amendments to the MSFCMA require the designation of EFH for Federally managed species of fish and shellfish. Pursuant to section 305(b)(2) of the MSFCMA, Federal agencies are required to consult with the NMFS regarding any action they authorize, fund, or undertake that may adversely affect EFH. An adverse effect has been defined by the Act as follows: ''Any impact which reduces the quality and/or quantity of EFH. Adverse effects may include direct (*e.g.*, contamination or physical disruption), indirect (*e.g.*, loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.''

On March 24, 2004, EPA consulted with NMFS pursuant to Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) 16 U.S.C. 1855, and the applicable implementing regulations. At that time, EPA sent NMFS a copy of the Draft EIS which included an EFH Assessment within the body of the document. In a May 6, 2004 letter of response, NMFS requested a stand alone EFH Assessment that specifically addressed potential impacts to deepwater habitats, such as black corals and Oculina, and potential impacts to deepwater managed species including tilefish. The EFH Assessments were provided to NMFS on July 15, 2004 and included as appendices to the FEIS. Based on comments received from NMFS, EPA revised the EFH Assessments. Revised EFH Assessments for designation of the Palm Beach Harbor ODMDS and the Port Everglades Harbor ODMDS were provided to NMFS on September 22, 2004 and October 12, 2004, respectively. The Assessments set forth EPA's determination that the site designation of the Palm Beach Harbor ODMDS and Port Everglades Harbor ODMDS will not have a substantial individual or cumulative adverse impact on the EFH of managed species. In letters dated October 19, 2004 and October 20, 2004, NMFS concluded that the fishery conservation requirements of the MSFCMA were completed for the Palm Beach Harbor ODMDS and the Port Everglades Harbor ODMDS, respectively.

14. Executive Order 13089: Coral Reef Protection

Executive Order 13089 (63 FR 32701, June 16, 1998) on Coral Reef Protection recognizes the significant ecological, social, and economic values provided by the Nation's coral reefs and the critical need to ensure that Federal agencies are implementing their authorities to protect these valuable ecosystems. Executive Order 13089 directs Federal agencies, including EPA and the COE whose actions may affect U.S. coral reef ecosystems, to take the following steps: 1. Identify their actions that may affect U.S. coral reef ecosystems; 2. Utilize their programs and authorities to protect and enhance the conditions of such ecosystems; and 3. To the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems. It is the policy of EPA and the COE to apply their authorities under the MPRSA to avoid adverse impacts on coral reefs. Protection of coral reefs has been carefully addressed through the application the site designation criteria which require consideration of the potential site's location in relation to breeding, spawning, nursery, feeding, and passage areas of living marine resources and amenity areas, interference with recreation and areas of special scientific importance, and existence of any significant natural or cultural features at or in close proximity to the site (*see* E. Analysis of Criteria Pursuant to the Ocean Dumping Act Regulatory Requirements). Based on application of these criteria, the proposed disposal sites should not have adverse effects on coral reefs.

15. Executive Order 13158: Marine Protected Areas

Executive Order 13158 (65 FR 34909, May 31, 2000) requires that each Federal

agency whose actions affect the natural or cultural resources that are protected by an Marine Protected Area (MPA) shall identify such actions and shall avoid harm to the natural and cultural resources that are protected by an MPA. The purpose of the Executive Order is to protect the significant natural and cultural resources within the marine environment, which means ''those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.''

EPA has reviewed the Marine Managed Areas Inventory maintained by the National Oceanic and Atmospheric Administration and the U.S. Department of Commerce. The nearest MPA to either ODMDS is Biscayne National Park which is located greater than 20 nmi from the Port Everglades Harbor ODMDS and greater than 40 nmi from the Palm Beach Harbor ODMDS. Therefore, EPA has determined that no MPAs will be affected by this action.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Dated: January 4, 2005.

J.I. Palmer, Jr.,

Regional Administrator for Region 4.

■ In consideration of the foregoing, subchapter H of chapter I of title 40 is amended as set forth below:

PART 228—[AMENDED]

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

§ 228.14 [Amended]

■ 2. Section 228.14 is amended by removing and reserving paragraphs (h)(3), (h)(4), and (h)(5).

■ 3. Section 228.15 is amended by adding paragraphs (h)(21) and (h)(22) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(h) * * *

(21) Palm Beach Harbor, FL Ocean Dredged Material Disposal Site.

(i) Location (NAD83): 26°47′30″ N., 79°57′09″ W.; 26°47′30″ N., 79°56′02″ W.; 26°46′30″ N., 79°57′09″ W.; 26°46′30″ N., 79°56′02″ W. Center coordinates are 26°47′00″ N and 79°56′35″ W.

(ii) Size: Approximately 1 square nautical mile.

(iii) Depth: Ranges from 525 to 625 feet.

(iv) Primary use: Dredged material.

(v) Period of use: Continuing use.

(vi) Restriction: Disposal shall be limited to suitable dredged material. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

(22) Port Everglades Harbor, FL Ocean Dredged Material Disposal Site.

(i) Location (NAD83): 26°07′30″ N., 80°02′00″ W.; 26°07′30″ N., 80°01′00″ W.; 26°06′30″ N., 80°02′00″ W.; 26°06′30″ N., 80°01′00″ W. Center coordinates are 26°07′00″ N and 80°01′30″ W.

(ii) Size: Approximately 1 square nautical mile.

(iii) Depth: Ranges from 640 to 705 feet.

(iv) Primary use: Dredged material.

(v) Period of use: Continuing use.

(vi) Restriction: Disposal shall be limited to suitable dredged material. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

* * * * *

[FR Doc. 05–932 Filed 1–14–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7861]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

EFFECTIVE DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Michael M. Grimm, Mitigation Division, 500 C Street, SW.; Room 412, Washington, DC 20472, (202) 646–2878.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the

community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification letter addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region III				
Delaware: Bethany Beach, Town of, Sussex County.	105083	November 12, 1971, Emerg; April 6, 1973, Reg; January 6, 2005, Susp.	1/6/2005	1/6/2005
Dewey Beach, Town of, Sussex County	100056	June 18, 1982, Emerg; June 18, 1982, Reg; January 6, 2005, Susp.	do	Do.
South Bethany, Town of, Sussex County	100051	September 15, 1972, Emerg; October 6, 1976, Reg; January 6, 2005, Susp.	do	Do.
Region V				
Ohio: Brookville, City of, Montgomery County	390407	August 27, 1975, Emerg; October 15, 1981, Reg; January 6, 2005, Susp.	do	Do.
Dayton, City of, Montgomery County	390409	September 24, 1974, Emerg; December 4, 1979, Reg; January 6, 2005, Susp.	do	Do.
Miamisburg, City of, Montgomery County	390413	August 1, 1974, Emerg; June 15, 1981, Reg; January 6, 2005, Susp.	do	Do.
Trotwood, City of, Montgomery County	390417	July 2, 1974, Emerg; December 18, 1979, Reg; January 6, 2005, Susp.	do	Do.

* do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

David I. Maurstad,

Acting Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 05–870 Filed 1–14–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Docket No. OST–1999–6189]

RIN 9991–AA43

Sensitive Security Information

AGENCY: Office of the Secretary, Transportation.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Transportation (OST) is amending its regulations to reflect a change in Secretarial delegations. The Secretary is delegating to the Administrators of all Department of Transportation (DOT) agencies, the General Counsel, and the Director of Intelligence and Security the Secretary's authority to determine that information is Sensitive Security Information and available only under prescribed circumstances.

EFFECTIVE DATE: January 5, 2005.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, U.S. Department of Transportation, 400 7th Street SW., Room 10102, Washington, DC 20590. Voice: (202) 366–9156. Fax: (202)366–9170. E-mail: *bob.ross@ost.dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

For many years, DOT's Federal Aviation Administration (FAA) had statutory authority to prevent disclosure of information related to aviation security, termed ''Sensitive Security Information (SSI).'' In the leading case of *Public Citizen* v. *Federal Aviation Administration,* 300 U.S. App. DC 238; 988 F.2d 186 (DC Cir. 1993), the court set forth three aspects of this authority:

1. The statute under which FAA restricted disclosure of this information—49 U.S.C. App. 1357(d) (2) (1993)—qualified under Exemption 3 of the Freedom of Information Act (FOIA) as a ''statute (A) [that] requires that the matters be withheld from the public in such a way as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld.'' (5 U.S.C. 552(b) (3)). Hence, SSI may be withheld from public disclosure under FOIA.
2. The information may be withheld from the public rulemaking record in an informal rulemaking under 5 U.S.C. 553.
3. The information may be withheld from discovery in civil litigation.

In response to the attacks upon the United States on September 11, 2001, Congress enacted the Aviation and Transportation Security Act (Public Law 107–71, 115 Stat. 597 (2001)), which created in DOT a new Transportation Security Administration (TSA). 49 U.S.C. 114. That statute also transferred from the FAA to the TSA the authority to denominate information as SSI and expanded the scope of that authority to all modes of transportation. 49 U.S.C. 114(s). When Congress created the Department of Homeland Security (DHS) in the Homeland Security Act of 2002, (Public Law 107–295, 116 Stat. 2064 (2002)), it transferred TSA from DOT to DHS, continued its SSI authority, and gave similar authority to DOT, again as to all modes of transportation. See 49 U.S.C. 40119(b).

Both 49 U.S.C. 114(s) and 49 U.S.C. 40119(b) require, as did 49 U.S.C. App. 1357(d) (2), that the agency administering SSI authority promulgate regulations specifying the types of information qualifying for SSI treatment. FAA's regulations appeared at 14 CFR part 191; DOT's appear at 49 CFR part 15, Protection of Sensitive Security Information; TSA's appear at 49 CFR part 1520, Protection of Sensitive Security Information.

Part 15 sets forth categories of information that qualify as SSI and authorizes the Secretary of Transportation to determine that specific items of information come within any of those categories. The purpose of this document is to delegate to all DOT Administrators this authority of the Secretary as to matters within their purview, with authority to redelegate within their own organizations; and to delegate this authority to the General Counsel and the Director of Intelligence and Security for all matters in DOT.

This rule is being published as a final rule and made effective on the date signed by the Secretary. As the rule relates to Departmental management, procedures, and practices, notice and comment on it are unnecessary under 5 U.S.C. 553(b)(3)(A). In addition, since this rule relates to internal procedures, there is good cause to make it effective in less than 30 days pursuant to 5 U.S.C. 553(d).

Regulatory Analyses and Notices

The Office of the Secretary of Transportation (OST) has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. There are no costs associated with this rule. Because this rule will only apply to internal DOT operations, OST certifies that this rule will not have a significant economic impact on a substantial number of small entities. OST also has determined that there are not sufficient federalism implications to warrant preparation of a federalism statement.

Paperwork Reduction Act

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

Unfunded Mandates Reform Act of 1995

OST has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

List of Subjects in 49 CFR Part 1

Authority delegations, Organizations and functions.

■ For the reasons set forth in the preamble, the Office of the Secretary amends 49 CFR part 1 as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

Authority: 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101–552, 104 Stat. 2736; Pub. L. 106–159, 113 Stat. 1748; Pub. L. 107–71, 115 Stat. 597.

■ 2. In § 1.45, add a new paragraph (a)(19) to read as follows:

§ 1.45 Delegations to all Administrators.

(a) * * *

(19) Carry out the functions vested in the Secretary by 49 U.S.C. 40119(b), as implemented by 49 CFR part 15, relating to the determination that information is Sensitive Security Information within their respective organizations.

* * * * *

■ 3. In § 1.57, add and reserve paragraphs (r) and (s) and add a new paragraph (t) to read as follows:

§ 1.57 Delegations to General Counsel.

* * * * *

(t) Carry out the functions vested in the Secretary by 49 U.S.C. 40119(b), as implemented by 49 CFR part 15, relating to the determination that information is Sensitive Security Information.

■ 4. In § 1.69, add a new paragraph (c) to read as follows:

§ 1.69 Delegations to the Director of Intelligence and Security.

* * * * *

(c) Carry out the functions vested in the Secretary by 49 U.S.C. 40119(b), as implemented by 49 CFR part 15, relating to the determination that information is Sensitive Security Information.

Issued in Washington, DC, on this 5th day of January 2005.

Norman Y. Mineta,

Secretary of Transportation.

[FR Doc. 05–866 Filed 1–14–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No 041110317–4364–02; I.D. 110404B]

RIN 0648–AR51

50 CFR Part 648

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2005 and 2006 Summer Flounder Specifications; 2005 Scup and Black Sea Bass Specifications; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS published in the **Federal Register** of January 4, 2005, a final rule containing final specifications for the 2005 and 2006 summer flounder fisheries and for the 2005 scup and black sea bass fisheries. Inadvertently, Table 4 of the final rule contained an incorrect Winter I period scup possession limit. This document corrects that error.

DATES: Effective January 1, 2005.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, Fishery Policy Analyst, (978) 281–9279, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: The final rule, including final quota specifications for the summer flounder, scup, and black sea bass fisheries, was published in the **Federal Register** on January 4, 2005 (70 FR 303). Table 4 incorrectly listed the Winter I period scup possession limit (per trip) as 15,000 lb (6,804 kg); the correct amount is 30,000 lb (13,608 kg). The entries at the 2nd row, 11th and 12th columns of Table 4 are corrected to read 30,000 lb and 13,608 kg, respectively.

Dated: January 12, 2005.

Alan D. Risenhoover,

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

[FR Doc. 05–929 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040112010–4114–02; I.D.011105I]

Northeast (NE) Multispecies Fishery; Re-opening of the Eastern U.S./Canada Area; and Removal of Daily Poundage Limits for Yellowtail Flounder in the U.S./Canada Management Area, and Cod in the Eastern U.S./Canada Area

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

ACTION: Re-opening and removal of daily poundage limits.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), is re-opening the Eastern U.S./Canada Area to all limited access NE multispecies days-at-sea (DAS) vessels and is removing the prohibition on all NE multispecies limited access vessels from harvesting, possessing, or landing Georges Bank (GB) yellowtail flounder from within the entire U.S./Canada Management Area. This action also removes the yellowtail flounder and cod daily poundage limits for the entire U.S./Canada Management Area and Eastern U.S./Canada Area, respectively, but retains the 15,000 lb (6,804 kg) trip limit for GB yellowtail flounder and a 5,000 lb (2,268 kg) trip limit for GB cod, consistent with ensuring that the Total Allowable Catches (TACs) for these species will not be exceeded by the end of the 2004 fishing year.

DATES: Effective 0001 hr local time, January 14, 2005, through 2400 hr local time April 30, 2005.

FOR FURTHER INFORMATION CONTACT: Karen Tasker, Fishery Management Specialist, (978) 281–9273, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the yellowtail flounder and cod landing limits within the U.S./Canada Management Area are found at 50 CFR 648.85(a)(3)(iv). The regulations authorize vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./Canada Management Area under specific conditions. The TAC allocation for GB yellowtail flounder for the 2004 fishing year was specified at 6,000 mt in the final rule implementing Amendment 13 to the NE Multispecies Fishery Management Plan (FMP). Once 30 percent and/or 60 percent of the yellowtail flounder TAC allocations specified for the U.S./Canada Management Area are projected to have been harvested, the regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to close access to the Eastern U.S./Canada Area to all limited access NE multispecies DAS vessels and prohibit all NE multispecies limited access vessels from harvesting, possessing, or landing GB yellowtail flounder from the entire U.S./Canada Management Area to prevent overharvesting or underharvesting the yellowtail flounder TAC allocation.

Based upon Vessel Monitoring System (VMS) reports and other available information, the Regional Administrator determined that 85 percent of the GB yellowtail flounder TAC had been harvested by October 1, 2004 (69 FR 59815, October 6, 2004). NMFS closed the Eastern U.S./Canada Area, effective October 1, 2004, to all NE multispecies DAS vessels and prohibited all NE multispecies vessels from harvesting, possessing, or landing GB yellowtail flounder from the U.S./Canada Management Area, because of concerns that the yellowtail flounder TAC would be fully harvested or overharvested prior to the end of the fishing year. Full harvest or overharvest of the TAC was anticipated due to the amount of yellowtail flounder harvested by vessels targeting yellowtail flounder in the U.S./Canada Management Area, and because of concerns regarding expected yellowtail flounder bycatch by vessels targeting groundfish other than yellowtail flounder within the U.S./Canada Management Area. Additional concern was raised by the potential impact that may be caused by scallop vessels fishing in Closed Area II under the Sea Scallop Access Program implemented under Frameworks 16/39 to the Atlantic Sea Scallop/NE Multispecies FMPs. Because of these potential sources of yellowtail flounder harvest, this action was necessary to ensure that the GB yellowtail flounder TAC would not be exceeded during the 2004 fishing year.

At this time, data indicate that the amount of GB yellowtail flounder harvested under the Sea Scallop Access Program and the amount of GB yellowtail flounder bycatch caught by vessels targeting groundfish other than yellowtail flounder within the U.S./Canada Management Area will likely not result in the overharvest of the TAC. Therefore, under the authority of § 648.85(a)(3)(iv)(D), NMFS is re-opening the U.S./Canada Management Area to NE multispecies DAS vessels,

and removing the prohibition on the harvest, possession, and landing of GB yellowtail flounder by all NE multispecies vessels within the entire U.S./Canada Management Area, effective January 14, 2005. In addition, this action removes the previous daily poundage limits for GB yellowtail flounder and GB cod for the entire U.S./Canada Management Area and the Eastern U.S./Canada Area, respectively, and reinstates the 15,000 lb (6,804 kg) and 5,000 lb (2,268 kg) trip limit for GB yellowtail flounder and GB cod, respectively, consistent with ensuring that the TACs for these species will not be exceeded by the end of the 2004 fishing year. Removal of the daily poundage limits for these species provides flexibility to the fishing industry by allowing vessels that may need to end their trip prematurely due to an unexpected event, such as poor weather conditions, with the ability to retain their catch onboard when entering port (catches of species with daily poundage caps must be offloaded when a vessel enters port). The overall trip limits will help ensure that the mortality goals of the FMP are met. Additionally, trawl vessels fishing in the Eastern U.S./Canada Area may only fish with a haddock separator net, as described in § 648.85(a)(3)(iii)(A), for the purposes of reducing bycatch of both GB cod and GB yellowtail flounder to allow greater access to the remaining GB haddock TAC for the rest of the fishing year.

Yellowtail flounder landings will be closely monitored through VMS and other available information and, once 100 percent of the TAC allocation for GB yellowtail flounder is projected to be harvested, the Eastern U.S./Canada Area will be closed to NE multispecies DAS vessels and the harvesting, possession, and landing of yellowtail flounder by NE multispecies vessels in the U.S./Canada Management Area will be prohibited, in accordance with the regulations § 648.85(a)(3)(iv)(C)(3).

Classification

This action re-opens the Eastern U.S./Canada Area to the harvest of GB yellowtail flounder, and essentially restores access to this area with similar restrictions before the closure by removing a prohibition on the possession of GB yellowtail flounder in the U.S./Canada Management Area in order to allow vessels to fully harvest the TAC of GB yellowtail flounder. If implementation of this action is delayed, NMFS could be prevented from permitting the full harvest of the GB yellowtail flounder stock, GB cod, and GB haddock TACs. The directed harvest of the GB yellowtail flounder stock began on May 1, 2004, and additional fishing opportunity on the stock was provided as of June 1, 2004, with the opening of the Closed Area II Yellowtail Flounder Special Access Program (SAP). If a proposed rule for this action, or delay in effectiveness were required, access to the Eastern U.S./Canada Area, as well as the ability to harvest yellowtail flounder from within the entire U.S./Canada Management Area, would be delayed and would create an unnecessary burden on the industry. For the above reason, under 5 U.S.C. 553(b)(3), proposed rulemaking is not necessary because it would be contrary to the public interest. Furthermore, because this rule relieves a restriction, there is good cause under 5 U.S.C 553(d)(3) to waive the 30–day delayed effectiveness period for this action.

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: January 12, 2005.

Alan D. Risenhoover,

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

[FR Doc. 05–926 Filed 1–12–05; 4:30 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040809233–4363–03; I.D. 080304B]

RIN 0648–AR55

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework 16 and Framework 39

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

ACTION: Final rule.

SUMMARY: NMFS publishes this final rule to implement measures previously approved, but not implemented under Framework 16 to the Atlantic Sea Scallop Fishery Management Plan (Scallop FMP) and Framework 39 to the Northeast Multispecies FMP (Multispecies FMP) (Joint Frameworks). The implementation of these measures was delayed, pending approval of reporting and recordkeeping requirements by the Office of Management and Budget (OMB). This final rule allows general category scallop vessels to fish in the Northeast (NE) multispecies closed area access program implemented as part of the Joint Frameworks, provided that they comply with new recordkeeping and reporting requirements. OMB has approved the reporting and recordkeeping requirements for vessels with general category scallop permits, as required under the Paperwork Reduction Act (PRA).

DATES: Effective February 17, 2005.

ADDRESSES: Copies of the Joint Frameworks, their Regulatory Impact Review (RIR), including the Initial Regulatory Flexibility Analysis (IRFA), and the Environmental Assessment (EA) are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also available online at *http://www.nefmc.org*. NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is contained in the Classification section of the preamble of this rule. Copies of the FRFA and the Small Entity Compliance Guide are available from the Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298, and are also available via the internet at *http://www.nero.nmfs.gov*.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule should be submitted to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA, 01930, and by e-mail to *David_Rostker@omb.eop.gov*, or to the Federal e-rulemaking portal *http://www.regulations.gov*, or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Peter W. Christopher, Fishery Policy Analyst, 978–281–9288; fax 978–281–9135.

SUPPLEMENTARY INFORMATION:

Background

The final rule for the Joint Frameworks (69 FR 63460, November 2, 2004) established Scallop Access Areas within NE multispecies Closed Area I (CAI), Closed Area II (CAII), and the Nantucket Lightship Closed Area (NLCA). The NE multispecies closed areas are closed year-round to all fishing that is capable of catching NE multispecies, including scallop fishing. The Joint Frameworks allowed the scallop fishery to access the scallop resource within portions of the NE

multispecies closed areas during specified seasons, and ensure that NE multispecies catches by scallop vessels are consistent with the Multispecies FMP. The Joint Frameworks also revised the Essential Fish Habitat (EFH) closed areas implemented under Amendment 10 to the Scallop FMP in order to make the areas consistent with the EFH closures under the Multispecies FMP, as established by Amendment 13 to the Multispecies FMP.

A proposed rule including the management measures for general category scallop vessel access was published on August 26, 2004 (69 FR 52470). Several comments related to the measures for general category scallop vessel access to NE multispecies closed areas were submitted in response to the proposed rule. These comments and their responses were included in the November 2, 2004, final rule for the Joint Frameworks. Detailed descriptions, justifications, and summary of impacts of all of the management measures, including general category scallop vessel access to the NE multispecies closed areas, were included in that final rule and are not repeated here. The measures allowing general category vessel access to the NE multispecies closed areas were not made effective upon publication of the November 2, 2004, final rule because NMFS had not received OMB approval of the reporting and recordkeeping requirements associated with these provisions, and because owners of general category scallop vessels required time to prepare for the new requirements. Since the reporting and recordkeeping requirements have been approved by OMB, general category scallop vessels are now subject to the following restrictions when fishing in the NE multispecies closed areas:

a. A possession limit of 400 lb (181.4 kg) of shucked, or 50 U.S. bushels (17.6 hL) of in-shell scallops per trip.

b. A set-aside TAC for general category vessels, equal to 2 percent of the overall scallop TAC for each Scallop Access Area, requiring general category vessels to stop fishing in the specific scallop Access Area once the set-aside TAC is reached. The general category set-aside TACs for 2004, 2005, and 2006, are as follows: (1) 2004; 167,904 lb (76 mt) in CAII and 154,368 lb (70 mt) in NLCA; (2) 2005; 64,860 lb (29 mt) in CAI and 153,971 lb (70 mt) in CAII; and (3) 2006; 56,482 lb (26 mt) in CAI and 135,937 lb (62 mt) in NLCA.

c. A limit on the number of trips that the general category fleet can take into the Scallop Access Areas, requiring general category vessels to stop fishing in the specific scallop Access Area once the total number of allowed trips is reached. The limits on the number of trips general category vessels may take for 2004, 2005, and 2006, are as follows: (1) 2004; 420 trips in CAII and 386 trips in NLCA; (2) 2005; 162 trips in CAI and 385 trips in CAII; and (3) 2006; 141 trips in CAI and 340 trips in NLCA.

d. A requirement to install and use a NMFS-certified vessel monitoring system (VMS) in order to notify NMFS when a vessel plans to fish in a Scallop Access Area.

e. A prohibition on retaining or landing NE multispecies, with a requirement to report all catch of yellowtail flounder, including discards, so that it can be counted against the yellowtail flounder TAC for the scallop fishery. This restriction is consistent with the provisions for general category vessels fishing in other exempted fisheries under the Multispecies FMP.

f. A requirement to carry at-sea observers when requested.

g. VMS reporting of scallop and yellowtail catch to monitor fishery activity and bycatch. (These requirements are also required of limited access scallop vessels).

h. A requirement that scallop dredge gear used within a Scallop Access Area be constructed with rings with a minimum diameter of 4 inches (10.2 cm) (Amendment 10 imposed this requirement for General category vessels fishing in open areas, but delayed the implementation of the requirement until December 23, 2004). Dredge width for general category vessels cannot exceed 10.5 ft (3.2 m).

Classification

The Regional Administrator, Northeast Region, NMFS (RA) determined that the framework adjustments implemented by this final rule are necessary for the conservation and management of the Atlantic sea scallop fishery and the NE multispecies fishery and are consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

The measures implemented under the Joint Frameworks, including general category scallop vessel access to the NE multispecies closed areas, has been determined to be not significant for purposes of Executive Order 12866.

NMFS, pursuant to section 604 of the Regulatory Flexibility Act (RFA), prepared a FRFA in support of the Joint Frameworks, which was included in the November 2, 2004, final rule implementing the Joint Frameworks. The FRFA described the economic impact that this final rule, along with other non-preferred alternatives, will have on small entities, including general category scallop vessels effected by this action. The contents of the FRFA and the incorporated documents (the IRFA, the RIR, and the EA) are not repeated here, and a copy of these documents is available upon request (see **ADDRESSES**).

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide was prepared. The guide will be sent to all holders of general category scallop permits issued for the scallop fishery. In addition, copies of this final rule and guide (i.e., permit holder letter) are available from the RA and are also available from NMFS, Northeast Region (see **ADDRESSES**).

This final rule contains new collection-of-information requirements approved by OMB under the PRA. These new requirements apply to general category vessels only (the requirements already exist for other scallop vessels). Public reporting burden for these collections of information are estimated to average as follows:

1. Purchase and installation of VMS units, OMB #0648–0491 (1 hr per response);
2. Verification of VMS units, OMB #0648–0491 (0.083 hr per response);
3. Daily reporting via VMS without an at-sea observer on board, OMB #0648–0491 (0.17 hr per response);
4. Daily reporting via VMS with an at-sea observer on board, OMB #0648–0491 (0.17 hr per response);
5. VMS notification of intent to fish on the 25th of the month preceding the intended trip, OMB #0648–0491 (0.033 hr per response);
6. VMS notification of scheduled Access Area trip 72 hr prior to departure, OMB #0648–0491 (0.033 hr per response);
7. VMS notification of trip 1 hr prior to departure, OMB #0648–0491 (0.033 hr per response);
8. Polling of VMS units twice per hour, OMB #0648–0491 (0.0014 hr per response).

These estimates include the time for reviewing instructions, searching existing data sources, gathering and

maintaining the data needed, and completing and reviewing the collection information.

Public comment is sought regarding: Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS and to OMB (see **ADDRESSES**).

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: January 11, 2005.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.10, paragraph (b)(1)(iv) is revised to read as follows:

§ 648.10 DAS notification requirements.

* * * * *

(b) * * *

(1) * * *

(iv) A scallop vessel issued a general category scallop permit when fishing under the Sea Scallop Area Access Program specified under § 648.60 and in the Sea Scallop Access Areas described in § 648.59(b) through (d);

* * * * *

■ 3. In § 648.59, paragraphs (b)(5)(ii)(A), (c)(5)(ii)(A), and (d)(5)(ii)(A) are revised to read as follows:

§ 648.59 Sea Scallop Access Areas.

* * * * *

(b) * * *

(5) * * *

(ii) * * *

(A) Except as provided in paragraph (b)(5)(ii)(B) of this section, subject to the possession limit specified in §§ 648.52(b) and 648.60(a)(5), and subject to the seasonal restrictions specified in paragraph (b)(4) of this section, a vessel issued a general category scallop permit may not enter in, or fish for, possess, or land sea scallops in or from the Closed Area I Access Area once the Regional Administrator has provided notification in the **Federal Register**, in accordance with § 648.60(a)(8), that 162 trips in the 2005 fishing year, and 141 trips in the 2006 fishing year, have been taken, in total, by all general category scallop vessels. The Regional Administrator shall notify all general category scallop vessels of the date when the maximum number of allowed trips have been, or are projected to be, taken for the 2005 and 2006 fishing years.

* * * * *

(c) * * *

(5) * * *

(ii) * * *

(A) Except as provided in paragraph (c)(5)(ii)(B) of this section, subject to the possession limits specified in §§ 648.52(b) and 648.60(a)(5), and subject to the seasonal restrictions specified in paragraph (c)(4) of this section, a vessel issued a general category scallop permit may not enter in, or fish for, possess, or land sea scallops in or from the Closed Area II Access Area once the Regional Administrator has provided notification in the **Federal Register**, in accordance with § 648.60(a)(8), that 420 trips in the 2004 fishing year, and 385 trips in the 2006 fishing year, have been taken, in total, by all general category scallop vessels. The Regional Administrator shall notify all general category scallop vessels of the date when the maximum number of allowed trips have been, or are projected to be, taken for the 2004 and 2005 fishing years.

* * * * *

(d) * * *

(5) * * *

(ii) * * *

(A) Except as provided in paragraph (d)(5)(ii)(B) of this section, subject to the possession limits specified in §§ 648.52(b) and 648.60(a)(5), a vessel issued a general category scallop permit may not enter in, or fish for, possess, or land sea scallops in or from the Nantucket Lightship Access Area once the Regional Administrator has provided notification in the **Federal Register**, in accordance with § 648.60(a)(8), that 386 trips in the 2004 fishing year, and 340 trips in the 2006 fishing year, have been taken, in total, by all general category scallop vessels. The Regional Administrator shall notify all general category scallop vessels of the date when the maximum number of allowed trips have been, or are projected to be, taken for the 2004 and 2006 fishing years.

* * * * *

■ 4. In § 648.60, paragraph (g) is revised to read as follows:

§ 648.60 Sea scallop area access program requirements.

* * * * *

(g) *General category scallop vessels.* (1) A vessel issued a general category scallop permit, except a vessel issued a NE Multispecies permit and a general category scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS that has not enrolled in the general category Access Area fishery, may only fish in the Closed Area I, Closed Area II, and Nantucket Lightship Sea Scallop Access Areas specified in § 648.59(b) through (d), subject to the seasonal restrictions specified in § 648.59(b)(4), (c)(4), and (d)(4), and subject to the possession limit specified in § 648.52(a), and provided the vessel complies with the requirements specified in paragraphs (a)(1), (a)(2), (a)(6) through (a)(9), (d), (e), (f), and (g) of this section, and § 648.85(c)(3)(ii). A vessel issued a NE Multispecies permit and a general category scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS that has not enrolled in the Sea Scallop Area Access program as specified in paragraph (a)(2) of this section is not subject to the restrictions and requirements specified in § 648.59(b)(5)(ii), (c)(5)(ii), (d)(5)(ii), and this paragraph (g).

(2) *Gear restrictions.* The combined dredge width in use by, or in possession on board, general category scallop vessels fishing in the Access Areas described in § 648.59(b) through (d) may not exceed 10.5 ft (3.2 m), measured at the widest point in the bail of the dredge.

(3) *Scallop TAC.* General category vessels fishing in the Access Areas specified in § 648.59(b) through (d) are authorized to land scallops, subject to the possession limit specified in § 648.52(a), up to the amount allocated to the scallop TACs for each Access Area specified below. If the scallop TAC for a specified Access Area has been, or is projected to be harvested, the Regional Administrator shall publish notification in the **Federal Register**, in accordance with the Administrative Procedure Act, to notify general category vessels that they may no longer fish within the specified Access Area.

(i) *Closed Area I Access Area.* 64,840 lb (29 mt) in 2005, and 56,482 lb (25.6 mt) in 2006.

(ii) *Closed Area II Access Area.* 167,904 (76 mt) in 2004, and 153,971 lb (70 mt) in 2005.

(iii) *Nantucket Lightship Access Area.* 154,368 lb (70 mt) in 2004, and 135,937 lb (62 mt) in 2006.

(iv) *Possession Limits*—(A) *Scallops.* A vessel issued a NE Multispecies permit and a general category scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS that has not enrolled in the general category Access Area fishery is prohibited from possessing scallops. General category scallop vessels fishing in the Access Areas specified in § 648.59(b) through (d) may possess scallops up to the possession limit specified in § 648.52(b), subject to a limit on the total number of trips that can be taken by all such vessels into the Access Areas, as specified in § 648.59(b)(5)(ii), (c)(5)(ii), and (d)(5)(ii). If the number of trips allowed have been or are projected to be taken, the Regional Administrator shall publish notification in the **Federal Register**, in accordance with the Administrative Procedure Act, to notify general category vessels that they may no longer fish within the specified Access Area.

(B) *Other species.* Except for vessels issued a general category scallop permit and fishing under an approved NE multispecies SAP under NE multispecies DAS, general category vessels fishing in the Access Areas specified in § 648.59(b) through (d) are prohibited from possessing any other species of fish.

(4) *Number of trips.* General category scallop vessels may not fish for, possess, or land scallops in or from the Access Areas specified in § 648.59(b) through (d) after the effective date of the notification published in the **Federal Register**, stating that the total number of trips specified in § 648.59(b)(5)(ii), (c)(5)(ii), and (d)(5)(ii) have been, or are projected to be, taken by general category scallop vessels.

* * * * *

[FR Doc. 05–927 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 11
Tuesday, January 18, 2005

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

Raytheon Aircraft Company Beech Models 45 (YT–34), A45 (T–34A, B–45), and D45 (T–34B) 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 Raytheon Aircraft Company (Raytheon) Beech Models 45 (YT–34), A45 (T–34A, B–45), and D45 (T–34B) airplanes. The purpose of the meeting is to discuss technical issues and potential corrective actions related to the continued operational safety of the affected airplanes, specifically related to the structural fatigue of critical structure and Airworthiness Directive (AD) 2004–25–51.

DATES: The Federal Aviation Administration (FAA) will hold the public meeting on Tuesday, February 15, 2005, starting at 1 p.m. at the Hilton Airport Hotel in Kansas City, Missouri, and continuing from 8 a.m. to 12:30 p.m. on Wednesday, February 16, 2005. Registration will begin at 12:30 p.m. on the day of the meeting.

ADDRESSES: We will hold the public meeting at the Hilton Airport Hotel, 8801 NW., 112th Street, Kansas City, Missouri 64153; telephone (816) 891–8900.

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 *steven.litke@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 Marvin 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 Steven Litke, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4127; facsimile: (316) 946–4107.
- *For Requests for Special Accommodations:* Contact Scott Wessley, AD Coordinator, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4148; 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. Marvin 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 FAA conducting this meeting? On December 7, 2004, the left wing of a Raytheon Beech Model A45 (T–34A), serial number G–13, separated from the airplane in flight. The airplane, operated by Texas Air Aces, crashed near Montgomery, Texas. The wing was found about a quarter mile away from the crash site.

The left wing center section failed 4 inches inboard of the forward wing attach fitting. FAA investigation revealed visual evidence of fatigue not previously addressed by Airworthiness Directive (AD) 2001–13–18 and AD 2001–13–18 R1, which FAA issued as a result of a 2003 accident near Conroe, Texas.

In November 2003, a Raytheon Beech Model A45 (T34A) airplane crashed after the right wing failed at Wing Station (WS) 34 on the forward spar and WS 66.00 on the rear spar. The airplane, operated by Texas Air Aces, crashed near Conroe, Texas. The wing was found about a quarter mile away from the crash site.

On May 28, 1999, FAA issued priority letter AD 99–12–02 to address the in-flight separation of the right wing on a Model A45 (T–34A) airplane. The airplane, operated by Sky Warriors, crashed near Rydall, Georgia, where the wing was found about a quarter mile away from the crash site. The left wing remained attached to the airplane following separation of the right wing. Examination of the right wing revealed structural fatigue cracks at several of the fracture surfaces. Although it did not separate from the airplane, the left wing showed several fatigue cracks at several locations. AD 99–12–02 required operating and speed restrictions on the affected airplanes and was superseded by AD 2001–13–18.

Based on all data on these accidents including the additional visual evidence of fatigue not previously addressed by AD 2001–13–18 or AD 2001–13–18 R1, FAA issued emergency AD 2004–25–51. This emergency AD required an inspection and/or modification program approved specifically for this AD by FAA Wichita Aircraft Certification Office (ACO). In essence, AD 2004–25–51 grounded the T–34 fleet because of evidence of fatigue in locations not evaluated from the first two accidents. The FAA took this action until the situation could be more fully

understood and proper actions taken to ensure the continued airworthiness of the fleet.

All the technical aspects of this aging airplane issue need to be studied and understood in order for FAA to return the fleet to an airworthy status. The FAA will review and communicate (at the meeting) the events leading to emergency AD 2004–25–51 and the reasons for our action. The FAA will also provide its expectations for any actions the public may propose to restore the fleet to an airworthy and safe condition.

The meeting will allow the public the opportunity to discuss technical issues and communicate potential corrective actions related to the continued operational safety of the affected airplanes, specifically related to the structural fatigue of critical structure and AD 2004–25–51.

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.
- 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 nonadversial manner.

Issued in Kansas City, Missouri, on January 10, 2005.

Scott L. Sedgwick,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–894 Filed 1–14–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20024; Directorate Identifier 2004–NM–66–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–200C and 747–200F Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Boeing Model 747–200C and 747–200F series airplanes. This proposed AD would require repetitive inspections for cracking of the left and right C–3 frame upper closure fittings of the nose cargo door, and corrective actions if necessary. This proposed AD also provides an optional modification that, if done, would terminate inspections in certain areas. This proposed AD is prompted by reports indicating that fatigue cracking was found in the inboard flange above the flight deck floor on the C–3 frame upper closure fittings of the nose cargo door. We are proposing this AD to detect and correct cracking of the C–3 frame upper closure fittings, which could extend and result in rapid depressurization of the airplane.

DATES: We must receive comments on this proposed AD by March 4, 2005.

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.
- By 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.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

You can examine the contents of this AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, on the plaza level of the Nassif Building, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES.** Include ''Docket No. FAA–2005–20024; Directorate Identifier 2004–NM–66–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.

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 proposed AD. Using the search function of that website, anyone can find and read the

website, 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 can review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov*.

Examining the Docket

You can examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

We have received reports indicating that fatigue cracking was found in the inboard flange above the flight deck floor on the C–3 frame upper closure fittings of the nose cargo door on Boeing Model 747–200F series airplanes. The affected airplanes had accumulated approximately 20,000 to 23,500 total flight cycles. While cracks have been found previously in the C–3 frame upper closure fittings, these reports were of cracks in the inboard flange of a fitting. This condition, if not corrected, could result in the cracks extending, which could result in rapid depressurization of the airplane.

The C–3 frame upper closure fittings of the nose cargo door on Model 747–200C series airplanes are identical to those on Model 747–200F series airplanes. Therefore, these airplanes may be subject to the same unsafe condition.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747–53A2495, dated December 18, 2003. The service bulletin describes procedures for performing a detailed visual inspection for cracking of the C–3 frame upper closure fittings, including the flight deck floor tang, and corrective actions if necessary. The corrective actions include repairing, or replacing the fitting with a new fitting. The service bulletin describes procedures for repairs; however, if you find cracking that is outside certain limits, the service bulletin recommends that you contact Boeing for instructions for repairing the upper closure fitting, or replacing it with a new fitting. The compliance times for the initial inspection vary depending on the number of flight cycles that the airplane has accumulated as of the date of the initial release of the service bulletin (December 18, 2003), and whether certain modifications have been accomplished. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

The service bulletin also describes procedures for modifying the upper closure fittings. This modification involves doing an open-hole high frequency eddy current (HFEC) inspection for cracking of certain fastener holes, repairing if necessary, cold-working uncracked fastener holes, and installing new fasteners. If you do this modification, you do not need to continue inspecting the upper part of the closure fitting, though you must continue to inspect the flight deck floor tang.

Other Relevant Rulemaking

We previously issued AD 91–11–01, amendment 39–6997 (56 FR 22306, May 15, 1991). That AD requires repetitive inspections for cracking of the frame structure and skin in the fuselage Section 41, and repair if necessary. That AD refers to Boeing Alert Service Bulletin 747–53A2265, Revision 7, dated January 25, 1990, as the appropriate source of service information for the required actions. That AD also states that installing new, improved body frame structure in accordance with Boeing Service Bulletin 747–53–2272, dated January 12, 1987, constitutes terminating action for the required repetitive inspections for the structure replaced and other adjacent structure.

Explanation of Compliance Times

Paragraph (f) of this proposed AD refers to Boeing Alert Service Bulletin 747–53A2495, Figure 1 (for Group 1 and 2 airplanes) or Figure 2 (for Group 3 and 4 airplanes), as applicable, as the source for the compliance time for the initial inspection required by that paragraph (except as discussed under ''Differences Between the Proposed AD and Service Bulletin''). For airplanes in Groups 1 and 2 in Boeing Alert Service Bulletin 747–53A2495, the compliance threshold for the initial inspection is based on whether the Zone 7 modification in accordance with Boeing Service Bulletin 747–53–2272 (the optional terminating action provided by AD 91–11–01) has been accomplished. If that modification has not been accomplished, the service bulletin specifies that the inspection in Boeing Alert Service Bulletin 747–53A2495 must be accomplished at the same time as the next scheduled inspection in accordance with Boeing Alert Service Bulletin 747–53A2265 (which is currently required by AD 91–11–01). If the Zone 7 modification in accordance with Boeing Service Bulletin 747–53–2272 has been accomplished, the service bulletin specifies a compliance threshold of 3,000 flight cycles after the Zone 7 modification was installed. If the applicable threshold has passed, the service bulletin provides a grace period ranging from 250 to 1,000 flight cycles after the initial release of Boeing Alert Service Bulletin 747–53A2495, depending on the number of flight cycles the airplane has accumulated as of the initial release of that service bulletin.

For airplanes in Groups 3 and 4, the service bulletin specifies a compliance time of prior to the accumulation of 16,000 total flight cycles, or within 1,000 flight cycles after the initial release of Boeing Alert Service Bulletin 747–53A2495, whichever is later.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. Therefore, we are proposing this AD, which would require the actions in Boeing Alert Service Bulletin 747–53A2495, described previously, except as discussed under ''Differences Between the Proposed AD and Service Bulletin.''

Differences Between the Proposed AD and Service Bulletin

Boeing Alert Service Bulletin 747–53A2495 specifies that you may contact the manufacturer for instructions on how to replace or repair any cracked upper closure fitting, but this proposed AD would require you to replace or repair any cracked upper closure fitting in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane that have been approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who has been authorized by the FAA to make those findings.

Where Boeing Alert Service Bulletin 747–53A2495 specifies compliance times relative to the date of the initial release of the service bulletin, this proposed AD would require compliance relative to the effective date of the AD.

Boeing Alert Service Bulletin 747–53A2495 provides the following

information in Note 4 of the Accomplishment Instructions: ''For the purposes of this service bulletin, do not count flight-cycles with a cabin pressure differential of 2.0 [pounds per square inch (psi)] or less. However, any flight-cycle with momentary spikes in cabin pressure differential above 2.0 psi must be included as a full-pressure flight-cycle. Cabin pressure records must be maintained for each airplane. Fleet averaging of cabin pressure is not allowed.'' We have determined that an adjustment of flight cycles due to a lower cabin differential pressure is not substantiated and will not be allowed for use in determining the flight cycle threshold for this proposed AD.

Clarification of Inspection Terminology

In this proposed AD, the ''detailed visual inspection'' specified in Boeing Alert Service Bulletin 747–53A2495 is referred to as a ''detailed inspection.'' We have included the definition for a detailed inspection in a note in the proposed AD.

Costs of Compliance

This proposed AD would affect about 78 airplanes worldwide. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection	2	$65	None	$130, per inspection cycle	20	$2,600, per inspection cycle.

Authority for this Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

3. 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 regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA–2005–20024; Directorate Identifier 2004–NM–66–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by March 4, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Boeing Model 747–200C and 747–200F series airplanes, certificated in any category.

Unsafe Condition

(d) This AD was prompted by a report that a fatigue crack was found in the inboard flange of the left C–3 frame upper closure fitting above the flight deck floor. We are issuing this AD to detect and correct cracking of the C–3 frame upper closure fittings, which could extend and result in rapid depressurization of the airplane.

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.

Repetitive Inspections

(f) Do a detailed inspection of the left and right C–3 frame upper closure fittings of the nose cargo door, including the flight deck floor tang, according to the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2495, dated December 18, 2003. Do the initial inspection at the applicable compliance time specified in Figure 1 (Group 1 and 2 airplanes) or 2 (Group 3 and 4 airplanes) of the service bulletin, as applicable; except, where the service bulletin specifies a compliance time relative to the date of the initial release of the service bulletin, this AD requires compliance relative to the effective date of this AD. Repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles, except as provided by paragraph (h) of this AD.

Note 1: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

Repair/Replacement

(g) If any cracking is found during any inspection required by this AD: Before further flight, do applicable repairs or replace the fitting with a new fitting, according to the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2495, dated December 18, 2003; except, where the bulletin specifies to contact Boeing for

appropriate action, before further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the certification basis of the airplane approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who the Manager, Seattle ACO, has authorized to make this finding. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Optional Modification

(h) Doing all actions associated with the modification of the upper closure fitting, including performing an open-hole high frequency eddy current inspection for cracking of certain fastener holes and all applicable corrective actions; according to Figure 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2495, dated December 18, 2003; terminates the repetitive inspections of the upper part of the upper closure fitting required by paragraph (f) of this AD. However, inspections of the flight deck floor tang must continue, as required by paragraph (f) of this AD.

Note 2: There is no terminating action available at this time for the inspections of the flight deck floor tang required by paragraph (f) of this AD.

No Threshold Adjustment

(i) While Note 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2495, dated December 18, 2003, provides for adjusting the flight cycle threshold specified in the service bulletin by not counting flight cycles with a cabin pressure differential of 2.0 pounds per square inch or less, this AD does not allow this adjustment.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

Issued in Renton, Washington, on January 7, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–900 Filed 1–14–05; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240, 242, and 249

[Release No. 34–51019; File No. S7–39–04]

RIN 3235–AJ33

Fair Administration and Governance of Self-Regulatory Organizations; Disclosure and Regulatory Reporting by Self-Regulatory Organizations; Recordkeeping Requirements for Self-Regulatory Organizations; Ownership and Voting Limitations for Members of Self-Regulatory Organizations; Ownership Reporting Requirements for Members of Self-Regulatory Organizations; Listing and Trading of Affiliated Securities by a Self-Regulatory Organization

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Securities and Exchange Commission (''Commission'') is extending the comment period for a release proposing to adopt new rules and amend existing rules under the Securities Exchange Act of 1934 relating to the fair administration, transparency, governance, and ownership of self-regulatory organizations (''SROs''), which was published for comment in the **Federal Register** on December 8, 2004 (''SRO Proposed Rulemaking''). The original comment period would have expired on January 24, 2005. The new extended comment period will expire on March 8, 2005.

DATES: Comments should be submitted on or before March 8, 2005.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–39–04 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

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 S7–39–04. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/proposed*). Comments also are available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Nancy J. Sanow, Assistant Director, at (202) 942–0796, or Richard Holley III, Attorney, at (202) 942–8086, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1001.

SUPPLEMENTARY INFORMATION: On December 8, 2004, the Commission published for comment the SRO Proposed Rulemaking.[1] These proposed new rules and amendments to existing rules relate to the governance, administration, transparency, and ownership of SROs that are national securities exchanges or registered securities associations, and the periodic reporting of information by these SROs regarding their regulatory programs. The proposals also relate to the listing and trading by SROs of their own or affiliated securities.

The Commission received requests from interested persons to extend the comment period for this release to March 8, 2005, to coincide with the comment period for the Concept Release Concerning Self-Regulation.[2] The Commission believes that extending the comment period for the SRO Proposed Rulemaking is appropriate in order to give the public additional time to comment on the matters the release addresses. Accordingly, the comment period for the SRO Proposed Rulemaking is extended to March 8, 2005.

By the Commission.

Dated: January 11, 2005.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 05–886 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

[1] *See* Securities Exchange Act Release No. 50699 (Nov. 18, 2004), 69 FR 71126 (Dec. 8, 2004).

[2] *See* Securities Exchange Act Release No. 50700 (Nov. 18, 2004), 69 FR 71256 (Dec. 8, 2004).

DEPARTMENT OF THE TREASURY

31 CFR Part 50

RIN 1505–AB09

Terrorism Risk Insurance Program; Additional Claims Issues; Insurer Affiliations

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of the Treasury (Treasury) is issuing this proposed rule as part of its implementation of Title I of the Terrorism Risk Insurance Act of 2002 (Act). The Act established a temporary Terrorism Insurance Program (Program) under which the Federal Government will share the risk of insured loss from certified acts of terrorism with commercial property and casualty insurers until the Program ends on December 31, 2005. This proposed rule is a clarification that, for purposes of calculating insurer deductibles and meeting the requirements for claiming the Federal share of compensation for insured losses, affiliations are to be determined based on the insurer's circumstances as of the date of the first certified act of terrorism in a Program Year.

DATES: Written comments may be submitted on or before February 17, 2005.

ADDRESSES: Submit comments by e-mail to *triacomments@do.treas.gov* or by mail (if hard copy, preferably an original and two copies) to: Terrorism Risk Insurance Program, Public Comment Record, Suite 2100, Department of the Treasury, 1425 New York Ave., NW., Washington, DC 20220. All comments should be captioned with ''Proposed Rule on Insurer Affiliations''. Please include your name, affiliation, address, e-mail address and telephone number in your comment. Comments will be available for public inspection by appointment only at the Reading Room of the Treasury Library. To make appointments, call (202) 622–0990 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Howard Leikin, Senior Insurance Advisor; or David Brummond, Legal Counsel, Terrorism Risk Insurance Program, (202) 622–6770 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

On November 26, 2002, the President signed into law the Terrorism Risk Insurance Act of 2002 (Pub. L. 107–297, 116 Stat. 2322). The Act was effective immediately. The Act's purposes are to address market disruptions, ensure the continued widespread availability and affordability of commercial property and casualty insurance for terrorism risk, and to allow for a transition period for the private markets to stabilize and build capacity while preserving State insurance regulation and consumer protections.

Title I of the Act establishes a temporary Federal program of shared public and private compensation for insured commercial property and casualty losses resulting from an act of terrorism, which as defined in the Act is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General. The Act authorizes Treasury to administer and implement the Terrorism Risk Insurance Program, including the issuance of regulations and procedures. The Program will end on December 31, 2005. Thereafter, the Act provides Treasury with certain continuing authority to take actions as necessary to ensure payment, recoupment, adjustments of compensation and reimbursement for insured losses arising out of any act of terrorism (as defined under the Act) occurring during the period between November 26, 2002, and December 31, 2005.

Each entity that meets the definition of ''insurer'' (well over 2000 firms) must participate in the Program. The amount of Federal payment for an insured loss resulting from an act of terrorism is to be determined based upon insurance company deductibles and excess loss sharing with the Federal Government, as specified by the Act and the implementing regulations. An insurer's deductible increases each year of the Program, thereby reducing the Federal Government's share prior to expiration of the Program. An insurer's deductible is calculated based on a percentage of the value of direct earned premiums collected over certain statutory periods. Once an insurer has met its deductible, the federal payments cover 90 percent of insured losses above the deductible, subject to an annual industry-aggregate limit of $100 billion.

The Program provides a federal reinsurance backstop for three years. The Act provides Treasury with authority to recoup federal payments made under the Program through policyholder surcharges, up to a maximum annual limit. The Act also prohibits duplicate payments for insured losses that have been covered under other Federal programs.

The mandatory availability or ''make available'' provisions in section 103 of the Act require that, for Program Year 1, Program Year 2, and, if so determined by the Secretary of the Treasury, for Program Year 3, all entities that meet the definition of insurer under the Program must make available in all of their commercial property and casualty insurance policies coverage for insured losses resulting from an act of terrorism. This coverage cannot differ materially from the terms, amounts and other coverage limitations applicable to losses arising from events other than acts of terrorism. On June 18, 2004, the Secretary of the Treasury announced his decision to extend the make available requirements through Program Year 3.

As conditions for federal payment under the Program, insurers must provide clear and conspicuous disclosure to the policyholders of the premium charged for insured losses covered by the Program and of the Federal share of compensation for insured losses under the Program. In addition, the Act requires that insurers make certain certifications to Treasury and process and submit claims for the insured loss in accordance with appropriate business practices and any reasonable procedures Treasury may prescribe.

The Act also contains specific provisions designed to manage litigation arising out of or resulting from a certified act of terrorism. Among other provisions, section 107 creates, upon certification of an act of terrorism by the Secretary, an exclusive Federal cause of action and remedy for property damage, personal injury, or death arising out of or relating to an act of terrorism; preempts certain State causes of action; provides for consolidation of all civil actions in Federal court for any claim (including any claim for loss of property, personal injury, or death) relating to or arising out of an act of terrorism; and provides that amounts awarded in actions for property damage, personal injury, or death that are attributable to punitive damages are not to be counted as ''insured losses'' and not paid under the Program. The Act also provides the United States with the right of subrogation with respect to any payment or claim paid by the United States under the Program.

In implementing the Program, Treasury is guided by several goals. First, Treasury strives to implement the Act in a transparent and effective manner that treats comparably those insurers required to participate in the Program and provides necessary information to policyholders in a useful and efficient manner. Second, in accord with the Act's stated purposes, Treasury seeks to rely as much as possible on the

State insurance regulatory structure. In that regard, Treasury has coordinated the implementation of all aspects of the Program with the National Association of Insurance Commissioners (NAIC). Third, to the extent possible within statutory constraints, Treasury seeks to allow insurers to participate in the Program in a manner consistent with procedures used in their normal course of business. Finally, given the temporary and transitional nature of the Program, Treasury is guided by the Act's goal that insurers develop their own capacity, resources, and mechanisms for terrorism insurance coverage when the Program expires.

II. Previous Rulemaking

To assist insurers, policyholders, and other interested parties in complying with immediately applicable requirements of the Act, Treasury issued interim guidance to be relied upon by insurers until superseded by regulations. These notices of interim guidance have now been superseded by final regulations. General provisions, including the scope of the Program and key definitions, and rules on disclosures and mandatory availability are at Subparts A, B, and C of 31 CFR part 50 (68 FR 41250; 68 FR 59720). Treasury's rules applying provisions of the Act to State residual market insurance entities and State workers' compensation funds are at Subpart D of 31 CFR part 50 (68 FR 59715). The rules setting forth procedures for filing claims for payment of the Federal share of compensation for insured losses are at Subpart F of 31 CFR part 50 (69 FR 39296). Subpart G of 31 CFR part 50 (69 FR 39296) contains the rules on audit and recordkeeping, which specify record retention by insurers in connection with the handling and settlement of claims to enable Treasury to perform financial and claim audits. Subpart I of 31 CFR part 50 (69 FR 44932) contains Treasury's rules implementing the litigation management provisions of section 107 of the Act.

III. The Proposed Rule

Under the Act and regulations, ''affiliates'' are treated collectively as one insurer for purposes of calculating the insurer deductible. This proposed rule amends Subpart F of 31 CFR part 50, which contains the claims procedures for insurers seeking the Federal share of compensation for insured losses, to clarify that for that Subpart's purposes, insurer affiliations for any Program Year shall be determined based on the insurer's circumstances as of the date of the first certified act of terrorism in that Program Year.

This change will clarify how deductible calculations, loss certifications, claims for the Federal share of compensation and receipt of payment are to be handled, considering that (1) affiliations of insurers may change over the course of a Program Year, and (2) there may be more than one act of terrorism certified in a Program Year. It is Treasury's intention to make known how such a combination of circumstances will be addressed under the Program so that insurers can plan their business affairs and transactions accordingly.

An insurer's deductible for a Program Year is based on direct earned premium from the prior calendar year. Through an interpretive letter, issued on December 1, 2003, Treasury addressed the question of how the direct earned premium (and consequently, the insurer deductible) would be determined for an insurer or insurer group where the composition of the affiliations has changed since the prior calendar year. The interpretive letter indicated that the affiliations in place at the time of the occurrence of the certified act of terrorism would govern how an insurer's or insurer group's direct earned premium would be determined and the resulting deductible calculated. This interpretation did not address the circumstance where more than one event is certified in the same Program Year.

Treasury thus believes it is necessary to provide additional guidance to insurers to clarify Program implementation should more than one act of terrorism be certified in a Program Year. In developing this proposed rule, Treasury examined a variety of other alternatives for determining insurer affiliations, including:

1. The determination of affiliations as of each certified act of terrorism;
2. The determination of affiliations as of the first certified act in a Program Year for which the particular insurer has losses;
3. The determination of all affiliations as of January 1 of each Program Year.

Treasury has concluded that the first alternative would produce unacceptable results because the insurer deductible is a Program Year deductible, not a per-event deductible. Any calculation of the deductible, in Treasury's view, must be applied against all insured losses consistently for the entire Program Year.

The second alternative, determining affiliations at the time of a first certified act in a Program Year for which an insurer actually has insured losses, would provide a higher degree of accuracy in reflecting the appropriate affiliations at the time of such an event. However, after examining the different ways that affiliations may change in the interim between events, Treasury considers this approach to be very complicated to describe and administer. Given the temporary nature of the Program, Treasury believes that this alternative would require too great an effort to overcome the possibility of confusion for both insurers and the Program.

The third alternative, determining affiliations as of January 1 of a Program Year, would be inconsistent with the interpretation Treasury has already issued. More importantly, Treasury considers this approach to have too great a potential to provide an inaccurate reflection of the insurance entity at the time of an actual certified act of terrorism. Since such an event can occur well into a Program Year, changes in affiliations may be significant.

It is Treasury's view that the proposed rule is a reasonable compromise approach, one that can be relatively easy to understand and follow and practical to administer. Under this approach, the affiliations used for calculating direct earned premium and the resultant insurer deductible for a Program Year are determined for all insurers as of the date of the first act of terrorism certified by the Secretary in a Program Year. This is regardless of whether the insurer has had any insured losses from the event. Treasury believes that the direct earned premium reported for the calendar year prior to the Program Year in which the certified act occurs can readily be determined for the insurers affiliated at the time of the first event. The insurer deductibles calculated from this information can be reasonably applied to that first event's insured losses as well as to the insured losses resulting from any certified acts in the remainder of the Program Year.

As a practical matter, Treasury is proposing that all requests for the Federal share of compensation for a Program Year will be processed based on the affiliations as of the first certified act in a Program Year, regardless of actual changes to those affiliations prior to the occurrence of another certified act within the same Program Year. This approach will allow Treasury to receive and maintain consistent information in providing the Federal share of compensation and reduce the potential administrative burden that Treasury might otherwise have in tracking and reviewing claims in this temporary program.

IV. Procedural Requirements

Executive Order 12866, ''Regulatory Planning and Review''. This rule is not a significant regulatory action for purposes of Executive Order 12866, ''Regulatory Planning and Review,'' and therefore has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act. Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, it is hereby certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. Treasury is required to pay the Federal share of compensation to insurers for insured losses in accordance with the Act. A condition of Federal payment is that the insurer must submit to Treasury, in accordance with procedures established by Treasury, a claim for payment and certain certifications. The Act itself requires all insurers receiving direct earned premium for any type of property and casualty insurance, as defined in the Act, to participate in the Program. This includes all insurers regardless of size or sophistication. The Act also defines property and casualty insurance to mean commercial lines of insurance without any reference to the size or scope of the insurer or the insured. Accordingly, any economic impact associated with the proposed rule flows from the Act and not the proposed rule. The proposed rule merely clarifies the point in time at which insurer affiliations are determined for purposes of the Program. A regulatory flexibility analysis is thus not required.

List of Subjects in 31 CFR Part 50

Terrorism risk insurance.

PART 50—TERRORISM RISK INSURANCE PROGRAM

1. The authority citation for part 50 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 321; Title I, Pub. L. 107–297, 116 Stat. 2322 (15 U.S.C 6701 note).

2. Subpart F is proposed to be amended by adding a new section 50.55 to read as follows:

§ 50.55 Determination of Affiliations.

For the purposes of this Subpart F, an insurer's affiliates for any Program Year shall be determined based on the insurer's circumstances as of the date of the first certified act of terrorism in that Program Year.

Dated: January 11, 2005.

Wayne A. Abernathy,

Assistant Secretary of the Treasury.

[FR Doc. 05–925 Filed 1–14–05; 8:45 am]

BILLING CODE 4811–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[OW–2002–0068; FRL–7862–1]

RIN 2040–AE71

Extension of National Pollutant Discharge Elimination System (NPDES) Permit Deadline for Storm Water Discharges for Oil and Gas Construction Activity That Disturbs One to Five Acres

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Today EPA proposes to amend the rule on National Pollutant Discharge Elimination System storm water permits to postpone until June 12, 2006, the requirement to obtain permit coverage for oil and gas construction activity that disturbs one to five acres of land. This would be the second postponement promulgated by EPA for these activities. EPA proposes this postponement in order to afford the Agency additional time to complete consideration of the issues raised by stakeholders about storm water runoff from construction activities at oil and gas sites and of procedures for controlling storm water discharges as appropriate to mitigate impacts on water quality. EPA intends to take final action with respect to today's proposal by March 10, 2005. Within six months of this final action (September 12, 2005), EPA intends to publish a notice of proposed rulemaking in the **Federal Register** for addressing these discharges and invite public comments.

DATES: Comments on the proposed rule must be received on or before February 17, 2005.

ADDRESSES: Submit your comments, identified by Docket ID No. OW–2002–0068, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- Agency Web site: *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.
- E-mail: *ow-docket@epa.gov*. Attention Docket ID No. OW–2002–0068.
- Mail: Water Docket, Environmental Protection Agency, Mailcode: 4101 T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
- Hand Delivery: Deliver your comments to: EPA Docket Center, EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. OW–2002–0068. Such deliveries are only accepted during the Docket's normal hours of operation. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

Instructions: Direct your comments to Docket ID No. OW–2002–0068. 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 Web sites 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 Section I.C of 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 EPA Docket Center, EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. OW–2002–0068. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: Jeff Smith, Office of Wastewater Management, Office of Water, Environmental Protection Agency, at 202–564–0652 or e-mail: *smith.jeff@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Affected Entities

Entities potentially affected by this action include operators of construction activities disturbing at least one acre, but less than five acres of land at oil and gas sites, North American Industrial Classification System (NAICS) codes and titles: 211—Oil and Gas Extraction, 213111—Drilling Oil and Gas Wells, and 213112—Support Activities for Oil and Gas Operations.

This description is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This description identifies the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not identified could also be affected. To determine whether your facility or company is affected by this action, you should carefully examine the applicability criteria in 40 CFR 122.26(b)(15) and (e)(8). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. 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:

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

ii. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

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

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

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

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

vii. Explain your views as clearly as possible.

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

II. Background

The Water Quality Act of 1987 added statutory language in Section 402(p) of the Clean Water Act (CWA) that directs EPA to develop a phased approach to regulate storm water discharges. EPA published the Phase I Storm Water Rule on November 16, 1990 (55 FR 47990), establishing NPDES permit application requirements for ''storm water discharges associated with industrial activity.'' The Phase I regulations define large construction activities that disturb five acres of land and greater (or less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more) as ''industrial activity'' under 40 CFR 122.26(b)(14)(x) and, as such, they are required to obtain NPDES permit coverage for storm water discharges. *See* also 40 CFR 122.21(c)(1).

EPA published the Phase II Storm Water Rule in the **Federal Register** on December 8, 1999 (64 FR 68722). The Phase II regulations require NPDES permit coverage as of March 10, 2003, for storm water discharges from small construction sites disturbing at least one acre but less than five acres of land and those sites disturbing less than one acre that are part of a larger common plan of development or sale that, in total, disturbs at least one but less than five acres (hereinafter referred to as ''small construction sites'' or ''small construction activities''). 40 CFR 122.26(b)(15)(i) and (e)(8). In developing the Phase II regulations, EPA conducted an analysis of the potential impacts of the rule on the national economy and also analyzed impacts on small entities. Costs associated with the regulations were generally associated with implementation of sediment and erosion control practices or best management practices to reduce the pollutants commonly found in construction storm water discharges that may ultimately lead to water quality impairments. In performing these analyses, EPA considered affected industrial sectors, including the oil and gas industry. However, based on the information provided at the time, EPA assumed that few, if any, oil and gas exploration, production, processing, or treatment operations, or transmission facilities would fall within the 1 to 5 acre range and thus require NPDES permit coverage under the Phase II regulations. Therefore, while that regulation did apply to these facilities, EPA did not include oil and gas exploration sites in the economic analysis developed to support the regulatory determination promulgated in the Phase II Final Rule. *See* U.S. EPA, Economic Analysis of the Final Phase II Storm Water Rule, EPA 833–R–99–002, October 1999.

EPA's authority to promulgate the 1999 Phase II storm water regulations derives from CWA Section 402(p)(6) which directed EPA to designate for regulation sources of storm water for purposes of protecting water quality. EPA exercised this authority in 1999 to designate storm water discharges from small municipal separate storm sewer systems and small construction sites for NPDES regulation. However, significant questions arose after the 1999 promulgation regarding whether storm water discharges from small construction sites associated with oil and gas activities presented a water quality problem at a level that justified national categorical regulation through the NPDES permit program, as well as

the potentially high cost of compliance for this industry. As a result of these and other concerns, EPA amended its regulations to postpone until March 10, 2005, the deadline for oil and gas construction activities to obtain NPDES storm water permits under the Phase II rule, to allow for further consideration of the environmental and economic impacts of this requirement. *See* 68 FR 11325 (March 10, 2003).

During the past two years, EPA has gathered information on size, location and other site characteristics to better evaluate compliance costs associated with the control of storm water runoff from oil and gas construction activities. In addition, EPA has met with various stakeholders, including visits to a number of oil and gas sites with construction-related activities, to discuss and review existing best management practices for preventing contamination of storm water runoff resulting from construction associated with these oil and gas activities. Based on recent information provided by the U.S. Department of Energy, EPA now estimates that on average there are 30,000 oil and gas construction ''starts'' per year, including exploration and development activities. Although EPA was aware of this estimate two years ago (*See* 68 FR 11327 (March 10, 2003)), the Agency has investigated this figure further and is now more confident that it represents a reasonable estimate of the additional sites that should have been considered when EPA promulgated the Phase II rule. Initially, EPA assumed that very few of these starts would incur compliance costs associated with the Phase II rule because most of them would be less than one acre. However, EPA now believes that the majority of such sites may exceed one acre when the acreage attributed to lease roads, pipeline right-of-ways and other infrastructure facilities is apportioned to each site. During the past two years, EPA has also gathered economic data for the industry and is currently completing an economic impact analysis of the existing Phase II regulations specific to the oil and gas industry. EPA's analysis performed to date recognizes that there can be administrative delays in the permitting process that were not considered in the original economic analysis for the 1999 Phase II rulemaking. In addition to concerns about costs and economic impacts, EPA notes that issues have been raised by several outside parties regarding Section 402(l)(2) of the CWA, which exempts certain storm water discharges from oil and gas exploration, production, processing, or treatment operations or transmission facilities from the NPDES permit requirement.

EPA believes that further postponing the date for NPDES regulation is appropriate for these sources because the Agency needs additional time to complete its evaluation of the economic and legal issues that have been raised. Moreover, EPA is continuing to evaluate procedures and methods for controlling storm water discharges from these sources as appropriate to mitigate impacts on water quality. Through this action, EPA is proposing to exercise its authority under CWA Section 402(p)(6) to decide which sources to regulate through NPDES permits and in particular, when to regulate those sources. In the meantime, EPA strongly encourages oil and gas operators to employ best management practices (BMPs) while engaged in construction activities to minimize any water quality problems that may be associated with this type of construction. EPA strongly recommends that operators consider employing the BMPs described on the Agency's NPDES storm water Web site at: *http://cfpub.epa.gov/npdes/stormwater/menuofbmps/con_site.cfm.*

III. Today's Action

In today's action, EPA is proposing to extend until June 12, 2006, the deadline for obtaining NPDES storm water permits for oil and gas construction activity that disturbs at least one acre, but less than five acres of land and sites disturbing less than one acre that are a part of a larger common plan of development or sale that disturbs between one and five acres. The text proposed at § 122.26(e)(8) is not meant to create any duty to apply for an NPDES permit that did not already exist as a result of EPA's Phase II regulations. Rather, this proposed amendment is meant merely to extend the permitting deadline for a certain class of dischargers.

During the next fifteen months, EPA intends to (1) complete the economic impact analysis; (2) complete the evaluation of the legal and procedural implications associated with several options that the Agency is considering with regard to regulation of storm water discharges from oil and gas-related construction sites; (3) continue to evaluate practices and methods operators may employ to control storm water discharges from the sites affected by this proposal. EPA intends to convene at least one public meeting with various stakeholders for the purpose of exchanging information on current industry practices and the effectiveness of those practices in protecting water quality and obtaining input on the appropriate approach for addressing construction storm water discharges from this industry. Finally, EPA expects to propose and take some subsequent final action based on the Agency's conclusions following these activities. EPA specifically solicits comment on the proposed extension of the permit deadline for small oil and gas sites. The Agency will address these comments when EPA takes final action on today's proposal which EPA intends to do by March 10, 2005. Regarding other possible options under consideration for a separate action, EPA does not have any specific draft regulatory language to share with the public at this time. Within six months of this final action, EPA intends to publish a notice of proposed rulemaking in the **Federal Register** for addressing these discharges and invite public comment.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

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

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

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

It has been determined that this proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and therefore is not subject to formal OMB review.

B. Paperwork Reduction Act

This proposed action would not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* If promulgated, it would

merely postpone implementation of an existing rule deadline for discharges associated with certain construction activity at oil and gas sites.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information; processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's proposed rule on small entities, small entity is defined as: (1) A small business based on SBA size standards; (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 proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. Because EPA proposes to postpone a deadline for numerous small entities to comply with NPDES permit requirements, this proposed action will not impose any burden on any small entity. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

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

EPA has determined that this proposed rule to change an NPDES deadline would 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 one year. The proposed rule would not impose any additional costs to these entities. Thus, today's proposed rule is not subject to the requirements of Sections 202 and 205 of the UMRA. For the same reason, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, today's proposed rule is not subject to the requirements of Section 203 of UMRA.

E. Executive Order 13132: Federalism

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

This proposed rule does not have federalism implications. If promulgated, it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

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

Executive Order 13175, entitled, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.''

This proposed rule does not have Tribal implications. It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

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

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

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This regulation is not subject to Executive Order 13045 because it is not economically significant as defined under E.O. 12866.

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

This proposed rule would not be subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866. The only effect of this proposed rule would be to (1) delay the permit authorization requirement for discharges associated with certain construction activity at oil and gas sites by an additional fifteen months and (2) allow EPA time necessary to develop a further proposal to address storm water discharges from such activities.

I. National Technology Transfer And Advancement Act

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

This proposed rulemaking does not involve technical standards. However, EPA is exploring the availability and potential use of voluntary consensus standards developed consistent with the NTTAA as a means of addressing storm water runoff from oil and gas construction activities. Assuming that EPA ultimately extends the permitting deadline as proposed, the Agency would expect any future action to incorporate the use of voluntary consensus standards where such standards are available consistent with NTTAA and the requirements of the CWA.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Confidential business information, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Water pollution control.

Dated: January 12, 2005.

Stephen L. Johnson,

Deputy Administrator.

For the reasons set forth in the preamble, chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

1. The authority citation for part 122 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 *et seq.*

Subpart B—[Amended]

2. Revise § 122.26(e)(8) to read as follows:

§ 122.26 Storm water discharges (applicable to State NPDES programs, see § 123.25).

* * * * *

(e) * * *

(8) For any storm water discharge associated with small construction activity identified in paragraph (b)(15)(i) of this section, see § 122.21(c)(1). Discharges from these sources, other than discharges associated with small construction activity at oil and gas exploration, production, processing, and treatment operations or transmission facilities, require permit authorization by March 10, 2003, unless designated for coverage before then. Discharges associated with small construction activity at such oil and gas sites require permit authorization by June 12, 2006.

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[FR Doc. 05–930 Filed 1–14–05; 8:45 am]

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Notices

Federal Register
Vol. 70, No. 11
Tuesday, January 18, 2005

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

Office of the Secretary

Uniform Guidelines for Conducting Farm Service Agency County Committee Elections

AGENCY: Department of Agriculture.

ACTION: Notice.

SUMMARY: The Secretary of Agriculture (the Secretary) published in the **Federal Register** on August 17, 2004 proposed uniform guidelines for conducting elections of Farm Service Agency (FSA) County Committees, pursuant to section 10708 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171) (the 2002 Farm Bill). The notice provided a thirty-day period for public comments. As a result of numerous requests, the public comment period was extended until October 16, 2004, in a **Federal Register** notice published September 22, 2004. After analysis of the comments received, the Secretary is now issuing the final uniform guidelines for conducting FSA County Committee elections.

DATES: *Effective Date:* January 18, 2005.

FOR FURTHER INFORMATION CONTACT: Ken Nagel, Administrative Management Specialist, Office of the Deputy Administrator for Field Operations, FSA, at (202) 720–7890, or at *Ken.nagel@usda.gov.* Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION: The Secretary is issuing uniform guidelines pursuant to the 2002 Farm Bill in order to ensure that FSA County Committees are fairly representative of the agricultural producers covered by the relevant county or counties, including fair representation of socially disadvantaged (SDA) farmers and ranchers. The guidelines address County Committee election outreach efforts, procedures for nomination and election of County Committee members, and reporting and accountability requirements. FSA will be required to follow such guidelines in conducting FSA County Committee elections. The **Federal Register** notice in which the proposed guidelines were issued provides additional information on the background and intent of the guidelines. That notice also stated that, to the extent possible, the proposed guidelines would be followed in preparation for the 2004 County Committee election process while comments were being reviewed.

USDA received 352 comments on the proposed uniform guidelines. About 65 percent of the respondents objected to the issuance of any guidelines, although many of these general complaints also contained objections to specific provisions. About 11 percent of the respondents agreed with all the proposed guidelines, and 24 percent commented on only specific provisions. In general, those respondents disagreeing with the proposed uniform guidelines believe that the FSA County Committee election process used in previous elections is fundamentally sound, and they wish to revert to the procedures used prior to the publication of the proposed guidelines. The majority of the specific objections were to the appointment of at-large members by the Secretary to represent the interest of SDA farmers and ranchers, nomination of candidates for County Committees by the Secretary, reduction of term limits for County Committee members from 3 to 2 terms, the mailing of ballots by voters directly to State offices, and increased centralization of the election process. Many of the comments received with these objections appear to be based on a form letter provided to County Committee members and employees from the National Association of Farmer Elected Committeemen. The American Corn Growers, National Association of Wheat Growers, National Cotton Council, National Farmers Organization, National Grange, and Women Involved in Farm Economics filed a joint letter with similar objections. Other individuals interested in County Committee elections also filed comments opposing all or specific sections of the proposed uniform guidelines.

Many of the supporters of the proposed uniform guidelines consisted of member organizations of the Rural Coalition. Other supporters of specific sections of the proposed uniform guidelines were the Minority Agricultural Producers Cooperative, the Twin Rivers Cooperative, the National Tribal Development Association, and the Farmers Legal Action Group. Individuals interested in County Committee elections also filed comments supporting all or specific sections of the proposed uniform guidelines; whoever, fewer individuals filed supporting comments than opposing comments.

While USDA received more negative than positive comments, section 10708 of the 2002 Farm Bill grants discretion to the Secretary to issue uniform guidelines if the Secretary determines they would be necessary. After evaluating the nationwide results of the County Committee elections, the Secretary decided that issuing uniform guidelines was warranted. The comments received have not changed this basic determination. The Secretary has, however, taken the logical course of action of addressing, and in some cases modifying, those specific provisions that drew significant numbers of comments.

A large number of comments concerned the Secretary's option under the 2002 Farm Bill to issue provisions allowing for the appointment of a member representing the interests of SDA farmers and ranchers to particular committees. However, the uniform guidelines do not contain any provisions for the appointment of an SDA voting member. What the guidelines do state is that the Secretary may consider whether to issue written provisions providing for such appointments. Such a determination would only be made after a complete analysis of the results of future County Committee elections. If it is determined that such provisions should be issued, proposed written provisions on County Committee appointments will be published in the **Federal Register** with an opportunity for public comment before any such appointments would be made. The public comments already made on this issue will also be reexamined at that time.

Many comments were received regarding nomination by the Secretary

of candidates if no nominations are received during the official nomination period, or if the Secretary determines that it is appropriate to nominate additional candidates in order to ensure fair representation. Those objecting to this policy asserted that such a procedure could politicize the nomination process or would not be in accord with the original intent of Congress in creating locally elected County Committees. These objections must be examined in light of the language and intent of the 2002 Farm Bill as well. It is clear that Congress intended that there should be changes in the County Committee election system when it enacted section 10708 of the 2002 Farm Bill. Specifically, section 10708 directs the Secretary to take steps to enhance the opportunities for SDA candidates to be nominated and elected to County Committees. Providing the Secretary with the authority to make nominations in limited circumstances is a tool to reach this goal. As a matter of practical consideration, since the Secretary would turn to local sources such as community-based organizations or the County Committee members themselves as a source of candidates, it is unlikely that the partisan affiliation of such candidates would be considered by the Secretary. Finally, FSA County Committees by reaching out to SDA producers and the groups representing SDA interests, can create a climate in which an appropriate level of SDA participation is generated. This will negate the necessity for the Secretary to nominate candidates in the first place. In light of these considerations, the Secretary will leave the provisions for Secretarial nominations contained in the proposed guidelines, though a technical correction in language was made to this provision.

Some respondents objected to a review of local administrative area (LAA) boundaries by the FSA national office in order to determine if redrawing such boundaries would assist in ensuring the fair representation of SDA producers. Commenters asserted that FSA County Committees have handled this process well for over 50 years, and that such boundary changing might introduce partisan bias into county elections. These objections must be considered in light of the realities of drafting LAA boundaries. First, the regulations contained in 7 CFR part 7 are being revised to contain more specific, neutral criteria that will guide FSA State and County Committees in their annual reexamination of LAA boundaries. The general standards governing the redistricting of national, State, and local legislative districts have evolved considerably since the 1930's as a result of the Voting Rights Act and the one-person, one vote decisions by the United States Supreme Court. While the Voting Rights Act and the one person, one vote standard may not apply directly to the drafting of FSA County Committee LAAs, generally accepted neutral redistricting criteria should be considered in drafting those LAAs. Even without guidelines on this issue, FSA State committees will continue to exercise oversight of this process. Nonetheless, the Secretary's authority regarding County Committees includes providing proper oversight to ensure that the criteria contained in the regulation are being applied. Finally, any examination and possible adjustment of LAA boundaries at the national level would be conducted by career staff, and would not result in changes unless the criteria contained in the regulation is determined to have been violated. Even then, any new boundaries would be subject to the same neutral criteria contained in the regulations.

A suggestion from a respondent that any proposal to re-draw LAA boundaries should include some mechanism for soliciting input from the public is well advised. Provisions of this type are already contained in the guidelines and any objections can be presented to the FSA State committees and considered by the State committees as part of their LAA redistricting approval process. As a result of this suggestion, however, provisions for such reviews will be strengthened in the final guidelines.

Suggestions were also made that County Committee members should be elected at-large. Such at-large elections might have the effect of diluting the voting strength of SDA producers and, thereby, might reduce the likelihood of election of SDA committee members. The uniform guidelines do provide that the Secretary may consider the use of at-large seats for certain County Committees in the future; however, the Secretary has determined not to use such at-large seats at this time. In light of all these considerations, except for a strengthening of the ability of the public to comment on proposed LAA boundary changes, the uniform guideline provisions concerning LAA boundaries have been left unchanged in the final guidelines.

Many respondents opposed reducing term limits from the current three-term limit to two terms. The most common reason given was the loss of institutional knowledge, along with the length of time required to properly train members in the programs administered by FSA. Those supporting the proposed guideline on this issue were concerned that many sitting County Committee members had been serving for too many years. Due to the reorganization of USDA, the term limit baseline had been reset in 1995 for all sitting County Committee members. This has resulted in many members having served on a County Committee well in excess of the 9 years mandated by the present 3-term limit. Such persons were not eligible to seek election in 2004, and the remainder will be barred from reelection in 2005 and 2006 as their LAAs rotate through the tree-year staggered election cycle. Since a term limit is neutral in terms of SDA status and could, therefore, be a detriment to presently sitting SDA committee members, a determination has been made to retain the current three-term limit. The final guidelines also clarify that an individual may not serve more than three consecutive terms or portions of terms.

A majority of those commenting on the provision to conduct annual reviews of County Committee elections supported annual reviews. Some respondents, however, were opposed to such reviews because, in their view, they are based on a perceived lack of trust of the administration of the election process by local FSA County Committees. Section 10708 of the 2002 Farm Bill continues to require the Secretary to ensure that participation by SDA producers and all other producers are fairly represented on FSA County Committees. Conducting annual reviews is one of many tools that the Secretary may use to ensure that there is such fair representation. Annual reviews also will ensure that all election procedures are followed in a uniform manner nationwide and that they are understood by County Committees and county office staff.

A substantial number of comments opposed the provision that requires that all marked ballots be returned directly to FSA State offices, and then be returned in sealed ballot boxes for public canvassing by the County Committees. Primary concerns were the potential for problems in collection and shipping of ballots by State offices and the added burden to State office staff. Concerns were also expressed that this procedure could politicize these elections, and that County Committees have conducted completely transparent elections in the past.

There is no reason to assume that career Federal employees handling ballots at the State office would be any more likely to inject political partisanship into the process of placing

ballots received in the mail into sealed ballot boxes. It is important to note that County Committee election ballots, returned by mail or in person, are sealed within a return envelope that has been signed by the voter. At the time that the votes are counted, all these return envelopes are emptied out of the ballot box. The eligibility of each voter to cast a vote is then determine by checking the signature on the return envelope against the official list of eligible voters. If the voting is determined to be proper, then the sealed ballots of the eligible voters contained within the return envelopes are then co-mingled without identification. The ballots themselves are then opened and counted. While it is certainly true that the great majority of County Committee elections have been handled properly, it is not common election procedure that persons who may be directly working for those standing for election should be handling ballots that are identified by name. It is for this reason that the mailing back of all ballots to the State offices was contained in the proposed guidelines. The procedure was tested in the 2004 County Committee election for 300 targeted counties. After review of this pilot project, FSA determined that this procedure was manageable for about 300 to 500 County Committee elections, but probably would be impractical for all County Committee elections. For this reason, the decision has been made to require ballots to be mailed directly to State offices only at the request of a candidate, or when the Secretary determines that this procedure is necessary in any specific county. In all other cases, voters will return their ballots directly to their respective county offices.

The provision requiring that nomination forms be mailed to all eligible voters was supported in a majority of the comments. Supporters did not necessarily recommend a specific mailing be conducted, but expressed greater support that nomination forms should be included with a newsletter or some other mailing. Those in opposition to the mailing of nomination forms felt that the process would not be productive in gaining additional nominations.

It has been decided to require State and county newsletters, or any mailing announcing County Committee elections, to include a nomination form and instructions, but not to require a special mailing of nomination forms alone. The final guidelines also require that nomination forms be readily available on the FSA Internet site and publicly accessible in all USDA Service Centers. Reproducible versions of the nomination forms will also be mailed to FSA outreach partners.

Some respondents opposed centralized ballot production and mailing because of the additional costs they believed were involved in this new process, the problems encountered in the 2003 County Committee elections, and the assertion that the entire election system in the United States is county-based and administered and should not be centralized. Additional objections to centralized ballot production were based on the understanding that FSA has moved to this system because FSA management believed that county officers are not capable of administering and conducting fair and unbiased elections and that they believe that county office staffs should conduct all phases of the election process. Some supporters of increased centralization of the County Committee election process commented that they felt there has been, in some cases, significant local bias and unfairness in the manner in which these elections have been conducted, and that they would like the entire process to be removed from the hands of FSA county office staff.

The driving force behind the centralization of ballot printing and mailing is cost saving and efficiency. Furthermore, the maintenance of accurate and complete lists of USDA customers is an integral part of FSA's operations. Improvement of the accuracy of, and secure internal access to, FSA producer and other files will allow FSA and the entire Department to implement effective e-government programs and to better service the needs of USDA's customers. It should be noted that the process of centralization of ballot printing has uncovered significant instances in which lists of eligible voters were either outdated or contained serious errors. It should be further noted that election administrators in the United States are currently using central production and mailing of ballots for far more complex elections. Use of this procedure is in no way based on any evaluation of either the level of fairness or bias under which elections are conducted by county office staff. The Secretary has maintained this provision in the final guidelines.

Another change to the final uniform guidelines concerns who may receive a list of eligible voters. Pursuant to the Privacy Act, FSA issued a Privacy Act System of Records notice that pertains, in part, to the release of information about producers eligible to vote in FSA County Committee elections. This notice authorizes the disclosure of voters' names and addresses to candidates. The regulations contained in 7 CFR part 7 only provide for the release of voter names. This does not give candidates the ability to communicate effectively with eligible voters. Both the final guidelines and the regulations will be revised to allow the release of voter names and addresses to candidates. All other eligible voters will only be entitled to review a list of the voter names.

The remaining changes to the final guidelines are minor changes of some of the dates in the guidelines.

Accordingly, USDA hereby issues Uniform Guidelines for Conducting FSA County Committee Elections, as follows:

Secretary of Agriculture—Uniform Guidelines for Conducting Farm Service Agency County Committee Elections

Pursuant to section 10708 of the Farm Security and Rural Investment Act of 2002, (Pub. L. 107–171)(7 U.S.C. 2279–1), the Secretary of Agriculture is issuing the following uniform guidelines for conducting elections to County Committees of the Farm Service Agency (FSA), United States Department of Agriculture (USDA). The purpose of such guidelines is to ensure that such County Committees are fairly representative of the agricultural producers covered in the relevant county or counties, including to ensure fair representation of socially-disadvantaged (SDA) farmers and ranchers on such committees, as well as to ensure public transparency and accountability of the election process.

Accordingly, the Farm Service Agency (FSA) shall conduct elections of members to FSA County Committees in accordance with the following guidelines.

I. County Committee Election Outreach and Communication Efforts

A. FSA will ensure that outreach efforts are taken at the National, State, and local levels to ensure the fair representation of agricultural producers in a given county or area, including fair representation of SDA farmers and ranchers. Such efforts must be designed to increase the participation of eligible producers in the County Committee election process.

B. Each FSA county office will work with the State office to prepare an outreach plan, with specific steps that the county office will take on a year-long basis to increase the participation of producers generally and SDA producers specifically. A report detailing county office outreach efforts shall be submitted to the Office of the Deputy Administrator for Field Operations, FSA, 30 days prior to the end of the nomination period.

C. FSA county and State offices, with guidance from the FSA national office, will prepare a list of group contacts with which FSA will work on its outreach efforts. Such group contacts should include, as appropriate, land grant colleges, historically black colleges and universities, Hispanic-serving institutions, tribal colleges, American Indian tribal organizations, community-based organizations, civic or charitable organizations, faith-based organizations, groups representing minorities and women, groups specifically representing the interest of SDA producers, and similar groups and individuals in the community.

D. FSA county and State offices will either develop partnerships with the group contacts or work with them on outreach efforts as appropriate to assist FSA in outreach efforts to SDA producers. County and State offices will also ensure that all groups contacts are provided with all appropriate election materials on a timely basis, including fact sheets, posters, brochures, and nominations forms.

E. FSA State Outreach Coordinators, State Communications Coordinators, Field Public Affairs Specialists, and other relevant State Office personnel shall work together in developing and implementing State communications plans for the election process.

F. FSA county offices shall ensure maximum publicity to remind and inform SDA farmers and ranchers of both the nomination and the election deadlines. FSA county offices shall ensure that all written election material is available in the county office, is prominently displayed and disseminated in the local area, and is provided to all group contacts. FSA shall ensure that all communications on the election process are available in languages other than English and in alternative formats when appropriate. County Committee election communications materials (nomination forms, fact sheets, posters, etc.) shall be posted on FSA's Web site at: *http://www.fsa.usda.gov/pas/publications/elections/*

G. County offices shall ensure that information relating to elections is widely communicated, including the use of traditional and non-traditional media outlets. Media outlets should include television, radio, public service announcements, SDA organization newsletters, and other minority publications.

H. FSA county offices, as monitored by FSA State offices and State committees, shall actively locate and recruit eligible candidates identified as SDA farmers and ranchers as potential nominees for the County Committee elections using any reasonable means necessary. FSA shall work with leaders within the SDA community to identify eligible nominees. Community leaders who are eligible producers should be encouraged to become candidates for County Committee membership.

I. FSA State offices shall ensure that county offices are taking all appropriate outreach and communication efforts, including follow-up visits to county offices.

J. The FSA national office shall provide specific written guidance to State and county offices on County Committee election outreach and communication efforts. The national office shall also develop partnerships with appropriate national organizations to assist in outreach efforts. The national office shall work closely with the Office of the Assistant Secretary for Civil Rights in developing and implementing outreach policy and activities.

II. County Committee Election Procedures

A. Local Administrative Areas

1. County Committees shall continue to annually review and provide State Committees with proposed changes in local administrative area (LAA) boundaries within each FSA county office jurisdiction no later than April 1 of each year. County Committees shall ensure that any LAA changes are in effect no later than June 15 of each year. Each FSA county office shall post proposed changes in the LAA boundaries in the count office, as well as locally publicize such boundaries in a county office newsletter and local media to the extent practicable. The county office shall ensure that adequate time is available for comments by eligible voters to be received before the proposed LAA boundaries are considered for approval by the State Committee.

2. The FSA national office shall provide guidelines to County Committees on how to conduct the annual review of LAA boundaries. Such guidelines shall require the County Committees, in conducting the annual review of LAA boundaries, to determine whether redrawing the LAA boundaries or increasing the number of LAAs in a given area will assist in ensuring the fair representation of SDA producers in the area over which the committee has jurisdiction.

3. If a County Committee determines that LAA boundaries should be redrawn or that the number of LAAs should be changed, the FSA State Committee must approve any such determination before such a change is implemented.

4. Apart from the annual review of LAAs by County Committees, the FSA national office and State Committees shall conduct annual reviews of selected County Committees in order to determine whether redrawing the LAA boundaries or increasing the number of LAAs in a given area will assist in ensuring the fair representation of SDA producers in the area over which the committee has jurisdiction. The FSA national office and State Committees shall select such County Committees for annual reviews when they deem such reviews are appropriate based on evidence of possible under representation of SDAs on a given County Committee. Any proposed change in LAAs will be open to public comment before such change is implemented.

5. Each FSA office shall post the final LAA boundaries in the county office, as well as locally publicize such boundaries in a county office newsletter and local media.

B. Eligible Voters

1. County Committees shall maintain in the county office no later than June 15 of each year a current and updated list of eligible voters for each LAA conducting an election during the year. Any eligible voter may review a list of the names of eligible voters and the County Committees shall provide a list of names and addresses of eligible voters to any candidate requesting the list. County Committees shall maintain updated lists of eligible voters throughout the nomination and election period. Any person may contact a county office, either in person or in writing, in order to ascertain whether they are on the eligible voters list.

2. Any producer deemed to be ineligible to vote or who is not on the list of eligible voters who believes that he or she should be on the list may file a written challenge with the County Committee at any time. The County Committee must provide a response to the challenge within 15 calendar days. If the County Committee denies the challenge, the producer may appeal such denial to the State Committee.

3. The County Committee shall provide to the State Committee a report of any producer who the County Committee has specifically declared ineligible as a voter. The State Committee may overturn any ineligibility determination and direct that the County Committee add that producer to the list of eligible voters.

C. Nominations

1. Nomination forms shall be directly mailed to every eligible voter no later than June 15 of each year. Such nomination forms may be mailed to eligible voters by including the form as part of the mailing of an FSA State or county newsletter mailed to producers.

2. Nomination forms shall be easily accessible to the public, including on the FSA Internet site year round. Nomination forms shall be readily available at FSA county offices and provided to the public upon request. The FSA State and county offices shall provide reproducible nomination forms to all of their group contacts.

3. The official nominating period for County Committee election candidacy shall run for 6 weeks after the official opening date.

4. Individuals desiring to file a nomination may nominate themselves or may nominate another eligible candidate. Nominees, whether self nominated, or nominated by another, must attest to their willingness to serve by signing the nomination form. Organizations representing SDA farmers and ranchers may nominate any eligible candidate.

D. Slate of Candidates

1. If at least one nomination for candidacy is filed for an LAA for the County Committee election, the County Committee shall not add names to the slate of candidates after the close of the nomination period.

2. If no nominations are filed for a particular County Committee seat, FSA shall notify the Secretary of this fact, and the Secretary may nominate up to two individuals for the slate. If the Secretary chooses not to exercise this authority, or only nominates one individuals, the State Committee may nominate up to two individuals for the slate. If there are less than two nominees on the slate after the Secretary and the State Committee determine whether to make any nominations, the County Committee shall ensure that the slate is filled with two nominees.

3. Write-in candidates shall be accepted on ballots. The write-in candidate must meet eligibility criteria and attest to willingness to serve prior to being certified as a member or alternate member. Write-in candidates may serve as County Committee members or as alternates depending on the number of votes received.

4. Notwithstanding the above guidelines, the Secretary may nominate an eligible SDA producer to a slate regardless of whether any nominations have been filed. A nomination by the Secretary may include the current advisory for the County Committee.

E. Balloting and Vote Tabulation

1. Ballots shall be mailed to all eligible voters contained in the County Office records in the LAA conducting the election. Ballots shall be mailed no less than 4 weeks prior to the date of the election. Ballots will be printed and mailed to eligible voters from a central location. Ballots shall be provided to anyone requesting a ballot. Voter eligibility shall be determined prior to tabulating the votes. Ballots shall state the date, time, and location that votes will be counted.

2. County Committee elections will be held the first Monday of December each year, unless announced otherwise. Voters shall mail or deliver ballots to the FSA county office. Ballots, if mailed, must be postmarked by the election date or, if hand delivered, received by the election date. The county office shall provide a sealed ballot box into which ballots received shall be immediately deposited.

3. There shall be a 10 calendar day advance notice to the public of the date of the vote counting. Ballot opening and vote counting shall be fully open and readily accessible to the public. The seal on the ballot box shall not be broken prior to the public ballot counting.

4. When requested by a nominee, or when deemed necessary by the Secretary in a given county, voters shall mail ballots to the FSA State Office, rather than the county office. The FSA State office shall then deliver the ballots in a sealed box to the FSA county office. The seal on the ballot box from the State office shall not be broken except at the public ballot counting.

F. Challenges

1. Any nominee shall have the right to challenge an election in writing, in person, or both within 15 calendar days after the results of the election are posted. Appeals to the election shall be made to the County Committee, which will provide a decision on the challenge to the appellant within 7 calendar days. The County Committee's decision may be appealed to the State Committee within 15 calendar days of receipt of the notice of the decision if the appellant desires.

2. In the event that an election is nullified as a result of an appeal or an error in the election process, a special election shall be conducted by the county office and closely monitored by the FSA State office. A special election shall be held according to the processes for a regular election, but with different dates.

G. Term Limits

1. No member of a County Committee may serve more than three consecutive three-year terms. A member will be considered to have served a term if that member served for a period of one and one-half years, or greater, of that term. This provision shall take effect with the 2005 election and will be applied retroactively to any prior terms served by those persons seeking office in the 2005 election.

III. Reporting and Accountability Requirements

A. Not later than 20 days after the date an election is held, each County Committee shall file an election report on the results of the election with the FSA State and national offices. The FSA national office shall provide specific guidance to county offices on the form and contents of this report. At a minimum, the report must include:

1. The number of eligible voters in the LAAs conducting the election;

2. The number of ballots cast by eligible voters (including the percentage of eligible voters that cast ballots);

3. The number of ballots disqualified in the election;

4. The percentage that the number of ballots disqualified is of the number of ballots received;

5. The number of nominees for each seat up for election;

6. The race, ethnicity, and gender of each nominee, and

7. The final election results (including the number of ballots received by each nominee).

B. After each election, the FSA national office shall compile the county election reports into a national election report to the Secretary. The national election report shall also be available to anyone requesting a paper copy of the report and also shall be posted to the FSA Web-site. the national election report shall include election data on SDA County Committee representation by county.

C. Not later than 90 days after the date an election is held, each County Committee shall file a separate written election reform report with the FSA State and national offices detailing its efforts to comply with the uniform guidelines and FSA regulations and directives on County Committee elections. This report must contain a detailed description of county office outreach efforts. The FSA national office shall provide specific guidance to the county offices on the form and contents of this report.

D. Based on the county election reports and the county election reform

reports, the FSA national office shall provide feedback and guidance to FSA county and State offices on the election process, including outreach efforts. The FSA national office shall also, based on its review of the county election reform reports, as well as its analysis of the data on SDA representation, submit an annual report to the Secretary on election reform efforts, including recommendations on further improvements in the County Committee election process.

IV. Additional Election Reform Efforts

A. USDA shall consider additional efforts to ensure such fair representation. Such additional efforts may include, but are not limited to, compliance reviews of selected counties by FSA's and USDA's Offices of Civil Rights; consideration of at-large seats or cumulative voting for certain County Committees; further centralization of the election process; and the issuance of provisions allowing for the appointment of an SDA voting member to particular committees pursuant to the 2002 Farm Bill.

V. Implementation of Uniform Guidelines

A. The FSA national office shall ensure that it issues all appropriate regulations, instructions, directives, notices, and manuals to implement the terms of these uniform guidelines.

B. FSA shall institute a comprehensive monitoring process, including spot checks on selected counties, to ensure compliance with these guidelines and FSA regulations and directives on the County Committee process.

C. The FSA national office shall ensure that appropriate training of FSA county offices, including County Committees, is conducted on the implementation of these guidelines and on FSA's regulations and directives on the County Committee election process.

D. These uniform guidelines shall take effect immediately.

Signed in Washington, DC, January 12, 2005.

Ann Veneman,

Secretary of Agriculture.

[FR Doc. 05–933 Filed 1–14–05; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the Federally owned invention, U.S. Patent Application Serial No. 10/973,274 entitled ''Yeast Transformation System'' is available for licensing and that the U.S. Department of Agriculture, Forest Service, intends to grant to Wisconsin Alumni Research Foundation (WARF) of Madison, Wisconsin, an exclusive license for this invention.

DATES: Comments must be received within ninety (90) calendar days of the date of publication of this Notice in the **Federal Register**.

ADDRESSES: Send comments to: Janet I. Stockhausen, USDA Forest Service, One Gifford Pinchot Drive, Madison, Wisconsin 53726–2398.

FOR FURTHER INFORMATION CONTACT: Janet I. Stockhausen of the USDA Forest Service at the Madison address given above; telephone: (608) 231–9502; fax: (608) 231–9508; or e-mail: *jstockhausen@fs.fed.us*.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. The prospective license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Forest Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. 05–915 Filed 1–14–05; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 04–051N]

Codex Alimentarius Commission: Thirty-Seventh Session of the Codex Committee on Food Hygiene

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Acting Under Secretary for Food Safety, United States Department of Agriculture (USDA), and the Food and Drug Administration (FDA), United States Department of Health and Human Services, are sponsoring a public meeting on February 2, 2005, to provide information and receive public comments on agenda items that will be discussed at the Thirty-seventh Session of the Codex Committee on Food Hygiene (CCFH) of the Codex Alimentarius Commission (Codex). The 37th Session of the CCFH will be held in Buenos Aires, Argentina, 14–19 March, 2005. The Acting Under Secretary and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the agenda items that will be discussed at this forthcoming session of the CCFH.

DATES: The public meeting is scheduled for Wednesday, February 2, 2005 from 10 a.m. to 4 p.m.

ADDRESSES: The public meeting will be held in the Conference Room 1A001, Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD. Documents related to the 37th Session of CCFH will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.net/current.asp.*

FSIS invites interested persons to submit comments on this notice. Comments may be submitted by any of the following methods:

- *Mail, including floppy disks or CD–ROMs, and hand- or courier-delivered items:* Send to the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102, Cotton Annex, Washington, DC 20730. All comments received must include the Agency name and docket number 04–051N.

All comments submitted in response to this notice will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through

Friday. The comments also will be posted on the Agency's Web site at *http://www.fsis.usda.gov/regulations/2005_Notices_Index/.*

FOR FURTHER INFORMATION ABOUT THE 37TH SESSION OF THE CCFH CONTACT: U.S. Delegate, Dr. Robert Buchanan, CFSAN Senior Science Advisor and Director of the CFSAN Office of Science, DHHS, FDA, CFSAN, 5100 Paint Branch Parkway, College Park, Maryland 20740. Phone (301) 436–2396; Fax (301) 436–2642, Email: *Robert.Buchanan@fda.hhs.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Syed Amjad Ali, International Issues Analyst, U.S. Codex Office, FSIS, Room 4861, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–3700. Phone (202) 205–7760; Fax (202) 720–3157. Persons requiring a sign language interpreter or other special accommodations should notify Dr. Rebecca Buchner, FDA at telephone (301) 436–1486, Fax (301) 436–2632.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission (Codex) was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international standard-setting organization for protecting the health and economic interests of consumers and encouraging fair international trade in food. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled. In the United States, USDA, FDA, and the Environmental Protection Agency (EPA) manage and carry out U.S. Codex activities.

The Codex Committee on Food Hygiene (CCFH) was established to draft basic provisions on food hygiene for all foods. The Committee is chaired by the United States of America.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 37th Session of CCFH will be discussed during the public meeting:

1. Matters referred by the Codex Alimentarius Commission and other Codex Committees.
2. Discussion paper on the management of the work of the Committee.
3. Proposed draft guidelines on the application of general principles of food hygiene to the [management] of *Listeria monocytogenes* in foods.
4. Proposed draft principles and guidelines for the conduct of microbiological risk management results.
5. Proposed draft guidelines for the validation of food hygiene control measures.
6. Proposed draft revision of the code of hygienic practice for egg products.
7. Discussion paper on guidelines for the application of the general principles of food hygiene to the risk based control of *Salmonella* spp. in poultry.
8. Discussion paper on guidelines for risk management options for *Campylobacter* in broiler chickens.
9. Discussion paper on guidelines for the application of the general principles of food hygiene to the risk based control of Enterohemorragic *E. coli* in ground beef and fermented sausages.
10. Risk profile of *Vibrio spp* in seafood.
11. Reports of the *ad hoc* FAO/WHO expert consultations on risk assessment of microbiological hazards in food and related matters.

Each issue listed will be fully described in documents distributed, or to be distributed, by the United States Secretariat to the Meeting. Members of the public may access copies of these documents (see **ADDRESSES**).

Public Meeting

At the February 2, 2005 public meeting, these agenda items will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate, for the 37th Session of the CCFH, Dr. Robert Buchanan (See **ADDRESSES**). Written comments should state that they relate to activities of the 37th Session of the CCFH.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov.*

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meeting, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

Done in Washington, DC, on: January 12, 2005.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. 05–935 Filed 1–14–05; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Flathead County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Flathead County Resource Advisory Committee (RAC) will meet in Kalispell, Montana on February 15. The purpose of this meeting is to discuss the meeting schedule for this year, develop project criteria, select new Chair and determine participation in the upcoming RAC meeting in Reno.

DATES: The meeting will be held from 4 p.m. to 6 p.m.

ADDRESSES: The meeting will be held at the Flathead County Commissioner's Office, Commissioner's Conference Room, 800 South Main, Kalispell, Montana 59901.

FOR FURTHER INFORMATION CONTACT: Kaaren Arnoux, Flathead National Forest, Administrative Assistant, (406) 758–5251.

SUPPLEMENTARY INFORMATION: The meeting is open to the public.

Denise Germann,

Public Affairs Specialist.

Cathy Barbouletos,

Forest Supervisor.

[FR Doc. 05–893 Filed 1–14–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Sierra County, CA, Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Sierra County Resource Advisory Committee (RAC) will meet on January 27, 2005, in Downieville, California. The purpose of the meeting is to discuss issues relating to implementing the Secure Rural Schools and Community Self-Determination Act of 2000 (Payments to States) and the expenditure of Title II funds benefiting National Forest System lands on the Humboldt-Toiyabe, Plumas and Tahoe National Forests in Sierra County.

DATES: The meeting will be held Thursday, January 27, 2005, at 10 a.m.

ADDRESSES: The meeting will be held at the Memorial Hall in Downieville, CA.

FOR FURTHER INFORMATION CONTACT: Ann Westling, Committee Coordinator, USDA, Tahoe National Forest, 631 Coyote St., Nevada City, CA 95959, (530) 478–6205, e-mail: *awestling@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Welcome and announcements; (2) status of previously approved projects; and (3) review of and decisions on new projects proposals for current year. The meeting is open to the public and the public will have an opportunity to comment at the meeting. The meeting will be rescheduled if weather conditions warrant.

Dated: January 10, 2005.

Steven T. Eubanks,

Forest Supervisor.

[FR Doc. 05–897 Filed 1–14–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[04–CA–A]

Cancellation of California's Delegation and Designation and the Opportunity for Designation in the California Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The California Department of Food and Agriculture (California) is designated to provide official inspection and weighing services until December 31, 2005, according to the Act. California is also delegated to provide export services. California advised Grain Inspection, Packers and Stockyards Administration (GIPSA) that they will cease providing official services on May 1, 2005. Accordingly, GIPSA is announcing that California's delegation and designation will be canceled effective April 30, 2005. GIPSA is asking for applicants for domestic service in the California area.

DATES: Applications and comments must be postmarked or electronically dated on or before February 17, 2005.

ADDRESSES: We invite you to submit applications and comments on this notice. You may submit applications and comments by any of the following methods:

- Hand Delivery or Courier: Deliver to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.
- Fax: Send by facsimile transmission to (202) 690–2755, attention: Janet M. Hart.
- E-mail: Send via electronic mail to *Janet.M.Hart@usda.gov*.
- Mail: Send hardcopy to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail *Janet.M.Hart@usda.gov*.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes GIPSA' Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated California, headquarters in Sacramento, California, to provide official inspection services under the Act on January 1, 2003.

Section 7(g)(1) of the Act provides that designations of official agencies will end not later than triennially and may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act. The designation of California ends on December 31, 2005, according to the Act. However, California asked GIPSA for a voluntary cancellation of their designation effective April 30, 2005. Accordingly, California's designation will cease effective April 30, 2005, and GIPSA is asking for applicants to provide official service.

Pursuant to section 7(f)(2) of the Act, the following geographic area, the entire State of California, except those export port locations within the State, is assigned to this official agency. For export service after April 30, 2005, contact Michael Johnson, Federal State Manager, telephone number 916–376–1930. Interested persons are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under provisions of section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information, or obtain applications at the GIPSA Web site, *http://www.usda.gov/gipsa/oversight/parovreg.htm*.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

David R. Shipman,

Deputy Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 05–885 Filed 1–14–05; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant and Loan Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability and solicitation of applications.

SUMMARY: The Rural Utilities Service (RUS) announces the Fiscal Year (FY) 2005 funding levels available for its Distance Learning and Telemedicine (DLT) grant, combination loan-grant and loan programs. In addition, RUS announces the minimum and maximum amounts for DLT combination loan-grants and loans applicable for the fiscal year and the solicitation of combination loan-grant and loan applications.

DATES: You may submit completed applications for combination loan-grants and loans at any time.

Reminder of competitive grant application deadline: applications must be mailed, shipped or submitted electronically through Grants.gov no later than February 1, 2005, to be eligible for FY 2005 grant funding. The Notice of Solicitation of Applications published in the **Federal Register** (69 FR 70217, December 3, 2004), provides information on resources and requirements for the competitive grant program.

ADDRESSES: You may obtain application guides and materials for all DLT programs via the Internet at the DLT Web site: *http://www.usda.gov/rus/telecom/dlt/dlt.htm*. You may also request application guides and materials from RUS by contacting the DLT Program at (202) 720–0413.

Submit completed paper applications for grants, combination loan-grants or loans to the Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 2845, STOP 1550, Washington, DC 20250–1550. Applications should be marked ''Attention: Director, Advanced Services Division, Telecommunications Program.''

Submit electronic grant or combination loan-grant applications at *http://www.grants.gov* (Grants.gov), following the instructions you find on that Web site.

FOR FURTHER INFORMATION CONTACT: Orren E. Cameron, III, Director, Advanced Services Division, Rural Utilities Service, U.S. Department of Agriculture, telephone: (202) 720–0413, fax: (202) 720–1051.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Distance Learning and Telemedicine Loans and Grants.

Announcement Type: Funding Level Announcement, and Solicitation of Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.855.

Dates: You may submit completed applications for combination loan-grants and loans at any time.

Reminder of competitive grant application deadline: applications must be mailed, shipped or submitted electronically through Grants.gov no later than February 1, 2005, to be eligible for FY 2005 grant funding. The Notice of Solicitation of Applications published in the **Federal Register** (69 FR 70217, December 3, 2004), provides information on resources and requirements for the competitive grant program.

Items in Supplementary Information

I. Funding Opportunity: Brief introduction to the DLT program
II. Award Information: Available funds, minimum and maximum amounts
III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility
IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible
V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information
VI. Award Administration Information: Award notice information, award recipient reporting requirements
VII. Agency Contacts: Web, phone, fax, email, contact name

I. Funding Opportunity

Distance learning and telemedicine loans and grants are specifically designed to provide access to education, training and health care resources for people in rural America. The Distance Learning and Telemedicine (DLT) Program (administered by the DLT Branch of the Rural Utilities Service (RUS)) funds the use of advanced telecommunications technologies to help communities meet those needs.

The grants, which are awarded through competitive process, may be used to fund telecommunications, computer networks and related advanced technologies.

Applications for loans and combination loan-grants are not competitively scored. In addition to the items listed for grants, loans and combination loan-grants may be used to fund construction of necessary transmission facilities on a technology-neutral basis. Examples of such facilities include satellite uplinks, microwave towers and associated structures, T–1 lines, DS–3 lines, and other similar facilities. Loan funds may also be used to obtain mobile units and for some building construction. Please see 7 CFR 1703, Subparts D, E, F and G for specifics.

II. Award Information

A. *Available funds.*

1. *General.* The Administrator has determined that the following amounts are available for grants, combination loan-grants and loans in FY 2005 under 7 CFR 1703.101(g).

2. *Grants.* $20.8 million is available for grants. Under 7 CFR 1703.124, the Administrator has determined the maximum amount of an application for a grant in FY 2005 is $500,000 and the minimum amount of a grant is $50,000. The Notice of Solicitation of Applications published in the **Federal Register** (69 FR 70217, December 3, 2004), provides information on resources and requirements for the competitive grant program.

3. *Combination Loan-Grants.*

a. $44 million is available for combination loan-grants ($40 million in loans paired with $4 million in grants, *i.e.*, $100 loan : $10 grant ratio). Under 7 CFR 1703.133, the Administrator has determined the maximum amount of an application for a combination loan-grant in FY 2005 is $10 million and the minimum amount of a combination loan-grant is $50,000.

b. RUS will execute grant and loan documents appropriate to the project prior to any advance of funds with successful applicants.

4. *Loans.*

a. *$9.6 million is available for loans.* Under 7 CFR 1703.143, the Administrator has determined the maximum amount of an application for a loan in FY 2005 is $9.6 million and the minimum amount of a loan is $50,000.

b. *Financial assistance documents.* RUS will execute loan documents appropriate to the project prior to any advance of funds with successful applicants.

B. *Renewal of financial assistance.* DLT grants, combination loan-grants and loans cannot be renewed. Award documents specify the term of each award. Applications to extend existing projects are welcomed (grant applications must be submitted during the application window) and will be evaluated as new applications.

III. Eligibility Information

A. *Who is eligible for combination loan-grants and loans?* (See 7 CFR 1703.103.)

1. Only entities legally organized as one of the following are eligible for DLT financial assistance:

a. An incorporated organization or partnership,

b. An Indian tribe or tribal organization, as defined in 25 U.S.C. 450b (b) and (c),

c. A State or local unit of government,

d. A consortium, as defined in 7 CFR 1703.102, or

e. Other legal entity, including a private corporation organized on a for-profit or not-for profit basis.

2. Individuals are not eligible for DLT financial assistance directly.

3. Electric and telecommunications borrowers under the Rural

Electrification Act of 1936 (7 U.S.C. 950aaa *et seq.*) are not eligible for combination loan-grants. They are, however, eligible for loans (see 7 CFR 1703.101(f)).

B. *What are the basic eligibility requirements for a project?*

1. The DLT Program is designed to flow the benefits of distance learning and telemedicine to residents of rural America (see 7 CFR 1703.103(a)(2)). Therefore, in order to be eligible, applicants must propose to use the financial assistance to:

a. Operate a rural community facility; or

b. Deliver distance learning or telemedicine services to entities that operate a rural community facility or to residents of rural areas, at rates calculated to ensure that the benefit of the financial assistance is passed through to such entities or to residents of rural areas.

2. If a loan applicant is a telecommunications or electric borrower under the Rural Electrification Act of 1936 (7 U.S.C. 901–950aa, *et seq.*), they may either pass the loan along to an entity that will fulfill paragraph III.B.1 of this notice; or acquire, install, extend or improve a distance learning or telemedicine facility. Please see 7 CFR 1703.101(f).

3. All projects that applicants propose to fund with RUS financial assistance must meet a minimum rurality threshold, to ensure that benefits from the projects flow to rural residents. The minimum eligibility score is 20 points. Please see 7 CFR 1703.126(a)(2) for an explanation of the rurality scoring and eligibility criterion.

a. Each application must apply the following criteria to each of its end-user sites, and hubs that are also proposed as end-user sites, in order to determine a rurality score.

b. The rurality score is the average of all end-user sites' rurality scores.

Criterion	Character	Population	DLT points
Exceptionally Rural Area	Area not within a city, village or borough	≤5000	45
Rural Area	Incorporated or unincorporated area	>5000 and ≤10,000	30
Mid-Rural Area	Incorporated or unincorporated area	>10,000 and ≤20,000	15
Urban Area	Incorporated or unincorporated area	>20,000	0

4. Projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*) are not eligible for any financial assistance from the DLT Program. Please see 7 CFR 1703.132(a)(5) for combination loan-grants and 7 CFR 1703.142(b)(3) for loans.

C. *What are the items are required in an application?* See paragraph IV.B of this notice for a discussion of the items that make up a completed application. You may also refer to 7 CFR 1703.134 for completed combination loan-grant application items, and 7 CFR 1703.144 for completed loan application items.

IV. Application and Submission Information

A. *Where to get application information.* The loan and combination loan-grant application guide, copies of necessary forms and samples, and the DLT Program regulation are available from these sources:

1. The Internet: *http://www.usda.gov/rus/telecom/dlt/dlt.htm,* or *http://www.grants.gov.*

2. The DLT Program of RUS for paper copies of these materials: (202) 720–0413.

B. *What constitutes a completed application?*

1. Detailed information on each item in the table in paragraph IV.B.6 of this notice can be found in the sections of the DLT Program regulation listed in the table, and the DLT application guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide.

a. When the table refers to a narrative, it means a written statement, description or other written material prepared by the applicant, for which no form exists. RUS recognizes that each project is unique and requests narratives of varying complexity to allow applicants to fully explain their request for financial assistance.

b. When documentation is requested, it means letters, certifications, legal documents or other third party documentation that provide evidence that the applicant meets the listed requirement. For example, evidence of legal existence is sometimes proven by applicants who submit articles of incorporation. This example is not intended to limit the types of documentation that may be submitted to fulfill a requirement. DLT program regulations and the application guide provide specific guidance on each of the items in the table.

2. The DLT application guide and ancillary materials provide all necessary forms and sample worksheets.

3. While the table in paragraph IV.B.6 of this notice includes all items of a completed application for each program, RUS may ask for additional or clarifying information if the submitted item(s) do not fully address a criterion or other provision. RUS will communicate with applicants if the need for additional information arises.

4. Submit the required application items in the listed order.

5. DUNS Number. As required by the OMB, all applicants for combination loan-grants must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying. The Standard Form 424 (SF–424) contains a field for you to use when supplying your DUNS number. Obtaining a DUNS number costs nothing and requires a short telephone call to Dun and Bradstreet. Please see the DLT Web site or Grants.gov for more information on how to obtain a DUNS number or how to verify your organization's number.

6. Table of Required Elements of a Completed Application, by Program

Application item	Required items by application type	
	Combination loan-grants (7 CFR 1703.134 and 7 CFR 1703.135)	Loans (7 CFR 1703.144 and 7 CFR 1703.145)
SF–424, completely filled out (Application for Federal Assistance form)	Yes	Yes.
Executive Summary (narrative)	Yes	Yes.
Rural Calculation Table	Yes	Yes.

6. TABLE OF REQUIRED ELEMENTS OF A COMPLETED APPLICATION, BY PROGRAM—Continued

Application item	Required items by application type	
	Combination loan-grants (7 CFR 1703.134 and 7 CFR 1703.135)	Loans (7 CFR 1703.144 and 7 CFR 1703.145)
Budget (table or other appropriate format)	Yes	Yes.
Financial Information/Sustainability (narrative)	Yes	Yes.
Pro Forma Financial Data (documentation)	Yes	Yes.
Ability to execute a note with maturity > 1 year (documentation)	Yes	Yes.
Revenue/expense reports and balance sheet (documentation: table or other appropriate format).	Yes [1]	Yes.[1]
Income statement and balance sheet (documentation: table or other appropriate format).	Yes [2]	Yes.[2]
Balance sheet (table or other appropriate format) for a partnership, corporation, company, other entity; or consortia of such entities (documentation).	Yes	Yes.
Property list (collateral)/adequate security (documentation)	Yes	Yes.
Depreciation schedule	Yes	Yes.
Revenue Source(s) for each hub and end-user site (documentation)	Yes	Yes.
Economic analysis of rates—if applicant proposes to provide services to another entity (documentation).	Yes	Yes.
Telecommunications System Plan (narrative & documentation; maps or diagrams, if appropriate).	Yes	Yes.
Scope of Work (narrative or other appropriate format)	Yes	Yes.
Statement of Experience (narrative 3-page, single-spaced limit)	Yes	Yes.
Certifications:		
Equal Opportunity and Nondiscrimination	Yes	Yes.
Architectural Barriers	Yes	Yes.
Flood Hazard Area Precautions	Yes	Yes.
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.	Yes	Yes.
Drug-Free Workplace	Yes	Yes.
Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions.	Yes	Yes.
Lobbying for Contracts, Grants, Loans, and Cooperative Agreements	Yes	Yes.
Non Duplication of Services	Yes	Yes.
Environmental Impact/Historic Preservation Certification	Yes	Yes.
Environmental Impact/Historic Preservation Questionnaire	Yes [3]	Yes.[3]
Federal Obligations on Delinquent Debt	Yes	Yes.
Evidence of Legal Authority to Contract with the Government (documentation)	Yes	Yes.
Evidence of Legal Existence (documentation)	Yes	Yes.
Supplemental Information (if any)(narrative, documentation or other appropriate format).	Optional	Optional.

[1] For educational institutions/consortia.
[2] For medical institutions/consortia.
[3] If project involves construction.

C. *How many copies of an application are required?*

1. Applications submitted on paper:

a. Submit the original application and two (2) copies to RUS.

b. Submit one (1) additional copy to the State government point of contact (if one has been designated) at the same time as you submit the application to RUS. See *http://www.whitehouse.gov/omb/grants/spoc.html* for an updated listing of State government points of contact or contact the DLT Program.

2. Electronically submitted applications (combination loan-grants):

a. The additional paper copies for RUS specified in 7 CFR 1703.136(b) are not necessary if you submit the application electronically through Grants.gov.

b. Submit one (1) copy to the State government point of contact (if one has been designated) at the same time as you submit the application to RUS. See *http://www.whitehouse.gov/omb/grants/spoc.html* for an updated listing of State government points of contact.

D. *How and where to submit an application.* Combination loan-grant applications may be submitted on paper or electronically. RUS cannot accept electronic loan applications at this time; please submit loan applications on paper.

1. Submitting applications on paper.

a. Address paper applications for combination loan-grants or loans to the Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 2845, STOP 1550, Washington, DC 20250–1550. Applications should be marked ''Attention: Director, Advanced Services Division, Telecommunications Program.''

b. Packages arriving at the Department of Agriculture via the USPS are irradiated, which can damage the contents. RUS encourages applicants to consider the impact of this procedure in selecting their application delivery method.

2. Electronically submitted applications (applies only to combination loan-grants).

a. Applications will not be accepted via facsimile machine transmission or electronic mail.

b. Electronic applications for combination loan-grants will be accepted if submitted through the Federal government's Grants.gov initiative at *http://www.grants.gov.*

c. How to use Grants.gov:

(i) Navigate your Web browser to *http://www.grants.gov.*

(ii) Follow the instructions on that Web site to find grant or combination loan-grant information.

(iii) Download a copy of an application package.

(iv) Complete the package off-line.

(v) Upload and submit the application via the Grants.gov Web site.

d. Grants.gov contains full instructions on all required passwords, credentialing and software.

e. If a system problem occurs or you have technical difficulties with an electronic application, please use the customer support resources available at the Grants.gov Web site.

f. Central Contractor Registry. In addition to the DUNS number now required of all grant applicants, submitting an application through Grants.gov requires that you list your organization in the Central Contractor Registry (CCR). Setting up a CCR listing (a one-time procedure with annual updates) takes up to five business days, so RUS strongly recommends that you obtain your organization's DUNS number and CCR listing well in advance of the deadline specified in this notice.

g. Credentialing and authorization of applicants. Grants.gov will also require some one-time credentialing and online authentication procedures. These procedures may take several business days to complete, further emphasizing the need for early action to complete the sign-up, credentialing and authorization procedures at Grants.gov before you submit an application at that Web site.

E. Deadlines.

1. Reminder of competitive grant application deadline: applications must be mailed, shipped or submitted electronically through Grants.gov no later than February 1, 2005, to be eligible for FY 2005 grant funding. The Notice of Solicitation of Applications published in the **Federal Register** (69 FR 70217, December 3, 2004), provides information on resources and requirements for the competitive grant program.

2. Applications for FY 2005 combination loan-grants (paper or electronic) and loans (paper only) may be submitted at any time.

F. *Intergovernmental review.* All DLT programs are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' As stated in paragraph IV.C of this notice, a copy of a DLT combination loan-grant application or a loan application must be submitted to the State single point of contact if one has been designated. Please see *http://www.whitehouse.gov/omb/grants/spoc.html* to determine whether your State has a single point of contact.

G. *Funding restrictions.*

1. Eligible purposes.

a. End-user sites may receive financial assistance; hub sites (rural or non-rural) may also receive financial assistance if they are necessary to provide DLT services to end-user sites. Please see 7 CFR 1703.101(h).

b. To fulfill the policy goals laid out for the DLT Program in 7 CFR 1703.101, the following table lists purposes for financial assistance and whether each purpose is eligible for the assistance. Please consult the application guide and the regulations (7 CFR 1703.102 for definitions, in combination with the portions of the regulation cited in the table for each type of financial assistance) for detailed requirements for the items in the table.

	Combination loan-grants (7 CFR 1703.131 and 7 CFR 1703.132)	Loans (7 CFR 1703.141 and 7 CFR 1703.142)
Lease or purchase of eligible DLT equipment and facilities.	Yes	Yes.
Acquire instructional programming	Yes	Yes.
Technical assistance, develop instructional programming, engineering or environmental studies.	Yes, not to exceed 10% of the financial assistance.	Yes, not to exceed 10% of the financial assistance.
Medical or education equipment or facilities necessary to the project.	Yes	Yes.
Vehicles using distance learning or telemedicine technology to deliver services.	Yes	Yes.
Teacher-student links located at the same facility.	Yes, if linking is part of a broader DLT network that meets other combination loan-grant purposes.	Yes, if linking is part of a broader DLT network that meets other loan purposes.
Links between medical professionals located at the same facility.	Yes, if linking is part of a broader DLT network that meets other combination loan-grant purposes.	Yes, if linking is part of a broader DLT network that meets other loan purposes.
Site development or building alteration	Yes, if the activity meets other combination loan-grant purposes.	Yes, if the activity meets other loan purposes.
Land or building purchase	Yes, if the activity meets other combination loan-grant purposes.	Yes, if necessary to the overall project and incidental to the loan amount.
Building construction	Yes, if the activity meets other combination loan-grant purposes.	Yes, if necessary to the overall project and incidental to the loan amount.
Acquiring telecommunications transmission facilities.	Yes, if other telecommunications carriers will not install in a reasonable time period & at an economically viable cost to the project.	Yes, if other telecommunications carriers will not install in a reasonable time period & at an economically viable cost to the project.
Salaries, wages, benefits for medical or educational personnel.	No	No.
Salaries/administrative expenses of applicant or project.	No	No.
Recurring project costs or operating expense	No (equipment & facility leases are eligible)	Yes, for the first two years after approval (leases are not recurring project costs).
Equipment to be owned by the LEC or other telecommunications service provider, if the provider is the applicant.	Yes	Yes.
Duplicate distance learning or telemedicine services.	No	No.

	Combination loan-grants (7 CFR 1703.131 and 7 CFR 1703.132)	Loans (7 CFR 1703.141 and 7 CFR 1703.142)
Any project that, for its success, depends on additional DLT financial assistance or other financial assistance that is not assured.	No	No.
Application preparation costs	No	No.
Other project costs not covered in regulation	No	Yes, for the first two years of the operation.
Costs & facilities providing distance learning broadcating.	No	Yes; financial assistance amount directly proportional to the distance learning portion of use.
Reimburse applicant or others for costs incurred prior to RUS' receipt of completed application.	No	No.

2. Eligible Equipment & Facilities. Please see 7 CFR 1703.102 for definitions of eligible equipment, eligible facilities and telecommunications transmission facilities as used in the table above.

V. Application Review Information

A. *Special considerations or preferences.* 7 CFR 1703.112 directs that an RUS telecommunications borrower will receive expedited consideration and determination of a loan application or advance under the Rural Electrification Act of 1936 (7 U.S.C. 901–950aa, *et seq.*) if the loan funds in question are to be used in conjunction with a DLT grant, loan or combination loan-grant (See 7 CFR 1737 for loans and 7 CFR 1744 for advances).

B. *Criteria.* Combination loan-grant applications and loan applications are evaluated on the basis of technical, financial, economic and other criteria. Please see paragraph IV.B.6 of this notice for the items that will be evaluated for a combination loan-grant or loan application, and paragraph V.C of this notice for a brief listing of evaluation standards.

C. *Combination loan-grants and loans review standards.*

1. RUS evaluates applications' financial feasibility using the following information. Please see paragraph IV.B.6 of this of this notice for the items that constitute a completed combination loan-grant or loan application. Also, see 7 CFR part 1703 subpart F for combination loan-grants and 7 CFR part 1703 subpart G for loans:

a. Applicant's financial ability to compete the project;

b. Project feasibility;

c. Applicant's financial information;

d. Project sustainability;

e. Ability to repay the loan portion of a combination loan-grant, including revenue sources;

f. Collateral for which the applicant has perfected a security interest; and

g. Adequate security for a loan or the loan portion of a combination loan-grant.

2. RUS also evaluates the following project and application characteristics:

a. Services to be provided by the project.

b. Project cost.

c. Project design.

d. Rurality of the proposed service area. Please see paragraph III.B.3 of this Notice for information on determining rurality.

e. Other characteristics.

D. *Combination loan-grants and loans selection process.* Based on the review standards listed above and in the DLT Program regulation, RUS will process successful loan applications on a first-in, first-out basis, dependent upon the availability of funds. Please see 7 CFR 1703.135 for combination loan-grant application processing and selection; and 7 CFR 1703.145 for loan application processing and selection.

VI. Award Administration Information

A. *Combination loan-grants and loans award notices.*

RUS recognizes that each funded project is unique, and therefore may attach conditions to different projects' award documents.

1. RUS generally sends a letter defining the characteristics of a loan (or the loan portion of a combination loan-grant) such as the term, interest rate and any conditions on the loan. An applicant must communicate agreement with the characteristics of the loan to RUS before a loan or combination loan-grant moves into the approval process.

2. After receiving the applicant's agreement on the loan characteristics, RUS supplies an approval letter to the applicant. Loan documents (and a grant agreement, if applicable) are then sent by RUS. The applicant has 120 days to sign and return the documents, along with any additional material required by the loan or grant documents.

B. *Administrative and national policy requirements.* The items listed in paragraph IV.B.6 of this Notice, and the DLT Program regulation, application guides and accompanying materials implement the appropriate administrative and national policy requirements.

C. *Reporting.*

1. Performance reporting. All recipients of DLT financial assistance must provide annual performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required; the final report may serve as the last annual report. The final report must include an evaluation of the success of the project in meeting DLT Program objectives. See 7 CFR 1703.107.

2. Financial reporting. All recipients of DLT financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. Audits are governed by United States Department of Agriculture audit regulations. Please see 7 CFR 1703.108.

VII. Agency Contacts

A. *Web site: http://www.usda.gov/rus/telecom/dlt/dlt.htm.* The RUS' DLT Web site maintains up-to-date resources and contact information for DLT programs.

B. *Phone:* 202–720–0413.

C. *Fax:* 202–720–1051.

D. *E-mail:* dltinfo@usda.gov.

E. *Main point of contact:* Orren E. Cameron, III, Director, Advanced Services Division, Rural Utilities Service, U.S. Department of Agriculture.

Dated: January 12, 2005.

Curtis M. Anderson,

Acting Administrator, Rural Utilities Service.

[FR Doc. 05–934 Filed 1–14–05; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket Number 050105003–5003–01]

Estimates of the Voting Age Population for 2004

AGENCY: Office of the Secretary, Commerce.

ACTION: General notice announcing population estimates.

SUMMARY: This notice announces the voting age population estimates, as of July 1, 2004, for each state and the District of Columbia. We are giving this notice in accordance with the 1976 amendment to the Federal Election Campaign Act, Title 2, United States Code, Section 441a(e).

FOR FURTHER INFORMATION CONTACT: John F. Long, Chief, Population Division, Bureau of the Census, Department of Commerce, Room 2011, Federal Building 3, Washington, DC 20233, telephone (301) 763–2071.

SUPPLEMENTARY INFORMATION: Under the requirements of the 1976 amendment to the Federal Election Campaign Act, Title 2, United States Code, Section 441a(e), I hereby give notice that the estimates of the voting age population for July 1, 2004, for each state and the District of Columbia are as shown in the following table.

ESTIMATES OF THE POPULATION OF VOTING AGE FOR EACH STATE AND THE DISTRICT OF COLUMBIA: JULY 1, 2004

[In thousands]

Area	Population 18 and over
United States	220,377,406
Alabama	3,435,649
Alaska	467,206
Arizona	4,196,574
Arkansas	2,076,079
California	26,297,336
Colorado	3,422,514
Connecticut	2,664,816
Delaware	636,858
District of Columbia	443,976
Florida	13,393,871
Georgia	6,496,816
Hawaii	964,147
Idaho	1,020,851
Illinois	9,475,484
Indiana	4,637,274
Iowa	2,274,014
Kansas	2,052,011
Kentucky	3,165,735
Louisiana	3,350,809
Maine	1,035,124
Maryland	4,163,250
Massachusetts	4,952,316
Michigan	7,579,181
Minnesota	3,860,678
Mississippi	2,153,397
Missouri	4,370,076
Montana	718,772
Nebraska	1,312,648
Nevada	1,731,175
New Hampshire	994,506
New Jersey	6,542,820
New Mexico	1,411,002
New York	14,654,725
North Carolina	6,422,729
North Dakota	495,411

ESTIMATES OF THE POPULATION OF VOTING AGE FOR EACH STATE AND THE DISTRICT OF COLUMBIA: JULY 1, 2004—Continued

[In thousands]

Area	Population 18 and over
Ohio	8,679,799
Oklahoma	2,663,683
Oregon	2,742,229
Pennsylvania	9,569,283
Rhode Island	836,819
South Carolina	3,173,368
South Dakota	580,009
Tennessee	4,509,673
Texas	16,223,243
Utah	1,648,925
Vermont	486,500
Virginia	5,654,927
Washington	4,717,768
West Virginia	1,430,713
Wisconsin	4,201,040
Wyoming	389,597

I have certified these counts to the Federal Election Commission.

Dated: January 7, 2005.

Donald L. Evans,

Secretary, Department of Commerce.

[FR Doc. 05–898 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 1–2005]

Foreign-Trade Zone 45—Portland, OR, Application for Subzone, Epson Portland Inc. (Inkjet Cartridges), Hillsboro, OR

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Portland, grantee of FTZ 45, requesting special-purpose subzone status for the inkjet cartridge manufacturing facility of Epson Portland Inc. (EPI), in Hillsboro, Oregon. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 4, 2005.

The EPI facility (1 building, 184,492 sq. ft. on 16.61 acres) is located at 3950 Aloclek Place, Hillsboro, Oregon. The EPI plant (455 employees) is used for warehousing and manufacturing of inkjet cartridges (which includes the production of plastic injection molded cartridge parts); activities which EPI is proposing to perform under FTZ procedures.

Foreign-sourced materials will account for some 50 to 55 percent of total materials used in production, and may include items from the following general categories: ink (HTSUS 3215.11 and 3215.19), cleaning liquid for printers (3402.19), polypropylene colorant (3901.20), polypropylene resins (3902.30), labels and label tape (3919.90), sealing film (3920.10), tape (3920.62), silicone sheet (3920.99), urethane foam (3921.13), poly bags (3923.21), seals (4016.93), vent film (5911.10), seals/valves/springs (7320.10), nylon filters (8421.19), and ink degassing modules (8421.21).

Zone procedures would exempt EPI from Customs duty payments on foreign materials used in production for export. Some 60 percent of the plant's shipments are currently exported. On domestic sales, the company would be able to choose the duty rates that apply to the finished products (HTSUS 8473.30, duty-free), rather than the duty rates that would otherwise apply to the foreign-sourced materials noted above (duty-free to 6.5%, weighted average—3.4%). The application indicates that the savings from zone procedures will help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or

2. Submissions via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is March 21, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to April 4, 2005).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, One World Trade Center, 121 S.W. Salmon Street, Suite 242, Portland, Oregon 97204.

Dated: January 6, 2005.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–937 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1363]

Grant of Authority for Subzone Status, Turbomeca U.S.A. (Helicopter Engines), Grand Prairie, TX

Pursuant to its authority under the Foreign-Trade Zones Act, of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Dallas/Fort Worth International Airport Board, grantee of Foreign-Trade Zone 39, has made application to the Board for authority to establish a special-purpose subzone at the helicopter engine repair and manufacturing facility of Turbomeca U.S.A., located in Grand Prairie, Texas (FTZ Docket 4–2004, filed 2/20/04);

Whereas, notice inviting public comment was given in the **Federal Register** (69 FR 9583–9584, 3/1/04); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the helicopter engine repair and manufacturing facility of Turbomeca U.S.A., located in Grand Prairie, Texas (Subzone 39I), at the location described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed in Washington, DC, this 22nd day of December, 2004.

Joseph A. Spetrini,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest: Pierre V. Duy, Acting Executive Secretary.

[FR Doc. 05–936 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–533–824)

Certain Polyethylene Terephthalate Film, Sheet and Strip from India: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: January 18, 2005.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen or Drew Jackson, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–2769 or (202) 482–4406, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 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 Polyethylene Terephthalate Film, Sheet and Strip (PET Film) from India covering the period July 1, 2003, through June 30, 2004. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 69 FR 52857 (August 30, 2004) (*Initiation Notice*). The review was requested by Dupont Teijin Films, Mitsubishi Polyester Film of America, and Toray Plastics (America), Inc., (collectively, the petitioners), and respondents, Garware Polyester Limited (Garware) and Jindal Polyester Limited (which is currently doing business as Jindal Poly Films Limited of India (Jindal)). The review covers the following companies: Polyplex Corporation Ltd., Jindal, Ester Industries Ltd., Flex Industries Ltd., Garware, SRF Ltd., and MTZ Polyesters Ltd. *See Initiation Notice*. On September 24, 2004, the petitioners withdrew their request for an administrative review of Polyplex Corporation Ltd., Jindal, Ester Industries Ltd., Flex Industries Ltd., Garware, SRF Ltd., and MTZ Polyesters Ltd. On November 9, 2004, Garware withdrew its request for an administrative review. On November 23, 2004, Jindal withdrew its request for an administrative review.

Rescission of Review

Section 351.213(d)(1) of the Department's regulations provides that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation of the requested review, or withdraws its request at a later date if the Department determines that it is reasonable to extend the time limit for withdrawing the request. On September 24, 2004, November 9, 2004, and November 23, 2004, the petitioners, Garware, and Jindal, respectively, submitted letters withdrawing their requests that the Department conduct an administrative review covering the period July 1, 2003, through June 30, 2004. Accordingly, the Department is rescinding the administrative review of the antidumping duty order on PET Film from India covering the period July 1, 2003, through June 30, 2004, because all the parties that requested administrative reviews have withdrawn their requests within the 90-day period. The Department will issue appropriate assessment instructions to U.S. Customs and Border Protection within 15 days of publication of this notice.

This notice serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under the APO in accordance with section 351.305(a)(3) of the Department's regulations. 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 terms of an APO is a sanctionable violation.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and section 351.213(d)(4) of the Department's regulations.

Dated: January 10, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E5–164 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In–Quota Rate of Duty

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: January 18, 2005.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl or Eric Greynolds, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION: Section 702 of the Trade Agreements Act of 1979 (as amended) (''the Act'') requires the Department to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in–quota rate of duty, as defined in section 702(h) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's annual list of subsidies on articles of cheese that were imported during the period October 1, 2003, through September 30, 2004.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in–quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in–quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: January 11, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

APPENDIX

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN–QUOTA RATE OF DUTY

Country	Program(s)	Gross[1] Subsidy ($/lb)	Net[2] Subsidy ($/lb)
Austria	European Union Restitution Payments	$ 0.00	$ 0.00
Belgium	EU Restitution Payments	$ 0.00	$ 0.00
Canada	Export Assistance on Certain Types of Cheese	$ 0.46	$ 0.46
Denmark	EU Restitution Payments	$ 0.00	$ 0.00
Finland	EU Restitution Payments	$ 0.00	$ 0.00
France	EU Restitution Payments	$ 0.00	$ 0.00
Germany	EU Restitution Payments	$ 0.00	$ 0.00
Greece	EU Restitution Payments	$ 0.00	$ 0.00
Ireland	EU Restitution Payments	$ 0.00	$ 0.00
Italy	EU Restitution Payments	$ 0.00	$ 0.00
Luxembourg	EU Restitution Payments	$ 0.00	$ 0.00
Netherlands	EU Restitution Payments	$ 0.00	$ 0.00
Norway	Indirect (Milk) Subsidy	$ 0.00	$ 0.00
	Consumer Subsidy	*$ 0.00*	*$ 0.00*
	Total	$ 0.00	$ 0.00
Portugal	EU Restitution Payments	$ 0.00	$ 0.00
Spain	EU Restitution Payments	$ 0.00	$ 0.00
Switzerland	Deficiency Payments	$ 0.00	$ 0.00
U.K.	EU Restitution Payments	$ 0.00	$ 0.00

[1]Defined in 19 U.S.C. 1677(5).
[2]Defined in 19 U.S.C. 1677(6).

[FR Doc. E5–165 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC)

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

DATES: February 11, 2005.

TIME: 9 a.m. to 3 p.m.

PLACE: U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Room 3407.

SUMMARY: The Environmental Technologies Trade Advisory Committee (ETTAC) will hold a plenary meeting on February 11, 2005, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, in Room 3407. The ETTAC will discuss Tsunami Relief efforts and how environmental technologies companies can assist with the efforts, as well as continuing discussions on trade liberalization in environmental goods and services. The meeting is open to the public and time will be permitted for public comment.

Written comments concerning ETTAC affairs are welcome anytime before or after the meeting. Minutes will be available within 30 days of this meeting.

The ETTAC is mandated by Public Law 103–392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of

Commerce and the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently rechartered until May 30, 2006.

For further information phone Joseph Ayoub, Office of Environmental Technologies Industries (ETI), International Trade Administration, U.S. Department of Commerce at (202) 482–0313 or 5225. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at (202) 482–5225.

Dated: January 12, 2005.

Carlos F. Montoulieu,

Director, Office of Energy and Environmental Industries.

[FR Doc. 05–921 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held in Los Angeles, CA at 1:00 pm on Wednesday, March 16, 2005 at the California Fashion Association, 444 South Flower Street, 34th Floor, Los Angeles, CA 90071, phone: (213) 688-6288.

The Committee provides advice and guidance to Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact Rachel Alarid, telephone: (202) 482–5154.

January 11, 2005.

Philip J. Martello,

Acting Chairman, Committee for Implementation of Textile Agreements.

[FR Doc. E5–163 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Environmental Statements; Notice of Intent: Washington Coastal Zone Management Program; Meetings; Correction

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice; correction.

SUMMARY: OCRM published a document in the **Federal Register** of January 5, 2005, announcing dates of the public scoping meetings pursuant to the National Environmental Policy Act (NEPA). The document contained an incorrect action, summary, and dates.

FOR FURTHER INFORMATION CONTACT: Masi Okasaki, (301) 713–3155, extension 185.

Correction

In the **Federal Register** of January 5, 2005, in FR Doc. Volume 70, Number 3, on page 790–791, correct the **ACTION, SUMMARY,** and **DATES** captions to read:

ACTION: Notice to conduct public scoping meetings pursuant to NEPA in Lacey, Seattle and Mount Vernon, WA on the proposed incorporation of the revised Shoreline Master Program (SMP) Guidelines Rule (Chapter 173–26) as an amendment to the Federally approved Washington Coastal Zone Management Program (WCZMP).

SUMMARY: In accordance with the NEPA, OCRM will conduct public scoping meetings as an opportunity for interested persons to identify to OCRM what impacts or issues should be addressed in the NEPA document and if an Environmental Impact Statement (EIS) should be prepared.

DATES:

Tuesday, February 22, 2005 at 7 p.m.
Pinnacle Room—3rd Floor in The Mountaineers Building
300 Third Avenue West, Seattle, WA 98119
(Parking lots and some street parking available with time constraints)

Wednesday, February 23, 2005 at 7 p.m.
Aqua Room in Skagit County PUD
1415 Freeway Drive, Mount Vernon, WA 98273 (Visitor parking available)

Thursday, February 24, 2005 at 7 p.m.
Washington Department of Ecology in the Auditorium
300 Desmond Drive, Lacey, WA 98503.
(Visitor parking available.)

Submit suggestions or comments on the impacts or issues that should be addressed in the NEPA document and if an EIS should be prepared by attending any of the above meetings or provide written comments on or before April 1, 2005.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.)

Dated: January 12, 2005.

Eldon Hout,

Director, Office of Ocean and Coastal Resource Management, National Ocean Service, National Ocean and Atmospheric Administration.

[FR Doc. 05–939 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011105A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability ; request for comment.

SUMMARY: Notice is hereby given that NMFS has received applications for direct take of listed species from the Idaho Department of Fish and Game and the Northwest Fisheries Science Center pursuant to the Endangered Species Act of 1973, as amended (ESA). The Permit applications are for the direct take of listed Snake River sockeye salmon, associated with the operation of a captive propagation program. The proposed permits will renew and replace permits 1120 and 1148. The duration of the new permits is approximately 5 years, expiring on December 31, 2009. This document serves to notify the public of the availability for comment of the permit applications and of the associated draft EA before a final decision on whether to issue a Finding of No Significant Impact is made by NMFS. All comments received will become part of the public record and will be available for review pursuant to section 10(c) of the ESA.

DATES: Written comments on the draft EA must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on February 17, 2005.

ADDRESSES: Written comments and requests for copies of the applications and draft EA should be addressed to Herb Pollard, Salmon Recovery Division, 10095 W. Emerald, Boise, ID 83704, or faxed to (208) 378–5699. Comments on this draft EA may be submitted by e-mail. The mailbox address for providing e-mail comments is *Sockeye.nwr@noaa.gov*. Include in

the subject line the following document identifier: ''Sockeye captive propagation permits assessment''. The documents are also available on the Internet at *www.nwr.noaa.gov/1sustfsh/10permits/*. Comments received will be available for public inspection, by appointment, during normal business hours by calling (208) 378–5614.

FOR FURTHER INFORMATION CONTACT: Herb Pollard, Boise, Idaho, at phone number (208) 378–5614 or e-mail: *herbert.pollard@noaa.gov*.

SUPPLEMENTARY INFORMATION: This notice is relevant to the following species and evolutionarily significant unit (ESU):

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River.

Background

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. NMFS expects to take action on two ESA section 10(a)(1)(A) submittals received from the applicants. Therefore, the Service is seeking public input on the scope of the required NEPA analysis, including the range of reasonable alternatives and associated impacts of any alternatives.

The Idaho Department of Fish and Game and the Northwest Fisheries Science Center have each submitted an application for a section 10(a)(1)(A) research/enhancement permit for continued operation of the Redfish Lake Sockeye Salmon Captive Propagation program. The two permits would authorize activities that are part of the same project.

The objectives of the proposal are to increase the abundance of the listed population through artificial propagation and to serve as a safety net to prevent extinction of the Snake River Sockeye Salmon Evolutionarily Significant Unit (ESU), which is listed as endangered under the ESA. The artificial propagation action would include maintenance of the Snake River sockeye salmon broodstock in captivity in several locations, collection and spawning of adult sockeye salmon returning to the Snake River basin, rearing of the juveniles, and use of the juvenile and adult fish in carefully designed release strategies that include captive propagation, smolt releases, and natural spawning releases. The action would include conditions to minimize adverse effects on the ESU, including use of prudent fish husbandry practices and standard hatchery protocols to ensure health and survival of the program fish, selection of eggs and juveniles in a manner designed to represent to the greatest extent possible the entire genetic spectrum of the founding population, and the conduct of spawning ground surveys to estimate natural spawning escapement and to determine the affects of captive-reared fish on spawner distribution and behavior.

Environmental Assessment (EA)

The EA package includes a draft EA evaluating whether the potential effects of issuing the new take permits is a major Federal action significantly affecting the quality of the human environment, with the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended. Three Federal action alternatives have been analyzed in the draft EA: (1) The no action alternative; (2) issue a permit with conditions; and (3) issue a permit without conditions. NEPA requires Federal agencies to conduct an environmental analysis of their proposed action to determine if the action may affect the human environment. NMFS expects to take action on the ESA section 10(a)(1)(A) submittals received from the applicants. Therefore, NMFS is seeking public input on the scope of the required NEPA analysis, including the range of reasonable alternatives and associated impacts of any alternatives. The general effects on the environment considered include the impacts on the physical, biological, and socioeconomic environments of the Snake River Basin, particularly in the Stanley Basin lakes in which the program is located.

This notice is provided pursuant to section 10(c) of the ESA and the NEPA regulations (40 CFR 1506.6). NMFS will evaluate the applications, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the NEPA regulations and section 10(a) of the ESA. If it is determined that the requirements are met, the permits will be issued for take of ESA-listed anadromous salmonids under the jurisdiction of NMFS. The final NEPA and permit determinations will not be completed until after the end of the 30–day comment period, and will fully consider all public comments received during the comment period. NMFS will publish a record of its final action in the **Federal Register**.

Dated: January 11, 2005.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–928 Filed 1–14–05; 8:45 am]

BILLING CODE 3510–22–S

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments (if any).

DATES: Comments must be submitted on or before February 17, 2005.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5439; FAX: (202) 418–5536; e-mail: *lpatent@cftc.gov* and refer to OMB Control No. 3038–0026;

SUPPLEMENTARY INFORMATION:

Title: Gross Collection of Exchange-Set Margins for Omnibus Accounts (OMB Control No. 3038–0026). This is a request for extension of a currently approved information collection.

Abstract: Commission Regulation 1.58 requires futures commission merchants to carry omnibus accounts on a gross, rather than a net, basis. This rule is promulgated pursuant to the Commission's rulemaking authority contained in sections 5 and 5a of the Commodity Exchange Act, 7 U.S.C. 7 and 7a (2000).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. *See* 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on November 9, 2004 (69 FR 64917).

Burden statement: The respondent burden for this collection is estimated to average .08 hours per response. These estimates include 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; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 150.

Estimated number of responses: 48

Estimated total annual burden on respondents: 600 hours.

Frequency of collection: On occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0026 in any correspondence.

Lawrence B. Patent, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: January 11, 2005

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 05–910 Filed 1–14–05; 8:45 am]

BILLING CODE 6351–01–M

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 Munitions System Reliability will meet in closed session on January 14, 2005, at SAIC, 4001 N. Fairfax Drive, Arlington, VA, and February 2–4, 2005, at Naval Air Warfare Center, China Lake, CA. This Task Force will review the efforts thus far to improve the reliability of munitions systems and identify additional steps to be taken to reduce the amount of unexploded ordnance resulting from munitions failures. The Task Force will: Conduct a methodologically sound assessment of the failure rates of U.S. munitions in actual combat use; review ongoing efforts to reduce the amount of unexploded ordnance resulting from munitions systems failures, and evaluate whether there are ways to improve or accelerate these efforts; and identify other feasible measures the U.S. can take to reduce the threat that failed munitions pose to friendly forces and noncombatants.

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: conduct a methodologically sound assessment of the failure rates of U.S. munitions in actual combat use; review ongoing efforts to reduce the amount of unexploded ordnance resulting from munitions systems failures, and evaluate whether there are ways to improve or accelerate these efforts; and identify other feasible measures the U.S. can take to reduce the threat that failed munitions pose to friendly forces and noncombatants.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 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: January 6, 2005.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 05–867 Filed 1–14–05; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Joint Supplemental Environmental Impact Statement/ Environmental Impact Report for the Hamilton Wetland Restoration Project Dredged Material Transfer Facility, Marin County, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the California Environmental Quality Act (CEQA), and Public Law 102–484 section 2834, as amended by Public Law 104–106 section 2867, the Department of the Army and the California State Coastal Conservancy (SCC) hereby give notice of intent to prepare a joint Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR) for the Hamilton Wetland Restoration Project (HWRP), Marin County, California to consider alternative methods to transfer dredged material collected from various navigational dredging projects within San Francisco Bay to the HWRP site for beneficial re-use in the construction of tidal and seasonal wetlands. The U.S. Army Corps of Engineers (Corps) is the lead agency for this project under NEPA. The SCC is the lead agency for this project under CEQA.

A pubic scoping meeting will be held to solicit comments on the environmental scope of the project and the appropriate scope of the SEIS/EIR.

DATES: The public scoping meeting will be held on the 26th of January 2005 from 7 to 9 p.m. at the Bay Model, 2100 Bridgeway, Sausalito, Marin County, CA.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and SEIS/EIR can be answered by: Eric Jolliffe, U.S. Army Corps of Engineers, San Francisco District, 333 Market St., 7th floor, San Francisco, CA 94105, *ejolliffe@spd02.usace.army.mil,* (415) 977–8543.

SUPPLEMENTARY INFORMATION: The HWRP is located on the former Hamilton Army Airfield approximately 25 miles north of San Francisco in Marin County, CA. The original EIS/EIR was prepared for the HWRP in 1998. This project would involve the beneficial re-use of an estimated 10.6 million cubic yards (MCY) of dredged material to restore the 988-acre site to tidal and seasonal wetland, which is critical habitat for several local endangered species. Site preparation construction required prior to dredged material placement has begun. The first SEIS/EIR, which described expanding the project to include the Bel Marin Keys V (BMK–V) property, was completed in 2003. Pending congressional authorization, the adjacent BMK–V site of approximately 1610 acres will be restored as a part of the HWRP using approximately 14 MCY of additional dredged material. The present notice announces the intent to prepare a second SEIS/EIR on the HWRP, which evaluates alternative methods for delivering dredged material

to the HWRP site. The goal of the HWRP as a whole is to create a diverse array of wetland and wildlife habitats at the combined Hamilton sites (HWRP & BMK–V) that benefit endangered species while facilitating the beneficial re-use of dredged material.

1. *Background.* The HWRP is one of several significantly sized projects to restore lost wetlands around San Francisco Bay. The ground elevation of the HWRP site has subsided since the site was diked off from the Bay, and fill material will be sued as part of the restoration process to construct project features and to speed formation of tidal marsh. The Long Term Management Strategy (LTMS) for the placement of dredged material in the San Francisco Bay and Estuary was established cooperatively by federal, state and local agencies starting in 1990 to maintain navigation channels in an economic and environmentally sound manner, to maximize the use of dredged materials as a beneficial resource, and to establish a cooperative regulatory permitting framework. The HWRP implements the LTMS through beneficial re-use and a reduction of in-Bay disposal. The alternative transfer facilities proposed are an attempt to more efficiently meet the goals of the LTMS.

2. *Proposed Action.* The original plan for transfer of dredged material to the project, as described in the original EIS/EIR, uses an in-bay hydraulic off-loader. Based on independent review, workshops with national experts, and a value engineering study that considered environmental, economic and operational impacts, it is determined that a more efficient and flexible method to transfer dredged material should be evaluated.

3. *Project Alternatives.* The SEIS/EIR will include at a minimum the following alternatives:

a. No Action: The original hydraulic off-loader. A hydraulic off-loader facility moored approximately 5 miles from HWRP in San Pablo Bay would pump dredged material as slurry through a submerged pipeline to the HWRP site. The facility would operate for 6 to 9 months of the year. Traditional aquatic disposal of dredged material at in-bay or offshore disposal sites would be performed during periods when an off-loader is not operational, the wetland construction site is not available for material placement, or for dredging projects with incompatible equipment or scheduling requirements. An off-loader facility will require an operational footprint of between 12 and 16 acres within San Pablo Bay.

b. Confined in-bay aquatic transfer facility. An enclosed temporary dredged material storage basin near or coincident with the authorized disposal area SF–10, approximately 5 miles offshore of the Hamilton site in San Pablo Bay, would allow a greater number of dredging projects to contribute to wetland restoration efforts. An aquatic transfer facility would likely be used in lieu of open water sites SF–10 and SF–9 and other in-bay disposal areas during the 13–19 year construction of the HWRP. A confined transfer facility would require between 30 to 40 acres in San Pablo Bay, as opposed to the 149 acres that SF–9 and SF–10 now occupy.

c. Semi-confined in-bay aquatic transfer facility. A semi-confined temporary in-bay aquatic transfer facility would function similarly to the confined basin, but would not be entirely enclosed within a structural confinement. The general size of the facility is anticipated to be the same as the completely confined alternative.

d. Unconfined in-bay aquatic transfer facility. An unconfined temporary dredged material storage basin would function as the confined basin but would have no containment structure. An unconfined basin would likely require a footprint of 40 to 50 acres.

e. Combination of off-loader and aquatic transfer basin methods.

4. *Environmental Considerations.* In all cases, environmental considerations will include patterns of currents; suspended sediment transport; turbidity; impacts to bathymetry and the benthos; fish entrainment; water quality; air, noise and aesthetic impacts; potential benefits and impacts on either commercial or recreational fishing; and the temporary suspension or ongoing use of in-bay dredged material disposal sites SF–10 and possibly SF–9 as well as other potential environmental issues of concern.

5. *Scoping Process.* The Corps and SCC are seeking input from interested federal, state, and local agencies, Native American representatives, and other interested private organizations and parties through provision of this notice and holding of a scoping meeting (*see* **DATES**). The purpose of this meeting is to solicit input regarding the environmental issues of concern and the alternatives that should be discussed in the SEIS/EIR. The public comment period closes February 25, 2005.

6. *Availability of SEIS/EIR.* The public will have an additional opportunity to comment on the proposed alternatives after the draft SEIS/EIR is released to the public in 2005.

Philip T. Feir,

Lieutenant Colonel, Corps of Engineers, District Engineer.

[FR Doc. 05–903 Filed 1–14–05; 8:45 am]

BILLING CODE 3710–19–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Chief of Engineers Environmental Advisory Board; Meeting

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the forthcoming meeting. The meeting is open to the public.

Name of Committee: Chief of Engineers Environmental Advisory Board (EAB).

Date: February 2, 2005.

Location: Embassy Suites Hotel Alexandria-Old Town, 1900 Diagonal Road, Alexandria, Virginia 22314, (703) 684–5900.

Time: 9 a.m. to 12 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Norman Edwards, Headquarters, U.S. Army Corps of Engineers, Washington, DC 20314–1000; phone: 202–761–1934.

SUPPLEMENTARY INFORMATION: The Board advises the Chief of Engineers on environmental policy, identification and resolution of environmental issues and missions, and addressing challenges, problems and opportunities in an environmentally sustainable manner. The EAB will be meeting with the current Chief of Engineers for the first time. The public meeting will focus on general issues of national significance rather than on individual project or region related topics. Time will be provided for public comment. Each speaker will be limited to no more than three minutes in order to accommodate as many people as possible within the limited time available.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 05–902 Filed 1–14–05; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 17, 2005.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Carolyn Lovett, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

Dated: January 11, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of the Chief Financial Officer

Type of Review: Extension.

Title: Application for Federal Education Assistance (ED Form 424) Clearance Package.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household; Businesses or other for-profit; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 25,326. Burden Hours: 6,331.

Abstract: There is a need to collect information necessary for the processing of various Department of Education grant program's application packets from State and Local educational agencies, institutions of higher education. The information is used by program offices to determine eligibility and facilitate in the disbursement of program funds.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2619. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 05–874 Filed 1–14–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services, Individuals with Disabilities Education Act, as Amended by the Individuals With Disabilities Education Improvement Act of 2004

ACTION: Notice of public meeting to seek comments and suggestions on regulatory issues under the Individuals With Disabilities Education Act (IDEA), as amended by the Individuals With Disabilities Education Improvement Act of 2004.

SUMMARY: The Secretary announces plans to hold the second of a series of public meetings to seek comments and suggestions from the public prior to developing and publishing proposed regulations to implement programs under the recently revised Individuals with Disabilities Education Act.

DATE AND TIME OF PUBLIC MEETING: Thursday, February 3, 2005, from 3:30 p.m. to 5:30 p.m. and from 6:30 p.m. to 8:30 p.m.

ADDRESSES: The Ohio State University, School of Education, 384 Arps Hall, 1945 North High Street, Columbus, Ohio 43210.

FOR FURTHER INFORMATION CONTACT: Troy R. Justeen. Telephone: (202) 245–7468.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 2004, the President signed into law Public Law 108–446, the Individuals with Disabilities Education Improvement Act of 2004, amending the Individuals with Disabilities Education Act (IDEA). Copies of the new law may be obtained at the following Web site: *http://www.gpoaccess.gov/plaws/index.html*.

Enactment of the new law provides an opportunity to consider improvements in the regulations implementing the IDEA (including both formula and discretionary grant programs) that would strengthen the Federal effort to ensure every child with a disability has available a free appropriate public education that—(1) Is of high quality, and (2) is designed to achieve the high standards reflected in the No Child Left Behind Act and regulations.

The Office of Special Education and Rehabilitative Services will be holding a series of public meetings during the first few months of calendar year 2005 to seek input and suggestions for developing regulations, as needed, based on the Individuals with Disabilities Education Improvement Act of 2004.

This notice provides specific information about the second of these meetings, scheduled for Columbus, OH (*see* **DATE AND TIME OF PUBLIC MEETING** earlier in this notice). Other informal meetings will be conducted in the following locations:

- Atlanta, GA;
- Boston, MA;
- San Diego, CA;
- Laramie, WY; and
- Washington, DC.

In subsequent **Federal Register** notices, we will notify you of the specific dates and locations of each of these meetings, as well as other relevant information.

Individuals who need accommodations for a disability in order to attend the meeting (*i.e.*, interpreting services, assistive listening devices, and material in alternative format) should notify the contact person listed under **FOR FURTHER INFORMATION CONTACT**. The meeting location is accessible to individuals with disabilities.

Dated: January 11, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 05–954 Filed 1–14–05; 8:45 am]

BILLING CODE 4000–01–M

ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

AGENCY: United States Election Assistance Commission.

* * * * *

ACTION: Notice of public meeting agenda.

DATE AND TIME: Thursday, January 27, 2005, 10 a.m.–12 noon.

PLACE: U.S. Election Assistance Commission, 1225 New York Ave., NW., Suite 1100, Washington, DC 20005, (Metro Stop: Metro Center).

AGENDA: The Commission will receive reports on the following: Updates on Title II Requirements Payments. The Commission will receive presentations on the following: State Reports on HAVA Expenditures; Single Audits of HAVA Expenditures; Other Audit Authority under HAVA. The Commission will consider whether to institute a special audit concerning California's use of HAVA funds.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, Telephone: (202) 566–3100.

* * * * *

Paul S. DeGregorio,

Vice-Chairman, U.S. Election Assistance Commission.

[FR Doc. 05–1063 Filed 1–13–05; 4:10 pm]

BILLING CODE 6020–YN–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Salt Lake City Area Integrated Projects-Rate Order No. WAPA–117

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed power rates.

SUMMARY: The Western Area Power Administration (Western) is proposing adjustments to the Salt Lake City Area Integrated Projects (SLCA/IP) firm power rates. The SLCA/IP consists of the Colorado River Storage Project (CRSP), Collbran, and Rio Grande projects, which were integrated for marketing and ratemaking purposes on October 1, 1987, and two participating projects of the CRSP that have power facilities, the Dolores and Seedskadee projects. The current rates, under Rate Schedule SLIP–F7 expire September 30, 2007, but are not sufficient to meet the SLCA/IP revenue requirements. The proposed rates will provide sufficient revenue to pay all annual costs, including operation and maintenance, and replacements (OM&R), interest expenses, and the required repayment of investment within the allowable period. Western will prepare a brochure that provides detailed information on the rates to all interested parties. The proposed rates, under Rate Schedule SLIP–F8, are scheduled to go into effect on October 1, 2005. Publication of this **Federal Register** notice begins the formal process for the proposed rates.

DATES: The consultation and comment period begins today and will end April 18, 2005. Western will present a detailed explanation of the proposed rates at a public information forum to be held on February 23, 2005, at 1:30 p.m. Western will accept oral and written comments at a public comment forum to be held on March 30, 2005, at 1:30 p.m. Western will accept written comments any time during the consultation and comment period.

ADDRESSES: Send written comments to Bradley S. Warren, CRSP Manager, Colorado River Storage Project Management Center, Western Area Power Administration, PO Box 11606, Salt Lake City, UT 84147–0606, (801) 524–5493, e-mail *warren@wapa.gov*, or Ms. Carol A. Loftin, Rates Manager, Colorado River Storage Project Management Center, Western Area Power Administration, PO Box 11606, Salt Lake City, UT 84147–0606, (801) 524–6380, e-mail *loftinc@wapa.gov.* Western will post information about the rate process on its Web site under the ''FY 2006 SLCA/IP Rate Adjustment'' section located at *http://www.wapa.gov/crsp/rateanal.htm.* Western will post official comments received via letter and e-mail to its Web site after the close of the comment period. Western must receive written comments by the end of the consultation and comment period to ensure consideration in Western's decision process. The public information forum and public comment forums will be held at the Quality Inn Salt Lake City Airport, 1659 West North Temple, in Salt Lake City, UT 84116–3196.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Loftin, Rates Manager, Colorado River Storage Project, Western Area Power Administration, PO Box 11606, Salt Lake City, UT 84147–0606, (801) 524–6380, e-mail *loftinc@wapa.gov.*

SUPPLEMENTARY INFORMATION: The proposed rates for SLCA/IP firm power are designed to return an annual amount of revenue to meet the repayment of power investment, payment of interest, purchased power, OM&R expenses, and the repayment of irrigation assistance costs as required by law.

The Secretary of Energy approved Rate Schedule SLIP–F7 for firm power service on September 12, 2002 (Rate Order No. WAPA–99, 67 FR 60656, September 26, 2002), and the Federal Energy Regulatory Commission (Commission) confirmed and approved the rate schedules on November 14, 2003, under FERC Docket No. EF02–5171–000. Rate Schedule SLIP–F7 became effective on October 1, 2002, for a 5-year period ending September 30, 2007. Under Rate Schedule SLIP–F7, the energy rate is 9.5 mills per kilowatthour (mills/kWh), and the capacity rate is $4.04 per kilowattmonth (kWmonth). The composite rate is 20.72 mills/kWh.

Firm Power Rate

The proposed rate is expected to become effective October 1, 2005. The proposed rate revenue requirements are based on the FY 2006 work plans for Western and the Bureau of Reclamation (Reclamation). These work plans form the bases for the FY 2006 Congressional budgets for the two agencies. The most

current work plans will be included in the Rate Order submission. The FY 2003 historical data are the latest available for the rate proposal. The final ratesetting study will include FY 2004 data as it becomes available.

The rate increase results primarily from the decrease in the customer contract energy commitments that were reduced on October 1, 2004, increased purchased power costs from the continued drought in the Upper Colorado River region, and an increase in deficits. The increase is offset by an increase in projected nonrate related revenues amounting to about $4.5 million per year (most of which are from the CRSP merchant function activities), the sale of CRSP transmission, and ancillary services.

Traditionally, Western used Reclamation's estimates of ''Average Hydrology'' to determine hydro generation and purchase power costs. For this proposal, Western will determine purchase power costs by using ''Median Hydrology'' for the first 5 years of the ratesetting period. Western believes that ''Median Hydrology'' is more representative of the current hydrology situation than ''Average Hydrology.'' For the remainder of the ratesetting period, Western will set the purchase power costs at $2 million per year based on anticipated operational needs.

COMPARISON OF CURRENT AND PROPOSED FIRM POWER RATES

Rate schedule	Current rate Oct. 1, 2002–Sept. 30, 2007 SLIP–F7	Proposed rate Oct. 1, 2005–Sept. 30, 2010 SLIP–F8	Change
Base Rate:			
Energy: (mills/kWh)	9.5	10.6	1.1
Capacity: ($kW/month)	4.04	4.50	.46
Composite Rate: (mills/kWh)	20.72	25.77	5.05

Cost Recovery Charge (CRC)

In setting its firm power rate, Western forecasts generation available from the SLCA/IP units and projects the firming energy purchase expense over the ratesetting period. These firming expense projections are included in the annual revenue requirement of the firm power rate. Over the last several years, both hydropower generation and power prices have been highly volatile. This volatility has caused actual purchased power expenses to be significantly higher than forecast and has resulted in cost recovery issues for the SLCA/IP. To adequately recover expenses in times of financial hardship, Western proposes to implement a cost recovery mechanism.

The CRC is an additional charge on all delivered Sustainable Hydropower energy deliveries (long-term SLCA/IP hydro capacity with energy) that may, at times, be applicable when cost recovery is at risk due to low hydropower generation and high power prices. The conditions that would trigger the CRC, as well as a more detailed formula methodology of how and when the CRC would apply, will be discussed in further detail in the Rate Brochure and at the Information Forum.

Legal Authority

Since the proposed rates constitute a major rate adjustment as defined by 10 CFR part 903, Western will hold both a public information forum and a public comment forum. After reviewing public comments and making possible amendments or adjustments to its proposed rates, Western will recommend the Deputy Secretary of Energy approve the proposed rates on an interim basis.

Western is establishing firm electric service rates for SLCA/IP under the Department of Energy Organization Act (42 U.S.C. 7152); the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the projects involved.

By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Commission. Existing Department of Energy (DOE) procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985 (50 FR 37835).

Availability of Information

All brochures, studies, comments, letters, memorandums, or other documents that Western initiates or uses to develop the proposed rates are available for inspection and copying at the CRSP Management Center, located at 150 Social Hall Avenue, Suite 300, Salt Lake City, Utah. Many of these documents and supporting information are also available on its Web site under the ''FY 2006 SLCA/IP Rate Adjustment'' section located at *http://www.wapa.gov/crsp/rateanal.htm.*

Regulatory Procedure Requirements

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities and there is a legal requirement to issue a general notice of proposed rulemaking. This action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability involving rates or services applicable to public property.

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321, *et seq.*; the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Small Business Regulatory Enforcement Fairness Act

Western has determined that this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to rates or services and involves matters of procedure.

Dated: December 22, 2004.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 05–909 Filed 1–14–05; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[AMS–FRL–7861–8]

California State Motor Vehicle Pollution Control Standards; Amendments to the California Zero Emission Vehicle (ZEV) Regulation; 2003–2006 Model Years Within the Scope Request; 2007 and Subsequent Model Years Waiver Request; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing and comment.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted four sets of amendments to the California ZEV regulation. By letter dated September 23, 2004, CARB requested that EPA confirm that its aggregated amendments from the four rulemakings as they affect model years 2003–2006 are within the scope of previous waivers of preemption issued by EPA. CARB also requests that EPA issue a new waiver of preemption for the aggregated amendments to the extent they are applicable to the 2007 and subsequent model years. This notice announces that EPA has tentatively scheduled a public hearing concerning California's requests and that EPA is accepting written comment on the requests.

DATES: EPA has tentatively scheduled a public hearing concerning CARB's requests on February 17, 2005, beginning at 10 a.m. EPA will hold a hearing only if a party notifies EPA by February 7, 2005, expressing its interest in presenting oral testimony. By February 14, 2005, any person who plans to attend the hearing should call David Dickinson at (202) 343–9256 to learn if a hearing will be held. If EPA does not receive a request for a public hearing, then EPA will not hold a hearing, and instead consider CARB's requests based on written submissions to the docket. Any party may submit written comments by March 29, 2005.

ADDRESSES: EPA will make available for public inspection at the Air and Radiation Docket and Information Center materials submitted by CARB, written comments received from interested parties, in addition to any testimony given at the public hearing. The official public docket is the collection of materials that is available for public viewing at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 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) 566–1743. The reference number for this docket is OAR–2004–0437. Parties wishing to present oral testimony at the public hearing should provide written notice to David Dickinson at the address noted below. If EPA receives a request for a public hearing, EPA will hold the public hearing at 1310 L St, NW., Washington, DC 20005.

OBTAINING ELECTRONIC COPIES OF DOCUMENTS: EPA will make available an electronic copy of this Notice on the Office of Transportation and Air Quality's (OTAQ's) home page (*http://www.epa.gov/otaq/*). Users can find this document by accessing the OTAQ home page and looking at the path entitled ''Regulations.'' This service is free of charge, except any cost you already incur for Internet connectivity. Users can also get the official **Federal Register** version of the Notice on the day of publication on the primary Web site: (*http://www.epa.gov/docs/fedrgstr/EPA-AIR/*).

Please note that due to differences between the software used to develop the documents and the software into which the documents may be downloaded, changes in format, page length, etc., may occur. Parties wishing to present oral testimony at the public hearing should provide written notice to David Dickinson at: U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., (6405J), Washington, DC 20460. Telephone: (202) 343–9256.

Docket: An electronic version of the public docket is available through EPA's electronic public docket and comment system. You may use EPA dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Once in the edocket system, select ''search,'' then key in the appropriate docket ID number.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Certification and Compliance Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460. Telephone: (202) 343–9256, Fax: (202) 343–2804, e-mail address: *Dickinson.David@EPA.GOV.*

SUPPLEMENTARY INFORMATION:

(A) Procedural History

Within CARB's 1990–1991 California Low-Emission Vehicle (LEV I) rulemaking 10 percent of the passenger cars and LDT1s [1] marketed by all but small volume manufacturers were required to be ZEVs starting in the 2003 model year. The ZEV program at that time also included a provision requiring that, beginning in model year 1998, 2 percent of all passenger cars and LDTs offered for sale by manufacturers in any model year must be ZEVs, this percentage increased to 5 percent in model year 2001. EPA issued a waiver of preemption for the LEV I regulations, including the ZEV provisions, in 1993. The ZEV program requirements were eliminated for model years 1998–2002 by CARB regulation in 1996, and EPA, in 2001, confirmed that the deletion of the model year 1998–2002 ZEV requirements was within the scope of previous waivers. In 1998–1999 CARB, as part of its LEV II rulemaking, adopted certain ZEV amendments (''1999 Amendments'') which set forth options for manufacturers to meet the 10 percent ZEV obligation in 2003 and beyond. EPA has not yet considered the 1999 amendments in a waiver context and to the extent they are still applicable (remain in effect after both the 2001 and 2003 ZEV amendments) EPA now considers them by today's action.

In 2001–2002 CARB adopted amendments that maintained certain provisions of the ZEV program for 2003 and subsequent model years and also included additional ZEV credit provisions (''2001 Amendments''). Although CARB initially requested that

[1] Under CARB's regulations, and LDT1 is a light-duty truck having a loaded vehicle weight of 0–3750 pounds.

EPA confirm that these amendments were within the scope of previous waivers of preemption, CARB subsequently withdrew its request. By today's action EPA is considering portions of the 2001 amendments that were not eliminated by CARB's 2003 ZEV amendments. CARB's 2003 ZEV amendments delay the start of the percentage ZEV requirements from model year 2003 to model year 2005 and make other changes; these amendments are also considered by today's action. In addition, CARB's 2002 amendments regarding conductive chargers on 2006 and subsequent model year battery electric vehicles are considered by today's action. Please see CARB's waiver request letter for a complete description of the four sets of ZEV amendments and a document setting forth the text of the aggregated amendments to title 13, California Code of Regulations (CCR) covered by CARB's request compared to the preexisting regulatory text. The docket also includes the ''California Exhaust Emission Standards and Test Procedures for 2005 and Subsequent Model Zero-Emission Vehicles, and 2001 and Subsequent Model Hybrid Electric vehicles, in the Passenger Car, Light-Duty Truck, and Medium-Duty Vehicle Classes,'' which was adopted by CARB on August 5, 1999, and last amended December 19, 2003, and which is incorporated by reference in the ZEV regulation.

(B) Background and Discussion

Section 209(a) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7543(a), provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require certification, inspection or any other approval relating to the control of emission from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any state that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that the state standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. California is the only state that is qualified to seek and receive a waiver under section 209(b). The Administrator must grant a waiver unless he finds that (A) the determination of the state is arbitrary and capricious, (B) the state does not need the state standards to meet compelling and extraordinary conditions, or (C) the state standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

When EPA receives new waiver requests from CARB, EPA traditionally publishes a notice of opportunity for public hearing and comment and then publishes a decision in the **Federal Register** following the public comment period. In contrast, when EPA receives within the scope waiver requests from CARB, EPA usually publishes a decision in the **Federal Register** and concurrently invites public comment if an interested part is opposed to EPA's decision.

Although CARB has submitted a within the scope waiver request for its ZEV amendments as applied to the 2003–2006 model years, EPA invites comment on the following issues: (1) Whether California's ZEV program amendments for the 2003–2006 model years and the ZEV program amendments for 2007 and subsequent model years should be considered together or separately; (2) whether California's 2003–2006 ZEV program amendments, within the context of a within the scope analysis (a) undermine California's previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable Federal standards, (b) affect the consistency of California's requirements with section 202(a) of the Act, and (c) raise new issues affecting EPA's previous waiver determinations. Please also provide comment that if CARB's 2003–2006 ZEV program amendments were not found to be within the scope of previous waivers and instead required a full waiver analysis, whether (a) CARB's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) California needs separate standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Act.

EPA also invites comment on CARB's 2007 and subsequent model year ZEV program amendments, and whether (a) CARB's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) California needs separate standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Act.

Procedures for Public Participation

In recognition that public hearings are designed to give interested parties an opportunity to participate in this proceeding, there are no adverse parties as such. Statements by participants will not be subject to cross-examination by other participants without special approval by the presiding officer. The presiding officer is authorized to strike from the record statements that he or she deems irrelevant or repetitious and to impose reasonable time limits on the duration of the statement of any participant.

If a hearing is held, the Agency will make a verbatim record of the proceedings. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. Regardless of whether a public hearing is held, EPA will keep the record open until March 29, 2005. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record of the public hearing, if any, relevant written submissions, and other information that he deems pertinent. All information will be available for inspection at EPA Air Docket. (Docket No. OAR–2004–0437).

EPA requests that parties wishing to submit comments specify which issue, noted above, they are addressing. Commenters may submit one document which addresses several issues but they should separate, to the extent possible, those comments that relate to the 2003–2006 ZEV program amendments and those that relate to the 2007 and subsequent model year ZEV program amendments.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as ''Confidential Business Information'' (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a nonconfidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed above and not

to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Dated: January 10, 2005.

Jeffrey R. Holmstead,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 05–931 Filed 1–14–05; 8:45 am]

BILLING CODE 6560–50–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

Notice of Meeting of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

ACTION: Notice.

SUMMARY: The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (''Commission'') will meet in closed session twice in February. The first meeting will be held on Wednesday, February 2, 2005, and Thursday, February 3, 2005, in its offices in Arlington, Virginia. The second meeting will be held in the same location on Wednesday, February 16, 2005, and Thursday, February 17, 2005.

Executive Order 13328 established the Commission for the purpose of assessing whether the Intelligence Community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support the United States Government's efforts to respond to, the development of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century. This meeting will consist of briefings and discussions involving classified matters of national security, including classified briefings from representatives of agencies within the Intelligence Community; Commission discussions based upon the content of classified intelligence documents the Commission has received from agencies within the Intelligence Community; and presentations concerning the United States' intelligence capabilities that are based upon classified information. While the Commission does not concede that it is subject to the requirements of the Federal Advisory Committee Act (FACA), 5 United States Code Appendix 2, it has been determined that both February meetings would fall within the scope of exceptions (c)(1) and (c)(9)(B) of the Sunshine Act, 5 United States Code, Sections 552b(c)(1) & (c)(9)(B), and thus could be closed to the public if FACA did apply to the Commission.

DATES: First meeting: Wednesday, February 2, 2005 (9 a.m. to 5 p.m.) and Thursday, February 3, 2005. (9 a.m. to 2 p.m.). Second meeting: Wednesday, February 16, 2005 (9 a.m. to 5 p.m.) and Thursday, February 17, 2005 (9 a.m. to 5 p.m.).

ADDRESSES: Members of the public who wish to submit a written statement to the Commission are invited to do so by facsimile at (703) 414–1203, or by mail at the following address: Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Washington, DC, 20503. Comments also may be sent to the Commission by e-mail at *comments@wmd.gov*.

FOR FURTHER INFORMATION CONTACT: Contact Brett C. Gerry, Associate General Counsel, Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, by facsimile, or by telephone at (703) 414–1200.

Victor E. Bernson, Jr.,

Executive Office of the President, Office of Administration, General Counsel.

[FR Doc. 05–864 Filed 1–14–05; 8:45 am]

BILLING CODE 3130–W5–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

January 11, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 21, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Leslie F. Smith, Federal Communications Commission, 445 12th Street, SW, Room 1–A804, Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Leslie F. Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0053.

Title: Application for Consent to Transfer Control of Corporation Holding Stations License, FCC Form 703.

Form Number: FCC 703.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for profit entities; Not-for-profit institutions.

Estimated Number of Respondents: 40.

Estimated Time per Response: 36 minutes.

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 24 hours.

Total Annual Costs: $2,000.

Privacy Act Impact Assessment: No Impact(s).

Needs and Uses: The Communications Act of 1934, as amended, and 47 CFR 5.59 of FCC Rules require applicants for Experimental Radio Services to submit FCC Form 703 when they propose to change, via a transfer of stock ownership, the control of a station. The Commission uses information to determine the eligibility

for licenses, without which, violations of ownership regulations may occur. There are no changes to the FCC Form 703.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–918 Filed 1–14–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

January 7, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments by March 21, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, 445 12th Street, SW, Room 1–C804, Washington, DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judith B. Herman at 202–418–0214 or via the internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0384.

Title: Auditor's Attestation and Certification—Sections 64.904 and 64.905.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit.

Number of Respondents: 12.

Estimated Time Per Response: 35–250 hours.

Frequency of Response: On occasion, annual and biennial reporting requirements.

Total Annual Burden: 1,285 hours.

Annual Cost Burden: $1,200,000.

Privacy Act Impact Assessment: N/A.

Needs and Uses: Each incumbent local exchange carrier (ILEC) that is required to file a cost allocation manual is required to either have an attest engagement or have a financial audit performed by an independent auditor biennially. Mid-sized carriers are required to file a certification with the Commission stating that they are in compliance with 47 CFR 64.905. The reporting requirements are imposed to ensure that the carriers are properly complying with Commission rules. They serve as an important aid in the Commission's monitoring program. The Commission is seeking an extension (no change in requirements) in order to obtain the full three year clearance from OMB.

OMB Control No.: 3060–0430.

Title: 47 CFR Section 1.1206, Permit-But-Disclose Proceedings.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit entities, not-for-profit institutions, Federal Government, and state, local or tribal government.

Number of Respondents: 10,000.

Estimated Time Per Response: .50 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

Total Annual Burden: 5,000 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: The Commission's rules require that a public record be made of *ex parte* presentations (*i.e.*, written presentations not served on all parties to the proceeding or oral presentations as to which all parties have not been given notice and an opportunity to be present) to decision-making personnel in ''permit-but-disclose'' proceedings, such as notice-and-comment rulemakings and declaratory ruling proceedings. Persons making such presentations must file two copies of written presentations and two copies of memoranda reflecting new data or arguments in oral presentations no later than the next business day after the presentation. The information is used by parties to permit-but-disclose proceedings, including interested members of the public, to respond to the arguments made and data offered in the presentations. The responses may then be used by the Commission in its decision-making. The availability of the ex parte materials ensures that the Commission's decisional processes are fair, impartial and comport with the concept of due process in that all interested parties can know of and respond to the arguments made to the decision-making officials.

OMB Control No.: 3060–0470.

Title: 47 CFR Sections 64.901 through 64.903, Allocation of Cost, Cost Allocation Manual and RAO Letters 10 and 26.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 5 respondents; 10 responses.

Estimated Time Per Response: 400 hours.

Frequency of Response: On occasion and annual reporting requirements.

Total Annual Burden: 2,000 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: Pursuant to § 64.901, carriers are required to separate their regulated costs from non-regulated costs using the attributable cost method of cost allocation. Section 64.903(a) requires local exchange carriers (LECs) with annual operating revenues equal to or above the indexed revenue threshold as defined in 47 CFR 32.9000 to file a cost allocation manual containing the information specified in § 64.903(a)(1)–(6). Section 64.903(b) requires that carriers update their cost allocation manuals at least annually, except that changes to the cost apportionment table and the description of time reporting procedures must be filed at the time of implementation. Moreover, filing of cost allocation manuals and occasional

updates are subject to the uniform format and standard procedures specified in RAO Letter 19. RAO Letter 26 provides guidance to carriers in revising their Cost Allocation Manuals (CAMs) to reflect change to the affiliate transactions rules pursuant to the Accounting Safeguards Order. The FCC uses the manual to ensure that all costs are properly classified.

OMB Control No.: 3060–0814.

Title: Section 54.301, Local Switching Support and Local Switching Data Collection Form and Instructions.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 195.

Estimated Time Per Response: .50–24 hours.

Frequency of Response: On occasion and annual reporting requirements and third party disclosure requirement.

Total Annual Burden: 3,787 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: Pursuant to § 54.301, each incumbent local exchange carrier (ILEC) that is not a member of the NECA common line tariff, that has been designated as eligible telecommunications carriers, and that serves a study area with 50,000 or fewer access lines shall, for each study area, provide the Administrator with the projected total unseparated dollar amount assigned to each account in § 54.301(b). Average schedule companies are required to file information pursuant to § 54.301(f). Both respondents must provide true-up data. The data is necessary to calculate certain revenue requirements.

OMB Control No.: 3060–0891.

Title: Certification of Completion of Construction for an Instructional Television Fixed Service Station.

Form No.: FCC Form 330A.

Type of Review: Extension of a currently approved collection.

Respondents: Not-for-profit institutions and state, local or tribal government.

Number of Respondents: 65.

Estimated Time Per Response: .50 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 33 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: FCC Form 330A is used to certify that Instructional Television Fixed Service (ITFS) and Multipoint Distribution Service (MDS) facilities as authorized in FCC Forms 330 and 331 have been completed and that the station is now operational and ready to provide service to the public. The license shall be subject to forfeit upon the expiration of the construction period specified in the license unless the licensee files with the Commission an FCC Form 330A within five days after that date. There is no change in respondents or burden hours.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–919 Filed 1–14–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

January 12, 2005.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number.

FOR FURTHER INFORMATION CONTACT: Dana Jackson, Federal Communications Commission, 445 12th Street, SW., Washington DC 20554, (202) 418–2247 or via the Internet at *Dana.Jackson@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0422.

OMB Approval date: 11/12/2004.

Expiration Date: 11/30/2007.

Title: Section 68.5, Waivers (Application for Waiver of Hearing Aid Compatibility Requirements).

Form No.: N/A.

Estimated Annual Burden: 10 responses; 30 total annual burden hours; 3 hours per respondent.

Needs and Uses: Telephone manufacturers seeking a waiver of 47 CFR 68.5, which requires that certain telephones be hearing aid compatible, must demonstrate that compliance with the rule is technologically infeasible or too costly. Information is used by FCC staff to determine whether to grant or dismiss the request.

OMB Control No.: 3060–0439.

OMB Approval date: 12/20/2004.

Expiration Date: 12/31/2007.

Title: Section 64.201, Regulations Concerning Indecent Communications by Telephone.

Form No.: N/A.

Estimated Annual Burden: 10,200 responses; 1,632 total annual burden hours; 0.16 hours (10 minutes) average per respondent.

Needs and Uses: Under Section 223 of the Communications Act of 1932, as amended, telephone companies are required, to the extent technically feasible, who has not previously requested access. 47 CFR 64.201 implements Section 223 and contains several information collections requirements: (1) A requirement that certain common carriers block access to indecent messages unless the subscriber seeks access from the common carrier (telephone company) in writing; (2) A requirement that adult message service providers notify their carriers of the nature of their programming; and (3) A requirement that a provider of adult message services request that their carrier identify it as such in bills to its subscribers. The information requirements are imposed to ensure that minors are denied access to materials deemed indecent.

OMB Control No.: 3060–0787.

OMB Approval date: 11/30/2004.

Expiration Date: 11/30/2007.

Title: Implementation of Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance, CC Docket 94–129.

Form No.: N/A.

Estimated Annual Burden: 35,036 responses; 146,794 total annual burden hours; 1–10 hours per respondent.

Needs and Uses: On March 17, 2003, the FCC released the *Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking*, CC Docket No. 94–129, FCC 03–42 (*Third Order on Reconsideration*), in which the Commission revised and clarified certain rules to implement section 258 of the 1996 Act. On May 23, 2003, the Commission also released an Order (CC Docket No. 94–129, FCC 03–116) clarifying certain aspects of the *Third Order on Reconsideration*. The rules and requirements implementing section 258 can be found primarily at 47 CFR part 64. The modified and revised rules will strengthen the ability of our rules to deter slamming, while protecting consumers from carriers that may take advantage of consumer confusion over different types of telecommunications services. This *Third Order on Reconsideration* also contains a *Further Notice of Proposed Rulemaking*, in which we seek comment on rule modification with respect to third party verifications. On July 16, 2004, the

Commission released the *First Order on Reconsideration and Fourth Order on Reconsideration*, CC Docket Nos. 94–129 and 00–257, FCC 04–153 (*Reconsideration Order*), which the Commission modified rule 64.1120(e)(3)(iii). As noted, when subscribers are switched between carriers as a result of negotiated sale or transfer or the exiting carrier's bankruptcy, we believe the acquiring carrier should generally be responsible for carrier change charges associated with a negotiated sale or transfer. However, while we maintain this general rule rather than adopting either SBC's or Verizon's proposed modifications, we do adopt one minor modification to the rule for particular, limited circumstances. Specifically, when an acquiring carrier acquires customers by default ''other than through bankruptcy ''and state law would require the exiting carrier to pay these costs, we will require the exiting carrier to pay such costs to meet our streamlined slamming rules. The change in the rule does not impose any new or modified information collection requirements. The modification to rule 47 CFR 64.1120(e)(3)(iii) does not affect the existing annual hourly and cost changes.

OMB Control No.: 3060–0854.

OMB Approval date: 11/30/2004.

Expiration Date: 11/30/2007.

Title: Truth-in-Billing Format, CC Docket No. 98–170.

Form No.: N/A.

Estimated Annual Burden: 10,788 responses; 1,565,755 total annual burden hours; 5–465 hours per respondent.

Needs and Uses: The Commission adopted rules to make consumers' telephone bills easier to read and understand. Telephone bills do not provide necessary information in a user-friendly format. As a result, consumers are experiencing difficulty in understanding their bills, in detecting fraud, in resolving billing disputes, and in comparing carrier rates to get the best values for themselves. Consumers use this information to help them understand their telephone bills. Consumers need this information to protect them against fraud and to help resolve billing disputes if they wish.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–920 Filed 1–14–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 1, 2005.

A. Federal Reserve Bank of Chicago (Patrick Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Marshall & Ilsley Corporation, Milwaukee, Wisconsin; to acquire, indirectly through its subsidiary, Metavante Corporation, Milwaukee, Wisconsin, 100 percent of the voting shares of Prime Associates, Inc., Clark, New Jersey; and thereby indirectly engage in data processing activities, pursuant to section 225.28(b)(9)(i)(A)(1) of Regulation Y and management consulting activities, pursuant to section 225.28(b)(14)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, January 11, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–872 Filed 1–14–05; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 11, 2005.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. Prudential Bancorp, Inc. of Pennsylvania, and Prudential Mutual Holding Company, both of Philadelphia, Pennsylvania; to become bank holding companies by acquiring 100 percent of the voting shares of Prudential Savings Bank, Philadelphia, Pennsylvania.

B. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. BOK Financial Corporation, Tulsa, Oklahoma; to acquire, through its subsidiary BOKF Merger Corporation Number Eight, Tulsa, Oklahoma, 100 percent of the voting shares of Valley Commerce Bancorp, Ltd., parent of

Valley Commerce Bank, both in Phoenix, Arizona. Immediately thereafter, BOKF Merger Corporation Number Eight, Tulsa, Oklahoma, will merge into Valley Commerce Bancorp, Ltd., Phoenix, Arizona.

Board of Governors of the Federal Reserve System, January 11, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–873 Filed 1–14–05; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health; National Cancer Institute

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Experimental Therapeutics 1.

Date: January 31, 2005.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Seattle Downtown/Lake Union, 925 Westlake Avenue North, Seattle, WA 98109.

Contact Person: William D. Merritt, PhD, Scientific Review Administrator, Grants Review Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8034, MSC 8328, Bethesda, MD 20881–8238, 301–496–9767.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction, 93.393, Cancer Cause and Prevention Research, 93,394, Cancer Detection and Diagnosis Research, 93.395, Cancer Treatment Research, 93.396, Cancer Biology Research, 93.397, Cancer Centers Support, 93.398, Cancer Research Manpower, 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 16, 2005.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–881 Filed 1–14–05; 8:45 am]

BILLING CODE 4010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Targeted Therapy II.

Date: February 15, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Virginia P. Wray, PhD, Deputy Chief, Research Program Review Branch, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8125, Bethesda, MD 20892–8328, 301–496–9236, *vw8z@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 10, 2005.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–882 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6, title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Antibody Array for Cancer Detection.

Date: March 3, 2005.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: EPN, 6130 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Timothy C. Meeker, MD, Scientific Review Administrator, Special Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8088, Rockville, MD 20852; (301) 594–1279.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–946 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby give of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant application, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Initial Review Group, Clinical Research Review Committee, RIRG–G.

Date: February 9–10, 2005.

Open: February 9, 2005 8 a.m. to 9 a.m.

Agenda: To discuss program planning and other issues.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Closed: February 9, 2005, 9 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Mohan Viswanathan, PhD, Deputy Director, National Center for Research Resources, OR, National Institutes of Health, 6701 Democracy Blvd., Room 1084, MSC 4874, 1 Democracy Plaza, Bethesda, MD 20892–4874, 301–435–0829, *mv10f@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333, National Institutes of Health, HHS)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–941 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel; Functional BIRN.

Date: January 28, 2005.

Time: 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Linda C. Duffy, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Blvd, Room 1082, Bethesda, MD 20892, (301) 435–0810, *duffyl@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Center for Research Resources Special Emphasis Panel.

Date: February 10–11, 2005.

Time: February 10, 2005, 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Linda C. Duffy, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Blvd, Room 1082, Bethesda, MD 20892, (301) 435–0810, *duffyl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333 National Institutes of Health, HHS.)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–942 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Review of Program Project Applications (P01s).

Date: February 23, 2005.

Time: 1:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Judy S. Hannah, PhD, Scientific Review Administrator, Review Branch, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892, 301/435–0287.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Review Research Program Project (P01) Applications.

Date: March 1, 2005.

Time: 9 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate Hotel, 2650 Virginia Ave, NW., Washington, DC 20037.

Contact Person: Irina Gordienko, Scientific Review Administrator, Division of Extramural Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7180, MSC 7924, Bethesda, MD 20892, 301/435–0270.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Thalassemia Research Network.

Date: March 2, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Inner Harbor Hotel, 300 South Charles Street, Baltimore, MD 21201.

Contact Person: Patricia A. Haggerty, PhD, Scientific Review Administrator, National Heart, Lung, and Blood Institute/NIH, Clinical Studies & Training Studies Rev. Grp., Division of Extramural Affairs/Section Chief, 6701 Rockledge Drive, Room 7194, Bethesda, MD 20892, 301/435–0288.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Review of Research Projects (U01) Cooperative Agreements.

Date: March 17–18, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Columbia Hotel, 10207 Wincopin Circle, Columbia, MD 21044.

Contact Person: Katherine M. Malinda, PhD, Scientific Review Administrator, Review Branch, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, 301/435–0297.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–945 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Review of Research Project (RO1) Applications.

Date: January 25, 2005.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: William J. Johnson, PhD, Review Branch, Division of Extramural Affairs, National Heart, Lung and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7184, MSC 7924, Bethesda, MD 20892, 301/435–0275.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.937, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–948 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Initial Review Group Genome Research Review Committee.

Date: March 8, 2005.

Time: 11:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: January 10, 2005.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–878 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIAID.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIAID, Vaccine Research Center, Board of Scientific Counselors.

Date: February 7–8, 2005.

Time: February 7, 2005, 1 p.m. to 6 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 40, 40 Convent Drive, Bethesda, MD 20892.

Time: February 8, 2005, 9 a.m. to 2:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 40, 40 Convent Drive, Bethesda, MD 20892.

Contact Person: Gary J. Nabel, MD, PhD, Investigator, Vaccine Research Center, NIAID/NIH, 40 Convent Drive, Bldg 40, Room 4502, Bethesda, MD 20892, 401–496–1852, *gnabel@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 10, 2005.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–879 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel Child Interventions Panel.

Date: February 8–9, 2005.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Marks Center, 5000 Seminary Road, Alexandria, VA 22311.

Contact Person: Christopher S. Sarampote, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9608, Bethesda, MD 20892–9608, (301) 443–1959, *csarampo@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel ITV Related Conflicts.

Date: February 8, 2005.

Time: 4:40 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: David I. Sommers, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9608, Bethesda, MD 20892–9608, (301) 443–7861, *dsommers@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel National Cooperative Drug Discovery Groups for the Treatment of Mood Disorders or Nicotine Addiction (NCDDG–MD/NA) II.

Date: February 11, 2005.

Time: 12 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Peter J. Sheridan, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892–9606, (301) 443–1513, *psherida@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel National Cooperative Drug Discovery Groups for the Treatment of Mood Disorders or Nicotine Addiction (NCDDG–MD/NA) I.

Date: February 18, 2005.

Time: 12 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Peter J. Sheridan, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892–9606, 301–443–1513, *psherida@nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel Interventions and Services Centers—Adult.

Date: February 24–25, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Plaza Lord Baltimore Hotel, 20 West Baltimore Hotel, Baltimore, MD 21201.

Contact Person: Mary E. Farmer, MD, MPH, Scientific Review Administrator, Neuroscience Center, 6001 Executive Boulevard, Room 7191, Bethesda, MD 20892–9643, 301–443–9869, *mfarmer@nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel Conte Centers for Depression and Circadian Rhythm.

Date: February 24–25, 2005.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Summerfield Suites Hotel, 200 Skidmore Blvd., Gaithersburg, MD 20877.

Contact Person: A. Roger Little, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6157, MSC 9608, Bethesda, MD 20892–9608, 301–402–5844, *alittle@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel Lithium and Suicide Study.

Date: March 1, 2005.

Time: 11:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David I. Sommers, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9606, Bethesda, MD 20892–9606, 301–443–7861, *dsommers@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientists Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: January 10, 2005.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–880 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Innate Immunity.

Date: February 2, 2005.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Hagit S. David, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2155, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, (301) 402–4596.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 83.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 10, 2005.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–883 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health; National Institutes of Child Health and Human Development

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Pediatrics Subcommittee

Date: January 23–24, 2005.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5801, Bethesda, MD 20892, (301) 496–1487, *anandr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.885, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 16, 2005.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–884 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: January 23–25, 2005.

Closed: January 23, 2005, 7 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Open: January 24, 2005, 8:30 a.m. to 11:05 a.m.

Agenda: To discuss program planning and program accomplishments.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Closed: January 24, 2005, 11:05 a.m. to 12:45 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Open: January 24, 2005, 12:45 p.m. to 4:20 p.m.

Agenda: To discuss program planning and program accomplishments.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Closed: January 24, 2005, 4:20 p.m. to 5:15 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Closed: January 24, 2005, 6:30 p.m. to 9:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Closed: January 24, 2005, 8:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Story C. Landis, PhD, Director, Division of Intramural Research, NINDS, National Institutes of Health, Building 36, Room 5A05, Bethesda, MD 20892, (301) 435–2232.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–950 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel; IADL/Information Systems.

Date: February 11, 2005.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Hua-Chuan Sim, MD, Scientific Review Administrator, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–944 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, January 3, 2005, 1 p.m. to January 3, 2005, 5 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on January 3, 2005, 70 FR 99–100.

The meeting will be held January 28, 2005. The meeting time and location remain the same. The meeting is closed to the public.

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–943 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Development and Therapeutic Biology of Oral Sciences.

Date: January 19, 2005.

Time: 12:30 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Daniel F. McDonald, PhD, Chief, Renal and Urological Sciences IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Motor Function, Speech and Rehabilitation Study Section.

Date: February 14–15, 2005.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Weijia Ni, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, MSC 7848, (for overnight mail use room # and 20817 zip), Bethesda, MD 20892, (301) 435–1507, *niw@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Cancer Etiology Study Section.

Date: February 14–16, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Victor A. Fung, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6178, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *fungv@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Bioengineering, Technology and Surgical Sciences Study Section.

Date: February 14–15, 2005.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Dharam S. Dhindsa, DVM, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5110, MSC 7854, Bethesda, MD 20892, (301) 435–1174, *dhindsad@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Molecular and Cellular Endocrinology Study Section.

Date: February 14–15, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Syed M. Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892, (301) 435–1043, *amirs@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Clinical Neuroscience and Disease Study Section.

Date: February 14–15, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Rene Etcheberrigaray, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *etcheber@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SBIB–L (10)B: Small Business Bioelectromagnetics.

Date: February 14, 2005.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, CA 92109.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171, *rosenl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SBIB L (90)S: Electromagnetic Basic Science.

Date: February 14, 2005.

Time: 3:30 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, CA 92109.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171, *rosenl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clinical Neuroscience Disease SRA Conflict.

Date: February 14, 2005.

Time: 12 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: David M. Armstrong, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 435–1253, *armstrda@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Speech Movement Disorder Physiology.
Date: February 15, 2005.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.
Contact Person: Weijia Ni, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, MSC 7848, (for overnight mail use room # and 20817 zip), Bethesda, MD 20892, (301) 453–1507, *niw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 CDP 01 Q: Chemo/Dietary Prevention Study Section.
Date: February 16–18, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Day Inn Select Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Sally A. Mulher, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, MSC 7804, Bethesda, MD 20892, (301) 435–5877, *mulherns@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Mitochondria and Neutrodegeneration.
Date: February 16, 2005.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036.
Contact Person: Toby Behar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7850, Bethesda, MD 20892, (301) 435–4433, *behart@csr.nih.gov.*

Name of Committee: Respiratory Sciences Integrated Review Group, Lung Injury, Repair, and Remodeling Study Section.
Date: February 16–17, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham City Center Hotel, 1143 New Hampshire Ave., NW., Washington, DC 20037.
Contact Person: Ghenima Dirami, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2159, MSC 7818, Bethesda, MD 20892, (301) 594–1321, *diramig@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Synthetic and Biological Chemistry A Study Section.
Date: February 16–17, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: Robert Lees, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7806, Bethesda, MD 20892, (301) 435–2684, *lessro@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Surgery, Anesthesiology and Trauma Study Section.
Date: February 16–17, 2005.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Gerald L. Becker, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435–1170, *beckerg@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group, Cancer Biomarkers Study Section.
Date: February 16–18, 2005.
Time: 6:30 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.
Contact Person: Mary Bell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7804, Bethesda, MD 20892, (301) 435–8754, *bellmar@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Cellular Aspects of Diabetes and Obesity Study Section.
Date: February 16–18, 2005.
Time: 7:30 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Ann A. Jerkins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7892, Bethesda, MD 20892, (301) 435–4514, *jerkinsa@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institute of Health, HHS)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–949 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Neurobiology of Motivated Behavior Study Section.
Date: February 3–4, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018, *debbasg@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Membrane Biology and Protein Processing.
Date: February 3–4, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Ramesh K, Nayak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7840, Bethesda, MD 20892, (301) 435–1026, *nayakr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Program Project Evaluation.
Date: February 4, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Nuria E. Assa-Munt, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3120, MSC 7806, Bethesda, MD 20892, (301) 435–1323, *assamunu@csr.nih.gov*.

Name of Committee: Renal and Urological Studies Integrated Review Group, Cellular and Molecular Biology of the Kidney Study Section.

Date: February 7–8, 2005.

Time: 8 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Shirley Hilden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7814, Bethesda, MD 20892, (301) 435–1198, *hildens@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Macromolecular Structure and Function A Study Section.

Date: February 7–8, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW, Washington, DC 20037.

Contact Person: Janet Nelson, PhD, Scientific Review Administrator, center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1723, *nelsonja@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Tissue Engineering Bioengineering Research Partnerships (PAR 04–023).

Date: February 7, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jean D. Sipe, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, 301/435–1743, *sipej@csr.nih.gov*.

Name of Committee: Digestive Sciences Integrated Review Group, Hepatobiliary Pathophysiology Study Section.

Date: February 7–8, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rass M. Shayiq, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Biobehavioral Regulation, Learning and Ethology Study Section.

Date: February 7–8, 2005.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW, Washington, DC 20036.

Contact Person: Luci Roberts, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, *roberlu@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SBIB A 90S: Medical Bone Imaging.

Date: February 7, 2005.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eileen W. Bradley, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Central Visual Processing Study Section.

Date: February 8–9, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael A. Steinmetz, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5172, MSC 7844, Bethesda, MD 20892, (301) 435–1247, *steinmem@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Auditory System Study Section.

Date: February 9–10, 2005.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW, Washington, DC 20036.

Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, (301) 435–1249, *kimmj@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Biological Rhythms and Sleep Study Section.

Date: February 9, 2005.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael Selmanoff, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3134, MSC 7844, Bethesda, MD 20892, (301) 435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Biomedical Imaging Technology Study Section.

Date: February 10–11, 2005.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, CA 92109.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesdsa, MD 20892, (301) 435–1171, *rosenl@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Medical Imaging Study Section.

Date: February 10–11, 2005.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, CA 92109.

Contact Person: Eileen W. Bradley, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Integrative Physiology of Obesity and Diabetes Study Section.

Date: February 10–11, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Reed A. Graves, Ph.D, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 402–6297, *gravesr@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Integrative and Clinical Endocrinology and Reproduction Study Section.

Date: February 10–11, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Abubakar A. Shaikh, DVM, Ph.D, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1042, *shaikha@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group Synapses, Cytoskeleton and Trafficking Study Section.
Date: February 10–11, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave., NW., Washington, DC 20036.
Contact Person: Carl D. Banner, Ph.D, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7850, Bethesda, MD 20892, (301) 435–1251, *bannerc@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Pathogenic Eukaryotes Study Section.
Date: February 10–11, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Jean Hickman, Ph.D, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3194, MSC 7808, Bethesda, MD 20892, (301) 435–1146, *hickmanj@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Molecular Genetics B Study Section.
Date: February 10–11, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.
Contact Person: Richard A. Currie, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219, *currieri@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Basic Mechanisms of Cancer Therapeutics.
Date: February 10–11, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Suzanne L. Forry-Schaudies, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 451–0131, *forryscs@csr.nih.gov.*

Name of Committee: Risk Prevention and Health Behavior Integrated Review Group, Psychosocial Risk and Disease Prevention Study Section.
Date: February 10–11, 2005.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Monaco, 700 F Street, NW., Washington, DC 20004.
Contact Person: Deborah L. Young-Hyman, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 451–8008, *younghyd@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurogenesis and Cell Fate Study Section.
Date: February 10–11, 2005.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Jury's Doyle Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.
Contact Person: Lawrence Baizer, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892, (301) 435–1257, *baizerl@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Cell Structure and Function.
Date: February 10–11, 2005.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.
Contact Person: Alexandra M. Ainsztein, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 451–3848, *ainsztea@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group, Development—1 Study Section.
Date: February 10–11, 2005.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.
Contact Person: Sherry L. Dupere, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7843, Bethesda, MD 20892, (301) 435–1021, *duperes@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular, Cellular and Developmental SBIR.
Date: February 10–11, 2005.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Long Beach, 111 East Ocean Blvd., Long Beach, CA 90802.
Contact Person: Michael A. Lang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1265, *langm@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Biophysics of Synapses, Channels, and Transporters Study Section.
Date: February 10–11, 2005.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Long Beach, 111 East Ocean Blvd., Long Beach, CA 90802.
Contact Person: Michael A. Lang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1265, *langm@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Neuroendocrinology, Neuroimmunology, and Behavior Study Section.
Date: February 10–11, 2005.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Michael Selmanoff, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3134, MSC 7844, Bethesda, MD 20892, (301) 435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group, Community-Level Health Promotion Study Section.
Date: February 10–11, 2005.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Radisson Barcello, 2121 P Street, NW., Washington, DC 20037.
Contact Person: William N. Elwood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3162, MSC 7770, Bethesda, MD 20892, (301) 435–1503, *elwoodwi@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.
Date: February 10–11, 2005.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036.
Contact Person: Maribeth Champoux, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3146, MSC 7759, Bethesda, MD 20892, (301) 594–3163, *champoum@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group, Community Influences on Health Behavior.
Date: February 10–11, 2005.
Time: 9 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.
Contact Person: Ellen K. Schwartz, Ed.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7770, Bethesda, MD 20892, (301) 435–0681, *schwarte@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SBIB J 50R: PAR–04–023: Bioengineering Research Partnerships.

Date: February 11, 2005.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, CA 92109.
Contact Person: Behrouz Shabestari, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7854, Bethesda, MD 20892, (301) 435–2409, *shabestb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SBIB F 02M: Member Conflict: Biomedical Imaging and Imaging Technology.
Date: February 11, 2005.
Time: 3 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, CA 92109.
Contact Person: Robert J. Nordstrom, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, (301) 435–1175, *nordstrr@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS.)

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–951 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of The Board of Scientific Counselors of the Warren Grant Magnuson Clinical Center.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the Clinical Center, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: The Board of Scientific Counselors of the Warren Grant Magnuson Clinical Center.
Date: February 7–8, 2005.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.
Place: National Institutes of Health, Building 10, 10 Center Drive, CRC, 4–2551, Bethesda, MD 20892.
Contact Person: David K. Henderson, MD, Deputy Director for Clinical Care, Office of the Director, Clinical Center, National Institutes of Health, Building 10, Room 6–1480, Bethesda, MD 20892; 301/402–0244.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Dated: January 11, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–947 Filed 1–14–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, U.S. Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed new information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning a study of the effectiveness of the National Flood Insurance Program's (NFIP) FloodSmart, a multimedia marketing campaign, aimed at measuring homeowners' awareness, attitudes, and purchasing of flood insurance.

SUPPLEMENTARY INFORMATION: FEMA administers the NFIP created by Congress in 1968 (Pub. L. 90–488 as amended) in response to mounting losses due to floods. Unlike federal disaster assistance, the NFIP does not rely upon appropriated tax dollars to pay claims and operating expenses, but rather it self-supports through premiums collected from flood insurance policies. Communities choosing to participate in the NFIP adopt and enforce floodplain management ordinances to reduce future flood loses in exchange for federally-backed flood insurance made available to property owners in those communities. Based on the correlation between public awareness and purchasing of flood insurance, the NFIP, through the FloodSmart campaign, educates the public on the risks posed by floods and the availability of flood insurance to property owners in participating communities.

Collection of Information

Title: Flood Awareness, Attitude and Usage Study.
Type of Information Collection: New collection.
OMB Number: 1660–NEW7.
Abstract: The Flood Awareness, Attitude and Usage Survey is the evaluative tool of the NFIP's FloodSmart marketing campaign. The study assesses the overall impact of the campaign elements (*i.e.* advertising recall, media exposure, etc.) on property owners' perceptions and flood insurance. Data findings are combined with additional program data to measure the sale and retention of flood insurance policies in meeting the program's goal of a 5 percent net growth annually. Findings will be used primarily to plan for the subsequent 2005 campaign, and will be combined with additional program metrics for further performance evaluation.
Affected Public: Individuals or households.
Estimated Total Annual Burden Hours: 264 hours.

ANNUAL BURDEN HOURS

Project/activity (survey, form(s), focus group, etc.)	Number of respondents (A)	Frequency of responses (B)	Burden hours per respondent (C)	Annual responses (A × B)	Total annual burden hours (A × B × C)
Internet Panel Survey	800	1	0.33	800	264
Total	800	1	0.33	800	264

Estimated Cost: $4.50 per response for a total of $3,604 for all respondents combined.

ANNUAL COST TO RESPONDENTS

Program	Burden hours	Median hour rate [1] ($)	Average cost per response [2] ($)	Annualized cost all respondents ($)
Internet Panel Survey	264	13.65	4.50	3,604.00
Grand total	264	13.65	4.50	3,604.00

[1] Median hour for all occupations per Bureau of Labor Statistics, 2003.
[2] Based on 20 minutes (.33 hour) estimated response time.

Comments: Written comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Carolyn Goss, Program Analyst, Risk Management Marketing Section at (202) 646–3468 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at facsimile number (202) 646–3347 or e-mail address: *FEMA-Information-Collections@dhs.gov.*

Dated: January 11, 2005.

Edward W. Kernan,

Branch Chief, Information Resources Management Branch, Information Technology Services Division.

[FR Doc. 05–871 Filed 1–14–05; 8:45 am]

BILLING CODE 9110–13–P

DEPARTMENT OF HOMELAND SECURITY

Cooperating Technical Partners Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of Cooperating Technical Partners Flood Hazard Mapping Program.

SUMMARY: FEMA gives notice of the requirements for the Cooperating Technical Partners Program for Fiscal Year (FY) 2005.

DATES: FEMA has an estimated $50 million available nationwide for funding partner projects in FY 2005.

FOR FURTHER INFORMATION CONTACT: The FEMA Regional Cooperating Technical Partner (CTP) Coordinators for your region. We list names, addresses, and telephone numbers for the Regional CTP Coordinators at the end of this Notice.

SUPPLEMENTARY INFORMATION:

Background. FEMA administers the National Flood Insurance Program (NFIP) and, under the authority of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) establishes and updates flood-risk zone data in floodplain areas. In the identification of floodprone areas, we may consult with, receive information from and enter into agreements or other arrangements with the head of any State, regional, or local agency in order to identify these floodprone areas.

We are implementing the Cooperating Technical Partners (CTP) program as part of our Flood Map Modernization Program. The plan document for our Map Modernization Program and progress reports concerning the Program are available at *http://www.fema.gov/fhm/dl_mpmod.shtm.* The program formally recognizes and encourages the contributions that our Flood Hazard Mapping Partners (State agencies, regional agencies, tribal governments, and communities) make in developing timely and accurate flood hazard information. We strongly encourage partner contributions to flood hazard data development, which are a key part of the program.

Establishing formal partnerships with State, regional, and local organizations to produce NFIP maps is beneficial for the following reasons:

- The data used for local permitting and planning will also be the basis for the NFIP map, facilitating more efficient floodplain management;
- The CTP program provides the opportunity to interject a tailored, local focus into a national program; thus, where unique conditions may exist, we

can take needed special approaches to flood hazard identification; and

• The partnership mechanism provides the opportunity to pool resources and extend the productivity of limited public funds.

Under this program, the partners will enter into a general overall agreement that recognizes the fundamental importance of flood hazard identification, flood insurance, and floodplain management. Then, through a collaborative process, the partners will identify the specific flood hazard mapping activities to be undertaken. If this process results in CTP activities that we will support with FEMA funds, the partners will enter into a Cooperative Agreement and define the roles and responsibilities for each Flood Map Project through agreements termed Mapping Activity Statements. The intent of any Cooperative Agreement and accompanying funds that we award is to supplement and not to supplant ongoing mapping efforts by the community, regional agency, or State agency. Further, we envision that this collaborative process will maximize the extent, accuracy, and utility of flood studies to best meet local and Federal needs, while minimizing costs for all parties.

Additional guidance on the program is available at *http://www.fema.gov/mit/tsd/ctp_main.htm.*

Availability of Fiscal Year 2005 Funds. We have set aside approximately $50 million nationwide for use by all FEMA Regional Offices to fund CTP mapping activities in fiscal year 2005 (October 1, 2004, through September 30, 2005). We base the selection of CTP participants on floodplain mapping needs and capability to perform the types of eligible activities that we identified for the CTP program. A significant factor in the selection process will be the partner contribution to the project. We will provide funding to eligible CTP applicants through the Cooperative Agreement process in accordance with 44 CFR part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local Governments, which we will allocate as part of our flood study prioritization process. Upon publication of this notice, our Regional Offices will mail Request for Federal Assistance (RFA) packages to potential applicants.

Eligibility. Our Regional Offices will select partners based on the following criteria:

(1) The CTP applicant must be a community participating in the NFIP and be in good standing in the program as determined by FEMA, or be a State or regional agency that serves communities that participate in the NFIP.

(2) The CTP applicant must have existing processes or systems in place that support mapping or data collection activities that contribute to flood hazard identification. Non-federal funding must support these ongoing processes or systems.

(3) The CTP applicant must have the capability and commitment to perform the mapping activities for which it is applying. We require a demonstration of this capability, which an applicant may demonstrate through (but not limited to) a Regional Office review of both previously prepared map products and the applicant's existing processes or systems for the production of map products that the applicant intends to use for CTP activities.

(4) The CTP applicant that will receive funds under a Cooperative Agreement must be able to perform the financial management activities required as part of the Cooperative Agreement (*i.e.*, account for Federal funds, prepare required performance and financial reports). Our Regional Offices can assist the communities with these financial management activities, if questions arise. FEMA-funded activities must meet the requirements of 44 CFR part 13. Part 13 sets forth requirements for proper grant administration and management including recordkeeping, allowable costs, and the processes for use of contractors.

(5) The CTP applicant must have in-house staff capabilities in the appropriate technical area for the given activity. If the applicant contracts out a portion of the activities, the CTP applicant must have in-house staff capability to monitor the contractor as well as review and approve the resulting products. For these purposes, ''capability'' means ''demonstrated experience in the performance, or management of, similar activities.''

(6) CTP applicants that use contactors to perform FEMA-funded activities must ensure that those contractors meet the requirements of 44 CFR part 13. Within part 13, section 13.36 covers procurement standards that must be followed for any mapping-related activities for which the CTP applicant wishes to contract with another party. Items in this part include contract administration and record-keeping, notification requirements, review procedures, competition, methods of procurement, and cost and pricing analysis. If desired, our Regional Offices will provide assistance on developing selection criteria for contracted tasks. All work must meet the standards and certification requirements described in Subsections ''*Standards*'' and ''*Certification*'' below.

Activities. As stated previously, Mapping Activity Statements will define the roles and responsibilities of the all partners, including contractors to the CTP applicant and FEMA, in the production or maintenance of flood hazard maps. FEMA support may include technical assistance, data, and funding.

(1) *Funded Activities:* In Fiscal Year 2005, the following mapping activities are eligible for funding:

Activity	Partners	Description
Refinement or Creation of Approximate Zone A Boundaries.	Community Regional Agency State Agency	The Partner works with FEMA to perform analyses to refine Zone A boundaries shown on the effective Flood Insurance Rate Map (FIRM) or create new Zone A areas to be included on the FIRM. Emphasis is placed on automated analysis and production techniques.
Hydrologic and Hydraulic Analyses and Floodplain Mapping.	Community Regional Agency State Agency	The Partner develops digital engineering data and floodplain mapping using Geographic Information System (GIS)-based or traditional hydrologic and hydraulic modeling.
Coastal Flood Hazard Analyses and Floodplain Mapping.	Community Regional Agency State Agency	The Partner develops digital engineering data and floodplain mapping using GIS-based or traditional coastal flood hazard analysis methods.
Digital Flood Insurance Rate Map (DFIRM) Preparation.	Community Regional Agency State Agency	The Partner digitizes information from the effective hardcopy FIRM and prepares a DFIRM that meets FEMA specifications.
Redelineation of Detailed Floodplain Boundaries Using Updated Topographic Data.	Community Regional Agency State Agency	The Partner redelineates the effective floodplain boundaries shown on the FIRM using more up-to-date topographic data. GIS technology is used, where available.

Activity	Partners	Description
Digital Topographic Data Development	Community Regional Agency State Agency	The Partner develops digital topographic data for flood hazard identification purposes.
Scoping up to 10%	Community Regional Agency State Agency	Up to 10% of the total estimated funding may be provided to do an extensive project scope that leads to the development of the Mapping Activity Statement.

(2) *Other Activities:* While we will provide no funding to CTPs for the following mapping activities, we may provide technical assistance, support, and data to the CTP:

Activity	Partners	Description
Digital Base Map Inventory	Regional Agency State Agency	The Partner performs an investigation and provides an inventory of base maps meeting FEMA specifications for NFIP communities in a particular region or State.
Digital Base Map Data Sharing	Community Regional Agency State Agency	The Partner supplies base map data for use in producing a DFIRM. The base map must comply with FEMA minimum accuracy requirements and be distributable by FEMA to the public in hardcopy and electronic formats.
DFIRM Maintenance Community	Community Regional Agency State Agency	The Partner assumes responsibility for long-term, periodic maintenance of the DFIRM. This can include base map and/or flood hazard information.
Hydrologic and Hydraulic Review	Community Regional Agency State Agency	The Partner reviews hydrologic and hydraulic studies prepared for FEMA-funded flood data updates and/or map revisions processed under Part 65 of the NFIP regulations. The review focuses on compliance with the technical and regulatory requirements contained in Guidelines and Specifications for Flood Hazard Mapping Partners, the pertinent NFIP regulations, as well as standard accepted engineering practices.
Assessment of Community Mapping Needs (to support FEMA's Mapping Needs Update Support System).	Regional Agency State Agency	The Partner performs a detailed community-by-community assessment of mapping needs for every mapped (including flood data updates and map maintenance) and unmapped NFIP community within its jurisdiction. The Partner then submits the results of the assessment to FEMA for inclusion in the Mapping Needs Update Support System database.
Technical Standards Agreement	Community Regional Agency State Agency	The Partner works with FEMA to adopt specific technical standards or processes appropriate for local conditions for NFIP flood mapping purposes.

Standards. Unless otherwise indicated in specific Mapping Activity Statements, all flood hazard identification activities will be accomplished according to the relevant portions of 44 CFR parts 59 through 77, as well as the technical standards contained in the most recent version of FEMA's *Guidelines and Specifications for Flood Mapping Partners,* which are set out at *http://www.fema.gov/mit/tsd/dl_cgs.htm.*

Certification. All data generated under CTP Mapping Activity Statements must meet the applicable certification requirements for the identification and publication of flood hazard information in Flood Insurance Rate Map (FIRM) form as indicated in 44 CFR 65, Identification and Mapping of Special Hazard Areas. For those States that have adopted more stringent mapping requirements that have been sanctioned by FEMA, all Mapping Activity Statements must be reviewed, coordinated with, and concurred upon by the State and all map products must meet State certification requirements.

Evaluation Criteria. Evaluation will be based on the following criteria:

(1) The continued maintenance (funded/supported by the CTP) for existing and/or future processes or systems in place to support mapping or data collection activities that contribute to flood hazard identification, *e.g.*, continued data collection for changing flood hazards and related development, continued upgrades to data collection or mapping capabilities to incorporate new technologies, preparation of multi-year mapping or data collection plans, etc.;

(2) The demonstrated commitment by the CTP for existing and continued support of flood hazard identification and mapping activities conducted with and by FEMA;

(3) Adherence to timeliness and completeness of performance and financial report to the Regional Office;

(4) Adherence to timeliness and completeness of map products to the Regional Office;

(5) Quality of product(s) submitted to the Regional Office; and

(6) Ability to cooperate and coordinate with the Regional Office, FEMA Risk Identification Branch of the Mitigation Division in Washington, and/or the FEMA Flood Map Production Coordination Contractor during all phases of the mapping activity as needed.

We will evaluate the performance of each CTP throughout the project and upon completion of the period of performance for each Mapping Activity Statement. This evaluation will determine the adequacy of the performance by the CTP and the eligibility for future Mapping Activity Statements to be initiated. Insufficient performance by the CTP may result in cancellation of FEMA funding at any point during the period of performance for a Mapping Activity Statement.

Cooperating Technical Partners Regional Contacts.

The FEMA Regional Office contacts for the CTP programs are:

- Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): Dean Savramis, 99 High Street, 6th Floor, Boston, MA 02110, telephone: (978) 461–5323, e-mail: *dean.savramis@dhs.gov*.
- Region II (New Jersey, New York, Puerto Rico, U.S. Virgin Islands): Paul Weberg, 26 Federal Plaza, Room 1337, New York, NY 10278–0002, telephone:

(212) 680–363, e-mail: *paul.weberg@dhs.gov*.

• Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia): Nikki Roberts, One Independence Mall, 615 Chestnut Street, 6th Floor, Philadelphia, PA 19106–4404, telephone: (215) 931–5575 for Nikki Roberts, e-mail: *nikki.roberts@dhs.gov*.

• Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee): Laura Algeo, 3003 Chamblee Tucker Road, Atlanta, GA 30341, telephone: (770) 220–5515, e-mail: *laura.algeo@dhs.gov*.

• Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin): Ken Hinterlong, Team Lead, 536 South Clark Street, 6th Floor, Chicago, IL 60605, telephone: (312) 408–5529, e-mail: *ken.hinterlong@dhs.gov*.

Mary Jo Mullen (Indiana, Michigan, and Ohio), 536 South Clark Street, 6th Floor, Chicago, IL 60605, telephone: (312) 408–5541, e-mail: *maryjo.mullen@dhs.gov*.

Lee Traeger (Illinois, Minnesota, and Wisconsin) 536 South Clark Street, 6th Floor, Chicago, IL 60605, telephone: (312) 408-5538 e-mail: *lee.traeger@dhs.gov*

• Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas): Gary Zimmerer (Arkansas and Louisiana), Federal Regional Center, 800 North Loop 288, Room 206, Denton, TX 76210–3698, telephone: (940) 898–5161, e-mail: *gary.zimmerer@dhs.gov*.

Jim Orwat (New Mexico and Oklahoma), Federal Regional Center, 800 North Loop 288, Room 206, Denton, TX 76210–3698, telephone: (940) 898–5302, e-mail: *james.orwat@dhs.gov*.

Jack Quarles (Texas), Federal Regional Center, 800 North Loop 288, Room 206, Denton, TX 76210–3698, telephone: (940) 898–5156, e-mail: *jack.quarles@dhs.gov*.

• Region VII (Iowa, Kansas, Missouri, Nebraska), Bob Franke, 2323 Grand Avenue, Suite 900, Kansas City, MO 64108–2670, telephone: (816) 283–7073, e-mail: *bob.franke@dhs.gov*.

• Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming): John Liou or Marijo Camrud, Denver Federal Center, Bldg. 710, Box 25267, Denver, CO 80225–0267, telephone: (303) 235–4836, telephone: (303) 235–4835, e-mail: *john.liou@dhs.gov*, e-mail: *marijo.camrud@dhs.gov*.

• Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam, Marshall Islands and Northern Mariana Islands): Les Sakumoto (Northern California and Nevada), 1111 Broadway, Suite 1200, Oakland, CA 94607, telephone: (510) 627–7183, e-mail: *leslie.sakumoto@dhs.gov*.

Ray Lenaburg (Southern California, Arizona, Hawaii, American Samoa, Guam, Marshall Islands and Northern Mariana Islands) 1111 Broadway, Suite 1200, Oakland, CA 94607, telephone: (510) 627–7181, e-mail: *raymond.lenaburg@dhs.gov*.

• Region X (Alaska, Idaho, Oregon, Washington): Dave Carlton, Federal Regional Center, 130 228th Street SW., Bothell, WA 98021–9796, telephone: (425) 487–4703, e-mail: *david.carlton@dhs.gov*.

Dated: January 10, 2005.

David I. Maurstad,

Acting Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 05–869 Filed 1–14–05; 8:45 am]

BILLING CODE 6718–04–P

INTER-AMERICAN FOUNDATION

Sunshine Act Meeting; Draft Agenda for Board of Directors Meeting, January 21, 2005, 9 a.m.–12:30 p.m.

The meeting will be held at the Office of Entergy Corporation, 101 Constitution Avenue, NW., Suite 200 East, Washington, DC 20001.

The meeting will be closed as provided in 22 CFR 1004.4(f) to discuss matters related to the search for candidates for the position of President of the Inter-American Foundation.

9 a.m. Call to order. Begin executive session.
12 p.m. Break for lunch.
1:30 p.m. Continue executive session.
4 p.m. Close.

Jocelyn Nieva,

Acting General Counsel.

[FR Doc. 05–1023 Filed 1–13–05; 12:10 pm]

BILLING CODE 7025–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Technical Agency Draft Recovery Plan for Six Mobile Basin Aquatic Snails for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: We, the Fish and Wildlife Service, announce the availability of the technical agency draft recovery plan for six Mobile Basin aquatic snails. The six snails included in the recovery plan are: the endangered cylindrical lioplax (*Lioplax cyclostomaformis*), flat pebblesnail (*Lepyriam showalteri*), and plicate rocksnail (*Leptoxis ampla*); and the threatened painted rocksnail (*Leptoxis taeniata*), round rocksnail (*Leptoxis ampla*), and lacy elimia (*Elimia crenatella*). All are endemic to the Mobile River Basin (Basin) where they inhabit shoals, rapids and riffles of large streams and rivers above the Fall Line. All six species have disappeared from more than 90 percent of their historic ranges as a result of impoundment, channelization, mining, dredging, and pollution from point and non-point sources. The technical agency draft recovery plan includes specific recovery objectives and criteria to be met in order to reclassify (downlist) the cylindrical lioplax, flat pebblesnail, and plicate rocksnail to threatened species and for the eventual delisting of all six species under the Endangered Species Act of 1973, as amended (Act). We solicit review and comment on this technical agency draft recovery plan from local, State, and Federal agencies, and the public.

DATES: In order to be considered, we must receive comments on the technical agency draft recovery plan on or before March 21, 2005.

ADDRESSES: If you wish to review this technical agency draft recovery plan, you may obtain a copy by contacting the Jackson, Mississippi Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, MS 39213 (telephone (601) 965–4900), or by visiting our recovery plan Web site at *http://endangered.fws.gov/recovery/index.html#plans*. If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and materials to the Field Supervisor, at the above address.

2. You may hand-deliver written comments to our Jackson, Mississippi Field Office, at the above address, or fax your comments to (601) 965–4900.

3. You may send comments by e-mail to *Paul_Hartfield@fws.gov*. For directions on how to submit electronic filing of comments, see the ''Public Comments Solicited'' section.

Comments and materials received are available for public inspection on request, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul Hartfield (Telephone 601–321–1125).

SUPPLEMENTARY INFORMATION:

Background

On October 28, 1998 (63 FR 57610), we listed six aquatic snails, in the Mobile River Basin, as threatened (painted rocksnail, round rocksnail, lacy elimina) or endangered (cylindrical lioplax, flat pebblesnail, plicate rocksnail) under the Act. These six snails are endemic to portions of the Mobile River Basin in central Alabama. The cylindrical lioplax, flat pebblesnail, and round rocksnail are found in the Cahaba River drainage; the lacy elimina and painted rocksnail are in the Coosa River drainage; and the plicate rocksnail is in the Black Warrior River drainage. These snails require rock, boulder, or cobble substrates and clean, unpolluted water and are found on shoals and riffles of large streams and rivers. Impoundment and water quality degradation have eliminated the six snails from 90 percent or more of their historic habitat. Known populations are restricted to small portions of stream drainages. These surviving populations are currently threatened by pollutants such as sediments and nutrients that wash into streams from the land surface.

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the endangered species program. To help guide the recovery effort, we are preparing recovery plans for most listed species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures.

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 us to provide a public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

The objective of this technical agency draft plan is to provide a framework for the recovery of these six aquatic snails so that protection under the Act is no longer necessary. As reclassification and recovery criteria are met, the status of these species will be reviewed and they will be considered for reclassification or removal from the *Federal List of Endangered and Threatened Wildlife and Plants* (50 CFR part 17).

Public Comments Solicited

We solicit written comments on the recovery plan described. We will consider all comments received by the date specified above prior to final approval of the draft recovery plan.

Please submit electronic comments as an ASCII file format and avoid the use of special characters and encryption. Please also include your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Mississippi Field Office (see **ADDRESSES** section).

Our practice is to make all comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the record, which we will honor to the extent allowable by law. In some circumstances, we would withhold also from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: December 15, 2004.

Cynthia K. Dohner,

Acting Regional Director, Southeast Region.

[FR Doc. 05–896 Filed 1–14–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Land Acquisitions; Suquamish Tribe of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Final Agency Determination to take land into trust under 25 CFR part 151.

SUMMARY: The Principal Deputy Assistant Secretary—Indian Affairs made a final agency determination to acquire approximately 12.72 acres of land into trust for the Suquamish Tribe of Washington on April 21, 2004. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

FOR FURTHER INFORMATION CONTACT: George Skibine, Office of Indian Gaming Management, Office of Policy—Economic Development, MS–4606 MIB, 1849 C Street, NW., Washington, DC 20240; Telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: This notice is published to comply with the requirement of 25 CFR 151.12(b) that notice be given to the public of the Secretary's decision to acquire land in trust at least 30 days prior to signatory acceptance of the land into trust. The purpose of the 30-day waiting period in 25 CFR 151.12(b) is to afford interested parties the opportunity to seek judicial review of final administrative decisions to take land in trust for Indian tribes and individual Indians before transfer of title to the property occurs. On April 21, 2004, the Principal Deputy Assistant Secretary—Indian Affairs decided to accept approximately 12.72 acres of land into trust for the Suquamish Tribe of Washington under the authority of the Indian Reorganization Act of 1934, 25 U.S.C. 465. On April 10, 2003, the Regional Solicitor, Pacific Northwest Region determined that the acquisition of this parcel in trust status for gaming is consistent with the Indian Gaming Regulatory Act, 25 U.S.C. 2719 (a)(1), because the parcel is located within the boundaries of the Suquamish Reservation as the reservation existed on October 17, 1988.

That portion of Government Lot 2, Section 29, Township 26 North, Range 2 East, W.M., in Kitsap County, Washington, described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 2 (A CONCRETE MONUMENT) WHICH BEARS SOUTH 1°40′06″ WEST 1339.80 FEET FROM THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 2, BEING A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF THE PLAT OF ''AGATE WEST'' AS PER VOLUME 9 OF PLATS, PAGE 52; THENCE ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2, NORTH 1°40′06″ EAST 272.88 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 305; THENCE ALONG SAID RIGHT-OF-WAY NORTH 61°57′40″ EAST 21.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY THE FOLLOWING; NORTH 61°57′50″ EAST 275.79 FEET; THENCE SOUTH 28°02′20″ EAST 25.00 FEET; THENCE NORTH 61°57′40″ EAST 231.00 FEET; THENCE NORTHEASTERLY ALONG A 100

FOOT OFFSET SPIRAL TO THE RIGHT (CENTERLINE SPIRAL OF ''A–1 ⅔'') THROUGH A RESULTANT OFFSET SPIRAL CHORD OF NORTH 6°55′50″ EAST 258.35 FEET; THENCE NORTH 22°00′29″ WEST 25.00 FEET; THENCE NORTHEASTERLY ALONG A 75 FOOT OFFSET SPIRAL TO THE RIGHT THROUGH A RESULTANT OFFSET SPIRAL CHORD OF NORTH 73°55′00″ EAST 193.34 FEET; THENCE EASTERLY ON A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 8°50′20″ EAST 641.20 FEET, AN ARC DISTANCE OF 249.31 FEET TO A POINT ON THE WEST LINE OF THE EAST 150 FEET OF SAID GOVERNMENT LOT 2; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING ALONG THE WEST LINE OF THE EAST 150 FEET, SOUTH 3°09′51″ WEST 702.89 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT 2; THENCE ALONG SAID SOUTH LINE NORTH 88°49′32″ WEST 372.75 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 28°49′32″ WEST 46.19 FEET; THENCE NORTH 88°49′32″ WEST 292.00 FEET; THENCE SOUTH 32°40′28″ WEST 46.91 FEET TO SAID SOUTH LINE OF GOVERNMENT LOT 2 BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO EDWARD A. FEENEY UNDER AUDITOR'S FILE NO. 1155684 WHICH BEARS SOUTH 88°49′32″ EAST 390.77 FEET FROM THE SAID SOUTHWEST CORNER OF GOVERNMENT LOT 2; THENCE ALONG SAID SOUTH LINE OF GOVERNMENT LOT 2, NORTH 8°49′32″ WEST 66.97 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 205′10″ EAST 75.00 FEET; THENCE NORTH 88°49′32″ WEST 151.02 FEET; THENCE NORTH 10°03′31″ WEST 33.95; THENCE WESTERLY AND NORTHWESTERLY ALONG A CURVE TO THE RIGHT THE CENTER OF WHICH BEARS NORTH 10°03′31″ WEST 125.00 FEET, AN ARC DISTANCE OF 118.51 FEET; THENCE NORTH 45°44′15″ WEST 18.49 FEET; THENCE NORTH 8°54′26″ WEST 133.02 FEET TO THE TRUE POINT OF BEGINNING; SITUATED IN THE COUNTY OF KITSAP, STATE OF WASHINGTON.

Containing 12.72 acres, more or less.

Dated: January 11, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–940 Filed 1–14–05; 8:45 am]

BILLING CODE 4310–4N–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–530]

In the Matter of Certain Electric Robots and Component Parts Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 16, 2004, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of FANUC Robotics America, Inc. of Rochester Hills, Michigan. A letter supplementing the complaint was filed on January 4, 2005. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electric robots and component parts thereof by reason of infringement of claims 1–24 of U.S. Patent No. 6,477,913. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint and supplement, except for any confidential information contained therein, are 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., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *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*.

FOR FURTHER INFORMATION CONTACT: Kevin Baer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2221.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2004).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 10, 2005, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electric robots or component parts thereof by reason of infringement of one or more of claims 1–24 of U.S. Patent No. 6,477,913, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

FANUC Robotics America, Inc., 3900 W. Hamlin Road, Rochester Hills, Michigan 48309.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Behr Systems, Inc., 2469 Executive Hills Blvd., Auburn Hills, Michigan 48326.

Dürr AG, Otto-Dürr Strasse 8, 70435 Stuttgart, Germany.

Motoman, Inc., 805 Liberty Lane, West Carrollton, Ohio 45449.

Yaskawa Electric Corporation, 2–1 Kurosaki-Shiroishi, Yahatanishi-Ku, Kitakyushu, Fukuoka, 806–0004, Japan.

(c) Kevin Baer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this

notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 11, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–905 Filed 1–14–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–340E and H (Second Review)]

Solid Urea From Russia and Ukraine

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the antidumping duty orders on solid urea from Russia and Ukraine.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on solid urea from Russia and Ukraine would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: January 4, 2005.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202) 205–3193, Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION: On January 4, 2005, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that both the domestic and Russian respondent interested party group responses to its notice of institution (69 FR 58957, October 1, 2004) were adequate but it found that the Ukrainian respondent interested party group response was inadequate. However, the Commission determined to conduct a full review concerning subject imports from Ukraine to promote administrative efficiency in light of its decision to conduct a full review with respect to solid urea from Russia. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: January 12, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–904 Filed 1–14–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–05–001]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: January 26, 2005, at 2 p.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–653 (Second Review)(Sebacic Acid 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 February 8, 2005.)
5. Outstanding action jackets:

(1) Document No. GC–04–152: Concerning administrative matters.

(2) Document No. GC–04–173: Concerning Inv. No. 337–TA–406 (Certain Lens-Fitted Film Packages)(Enforcement Proceedings II).

(3) Document No. GC–04–178: Concerning administrative matters.

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: January 12, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–1019 Filed 1–13–05; 12:10 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: certification on agency letterhead authorizing purchase of firearm for official duties of law enforcement officer.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until March 21, 2005. 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 David Chipman, Chief, Firearms Enforcement Branch, Room 7400, 650 Massachusetts Avenue, NW., Washington, DC 20226.

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:* Certification on Agency Letterhead Authorizing Purchase of Firearm for Official Duties of Law Enforcement Officer.

(3) *Agency Form Number, if Any, and the Applicable Component of the Department of Justice Sponsoring the Collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected Public Who Will be Asked or Required to Respond, as Well as a Brief Abstract:* Primary: State, Local or Tribal Government. Other: None. The letter is used by a law enforcement officer to purchase handguns to be used in his/her official duties from a licensed firearm dealer anywhere in the country. The letter shall state that the officer will use the firearm in official duties and that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence.

(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 50,000 respondents will take 5 seconds to file the letter.

(6) *An Estimate of the Total Public Burden (in Hours) Associated With the Collection:* There are an estimated 69 annual total burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: January 12, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–901 Filed 1–14–05; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–261N]

Solicitation of Comments on Dispensing of Controlled Substances for the Treatment of Pain

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Notice; solicitation of comments.

SUMMARY: On November 16, 2004, DEA published in the **Federal Register** an Interim Policy Statement on the dispensing of controlled substances for the treatment of pain. The Interim Policy Statement stated that DEA would address the subject in greater detail in a future **Federal Register** document, taking into consideration the views of the medical community. DEA is hereby seeking comments from physicians and other interested members of the public as to what areas of the law relating to the dispensing of controlled substances for the treatment of pain they would like DEA to address in the upcoming **Federal Register** document.

DATES: Written comments must be postmarked, and electronic comments must be sent, on or before March 21, 2005.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–261'' on all written and electronic correspondence. Written comments being sent via regular mail should be sent to the Deputy Administrator, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCD. Written comments sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/CCD, 2401 Jefferson-Davis Highway, Alexandria, VA 22301.

Comments may be directly sent to DEA electronically by sending an electronic message to *dea.diversion.policy@usdoj.gov*. Comments may also be sent electronically through *http://www.regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at the *http://www.regulations.gov* Web site. DEA will accept attachments to electronic comments in Microsoft Word, WordPerfect, Adobe PDF, or Excel file formats only. DEA will not accept any file format other than those specifically listed here.

FOR FURTHER INFORMATION CONTACT: Daniel Dormont, Senior Attorney, Drug Enforcement Administration, Washington, DC 20537; telephone: (202) 307–8010.

SUPPLEMENTARY INFORMATION:

On November 16, 2004, DEA published in the **Federal Register** an Interim Policy Statement on the dispensing of controlled substances for the treatment of pain. 69 FR 67170. The Interim Policy Statement explained why an earlier document, which appeared on the DEA Office of Diversion Control Web site in August 2004, contained misstatements and was not approved as an official statement of the agency. The Interim Policy Statement corrected some of the misstatements in the August 2004 document and announced that DEA would address, in greater detail, the subject of dispensing controlled substances for the treatment of pain in a future **Federal Register** document, taking into consideration the views of the medical community. This upcoming document will stay within the scope of DEA's authority by addressing the law the agency administers, the Controlled Substances Act (CSA), and the DEA regulations promulgated thereunder, as well as the pertinent court decisions. As indicated in the Interim Policy Statement, the document will contain a recitation of the relevant provisions of the CSA and DEA regulations relating to the dispensing of controlled substances for the treatment of pain. The purpose of this recitation will be to provide guidance and reassurance to the overwhelming majority of physicians who engage in legitimate pain treatment while deterring unlawful prescribing and dispensing of pharmaceutical controlled substances.

As was the case with the Interim Policy Statement, none of the principles addressed in the upcoming **Federal Register** document will be new. Rather, the document will reiterate legal concepts that have been incorporated in the federal laws and regulations for many years and are reflected in federal court decisions and DEA final administrative orders. DEA recognizes

the desire of many physicians and members of the public to have these concepts reiterated in a single, comprehensive document. Toward that end, DEA is hereby seeking the input of physicians, pharmacists, and other interested members of the public. Any person who so desires should indicate, in writing, the areas of the law relating to controlled substances that they would like DEA to address in the upcoming document. DEA will consider all such comments submitted on or before March 21, 2005.

Dated: January 11, 2005.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 05–906 Filed 1–14–05; 8:45 am]

BILLING CODE 4410–09–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–004]

NASA Exploration Transportation System Strategic Roadmap Committee; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Exploration Transportation System Strategic Roadmap Committee.

DATES: Thursday, February 3, 2005, 8 a.m. to 6 p.m.; and Friday, February 4, 2005, 8 a.m. to 12 noon.

ADDRESSES: Sheraton Safari Hotel, 12205 Apopka Vineland Road, Orlando, FL 32836.

FOR FURTHER INFORMATION CONTACT: Dr. Dana Gould, MS 149, National Aeronautics and Space Administration Langley Research Center, Hampton, VA 23681–2199 (757) 864–7747.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. Visitors to the meeting will be requested to sign a visitor's register.

The agenda for the meeting includes the following topics:

—Background and Stage Setting for Exploration Transportation System Strategic Roadmap.
—Exploration Transportation Strategic Roadmap Framework Introduction.
—Exploration Transportation Strategic Roadmap Initial Development.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 05–952 Filed 1–14–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINSTRATION

[Notice (05–005)]

NASA Solar System Exploration Strategic Roadmap Committee; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Solar System Exploration Strategic Roadmap Committee.

DATES: Thursday, February 3, 2005, 8 a.m. to 5 p.m., Friday, February 4, 2005, 8 a.m. to 5 p.m., Pacific Standard Time.

ADDRESSES: NASA Ames Conference Center, Bldg 3, 500 Severyns Road, Moffett Field, CA 94035–1000.

FOR FURTHER INFORMATION CONTACT: Ms. Rho Christensen at (650) 604–2476.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the meeting room. Attendees will be requested to sign a register.

The agenda for the meeting is as follows:

—Introductory remarks and team logistics.
—Strategic Roadmap and Integration Overview.
—Review of prior Solar System roadmaps and strategies: NRC survey report, 2003 Strategic Roadmap, Solar System Exploration White Paper.
—Strategic Process: Pathways/Options/Decision Points/Interdependencies.
—Plan for completing the new Strategic Roadmap.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 05–953 Filed 1–14–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Notice of the Availability of a Record of Decision Following a Final Comprehensive Environmental Evaluation for Antarctic Activities

AGENCY: National Science Foundation.

ACTION: Notice of availability of a Record of Decision following a Final Environmental Impact Statement/Comprehensive Environmental Evaluation (FEIS/FCEE) for activities proposed to be undertaken in Antarctica.

SUMMARY: The National Science Foundation gives notice of the availability of a Final Environmental Impact Statement/Comprehensive Environmental Evaluation (FEIS/FCEE) for activities proposed to be undertaken in Antarctica.

The Office of Polar Programs (OPP) has decided to proceed with the construction and operation of a high-energy neutrino telescope to be located at the Amundsen-Scott Station, South Pole, Antarctica. Given the United States Antarctic Program's (USAP) mission to support polar research, the proposed action will result in a telescope that has been specifically designed to detect a wide diversity of high-energy neutrinos of astrophysical origin. In reaching this decision, the Director of the Office of Polar Programs has considered the potential environmental impacts addressed in the Project IceCube EIS/CEE. The Director has also considered input from Antarctic Treaty nations and the public pertaining to the EIS/CEE for Project IceCube.

Pursuant to 16 U.S.C. 2403a, the National Science Foundation has prepared this Record of Decision following the Final Environmental Impact Statement/Comprehensive Environmental Evaluation for Project IceCube, Amundsen-Scott Station, South Pole, Antarctica.

ADDRESSES: Copies of the Record of Decision are available upon request from: Dr. Polly A. Penhale, National Science Foundation, Office of Polar Programs, 4201 Wilson Blvd., Suite 755, Arlington, VA 22230. Telephone: (703) 292–8033.

SUPPLEMENTARY INFORMATION: A Notice of Availability of the draft EIS/CEE was published in the **Federal Register**. Via a Web site link, the draft Project IceCube EIS/CEE was made available for review to all interested parities including Antarctic Treaty nations, international and U.S. Federal agencies, research institutions, private organizations, and individuals. Comments were received

and considered as described in Appendix E of the environmental document and include comments from the Australian Antarctic Division, German Federal Environmental Agency, Antarctica New Zealand, and Antarctic Treaty Consultative Meeting (ATCM)/ Council on Environmental Protection (CEP). The National Science Foundation has made the Final EIS/CEE for the operation of a high-energy neutrino telescope (Project IceCube) at the South Pole available on the Internet at: *http://www.nsf.gov/od/opp/antarct/treaty/cees/icecube/icecube_final_cee.pdf.*

Polly A. Penhale,

Environmental Officer, Office of Polar Programs, National Science Foundation.

[FR Doc. 05–917 Filed 1–14–05; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–131]

Notice and Solicitation of Comments Pursuant to 10 CFR 20.1405 and 10 CFR 50.82(b)(5) Concerning Proposed Action to Decommission Department of Veterans Affairs Nebraska-Western Iowa Health Care System Alan J. Blotcky Reactor Facility

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has received an application from the Department of Veterans Affairs, Nebraska-Western Iowa Health Care System dated September 21, 2004, for a license amendment approving its proposed decommissioning plan for the Alan J. Blotcky Reactor Facility (Facility License No. R–57) located in Omaha, Nebraska.

In accordance with 10 CFR 20.1405, the Commission is providing notice and soliciting comments from local and State governments in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning. This notice and solicitation of comments is published pursuant to 10 CFR 20.1405, which provides for publication in the **Federal Register** and in a forum, such as local newspapers, letters to State or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site.

Comments should be provided within 30 days of the date of this notice to Patrick M. Madden, Chief, Research and Test Reactors Section, New, Research and Test Reactors Program, Division of Regulatory Improvement Programs, Mail Stop O12–G13, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Further, in accordance with 10 CFR 50.82(b)(5), notice is also provided to interested persons of the Commission's intent to approve the plan by amendment, subject to such conditions and limitations as it deems appropriate and necessary, if the plan demonstrates that decommissioning will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the application (Accession Number ML042740512) is available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at (the Public Electronic Reading Room) *http://www.nrc.gov/reading-rm/adams.html.*

Dated in Rockville, Maryland, this 10th day of January, 2005.

For the Nuclear Regulatory Commission.

Patrick M. Madden,

Section Chief, Research and Test Reactors Section, New, Research and Test Reactors Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 05–888 Filed 1–14–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on January 27–28, 2005, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Thursday, January 27, 2005—8:30 a.m. until the conclusion of business.

The Subcommittee will discuss ACRS business processes, anticipated workload, potential areas for improved effectiveness, ACRS subcommittee structure, and other activities related to the conduct of ACRS business. It will also discuss issues related to power uprates.

Friday, January 28, 2005—8:30 a.m. until the conclusion of business.

The Subcommittee will continue to discuss ACRS business processes, anticipated workload, and other activities related to the conduct of ACRS business. It will also discuss certain proactive committee initiatives.

The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Dr. John T. Larkins (telephone: (301) 415–7360) between 7:30 a.m. and 4:15 p.m. (ET) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: January 11, 2005.

John H. Flack,

Acting Branch Chief, ACRS/ACNW.

[FR Doc. 05–889 Filed 1–14–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting of the Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on February 9, 2005, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, February 9, 2005—1:30 p.m. until 5 p.m.

The purpose of this meeting is to discuss the License Renewal Application and associated Safety Evaluation Report (SER) with Open Items related to the License Renewal of

the Donald C. Cook Plant, Units 1 and 2. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Indiana Michigan Power Company, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Cayetano Santos (telephone 301/415–7270) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: January 10, 2005.

John H. Flack,

Acting Branch Chief, ACRS/ACNW.

[FR Doc. 05–891 Filed 1–14–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from December 23, 2004, through January 5, 2005. The last biweekly notice was published on January 4, 2005 (70 FR 398).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted

with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HearingDocket@nrc.gov;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to (301) 415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)–(viii).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: July 15, 2004, supplemented by letter dated August 23, 2004.

Description of amendment request: The amendment would revise Operating License DPR–65 to address the resolution of a non-conservative Technical Specification (TS) associated with control room isolation radiation monitoring instrumentation. Specifically, the amendment would revise the TS to require two operable channels of control room isolation radiation monitoring instrumentation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change involves requirements to maintain two operable channels in order to add a level of detection capability and greater assurance that the safety function for control room isolation is met. In addition, the proposed change will not alter the setpoint value for the radiation monitors nor will it affect the method for control room air filtration during the emergency mode of operation. Therefore, the proposed change from one operable channel to two operable channels for the control room isolation radiation monitoring instrumentation will not increase the probability of consequences of any previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change involves radiation monitoring channels designed to send a signal to isolate the control room when high radiation levels are detected to limit the radiological dose to the control room operators in the event of an accident. In addition, the proposed change will not have an impact on the setpoint value to change the radiation level at which control room isolation is assumed to occur. Again, the proposed change will not introduce failure modes, accident initiators, or malfunctions. Therefore, the proposed change from one operable channel to two operable channels for the control room isolation radiation monitoring instrumentation, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

Increasing the number of radiation monitoring channels for the control room

isolation radiation monitoring instrumentation will not reduce a margin of safety. The proposed change to add requirements to the TS for a redundant radiation monitoring channel will increase the reliability of the system to perform its intended function. In addition, the proposed change will add appropriate compensatory actions for conditions when both channels are not available. Therefore, given that the proposed change will continue to meet the current design basis, any reduction in a margin of safety would not be significant.

Based on the NRC staff's analysis, it appears that the three standards of 10 CFR 50.929(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06385.

NRC Section Chief: Darrell J. Roberts.

Dominion Nuclear Connecticut, Inc., Docket Nos. 50–245, 50–336, and 50–423, Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3, New London County, Connecticut

Date of amendment request: September 8, 2002.

Description of amendment request: The proposed amendment would modify the Technical Specifications to support the implementation of the proposed Dominion Nuclear Facility Quality Assurance Program (Topical Report DOM–QA–1). Implementation of this Topical Report would create a common quality assurance program for all sites owned by Dominion Nuclear Connecticut, Inc. Review of this proposed amendment was requested to be done in concert with review of the Topical Report. The Topical Report is available in the Agencywide Document Access and Management System under accession number ML042470015.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not involve a significant increase in the probability or consequence of an accident previously analyzed. The changes involve the transfer of requirements from the administrative section of the Technical Specifications to the Consolidated Quality Assurance Program and other licensee controlled documents. Therefore, the proposed changes are administrative in nature, and have no effect on a design basis accident, and will not increase the probability or consequences of any previously analyzed accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The implementation of the proposed changes does not create the possibility of an accident of a different type than was previously evaluated in the Updated Final Safety Analysis Report (UFSAR). The transfer of requirements concerning facility staff qualifications from the administrative section of the Technical Specifications to the Consolidated Quality Assurance Program and other licensee controlled documents can not initiate a new or different kind of accident.

These changes do not alter the nature of events postulated in the UFSAR nor do they introduce any unique precursor mechanisms. Therefore, the proposed changes are administrative in nature and do not create the possibility of a new or different kind of accident from those previously analyzed.

3. Involve a significant reduction in a margin of safety.

The implementation of the proposed changes does not reduce the margin of safety. The proposed changes to transfer certain requirements from the administration section of the Technical Specifications to the Consolidated Quality Assurance Program and other licensee controlled documents have no effect on design bases radiological events. It is thus concluded that the proposed changes are administrative in nature and the margin of safety will not be reduced by the implementation of the changes.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06385.

NRC Section Chief: Darrell J. Roberts.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: December 6, 2004.

Description of amendment request: The proposed amendment would make administrative changes to the Technical Specifications (TSs) including correction of references and deleting obsolete or redundant TS requirements and surveillances.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are administrative or editorial in nature and do not involve any physical changes to the plant. The changes do not revise the methods of plant operation which could increase the probability or consequences of accidents. No new modes of operation are introduced by the proposed changes such that a previously evaluated accident is more likely to occur or more adverse consequences would result.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

These changes are administrative or editorial in nature and do not affect the operation of any systems or equipment, nor do they involve any potential initiating events that would create any new or different kind of accident. There are no changes to the design assumptions, conditions, configuration of the facility, or manner in which the plant is operated and maintained. The changes do not affect assumptions contained in plant safety analyses or the physical design and/or modes of plant operation. Consequently, no new failure mode is introduced.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

There are no changes being made to the Technical Specification (TS) safety limits or safety system settings. The operating limits and functional capabilities of systems, structures and components are unchanged as a result of these administrative and editorial changes. These changes do not affect any equipment involved in potential initiating events or plant response to accidents. There is no change to the basis for any TS that is related to the establishment, or maintenance of, a nuclear safety margin.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: Allen G. Howe.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: December 7, 2004.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to: (1) Delete the surveillance requirement (SR) associated with testing of the standby liquid control (SLC) pump discharge pressure relief valves; and (2) remove details from the SR for testing of the recirculation pump discharge valves.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station (VY) in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment removes details of SLC pressure relief valve and recirculation pump discharge valve testing requirements from the TS. Following implementation of the proposed change, the VY TS will still require operability testing of the subject components by reference to the VY IST [Inservice Testing] Program. Details of SLC pressure relief valve and recirculation pump discharge valve testing requirements will still be contained in the VY IST Program. The SLC pressure relief valve and recirculation pump discharge valve setpoint values related to the safety functions of those systems will continue to be contained in the VY UFSAR [Updated Final Safety Analysis Report]. Changes to the VY UFSAR are evaluated per the requirements of 10 CFR 50.59. These controls are adequate to ensure the required inservice testing is performed to verify the components are operable and capable of performing their respective safety functions. The proposed amendment introduces no new equipment or changes to how equipment is operated. Neither the SLC pressure relief valves nor the recirculation pump discharge valves are initiators of any analyzed accidents. Therefore, operation of VY in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station (VY) in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment removes details of SLC pressure relief valve and recirculation pump discharge valve testing requirements from the TS. The proposed amendment does not change the design or function of any component or system. No new modes of failure or initiating events are being introduced. Therefore, operation of VY in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station (VY) in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed amendment removes details of SLC pressure relief valve and recirculation pump discharge valve testing requirements from the TS. The proposed amendment does not change the design or function of any component or system. The proposed amendment does not involve any safety limits or limiting safety system settings.

Since the proposed controls are adequate to ensure the required inservice testing is performed, there will still be high assurance that the components are operable and capable of performing their respective safety functions, and that the systems will respond as designed to mitigate the subject events. Therefore, operation of VY in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037–1128.

NRC Section Chief: Allen G. Howe.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: December 15, 2004.

Description of amendment request: The proposed amendment would revise the limiting conditions for operation in Technical Specification (TS) 3.3 and the surveillance requirements in TS 4.3 associated with the control rod system. Specifically, the proposed changes would revise the TSs associated with: (1) Control rod operability; (2) control rod scram time testing; and (3) control rod accumulator operability.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not significantly affect the design or fundamental operation and maintenance of the plant. Accident initiators or the frequency of analyzed accident events are not significantly affected as a result of the proposed changes; therefore, there will be no significant change to the probabilities of accidents previously evaluated.

The proposed changes do not significantly alter assumptions or initial conditions relative to the mitigation of an accident previously evaluated. The proposed changes continue to ensure process variables, structures, systems, and components (SSCs) are maintained consistent with the safety analyses and licensing basis. The revised technical specifications continue to require that SSCs are properly maintained to ensure operability and performance of safety functions as assumed in the safety analyses. The design basis events analyzed in the safety analyses will not change significantly as a result of the proposed changes to the TS.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve any physical alteration of the plant (no new or different type of equipment being installed) and do not involve a change in the design, normal configuration or basic operation of the plant. The proposed changes do not introduce any new accident initiators. In some cases, the proposed changes impose different requirements; however, these new requirements are consistent with the assumptions in the safety analyses and current licensing basis. Where requirements are relocated to other licensee-controlled documents, adequate controls exist to ensure their proper maintenance.

The proposed changes do not involve significant changes in the fundamental methods governing normal plant operation and do not require unusual or uncommon operator actions. The proposed changes provide assurance that the plant will not be operated in a mode or condition that violates the essential assumptions or initial conditions in the safety analyses and that SSCs remain capable of performing their intended safety functions as assumed in the same analyses. Consequently, the response of the plant and the plant operator to postulated events will not be significantly different.

Therefore, the proposed TS change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design

functions during and following an accident situation. The proposed changes do not significantly affect any of the assumptions, initial conditions or inputs to the safety analyses. Plant design is unaffected by these proposed changes and will continue to provide adequate defense-in-depth and diversity of safety functions as assumed in the safety analyses.

There are no proposed changes to any of the Safety Limits or Limiting Safety System Setting requirements. The proposed changes maintain requirements consistent with safety analyses assumptions and the licensing basis. Fission product barriers will continue to meet their design capabilities without any significant impact to their ability to maintain parameters within acceptable limits. The safety functions are maintained within acceptable limits without any significant decrease in capability.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: Allen G. Howe.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: December 20, 2004.

Description of amendment request: The requested change will delete the requirements in Technical Specification (TS) 5.6.1, ''Occupational Radiation Exposure Report,'' and TS 5.6.4, ''Monthly Operating Reports.''

The NRC staff issued a notice of availability of a model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on June 23, 2004 (69 FR 35067). The licensee affirmed the applicability of the model NSHC determination in its application dated December 20, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates the Technical Specifications (TSs) reporting requirements to provide a monthly operating letter report of shutdown experience and operating statistics if the equivalent data is submitted using an industry electronic database. It also eliminates the TS reporting requirement for an annual occupational radiation exposure report, which provides information beyond that specified in NRC regulations. The proposed change involves no changes to plant systems or accident analyses. As such, the change is administrative in nature and does not affect initiators of analyzed events or assumed mitigation of accidents or transients. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant, add any new equipment, or require any existing equipment to be operated in a manner different from the present design. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This is an administrative change to reporting requirements of plant operating information and occupational radiation exposure data, and has no effect on plant equipment, operating practices or safety analyses assumptions. For these reasons, the proposed change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above, the requested change does not involve significance hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Michael A. Webb (Acting).

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: December 20, 2004.

Description of amendment request: The requested change will delete the requirements in Technical Specification (TS) 6.6.1, ''Occupational Radiation Exposure Report,'' and TS 6.6.4, ''Monthly Operating Reports.''

The NRC staff issued a notice of availability of a model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on June 23, 2004 (69 FR 35067). The licensee affirmed the applicability of the model NSHC determination in its application dated December 20, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates the Technical Specifications (TSs) reporting requirements to provide a monthly operating report of shutdown experience and operating statistics if the equivalent data is submitted using an industry electronic database. It also eliminates the TS reporting requirement for an annual occupational radiation exposure report, which provides information beyond that specified in NRC regulations. The proposed change involves no changes to plant systems or accident analyses. As such, the change is administrative in nature and does not affect initiators of analyzed events or assumed mitigation of accidents or transients. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant, add any new equipment, or require any existing equipment to be operated in a manner different from the present design. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This is an administrative change to reporting requirements of plant operating information and occupational radiation exposure data, and has no effect on plant equipment, operating practices or safety analyses assumptions. For these reasons, the proposed change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above, the requested change does not involve significance hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Michael A. Webb (Acting).

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: October 14, 2004.

Brief description of amendments: The proposed change will revise the surveillance requirement (SR) 3.6.6.8 frequency of every 10 years. Instead, the proposed change to SR 3.6.6.8 will require verification that spray nozzles are unobstructed following maintenance that could result in nozzle blockage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below and states that the amendment request:

1. Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change modifies the [Surveillance Requirements] SR to verify that the [Reactor Building] RB spray nozzles are unobstructed after maintenance that could introduce material that could result in nozzle blockage. The spray nozzles are not assumed to be initiators of any previously analyzed accident. Therefore, the change does not increase the probability of any accident previously evaluated. The spray nozzles are assumed in the accident analyses to mitigate design basis accidents. The revised SR to verify system OPERABILITY following maintenance is considered adequate to ensure OPERABILITY of the RB spray system. Since the system will still be able to perform its accident mitigation function, the consequences of accidents previously evaluated are not increased. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed change revises the SR to verify that the RB spray nozzles are unobstructed after maintenance that could result in nozzle blockage. The change does not introduce a new mode of plant operation and does not involve physical modification to the plant. The change will not introduce new accident initiators or impact the assumptions made in the safety analysis. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does not involve a significant reduction in the margin of safety.

The proposed change revises the frequency for performance of the SR to verify that the RB spray nozzles are unobstructed. The frequency is changed from every 10 years to following maintenance that could result in nozzle blockage. This requirement, along with foreign material exclusion programs and the remote physical location of the spray nozzles, provides assurance that the spray nozzles will remain unobstructed. As the spray nozzles are expected to remain unobstructed and able to perform their post-accident mitigation function, plant safety is not significantly affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Steven R. Carr, Associate General Counsel—Legal Department, Progress Energy Service Company, LLC, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Michael L. Marshall, Jr.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: November 22, 2004.

Description of amendment request: The requested change will delete the requirements in Technical Specification (TS) 5.6.1, ''Occupational Radiation Exposure Report,'' and TS 5.6.4, ''Monthly Operating Reports.''

The NRC staff issued a notice of availability of a model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on June 23, 2004 (69 FR 35067). The licensee affirmed the applicability of the model NSHC determination in its application dated November 22, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates the Technical Specifications (TSs) reporting requirements to provide a monthly operating report of shutdown experience and operating statistics if the equivalent data is submitted using an industry electronic database. It also eliminates the TS reporting requirement for an annual occupational radiation exposure report, which provides information beyond that specified in NRC regulations. The proposed change involves no changes to plant systems or accident analyses. As such, the change is administrative in nature and does not affect initiators of analyzed events or assumed mitigation of accidents or transients. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant, add any new equipment, or require any existing equipment to be operated in a manner different from the present design. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This is an administrative change to reporting requirements of plant operating information and occupational radiation exposure data, and has no effect on plant equipment, operating practices or safety analyses assumptions. For these reasons, the proposed change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above, the requested change does not involve significance hazards consideration.

Attorney for licensee: Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Section Chief: Michael K. Webb (Acting).

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: April 29, 2004, as supplemented November 23, 2004.

Description of amendment request: The proposed amendment is a selective-scope application of an alternative source term (AST) for the fuel handling accident (FHA) in accordance with Title 10 of the Code of Federal Regulations (10 CFR) Section 50.67, ''Accident Source Term.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment involves implementation of the AST for the fuel handling accident at MNGP [Monticello Nuclear Generating Plant]. There are no physical design modifications to the plant associated with the proposed amendment.

The revised calculations do not impact the initiators of an FHA in any way.

The changes also do not impact the initiators for any other design basis accident (DBA) or events. Therefore, because DBA initiators are not being altered by adoption of the AST analyses, the probability of an accident previously evaluated is not affected.

With respect to consequences, the only previously evaluated accident that could be affected is the FHA. The AST is an input to calculations used to evaluate the consequences of the accident, and does not, in and of itself, affect the plant response or the actual pathways to the environment utilized by the radiation/activity released by the fuel. It does however, better represent the physical characteristics of the release, so that appropriate mitigation techniques may be applied. For the FHA, the AST analyses demonstrate acceptable doses that are within regulatory limits after 24 hours of radiological decay, without credit for Secondary Containment integrity, selected ESF [engineered safety feature] filtration system operation (*i.e.*, SBGT [standby gas treatment] System or Control Room EFT [emergency filtration] System) or Control Room isolation. Therefore, the consequences of an accident previously evaluated are not significantly increased.

Based on the above conclusions, this proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not involve a physical alteration of the plant. No new or different types of equipment will be installed and there are no physical modifications to existing equipment associated with the proposed changes. Also, no changes are proposed to the methods governing plant/system operation during handling of irradiated fuel, so no new initiators or precursors of a new or different kind of accident are created. New equipment or personnel failure modes that might initiate a new type of accident are not created as a result of the proposed amendment.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously analyzed.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The proposed amendment is associated with the implementation of a new licensing basis for the MNGP FHA. Approval of this change from the original source term to an alternative source term derived in accordance with the guidance of RG 1.183 [''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors''] is being requested. The results of the FHA accident analysis, revised in support of the proposed license amendment, are subject to revised acceptance criteria. The AST FHA analysis has been performed using conservative methodologies, as specified in RG 1.183. Safety margins have been evaluated and analytical conservatism has been utilized to ensure that the analyses adequately bound the postulated limiting event scenario. The dose consequences of the limiting FHA remain within the acceptance criteria presented in 10 CFR 50.67 and RG 1.183.

The proposed changes continue to ensure that the doses at the Exclusion Area Boundary (EAB) and Low Population Zone (LPZ) boundaries, as well as the Control Room, are within the corresponding regulatory limits. For the FHA, RG 1.183 conservatively sets the EAB and LPZ limits below the 10 CFR 50.67 limit, and sets the Control Room limit consistent with 10 CFR 50.67.

Since the proposed amendment continues to ensure the doses at the EAB, LPZ and Control Room are within corresponding regulatory limits, the proposed license amendment does not involve a significant reduction in a margin of safety.

Based on the above, NMC has determined that operation of the facility in accordance with the proposed change does not involve a significant hazards consideration as defined in 10 CFR 50.92(c), in that it: (1) Does not involve a significant increase in the probability or consequences of an accident previously evaluated; (2) does not create the possibility of a new or different kind of accident from any accident previously evaluated; and (3) does not involve a significant reduction in a margin of safety.

The U. S. Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jonathan Rogoff, Esquire, Vice President, Counsel & Secretary, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016.

NRC Section Chief: L. Raghavan.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: June 30, 2004, as supplemented November 5, 2004.

Description of amendment request: The proposed amendment would revise the technical specifications (TSs) to implement a 24-month fuel cycle.

Basis for proposed no significant hazards consideration determination: As required by Title 10 of the Code of Federal Regulations (10 CFR) 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (NSHC), which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

a. Surveillance Testing Interval Extensions

The proposed Technical Specification (TS) changes involve changes in the surveillance testing to facilitate a change in the operating cycle from 18 months to 24 months. The proposed TS changes do not physically impact the normal operation of the plant, nor do they impact any design or functional requirements of the associated systems. That is, the proposed TS changes neither impact the TS SRs [surveillance requirements] themselves nor the manner in which the surveillances are performed.

In addition, the proposed TS changes do not introduce any accident initiators, since no accidents previously evaluated relate to the frequency of surveillance testing. Also, evaluations of the proposed TS changes demonstrate that the availability of equipment and systems required to prevent or mitigate the radiological consequences of an accident are not significantly affected because of other, more frequent testing that is performed, the availability of redundant systems and equipment, or the high reliability of the equipment. Since the impact on the systems is minimal NMC [Nuclear Management Company] has concluded that the overall impact on the plant safety analysis is negligible.

A historical review of surveillance test results and associated maintenance records indicated that there was no evidence of any failure that would invalidate the above conclusions.

Therefore, the proposed TS changes do not significantly increase the probability or consequences of an accident previously evaluated.

b. TS Trip Setting Changes

Changes are proposed to the Monticello TS Trip Settings. The proposed changes are a result of application of the Monticello Instrument Setpoint Methodology using plant-specific drift values. Application of this methodology results in Trip Setpoints that more accurately reflect total instrumentation loop accuracy, as well as that of test equipment and calculated drift between surveillances. The proposed changes will not result in hardware changes. The instrumentation is not assumed to be initiators of any analyzed events, nor do they impact any design or functional requirements of the associated systems. Existing operating margins between plant conditions and actual plant setpoints are not significantly reduced due to the proposed changes. The role of the instrumentation is in mitigating and thereby, limiting the consequences of accidents.

The Nominal Trip Setpoints were developed to ensure the design and safety analysis limits are satisfied. The methodology used for the development of the Trip Settings ensures: (1) The affected instrumentation remains capable of mitigating design basis events as described in the safety analysis; and, (2) the results and radiological consequences described in the safety analysis remain bounding. The proposed changes do not alter the plant's ability to detect and mitigate events.

Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

c. Surveillance Testing Interval Reductions

The proposed TS changes involve reductions in the surveillance testing intervals from once per operating cycle or refueling outage to once every three (3) months or once per quarter for the equipment associated with these TS SRs. The shorter intervals are based upon the plant-specific results of a review of the surveillance test history for this equipment. The implementing procedures for these SRs have been performed on a once per three (3) month or once per quarter interval for a number of years, and these changes more accurately reflect actual plant maintenance practices. The proposed, more restrictive TS changes do not physically impact the plant, nor do they impact any design or functional requirements of the associated systems. That is, the proposed TS changes neither degrade the performance of, nor increase the challenges to, any safety system assumed to function in the safety analysis. These proposed TS changes neither impact the TS SRs themselves nor the manner in which the surveillances are performed.

The proposed TS changes do not introduce any accident initiators, since no accident previously evaluated relate to the frequency of surveillance testing. The proposed TS intervals demonstrate that the equipment and systems required to prevent or mitigate the radiological consequences of an accident are continuing to meet the assumptions of the setpoint evaluation on a more frequent basis. Since the impacts on systems are minimal and the assumptions of the safety analyses are maintained, NMC has concluded that the overall impact on the plant safety analysis is negligible.

Therefore, the proposed TS changes do not significantly increase the probability or consequences of any accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind or accident from any accident previously evaluated.

a. Surveillance Testing Interval Extensions

The proposed TS changes involve changes in the surveillance testing intervals to facilitate a change in the operating cycle length. The proposed TS changes do not introduce any failure mechanisms of a different type than those previously evaluated. There are no physical changes being made to the facility. No new or different equipment is being installed. No installed equipment is being operated in a different manner. As a result no new failure modes are introduced. The SRs themselves, and the manner in which surveillance tests are performed, remain unchanged.

A historical review of surveillance test results and associated maintenance records indicated that there was no evidence of any failure that would invalidate the above conclusions.

Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any previously evaluated.

b. TS Trip Setting Changes

The proposed changes to the Trip Settings are a result of applying the Monticello Instrument Setpoint Methodology using plant-specific drift values. The application of this methodology does not create the possibility of any new or different kinds of accidents from any accidents previously evaluated. This is based upon the fact that the method and manner of plant operations are unchanged.

The use of the proposed Trip Setpoints does not impact the safe operation of the plant in that the safety analysis limits are maintained. The proposed changes in Trip Settings involve no system additions or physical modifications to plant systems. The Trip Settings are revised to ensure the affected instrumentation remains capable of mitigating accidents and transients. Plant equipment will not be operated in a manner different from previous operation. Since operational methods remain unchanged and the operating parameters were evaluated to maintain the plant within existing design basis criteria no different type of failure or accident is created.

Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any previously evaluated.

c. Surveillance Testing Interval Reductions

The proposed TS changes involve reductions in the surveillance testing intervals from once per operating cycle or refueling outage to once every three (3) months or once per quarter for the equipment associated with these TS SRs. The shorter intervals are based upon the plant-specific results of a review of the surveillance test history for this equipment. The implementing procedures for these SRs have been performed on a once per three (3) month or once per quarter interval for a number of years and these changes more accurately reflect actual plant maintenance practices. The proposed more restrictive TS changes do not physically impact the plant, nor do they impact any design or functional requirements of the associated systems. That is, the proposed TS changes neither degrade the performance of, nor increase the challenges to, any safety system assumed to function in the safety analysis. These proposed TS changes neither impact the TS SRs themselves nor the manner in which the surveillances are performed.

The proposed TS changes do not introduce any failure mechanism of a different type than those previously evaluated. The proposed changes make no physical changes to the plant. No new or different equipment is being installed. No installed equipment is being operated in a different manner.

A historical review of surveillance test results and associated maintenance records indicate that there is no evidence of any failure that would invalidate the above conclusions.

Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed amendment will not involve a significant reduction in a margin of safety.

a. Surveillance Testing Interval Extensions

Although the proposed TS changes result in changes in the interval between surveillance tests, the impact, if any, on system availability is minimal based upon other, more frequent testing that is performed, the existence of redundant systems and equipment or overall system reliability. Evaluations show there is no evidence of any time-dependant failure that would impact system availability.

The proposed changes do not significantly impact the condition or performance of structures, systems and components relied upon for accident mitigation. The proposed TS changes do not physically impact the plant, nor do they impact any design or functional requirements of the associated systems. The proposed changes do not significantly impact any safety analysis assumptions or results.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

b. TS Trip Setting Changes

The proposed changes do not involve a reduction in a margin of safety. The proposed changes were developed using a Monticello Instrument Setpoint Methodology using plant-specific drift values. This methodology ensures no safety analysis limits are exceeded. The proposed TS changes do not physically impact the plant, nor do they impact any design or functional requirements of the associated systems.

As such, these proposed changes do not involve a reduction in a margin of safety.

c. Surveillance Testing Interval Reductions

The proposed TS changes result in a shorter interval between surveillance tests to ensure the assumptions of the safety analysis are maintained. The impact, if any, on system availability is minimal, as a result of the more frequent testing that is performed. The proposed changes do not significantly impact the condition or performance of structures, systems and components relied upon for accident mitigation. The proposed TS changes do not physically impact the plant, nor do they impact any design or functional requirements of the associated systems. The proposed changes do not significantly impact any safety analysis assumptions or results.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The U. S. Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves NSHC.

Attorney for licensee: Jonathan Rogoff, Esquire, Vice President, Counsel & Secretary, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016.

NRC Section Chief: L. Raghavan.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: September 8, 2004.

Description of amendment request: The proposed amendment deletes the requirements from the technical specifications (TS) to maintain containment hydrogen monitors. Licensees were generally required to implement upgrades as described in NUREG–0737, ''Clarification of TMI [Three Mile Island] Action Plan Requirements,'' and Regulatory Guide (RG) 1.97, ''Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.'' Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI Unit 2. Requirements related to combustible gas control were imposed by Order for many facilities and were added to or included in the TS for nuclear power reactors currently licensed to operate. The revised 10 CFR 50.44, ''Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors,'' eliminated the requirements for hydrogen recombiners and relaxed safety classifications and licensee commitments to certain design and qualification criteria for hydrogen and oxygen monitors.

The NRC staff issued a notice of availability of a model no significant hazards consideration determination for referencing in license amendment applications in the **Federal Register** on September 25, 2003 (68 FR 55416). The licensee affirmed the applicability of the relevant portions of the model NSHC determination (TS for Fort Calhoun do not include requirements for hydrogen recombiners) in its application dated September 8, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The revised 10 CFR 50.44 no longer defines a design-basis loss-of-coolant accident (LOCA) hydrogen release, and eliminates requirements for hydrogen control systems to mitigate such a release. The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage. In addition, these systems were ineffective at mitigating hydrogen releases from risk-significant accident sequences that could threaten containment integrity.

With the elimination of the design-basis LOCA hydrogen release, hydrogen monitors are no longer required to mitigate design-basis accidents and, therefore, the hydrogen monitors do not meet the definition of a safety-related component as defined in 10 CFR 50.2. Category 1 in RG 1.97 is intended for key variables that most directly indicate the accomplishment of a safety function for design-basis accident events. The hydrogen monitors no longer meet the definition of Category 1 in RG 1.97. As part of the rulemaking to revise 10 CFR 50.44 the Commission found that Category 3, as defined in RG 1.97, is an appropriate categorization for the hydrogen monitors because the monitors are required to diagnose the course of beyond design-basis accidents.

The regulatory requirements for the hydrogen monitors can be relaxed without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. Classification of the hydrogen monitors as Category 3, and removal of the hydrogen monitors from TS will not prevent an accident management strategy through the use of the severe accident management guidelines (SAMGs), the emergency plan (EP), the emergency operating procedures (EOPs), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, does not involve a significant increase in the probability or the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, will not result in any failure mode not previously analyzed. The hydrogen recombiner and hydrogen monitor equipment was intended to mitigate a design-basis hydrogen release. The hydrogen recombiner and hydrogen monitor equipment are not considered accident precursors, nor does their existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety.

The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage.

Category 3 hydrogen monitors are adequate to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The intent of the requirements established as a result of the TMI Unit 2 accident can be adequately met without reliance on safety-related hydrogen monitors.

Therefore, this change does not involve a significant reduction in the margin of safety. Removal of hydrogen monitoring from TS will not result in a significant reduction in their functionality, reliability, and availability.

Based upon the reasoning presented above, the requested change does not involve a significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment requests: November 1, 2004.

Description of amendment requests: The requested change will delete Technical Specification (TS) 5.6.1, ''Occupational Radiation Exposure Report,'' and TS 5.6.4, ''Monthly Operating Reports.''

The NRC staff issued a notice of availability of a model no significant hazards consideration (NSHC) determination for referencing in license

amendment applications in the **Federal Register** on June 23, 2004 (69 FR 35067). The licensee affirmed the applicability of the model NSHC determination in its application dated November 1, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates the Technical Specifications (TSs) reporting requirements to provide a monthly operating letter report of shutdown experience and operating statistics if the equivalent data is submitted using an industry electronic database. It also eliminates the TS reporting requirement for an annual occupational radiation exposure report, which provides information beyond that specified in NRC regulations. The proposed change involves no changes to plant systems or accident analyses. As such, the change is administrative in nature and does not affect initiators of analyzed events or assumed mitigation of accidents or transients. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant, add any new equipment, or require any existing equipment to be operated in a manner different from the present design. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This is an administrative change to reporting requirements of plant operating information and occupational radiation exposure data, and has no effect on plant equipment, operating practices or safety analyses assumptions. For these reasons, the proposed change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above, the requested change does not involve a significant hazards consideration.

Attorney for licensee: Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Section Chief: Robert A. Gramm.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: September 22, 2004.

Description of amendment request: The proposed change allows entry into a mode or other specified condition in the applicability of a Technical Specification (TS), while in a condition statement and the associated required actions of the TS, provided the licensee performs a risk assessment and manages risk consistent with the program in place for complying with the requirements of Title 10 of the Code of Federal Regulations (10 CFR), part 50, § 50.65(a)(4). Limiting Condition for Operation (LCO) 3.0.4 exceptions in individual TSs would be eliminated, several notes or specific exceptions are revised to reflect the related changes to LCO 3.0.4, and Surveillance Requirement (SR) 3.0.4 is revised to reflect the LCO 3.0.4 allowance.

This change was proposed by the industry's Technical Specification Task Force (TSTF) and is designated TSTF–359. The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 2, 2002 (67 FR 50475), on possible amendments concerning TSTF–359, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on April 4, 2003 (68 FR 16579). The licensee affirmed the applicability of the following NSHC determination in its application dated September 22, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. Being in a TS condition and the associated required actions is not an initiator of any accident previously evaluated. Therefore, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on required actions as allowed by proposed LCO 3.0.4, are no different than the consequences of an accident while entering and relying on the required actions while starting in a condition of applicability of the TS. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Entering into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. The TS allow operation of the plant without the full complement of equipment through the conditions for not meeting the TS LCO. The risk associated with this allowance is managed by the imposition of required actions that must be performed within the prescribed completion times. The net effect of being in a TS condition on the margin of safety is not considered significant. The proposed change does not alter the required actions or completion times of the TS. The proposed change allows TS conditions to be entered, and the associated required actions and completion times to be used in new circumstances. This use is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The change also eliminates current allowances for utilizing required actions and completion times in similar circumstances, without assessing and managing risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bryan A. Snapp, Esquire, Assoc. General Counsel, PPL Services Corporation, 2 North Ninth St., GENTW3, Allentown, PA 18101–1179.

NRC Section Chief: Richard J. Laufer.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: December 10, 2004.

Description of amendment requests: The proposed amendment will delete the requirements from the Technical Specifications (TS) to maintain hydrogen recombiners and hydrogen monitors. Licensees were generally required to implement upgrades as described in NUREG–0737, ''Clarification of TMI [Three Mile Island] Action Plan Requirements,'' and Regulatory Guide (RG) 1.97, ''Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.'' Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI Unit 2. Requirements related to combustible gas control were imposed by Order for many facilities and were added to or included in the TS for nuclear power reactors currently licensed to operate. The revised § 50.44 of Title 10 of the Code of Federal Regulations (10 CFR), ''Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors,'' eliminated the requirements for hydrogen recombiners and relaxed safety classifications and licensee commitments to certain design and qualification criteria for hydrogen and oxygen monitors.

The proposed license amendment will revise TS 3.3.11, ''Post Accident Monitoring Instrumentation (PAMI),'' to delete the Note in Condition C. Also in TS 3.3.11, Condition D will be deleted. In TS Table 3.3.11–1, Item 10, ''Containment Hydrogen Monitors,'' is deleted. Other TS changes included in this application are limited to renumbering and formatting changes that resulted directly from the deletion of the above requirements related to hydrogen monitors. The changes to TS requirements result in changes to various TS Bases sections. The TS Bases changes will be submitted with a future update in accordance with TS 5.4.4, ''Technical Specifications (TS) Bases Control.''

The NRC staff issued a notice of availability of a model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on September 25, 2003 (68 FR 55416). The licensee affirmed the applicability of the model NSHC determination in its application dated December 10, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The revised 10 CFR 50.44 no longer defines a design-basis loss-of-coolant accident (LOCA) hydrogen release, and eliminates requirements for hydrogen control systems to mitigate such a release. The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage. In addition, these systems were ineffective at mitigating hydrogen releases from risk-significant accident sequences that could threaten containment integrity.

With the elimination of the design-basis LOCA hydrogen release, hydrogen monitors are no longer required to mitigate design-basis accidents and, therefore, the hydrogen monitors do not meet the definition of a safety-related component as defined in 10 CFR 50.2. RG 1.97 Category 1, is intended for key variables that most directly indicate the accomplishment of a safety function for design-basis accident events. The hydrogen monitors no longer meet the definition of Category 1 in RG 1.97. As part of the rulemaking to revise 10 CFR 50.44 the Commission found that Category 3, as defined in RG 1.97, is an appropriate categorization for the hydrogen monitors because the monitors are required to diagnose the course of beyond design-basis accidents.

The regulatory requirements for the hydrogen monitors can be relaxed without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. Classification of the hydrogen monitors as Category 3, and removal of the hydrogen monitors from TS will not prevent an accident management strategy through the use of the SAMGs [severe accident management guidelines], the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, does not involve a significant increase in the probability or the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, will not result in any failure mode not previously analyzed. The hydrogen recombiner and hydrogen monitor equipment was intended to mitigate a design-basis hydrogen release. The hydrogen recombiner and hydrogen monitor equipment are not considered accident precursors, nor does their existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety.

The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage.

Category 3 hydrogen monitors are adequate to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The intent of the requirements established as a result of the TMI, Unit 2 accident can be adequately met without reliance on safety-related hydrogen monitors.

Therefore, this change does not involve a significant reduction in the margin of safety. Removal of hydrogen monitoring from TS will not result in a significant reduction in their functionality, reliability, and availability.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Robert A. Gramm.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: December 17, 2004.

Description of amendment requests: The proposed amendments would revise Technical Specification (TS) 3.8.1, ''AC Sources—Operating,'' TS 3.8.4, ''DC Sources—Operating,'' TS 3.8.5, ''DC Sources—Shutdown,'' TS 3.8.6, ''Battery Cell Parameters,'' TS 3.8.7, ''Inverters—Operating,'' and TS 3.8.9, ''Distribution Systems—Operating.'' This change will also add a new Battery Monitoring and Maintenance Program, section 5.5.2.16. The proposed change will provide operational flexibility to credit DC electrical subsystem design upgrades that are in progress. These upgrades will provide increased capacity batteries, additional battery chargers, and the means to cross-connect DC subsystems while meeting all design battery loading requirements. With these modifications in place, it will be feasible to perform routine surveillance as well as battery replacements online.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to Technical Specifications (TS) 3.8.4 and 3.8.6 would allow extension of the Completion Time (CT) for inoperable Direct Current (DC) distribution subsystems to manually cross-connect DC distribution buses of the same safety train of the operating unit for a period of 30 days. Currently the CT only allows for 2 hours to ascertain the source of the problem before a controlled shutdown is initiated. Loss of a DC subsystem is not an initiator of an event. However, complete loss of a Train A (subsystems A and C) or Train B (subsystems B and D) DC system would initiate a plant transient/plant trip.

Operation of a DC Train in cross-connected configuration does not affect the quality of DC control and motive power to any system. Therefore, allowing the cross-connect of DC distribution systems does not significantly increase the probability of an accident previously evaluated in Chapter 15 of the Updated Final Safety Analysis Report (UFSAR).

The above conclusion is supported by Probabilistic Risk Analysis (PRA) evaluation which encompasses all accidents, including UFSAR Chapter 15.

Modification to the Frequency for Surveillance Requirement (SR) 3.8.6.1 is consistent with the recommendations of TSTF 360 Rev. 1 and IEEE 450–2002, and similarly does not impact safety considerations.

Further changes are made of an editorial nature or provide clarification only. For example, discussions regarding electrical 'Trains' and 'Subsystems' will be in more conventional terminology. Limiting Condition for Operations (LCOs) affected by editorial changes include 3.8.1, 3.8.4, 3.8.5, 3.8.6, 3.8.7, and 3.8.9.

Enhancements from TSTF–360, Rev. 1 and IEEE 450–2002 have been incorporated into LCOs 3.8.4 and 3.8.6. TSTF–360, Rev. 1 was previously approved by the NRC, and IEEE 450–2002 includes industry-generic recommendations.

The changes being proposed do not affect assumptions contained in other safety analyses or the physical design of the plant other than the upgrades of the electrical systems described in this change, nor do they affect other Technical Specifications that preserve safety analysis assumptions.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. Will operation of the facility in accordance with this proposed change create the possibility of new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to Technical Specifications 3.8.4 will enable the cross-tie of subsystems. New equipment, swing battery chargers, distribution panels, and associated protective devices are added to increase overall DC system reliability. Both administrative and mechanical controls will be in place to ensure the design and operation of the DC distribution systems continue to perform to applicable design standards. During cross connecting of subsystem buses, two batteries would be paralleled for a short duration. An electrical fault during that duration could exceed the interrupting duties of the protective devices. This is standard industry practice during transfer of power sources and is considered to be an acceptable minimal risk. For example, the design of the 1E 4kV power system is based on this practice as well. Therefore, the addition of new equipment does not create the possibility of a new or different kind of accident from any previously evaluated.

Enhancements from TSTF–360, Rev. 1 and IEEE 450–2002 have been incorporated into LCOs 3.8.4 and 3.8.6. TSTF–360, Rev. 1 is previously approved and IEEE 450–2002 includes industry-generic recommendations. Enhancements, including surveillance intervals or required completion times, will not create the possibility of a new or different kind of accident from any previously evaluated.

LCOs 3.8.1, 3.8.4, 3.8.5, 3.8.6, 3.8.7, and 3.8.9 are revised to incorporate editorial changes. Since these changes do not affect plant design but enhance clarity, these modifications do not create the possibility of a new or different kind of accident from any previously evaluated.

Therefore, operation of the facility in accordance with this proposed change will not create the possibility of new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not alter the bases for assurance that safety-related activities are performed correctly or the basis for any Technical Specification that is related to the establishment of or maintenance of a safety margin. Specifically, battery sizing calculations continue to show that new upgraded capacity batteries will meet the most limiting load profile that includes margin for growth, with aging and temperature correction. Battery modified performance discharge testing will demonstrate on an on-going basis that battery capacity will be greater than or equal to 80% of original design requirements at all times during service life and that the service profiles will be met as is currently required by Surveillance Requirements 3.8.4.7 and 3.8.4.8. The addition of the DC cross-tie capability proposed for LCO 3.8.4 will ensure appropriate operations of the DC buses during maintenance activities such as battery testing or replacement. Enhancements from TSTF–360, Rev. 1 and IEEE 450–2002 have been incorporated into LCOs 3.8.4 and 3.8.6. TSTF–360, Rev. 1 is previously approved and IEEE 450–2002 includes industry-generic recommendations. Enhancements including surveillance intervals or required completion times will not involve a significant reduction in a margin of safety.

Also, LCOs 3.8.1, 3.8.4, 3.8.5, 3.8.6, 3.8.7, and 3.8.9 are revised to incorporate editorial changes. Since these changes do not affect plant design or operations but should enhance clarity, these modifications would not involve a significant reduction in margin of safety.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Robert A. Gramm.

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: October 26, 2004.

Description of amendment request: The proposed change allows entry into a mode or other specified condition in the applicability of a Technical Specification (TS), while in a condition statement and the associated required actions of the TS, provided the licensee performs a risk assessment and manages risk consistent with the program in place for complying with the requirements of title 10 of the Code of Federal Regulations (10 CFR) part 50, § 50.65(a)(4). Limiting Condition for Operation (LCO) 3.0.4 exceptions in individual TSs would be eliminated, several notes or specific exceptions are revised to reflect the related changes to LCO 3.0.4, and Surveillance Requirement 3.0.4 is revised to reflect the LCO 3.0.4 allowance.

This change was proposed by the industry's Technical Specification Task Force (TSTF) and is designated TSTF–359. The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 2, 2002 (67 FR 50475), on possible amendments concerning TSTF–359, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on April 4, 2003 (68 FR 16579). The licensee affirmed the applicability of the following NSHC determination in its application dated October 26, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. Being in a TS condition and the associated required actions is not an initiator of any accident previously evaluated. Therefore, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on required actions as allowed by proposed LCO 3.0.4, are no different than the consequences of an accident while entering and relying on the required actions while starting in a condition of applicability of the TS. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Entering into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. The TS allow operation of the plant without the full complement of equipment through the conditions for not meeting the TS LCO. The risk associated with this allowance is managed by the imposition of required actions that must be performed within the prescribed completion times. The net effect of being in a TS condition on the margin of safety is not considered significant. The proposed change does not alter the required actions or completion times of the TS. The proposed change allows TS conditions to be entered, and the associated required actions and completion times to be used in new circumstances. This use is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The change also eliminates current allowances for utilizing required actions and completion times in similar circumstances, without assessing and managing risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308–2216.

NRC Section Chief: John A. Nakoski.

Tennessee Valley Authority, Docket No. 50–259, Browns Ferry Nuclear Plant, Unit 1, Limestone County, Alabama

Date of amendment request: December 6, 2004 (TS 426).

Description of amendment request: The proposed amendment would revise the current Unit 1 Diesel Generators (DG) Allowed Outage Time (AOT) in the Technical Specifications (TS).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The DGs are designed as backup AC power sources in the event of loss of offsite power. The proposed DG TS AOT does not change the conditions, operating configurations, or minimum amount of operating equipment assumed in the safety analysis for accident mitigation. No changes are proposed in the manner in which the DGs provide plant protection or which create new modes of plant operation. In addition, a PSA [probabilistic safety assessment] evaluation concluded that the risk contribution of the DG TS AOT extension is non-risk significant. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed amendment does not introduce new equipment, which could create a new or different kind of accident. No new external threats, release pathways, or equipment failure modes are created. Therefore, the implementation of the proposed amendment will not create a possibility for an accident of a new or different type than those previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

No. BFN's emergency AC system is designed with sufficient redundancy such that a DG may be removed from service for maintenance or testing. The remaining DGs are capable of carrying sufficient electrical loads to satisfy the UFSAR [Updated Final Safety Analysis Report] requirements for accident mitigation or unit safe shutdown.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the

amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Michael L. Marshall, Jr.

Tennessee Valley Authority, Docket No. 50–259, Browns Ferry Nuclear Plant (BFN), Unit 1, Limestone County, Alabama

Date of amendment request: December 6, 2004 (TS 428).

Description of amendment request: The proposed amendment would revise the reactor vessel Pressure-Temperature (P–T) curves depicted in the Technical Specification (TS) Figure 3.4.9–1 and adds a new TS Figure 3.4.9–2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed changes deal exclusively with the reactor vessel P–T curves, which define the permissible regions for operation and testing. Failure of the reactor vessel is not considered as a design basis accident. Through the design conservatisms used to calculate the P–T curves, reactor vessel failure has a low probability of occurrence and is not considered in the safety analyses. The proposed changes adjust the reference temperature for the limiting material to account for irradiation effects and provide the same level of protection as previously evaluated and approved.

The adjusted reference temperature calculations were performed in accordance with the requirements of 10 CFR 50 Appendix G using the guidance contained in Regulatory Guide 1.190, ''Calculational and Dosimetry Methods for Determining Pressure Vessel Neutron Fluence,'' to reflect use of the operating limits to no more than 16 Effective Full Power Years (EFPY). These changes do not alter or prevent the operation of equipment required to mitigate any accident analyzed in the BFN Final Safety Analysis Report.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed changes to the reactor vessel P–T curves do not involve a modification to plant equipment. No new failure modes are introduced. There is no effect on the function of any plant system, and no new system interactions are introduced by this change. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed curves conform to the guidance contained in Regulatory Guide (RG) 1.190, ''Calculational and Dosimetry Methods for Determining Pressure Vessel Neutron Fluence,'' and maintain the safety margins specified in 10 CFR 50 Appendix G. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Michael L. Marshall, Jr.

Tennessee Valley Authority (TVA), Docket No. 50–328, Sequoyah Nuclear Plant, Unit 2, Hamilton County, Tennessee

Date of amendment request: December 2, 2004.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3/4.4.5, ''Steam Generators,'' including associated Bases 3/4.4.5 to change the inspection scope of steam generator tubing in the Westinghouse Electric Company explosive tube expansion region below the top of the tubesheet. Additionally, the proposed TS change removes the axial primary water stress corrosion cracking at dented tube support plate alternate repair criteria and the associated note for the exclusion made for Unit 2 Cycle 12 operation only and changes the current definition of plugging limit to exclude possible indications below the W* distance.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Of the various accidents previously evaluated, the proposed changes only affect the steam generator tube rupture (SGTR) event evaluation and the postulated steam line break (SLB) accident evaluation. Loss-of-coolant accident (LOCA) conditions cause a compressive axial load to act on the tube. Therefore, since the LOCA tends to force the tube into the tubesheet rather than pull it out, it is not a factor in this amendment request. Another faulted load consideration is a safe shutdown earthquake (SSE); however, the seismic analysis of Westinghouse 51 series SGs has shown that axial loading of the tubes is negligible during an SSE.

TVA's amendment request takes credit for how the tubesheet enhances the tube integrity in the Westinghouse Electric Company explosive tube expansion (WEXTEX) region by precluding tube deformation beyond its initial expanded outside diameter. For the SGTR and SLB events, the required structural margins of the SG tubes will be maintained due to the presence of the tubesheet. Tube rupture is precluded for axial cracks in the WEXTEX region due to the constraint provided by the tubesheet. Therefore, the normal operating $3\Delta P$ margin and the postulated accident $1.43\Delta P$ margin against burst are maintained.

The W* length supplies the necessary resistive force to preclude pullout loads under both normal operating and accident conditions. The contact pressure results from the WEXTEX expansion process, thermal expansion mismatch between the tube and tubesheet, and from the differential pressure between the primary and secondary side. Therefore, the proposed change results in no significant increase in the probability or the occurrence of an SGTR or SLB accident.

The proposed changes do not affect other systems, structures, components or operational features. Therefore, based on the above evaluation, the proposed changes do not involve a significant increase in the probability of an accident previously evaluated.

The consequences of an SGTR event are primarily affected by the primary-to-secondary flow rate and the time duration of the primary-to-secondary flow during the event. Primary-to-secondary flow rate through a postulated ruptured tube (*i.e.*, complete severance of a single SG tube) is not affected by the proposed change since the flow rate is based on the inside diameter of a SG tube and the pressure differential. TVA's amendment request does not change either of these. The duration of primary-to-secondary leakage is based on the time required for an operator to determine that a SGTR has occurred, the time to identify and isolate the faulty SG, and ensure termination of radioactive release to the atmosphere from the faulty SG. TVA's amendment request does not affect the duration of the primary-to-secondary leakage because it does not change the control room indicators with which an operator would determine that an SGTR has occurred. The consequences of an SGTR are secondarily affected by primary-to-secondary leakage, which could occur due to axial cracks remaining in service in the WEXTEX region in a non-faulted SG. During a SGTR, the primary-to-secondary differential pressure is less than or equal to the normal operating differential pressure; therefore, the primary-to-secondary leakage due to axial

cracks in the WEXTEX region of a non-faulted SG during a SGTR would be less than or equal to the primary-to-secondary leakage experienced during normal operation. Primary-to-secondary leakage is considered in the calculation determining the consequences of a SGTR and the value is bounding.

The postulated SLB has the greatest primary-to-secondary pressure differential, and therefore could experience the greatest primary-to-secondary leakage. TVA's amendment request requires the aggregate leakage, (*i.e.*, the combined leakage for the tubes with service induced degradation inside the tubesheet) plus the combined leakage developed by other ARC [alternate repair criteria], to remain below the maximum allowable SLB primary-to-secondary leakage rate limit such that the doses are maintained to less than a fraction of the 10 CFR 100 limits and also less than the general design criteria (GDC)—19 limits.

TVA's proposed change also removes the existing axial PWSCC [primary water stress corrosion cracking] at dented tube support plate ARC and removes the exclusion made for Unit 2 Cycle 12 operation only from the TS. This ARC was not used on Unit 2 and was only intended through the Unit 2 Cycle 12 operation. Therefore, this change is inherently more conservative.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

TVA's amendment request does not introduce any physical changes to the Sequoyah Unit 2 SGs. TVA's amendment request takes credit for how the tubesheet enhances the SG tube integrity in the WEXTEX region by precluding tube deformation beyond its initial expanded outside. Removal of the existing PWSCC axial at dented tube support plate ARC incorporates the more conservative TS limit for SG tube plugging. A failure to meet SG tube integrity results in an SGTR. Because degradation detected within the WEXTEX region are required to be plugged, it is highly unlikely that a W* tube would fail as a result of a circumferential defect. Therefore a tube severance, which would strike neighboring tubes and create a multiple tube rupture, is not credible.

The proposed change does not introduce any new equipment or any change to existing equipment. No new effects on existing equipment are created.

Based on the above evaluation, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The amendment request maintains the structural margins of the SG tubes for both normal and accident conditions that are required by Regulatory Guide 1.121.

For cracking located within the tubesheet, tube burst is precluded due to the presence of the tubesheet. WCAP–14797 defines a length, W*, of degradation free expanded tubing that provides the necessary resistance to tube pullout due to the pressure induced forces (with applicable safety factor applied). Application of the W* methodology will preclude unacceptable primary-to-secondary leakage during all plant conditions. The methodology for determining leakage provides for large margins between calculated and actual leakage values in the W* criteria. TVA's proposed change to remove PWSCC ARC from the TS does not compromise structural integrity or leakage integrity of SG tubes.

Based on the above, it is concluded that the proposed changes do not result in a significant reduction of margin with respect to plant safety as defined in the safety analysis report or TSs.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Michael L. Marshall, Jr.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: September 30, 2004.

Description of amendment request: The proposed amendment would revise the technical specifications to relocate the requirements for the emergency diesel generator start loss of power instrumentation and associated actions in the engineering safety features tables to a new limiting conditions for operation (LCO). In addition, an upper allowable value has been added to the voltage sensors for loss of voltage and degraded voltage consistent with Technical Specification Task Force (TSTF) Item TSTF–365 along with a lower allowable value limit for the degraded voltage diesel generator start and load shed timer. The auxiliary feedwater loss of power start setpoints and allowable values have been relocated to this new LCO.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The relocation and enhancement of the loss of power functions to a new LCO does not alter the intended functions of this feature or physically alter these systems. Changes to Avs [allowable values] have been evaluated in accordance with TVA [Tennessee Valley Authority] setpoint methodology and have been verified to acceptably protect the associated safety limits. Format changes provide a clearer representation of the requirements and provide more consistency with the standard TSs [Technical Specifications] in NUREG–1431. The EDG [emergency diesel generator] and AFW [auxiliary feedwater] start functions provided by this instrumentation are utilized for the mitigation of accident conditions and are not considered to be a potential source for accident generation. Additionally, these start functions are enhanced by the addition of an upper allowable value limit such that the accident mitigation functions are not challenged unnecessarily. This further assures the ability to mitigate accidents and maintain acceptable offsite dose limits. These changes continue to support or improve the required safety functions; therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes for the loss of power instrumentation will not alter plant processes, components, or operating practices. The function to start the EDGs and AFW pumps on a loss of voltage or degraded voltage to the shutdown boards will not be altered by the proposed change. Additionally, the EDGs and AFW system is not considered to be a source for the generation of postulated accidents. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not alter any plant settings or functions that are utilized to mitigate accident conditions. The enhanced allowable values for the voltage sensors help to prevent unnecessary actuation of mitigation systems to ensure their ability to respond to actual accident conditions. The parameters that ensure the required margin of safety will be maintained with the proposed changes or improved. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Michael L. Marshall, Jr.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: December 2, 2004.

Description of amendment request: The proposed change allows entry into a mode or other specified condition in the applicability of a Technical Specification (TS), while in a condition statement and the associated required actions of the TS, provided the licensee performs a risk assessment and manages risk consistent with the program in place for complying with the requirements of title 10 of the *Code of Federal Regulations* (10 CFR), part 50, § 50.65(a)(4). Limiting Condition for Operation (LCO) 3.0.4 exceptions in individual TSs would be eliminated, several notes or specific exceptions are revised to reflect the related changes to LCO 3.0.4, and Surveillance Requirement (SR) 3.0.4 is revised to reflect the LCO 3.0.4 allowance.

This change was proposed by the industry's Technical Specification Task Force (TSTF) and is designated TSTF–359. The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 2, 2002 (67 FR 50475), on possible amendments concerning TSTF–359, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on April 4, 2003 (68 FR 16579). The licensee affirmed the applicability of the following NSHC determination in its application dated December 2, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. Being in a TS condition and the associated required actions is not an initiator of any accident previously evaluated. Therefore, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on required actions as allowed by proposed LCO 3.0.4, are no different than the consequences of an accident while entering and relying on the required actions while starting in a condition of applicability of the TS. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Entering into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. The TS allow operation of the plant without the full complement of equipment through the conditions for not meeting the TS LCO. The risk associated with this allowance is managed by the imposition of required actions that must be performed within the prescribed completion times. The net effect of being in a TS condition on the margin of safety is not considered significant. The proposed change does not alter the required actions or completion times of the TS. The proposed change allows TS conditions to be entered, and the associated required actions and completion times to be used in new circumstances. This use is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The change also eliminates current allowances for utilizing required actions and completion times in similar circumstances, without assessing and managing risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Michael L. Marshall, Jr.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of amendment request: September 15, 2004.

Description of amendment request: The proposed change allows entry into a mode or other specified condition in the applicability of a Technical Specification (TS), while in a condition statement and the associated required actions of the TS, provided the licensee performs a risk assessment and manages risk consistent with the program in place for complying with the requirements of title 10 of the *Code of Federal Regulations* (10 CFR), part 50, § 50.65(a)(4). Limiting Condition for Operation (LCO) 3.0.4 exceptions in individual TSs would be eliminated, several notes or specific exceptions are revised to reflect the related changes to LCO 3.0.4, and Surveillance Requirement (SR) 3.0.4 is revised to reflect the LCO 3.0.4 allowance.

This change was proposed by the industry's Technical Specification Task Force (TSTF) and is designated TSTF–359. The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 2, 2002 (67 FR 50475), on possible amendments concerning TSTF–359, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on April 4, 2003 (68 FR 16579). The licensee affirmed the applicability of the following NSHC determination in its application dated September 15, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant

hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. Being in a TS condition and the associated required actions is not an initiator of any accident previously evaluated. Therefore, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on required actions as allowed by proposed LCO 3.0.4, are no different than the consequences of an accident while entering and relying on the required actions while starting in a condition of applicability of the TS. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Entering into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. The TS allow operation of the plant without the full complement of equipment through the conditions for not meeting the TS LCO. The risk associated with this allowance is managed by the imposition of required actions that must be performed within the prescribed completion times. The net effect of being in a TS condition on the margin of safety is not considered significant. The proposed change does not alter the required actions or completion times of the TS. The proposed change allows TS conditions to be entered, and the associated required actions and completion times to be used in new circumstances. This use is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The change also eliminates current allowances for utilizing required actions and completion times in similar circumstances, without assessing and managing risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Michael L. Marshall, Jr.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of amendment request: November 8, 2004.

Description of amendment request: The requested change will delete Technical Specification (TS) 5.9.1, ''Occupational Radiation Exposure Report,'' and TS 5.9.4, ''Monthly Operating Reports.''

The NRC staff issued a notice of availability of a model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on June 23, 2004 (69 FR 35067). The licensee affirmed the applicability of the model NSHC determination in its application dated November 8, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates the Technical Specifications (TSs) reporting requirements to provide a monthly operating letter report of shutdown experience and operating statistics if the equivalent data is submitted using an industry electronic database. It also eliminates the TS reporting requirement for an annual occupational radiation exposure report, which provides information beyond that specified in NRC regulations. The proposed change involves no changes to plant systems or accident analyses. As such, the change is administrative in nature and does not affect initiators of analyzed events or assumed mitigation of accidents or transients. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant, add any new equipment, or require any existing equipment to be operated in a manner different from the present design. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This is an administrative change to reporting requirements of plant operating information and occupational radiation exposure data, and has no effect on plant equipment, operating practices or safety analyses assumptions. For these reasons, the proposed change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above, the requested change does not involve significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Michael L. Marshall, Jr.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia; Docket Nos. 50–280 and 50–281, Surry Power Station, Units No. 1 and 2, Surry County, VA

Date of amendment request: September 8, 2004.

Description of amendment request: The proposed amendments delete the requirements from the technical specifications (TS) to maintain hydrogen recombiners (North Anna Power Station only) and hydrogen monitors (North Anna and Surry Power Stations). Licensees were generally required to implement upgrades as described in NUREG–0737, ''Clarification of TMI [Three Mile Island] Action Plan Requirements,'' and Regulatory Guide (RG) 1.97, ''Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.'' Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI, Unit 2. Requirements related to combustible gas control were imposed by Order for many facilities and were added to or included in the TS for nuclear power reactors currently licensed to operate. The revised title 10 of the Code of

Federal Regulations (10 CFR), § 50.44, ''Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors,'' eliminated the requirements for hydrogen recombiners and relaxed safety classifications and licensee commitments to certain design and qualification criteria for hydrogen and oxygen monitors.

The NRC staff issued a notice of availability of a model no significant hazards consideration determination for referencing in license amendment applications in the **Federal Register** on September 25, 2003 (68 FR 55416). The licensee affirmed the applicability of the model NSHC determination in its application dated September 8, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The revised 10 CFR 50.44 no longer defines a design-basis loss-of-coolant accident (LOCA) hydrogen release, and eliminates requirements for hydrogen control systems to mitigate such a release. The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage. In addition, these systems were ineffective at mitigating hydrogen releases from risk-significant accident sequences that could threaten containment integrity.

With the elimination of the design-basis LOCA hydrogen release, hydrogen monitors are no longer required to mitigate design-basis accidents and, therefore, the hydrogen monitors do not meet the definition of a safety-related component as defined in 10 CFR 50.2. Category 1 in RG 1.97 is intended for key variables that most directly indicate the accomplishment of a safety function for design-basis accident events. The hydrogen monitors no longer meet the definition of Category 1 in RG 1.97. As part of the rulemaking to revise 10 CFR 50.44 the Commission found that Category 3, as defined in RG 1.97, is an appropriate categorization for the hydrogen monitors because the monitors are required to diagnose the course of beyond design-basis accidents.

The regulatory requirements for the hydrogen monitors can be relaxed without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. Classification of the hydrogen monitors as Category 3, and removal of the hydrogen monitors from TS will not prevent an accident management strategy through the use of the severe accident management guidelines (SAMGs), the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, does not involve a significant increase in the probability or the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, will not result in any failure mode not previously analyzed. The hydrogen recombiner and hydrogen monitor equipment was intended to mitigate a design-basis hydrogen release. The hydrogen recombiner and hydrogen monitor equipment are not considered accident precursors, nor does their existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety.

The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage.

Category 3 hydrogen monitors are adequate to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The intent of the requirements established as a result of the TMI, Unit 2 accident can be adequately met without reliance on safety-related hydrogen monitors.

Therefore, this change does not involve a significant reduction in the margin of safety. Removal of hydrogen monitoring from TS will not result in a significant reduction in their functionality, reliability, and availability.

The NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Ms. Lillian M. Cuoco, Esq., Senior Counsel, Dominion Resources Services, Inc., Millstone Power Station, Building 475, 5th Floor, Rope Ferry Road, Rt. 156, Waterford, Connecticut 06385.

NRC Section Chief: John A. Nakoski.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia; Docket Nos. 5050–280 and 50–281, Surry Power Station, Unit No. 1 and No. 2, Surry County, Virginia

Date of amendment request: December 21, 2004.

Description of amendment request: The requested change will delete Technical Specification requirements for the licensee to submit annual occupational radiation exposure reports and monthly operating reports.

The NRC staff issued a notice of availability of a model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on June 23, 2004 (69 FR 35067). The licensee affirmed the applicability of the model NSHC determination in its application dated December 21, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates the Technical Specifications (TSs) reporting requirements to provide a monthly operating letter report of shutdown experience and operating statistics if the equivalent data is submitted using an industry electronic database. It also eliminates the TS reporting requirement for an annual occupational radiation exposure report, which provides information beyond that specified in NRC regulations. The proposed change involves no changes to plant systems or accident analyses. As such, the change is administrative in nature and does not affect

initiators of analyzed events or assumed mitigation of accidents or transients. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant, add any new equipment, or require any existing equipment to be operated in a manner different from the present design. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This is an administrative change to reporting requirements of plant operating information and occupational radiation exposure data, and has no effect on plant equipment, operating practices or safety analyses assumptions. For these reasons, the proposed change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above, the requested change does not involve significance hazards consideration.

Attorney for licensee: Ms. Lillian M. Cuoco, Esq., Senior Counsel, Dominion Resources Services, Inc., Millstone Power Station, Building 475, 5th Floor, Rope Ferry Road, Rt. 156, Waterford, Connecticut 06385.

NRC Section Chief: John A. Nakoski.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: December 13, 2004.

Description of amendment request: This amendment would revise Technical Specification Surveillance Requirement (SR) 3.8.1.7 (fast-start test), SR 3.8.1.12 (safety injection actuation signal test), SR 3.8.1.15 (hot restart test), and SR 3.8.1.20 (redundant unit test) to clarify what voltage and frequency limits are applicable during the transient and steady state portions of the diesel generator (DG) start testing performed by these SRs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change does not affect the DGs ability to supply the minimum voltage and frequency within 12 seconds or the steady state voltage and frequency. The DGs will continue to perform their intended safety function, in accordance with the safety analysis. The design of plant equipment is not being modified by the proposed change. In addition, the DGs and their associated emergency loads are accident mitigating features. As such, testing of the DGs themselves is not associated with any potential accident-initiating mechanism.

The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed changes do not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed changes do not increase the types or amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational [or] public radiation exposures. The proposed changes are consistent with the safety analysis assumptions and resultant consequences.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

The proposed change revises surveillance requirements to clarify what voltage and frequency limits are applicable during the transient and steady state portions of the DG start testing. No changes are being made in equipment hardware, operational philosophy, testing frequency, system operation, or how the DGs are physically tested.

The proposed changes do not result in a change in the manner in which the electrical distribution subsystems provide plant protection. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The proposed change does not directly affect these barriers, nor do they involve any significantly adverse impact on the DGs which serve to support these barriers in the event of an accident concurrent with a loss of offsite power.

The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not impacted by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Robert A. Gramm.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendment: June 7, 2004.

Brief description of amendment: The proposed amendment revised Technical Specification 3.9.4, ''Shutdown Cooling (SDC) and Coolant Circulation-High Water Level,'' to incorporate the use of an alternate cooling method to function as a path for decay heat removal when in MODE 6 with the refueling pool fully flooded. The spent fuel pool cooling system is the alternative cooling method intended to be used as a substitute for the SDC system during the refueling

operations, including during fuel movement.

Date of publication of individual notice in ***Federal Register:*** November 29, 2004 (69 FR 69417).

Expiration date of individual notice: January 27, 2005.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment request: November 3, 2004.

Brief description of amendment request: The proposed amendments would revise Technical Specification (TS) 3.7.17 and TS 4.3 for Cycles 14–16 to allow installation and use of a temporary cask pit spent fuel storage rack (cask pit rack) for Diablo Canyon Power Plant, Unit Nos. 1 and 2. The total spent fuel pool storage capacity for each unit would be increased from 1324 fuel assemblies to 1478 fuel assemblies for Cycles 14–16.

Date of publication of individual notice in ***Federal Register:*** December 21, 2004 (69 FR 76486).

Expiration date of individual notice: February 22, 2005.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible 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.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: August 11, 2004.

Brief description of amendment: The amendment revises Technical Specifications to eliminate operational requirements and certain design requirements that will no longer be applicable following the transfer of all of the spent fuel from the Haddam Neck Plant spent fuel pool into dry cask storage at the Haddam Neck Plant Independent Spent Fuel Storage Installation. The amendment relocates administrative requirements to the Connecticut Yankee Quality Assurance Program. The amendment also deletes the requirement for submittal of an annual Occupational Radiation Exposure Report.

Date of issuance: December 20, 2004.

Effective date: As of the date that all reactor fuel has been permanently removed from the spent fuel pool and stored in an Independent Spent Fuel Storage Installation. The license amendment shall be implemented within 60 days of its effective date.

Amendment No.: 201.

Facility Operating License No. DPR–61: The amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 28, 2004 (69 FR 57978).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation Report, dated December 20, 2004.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: October 12, 2004.

Brief description of amendment: This amendment approves an engineering evaluation performed in accordance with the Pilgrim Nuclear Power Station Technical Specifications (TS). TS 3.6.D.3 requires the licensee to perform an engineering evaluation when safety relief valve (SRV) discharge pipe temperatures exceed 212 °F during normal reactor power operation for a period greater than 24 hours, and TS 3.6.D.4 further requires that power operation may not continue beyond 90 days from the initial discovery of discharge pipe temperatures in excess of 212 °F, without prior NRC approval of the engineering evaluation. The Nuclear Regulatory Commission staff has reviewed the engineering evaluation and has determined that the licensee has adequately justified power operations beyond the end of the TS-required 90-day period for plant shutdown, until the next cold shutdown of 72 hours or more.

Date of issuance: December 23, 2004.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 208.

Facility Operating License No. DPR–35: Amendment does not revise the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 20, 2004 (69 FR 61695).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 23, 2004.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: December 8, 2003.

Brief description of amendment: The proposed amendment would delete a portion of the Pilgrim Nuclear Power Station (Pilgrim) Technical Specification (TS) 4.6.A.2, ''Primary System Boundary—Thermal and Pressurization Limitations,'' and the associate TS Table 4.6–3, ''Reactor Vessel Material Surveillance Program

Withdrawal Schedule.'' The amendment would replace the existing Reactor Vessel Material Surveillance Program with the Boiling Water Reactor Vessel and Internal Project (BWRVIP) Integrated Surveillance Program (ISP) and Supplemental Surveillance Program (SSP). The BWRVIP ISP/SSP would be incorporated into the Pilgrim Updated Final Safety Analysis Report (UFSAR).

Date of issuance: January 5, 2005.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 209.

Facility Operating License No. DPR–35: Amendment revised the Technical Specifications and updated the UFSAR.

Date of initial notice in ***Federal Register:*** February 17, 2004 (69 FR 7521).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 5, 2005.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit 1, Ottawa County, Ohio

Date of application for amendment: August 11, 2003, as supplemented January 9, May 3, and July 19, 2004.

Brief description of amendment: This amendment relocates the Technical Specification requirement to leak rate test the enclosure for decay heat removal system valves DH–11 and DH–12 to the Technical Requirements Manual.

Date of issuance: December 21, 2004.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment No.: 263.

Facility Operating License No. NPF–3: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 18, 2003 (68 FR 54750).

The supplemental letters contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 21, 2004.

No significant hazards consideration comments received: No.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: May 27, 2004, as supplement by letter dated September 28, 2004.

Brief description of amendment: The amendment revises the Technical Specifications (TSs) to lower the reactor vessel water level at which the reactor water cleanup system isolates, secondary containment isolates, and the control room emergency filter system starts.

Date of issuance: December 23, 2004.

Effective date: As of the date of issuance and shall be implemented upon startup in Operating Cycle 23.

Amendment No.: 209.

Facility Operating License No. DPR–46: Amendment revised the TS.

Date of initial notice in ***Federal Register:*** June 22, 2004 (69 FR 34702).

The supplement dated September 28, 2004, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 23, 2004.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: December 23, 2003.

Brief description of amendments: The amendments modified TS requirements to adopt the provisions of Industry/TS Task Force (TSTF) change TSTF–359, ''Increased Flexibility in Mode Restraints.'' The availability of TSTF–359 for adoption by licensees was announced in the **Federal Register** on April 4, 2003 (68 FR 16579).

Date of issuance: December 22, 2004.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment Nos.: 215, 220.

Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 16, 2004 (69 FR 55844)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 22, 2004.

No significant hazards consideration comments received: No.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of application for amendments: August 4, 2003, as supplemented by letters dated December 24, 2003, and June 3, August 24, and October 6 and 22, 2004.

Brief description of amendments: The proposed amendments would revise Technical Specification 3.9.3, ''Containment Penetrations,'' by adding a note to the limiting condition for operation that permits the containment equipment hatch to be open during core alterations and movement of irradiated fuel in containment during refueling operations.

Date of issuance: December 23, 2004.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 193/184.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 18, 2003 (68 FR 54752). The supplemental letters dated December 24, 2003, and June 3, August 24, October 6, and October 22, 2004, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 23, 2004.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket No. 50–498, South Texas Project, Unit 1, Matagorda County, Texas

Date of amendment request: September 30, 2004.

Brief description of amendment: The amendment changes Technical Specification (TS) Surveillance Requirement 4.4.4.2 to expand the range of conditions under which quarterly testing of block valves for the pressurizer power operated relief valves would be unnecessary.

Date of issuance: December 28, 2004.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: Unit 1—166.

Facility Operating License No. NPF–76: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** October 26, 2004 (69 FR 62477).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 28, 2004.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment requests: September 22, 2003, and September 27, 2004.

Brief description of amendments: The amendments change Technical Specification (TS) Surveillance Requirement 4.7.1.6, ''Atmospheric Steam Relief Valves'' to provide consistency with TS 3.3.5.1, ''Atmospheric Steam Relief Valve Instrumentation,'' regarding atmospheric steam relief valve automatic controls. The amendments also correct typographical errors in TSs 3.7.1.6 and 3.2.4. The remaining proposed changes associated with the September 22, 2003, application were withdrawn as noted in the NRC staff's letter to the licensee dated October 19, 2004.

Date of issuance: December 28, 2004.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: Unit 1—167; Unit 2—156.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** November 12, 2003 (68 FR 64139) for the September 22, 2003, application and October 26, 2004 (69 FR 62478) for the September 27, 2004, application.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 28, 2004.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 10th day of January, 2005.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 05–779 Filed 1–14–05; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Public Availability of Fiscal Year 2004 Agency Inventories Under the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) (''FAIR Act'')

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of public availability of agency inventory of activities that are not inherently governmental and of activities that are inherently governmental.

SUMMARY: In accordance with the FAIR Act, agency inventories of activities that are not inherently governmental are now available to the public from the agencies listed below. The FAIR Act requires that OMB publish an announcement of public availability of agency inventories of activities that are not inherently governmental upon completion of OMB's review and consultation process concerning the content of the agencies' inventory submissions. After review and consultation with OMB, agencies make their inventories available to the public, and these inventories also include activities that are inherently governmental. This is the second release of the FAIR Act inventories for FY 2004. Interested parties who disagree with the agency's initial judgment can challenge the inclusion or the omission of an activity on the list of activities that are not inherently governmental within 30 working days and, if not satisfied with this review, may demand a higher agency review/appeal.

The Office of Federal Procurement Policy has made available a FAIR Act User's Guide through its Internet site: *http://www.whitehouse.gov/omb/procurement/fair-index.html*. This User's Guide will help interested parties review FY 2004 FAIR Act inventories, and gain access to agency inventories through agency Web site addresses.

Joshua B. Bolten,

Director.

Attachment

SECOND FAIR ACT RELEASE FY 2004

Appalachian Regional Commission	Mr. Guy Land, (202) 884–7674; *www.arc.gov*.
Architectural and Transportation Barriers Compliance Board	Mr. Larry Roffee, (202) 272–0001; *www.access-board.gov*.
Arlington National Cemetery	Mr. Rory Smith, (703) 607–8561; *www.arlingtoncemetery.org*.
Barry Goldwater Scholarship Education Foundation	Mr. Gerald Smith, (703) 756–6012; *www.act.org/goldwater*.
Broadcasting Board of Governors	Mr. Stephen Smith, (202) 203–4588; *www.bbg.gov*.
Christopher Columbus Fellowship Foundation	Ms. Judith M. Shellenberger, (315) 258–0090; *www.whitehouse.gov/omb/procurement/fair_list_nosite.html*.
Defense Nuclear Facilities Safety Board	Mr. Kenneth Pusateri, (202) 694–7000; *www.dnfsb.gov*.
Department of Defense	Mr. Paul Soloman, (703) 602–3666; *web.lmi.org/fairnet*.
Department of Defense (IG)	Mr. John R. Crane, (703) 604–8324; *www.dodig.osd.mil*.
Department of Education	Mr. Glenn Perry, (202) 245–6200; *www.ed.gov*.
Department of Housing and Urban Development	Ms. Janice Blake-Green, (202) 708–0614, x3214; *www.hud.gov*.
Department of Housing and Urban Development (IG)	Ms. Peggy Dickinson, (202) 708–0614, x8192; *www.hudoig.gov*.
Department of State	Ms. Valerie Dumas, (703) 516–1506; *www.state.gov*.
Department of Treasury	Mr. Jim Sullivan, (202) 622–9395; *www.treas.gov/fair*.
Environmental Protection Agency	Ms. Melanie Gooden (202) 566–2222; *www.epa.gov*.
Environmental Protection Agency (IG)	Mr. Michael J. Binder (202) 566–2617; *www.epa.gov/oig*.
Equal Employment Opportunity Commission	Mr. Jeffrey Smith, (202) 663–4200; *www.eeoc.gov*.
Farm Credit Administration	Mr. Philip Shebest, (703) 883–4146; *www.fca.gov*.
Federal Maritime Commission	Mr. Bruce Dombrowski, (202) 523–5800; *www.fmc.gov*.
Federal Mediation and Conciliation Service	Mr. Dan Ellerman, (202) 606–5460; *www.fmcs.gov*.
Federal Trade Commission	Ms. Darlene Cossette, (202) 326–3255; *www.ftc.gov*.
General Services Administration	Mr. Paul Boyle, (202) 501–0324; *www.gsa.gov*.
Harry S. Truman Scholarship Foundation	Ms. Tara Kneller, (202) 395–7434; *www.truman.gov*.
James Madison Memorial Fellowship Foundation	Mr. Steve Weiss, (202) 653–6109; *www.jamesmadison.com*.
National Archives and Records Administration	Ms. Lori Lisowski, (301) 837–1850; *www.nara.gov*.

SECOND FAIR ACT RELEASE FY 2004—Continued

National Archives and Records Administration (IG)	Mr. James Springs, (301) 837–3018; *www.archives.gov/about_us/office_of_the_inspector_general/index.html*.
National Capital Planning Commission	Mr. Barry Socks, (202) 482–7209; *www.ncpc.gov*.
National Endowment for the Art	Mr. Ned Read, (202) 682–5782; *www.arts.gov*.
National Endowment for the Humanities	Mr. Barry Maynes, (202) 606–8233; *www.neh.gov*.
National Mediation Board	Ms. Grace Ann Leach, (202) 692- 5010; *www.nmb.gov*.
Nuclear Waste Technical Review Board	Ms. Joyce Dory, (703) 235–4473; *www.nwtrb.gov*.
Office of Personnel Management	Mr. Ronald Flom, (202) 606–2200; *www.opm.gov*.
Office of the Special Counsel	Ms. Sharyn Danch, (202) 254–3600; *www.osc.gov*.
Office of the U.S. Trade Representative	Ms. Susan Buck, (202) 395–9412; *www.ustr.gov*.
Peace Corps	Ms. Janice Hagginbothom, (202) 692–1655; *www.peacecorps.gov*.
Small Business Administration	Mr. Robert J. Moffitt, (202) 205–6610; *www.sba.gov/fair*.
Small Business Administration (IG)	Ms. Robert Fisher, (202) 205–6583; *www.sba.gov/ig*.
U.S. Patent and Trademark Office	Mr. Aprie Balian, (703) 305–9357; *www.uspto.gov*.
U.S. Trade Development Agency	Ms. Barbara Bradford, (703) 875–4357; *www.tda.gov*

[FR Doc. 05–938 Filed 1–14–05; 8:45 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Corautus Genetics Inc. to Withdraw Its Common Stock, $.001 Par Value, From Listing and Registration on the American Stock Exchange LLC File No. 1–15833

January 10, 2005.

On December 17, 2004, Corautus Genetics Inc., a Delaware corporation (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common stock, $.001 par value (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'').

The Issuer stated that it determined that it is in the best interest of the Issuer to withdraw the Security from listing on the Amex and to list on The Nasdaq National Market (''Nasdaq''). The Issuer stated that it believes that changing its listing to the Nasdaq at this time will better serve its shareholders by enhancing the visibility of the Issuer and increase the liquidity in its Security as a result of the multiple market marker structure. Trading in the Security on the Nasdaq began on October 13, 2004.

The Issuer states that it has met the requirements of the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration by complying with all the applicable laws in effect in Delaware, in which it is incorporated.

The Issuer's application relates solely to the withdrawal of the Security from listing on the Amex and from registration under Section 12(b) of the Act,[3] and shall not affect its obligation to be registered under Section 12(g) of the Act.[4]

Any interested person may, on or before February 4, 2005, comment on the facts bearing upon whether the application has been made in accordance with the rules of the Amex, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Send an e-mail to *rule-comments@sec.gov*. Please include the File Number 1–15833 or;

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 1–15833. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–155 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Edison International to Withdraw Its Common Stock, No Par Value, and Rights to Purchase Series A Junior Participating Cumulative Preferred Stock, No Par Value, From Listing and Registration on the Pacific Exchange, Inc. File No. 1–09936

January 10, 2005.

On December 20, 2004, Edison International, a California corporation (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common stock, no par value, and rights to purchase series A junior participating cumulative preferred stock, no par value (collectively, ''Securities''), from listing and registration on the Pacific Exchange, Inc. (''PCX'').

The Board of Directors (''the Board'') of the Issuer approved resolutions on November 18, 2004, to withdraw the Securities from listing on the PCX. The Board stated that the reasons for its decision to withdraw the Securities from the PCX are as follows: (i) The

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

Securities are listed and predominately traded on the New York Stock Exchange, Inc. (''NYSE''), and the Securities will continue to be listed on NYSE, giving shareholders a continued means of trading their Securities; (ii) as a listed company on the NYSE and PCX, the Issuer is subject to dual and potentially conflicting regulation; (iii) the Issuer wishes to eliminate the additional costs and administrative burdens associated with maintaining dual listing of the Securities on the PCX and the NYSE; and (iv) there were no significant business reasons for maintaining the listing of the Securities on the PCX.

The Issuer stated in its application that it has complied with applicable rules of the PCX Rule 5.4(b) by providing the PCX with the required documents governing the withdrawal of securities from listing and registration on the PCX. The Issuer's application relates solely to the withdrawal of the Securities from listing on the PCX and shall not affect its continued listing on the NYSE or its obligation to be registered under Section 12(b) of the Act.[3]

Any interested person may, on or before February 4, 2005 comment on the facts bearing upon whether the application has been made in accordance with the rules of the PCX, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

• Send an e-mail to *rule-comments@sec.gov*. Please include the File Number 1–09936 or;

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 1–09936. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–154 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78*l*(b).

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Southern California Edison Company to Withdraw Its Cumulative Preferred Stock, 4.08% Series, 4.24% Series, 4.32% Series, and 4.78% Series, $25 Par Value, From Listing and Registration on the Pacific Exchange, Inc. File No. 1–02313

January 10, 2005.

On December 20, 2004, Southern California Edison Company, a California corporation (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its cumulative preferred stock, 4.08% series, 4.24% series, 4.32% series, and 4.78% series, $25 par value (collectively, ''Securities''), from listing and registration on the Pacific Exchange, Inc. (''PCX'').

The Board of Directors (''the Board'') of the Issuer approved a resolution on November 18, 2004 to withdraw the Securities from listing on the PCX. The Board stated that the reasons for its decision to withdraw the Securities from the PCX are as follows: (i) The Securities are listed and traded on the American Stock Exchange LLC, (''Amex''), and the Securities will continue to be listed on Amex, giving shareholders a continued means of trading their Securities; (ii) as a listed company on the Amex and PCX, the Issuer is subject to dual and potentially conflicting regulation; (iii) the Issuer wishes to eliminate the additional costs and administrative burdens associated with maintaining dual listing of the Securities on the PCX and the Amex; and (iv) there were no significant business reasons for maintaining the listing of the Securities on the PCX.

The Issuer stated in its application that it has complied with applicable rules of the PCX Rule 5.4(b) by providing the PCX with the required documents governing the withdrawal of securities from listing and registration on the PCX. The Issuer's application relates solely to the withdrawal of the Securities from listing on the PCX and shall not affect its continued listing on the Amex or its obligation to be registered under Section 12(b) of the Act.[3]

Any interested person may, on or before February 4, 2005 comment on the facts bearing upon whether the application has been made in accordance with the rules of the PCX, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

• Send an e-mail to *rule-comments@sec.gov*. Please include the File Number 1–02313 or;

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 1–02313. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–153 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51007; File No. SR–CBOE–2005–03]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Allocations of Securities

January 10, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 7, 2005, the Chicago Board Options Exchange, Inc. (''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. The Exchange has filed this proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt an Interpretation to CBOE Rule 8.95 relating to temporary allocations of securities. The text of the proposed rule change is available at the CBOE's Office of the Secretary and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 8.95 governs the allocation of securities on the Exchange and generally provides a framework by which the Allocation or Special Product Assignment Committee determines whether to allocate a security to a trading crowd or a Designated Primary Market-Maker (''DPM''). Paragraph (b) gives these Committees the ability to consider any factors they believe to be relevant in making such determinations. The purpose of this rule filing is to adopt Interpretations and Policies .05 (''I&P .05'') to CBOE Rule 8.95 to clarify that the Exchange has the authority to grant a temporary allocation.

In this regard, the Exchange anticipates listing on the Hybrid Trading System (''Hybrid'') new option classes on ETFs and possibly indexes in the very near future. Currently, index options and options on ETFs (''index-based products'') may only trade on Hybrid if they have an assigned DPM, which precludes the trading of an index-based product on Hybrid using an LMM system or a trading crowd with only Market-Makers. In December, the Exchange filed SR–CBOE–2004–87, which would allow it to trade these index-based products without a DPM. Upon approval of that rule filing, the Exchange would like the ability to reconsider changing the trading platform [5] with respect to these index-based products in order to determine if the product should trade in a non-DPM environment.

Accordingly, proposed I&P .05 provides the ability to grant initial allocations on a temporary basis and at any point within one year to reallocate the security such that it trades on a different trading platform (*e.g.*, from a DPM to a non-DPM trading crowd or vice versa). The proposed I&P provides that the Special Product Assignment or Allocation Committee may make temporary allocations of securities either to a DPM or a non-DPM trading crowd by explicitly indicating to such DPM or non-DPM trading crowd at the time of allocation that the allocation is temporary. The Committee that made the temporary allocation may, at any time during the first twelve months following the granting of the temporary allocation, determine it is in the best interest of the Exchange to reallocate the security such that: (i) A security initially allocated to a DPM is reallocated to a non-DPM trading crowd; or (ii) a security initially allocated to a non-DPM trading crowd is reallocated to a DPM. While proposed I&P .05 establishes the right to make temporary allocations, nothing in this proposal eliminates the ability of the appropriate committee to take action in accordance with existing paragraphs (c) and (d) of CBOE Rule 8.95.

2. Statutory Basis

CBOE believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) of the Act,[7] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

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

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change is immediately effective pursuant to Section 19(b)(3)(A) of the Act [8] and Rule 19b–4(f)(1) thereunder,[9] because it constitutes a stated policy, practice, or interpretation with respect to the

[4] 17 CFR 200.30–3(a)(1).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(1).

[5] The term ''trading platform,'' for purposes of this rule filing, refers to the system by which a security trades. A security may trade using a DPM system, an LMM system, or upon approval of SR–CBOE–2004–87, with a Market-Maker system without a DPM or LMM.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78(f)(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(1).

meaning, administration, or enforcement of an existing rule. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2005–03 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–2005–03. 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–2005–03 and should be submitted on or before February 8, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–150 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51018; File No. SR–FICC–2004–14]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to Membership Requirements

January 11, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 14, 2004, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2004–14. On July 15, July 30, August 20, and November 10, 2004, FICC filed amendments 1, 2, 3, and 4 respectively. On January 3, 2005, FICC filed amendment 5 and withdrew amendments 1, 2, 3, and 4. The proposed rule change, as amended, is described in Items I, II, and III below, which Items have been prepared primarily by FICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FICC proposes to amend the rules of its Government Securities Division (''GSD'') and Mortgage-Backed Securities Division (''MBSD'') regarding membership requirements for non-U.S. applicants and members.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[2]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Annual Audited Financial Statements

Currently, GSD requires non-U.S. members and applicants to submit financial statements prepared in accordance with U.S. generally accepted accounting principles (''U.S. GAAP'') ''whenever necessary and feasible.'' MBSD requires non-U.S. members and applicants to submit financial statements prepared in accordance with U.S. GAAP. Both divisions review such financial statements as part of their credit risk management program.

FICC proposes to amend these requirements uniformly across both divisions to enable non-U.S. members and applicants to submit financial statements that are prepared according to any other generally accepted accounting methodology (''non-U.S. GAAP'').

In order to lessen the risk associated with accepting financial statements prepared in accordance with non-U.S. GAAP, FICC would increase the existing minimum financial requirements of each applicant and member based on which non-U.S. GAAP was used to prepare the audited financial statement in the following manner:

(a) For applicants and members whose financial statements are prepared in accordance with International Financial Reporting Standards (''IFRS''), the Companies Act of 1985 (''U.K. GAAP''), or Canadian GAAP, the minimum financial requirements would be one and one-half times the applicable requirements.

(b) For applicants and members whose financial statements are prepared in accordance with a European Union country GAAP (''EU GAAP'') other than U.K. GAAP, the minimum financial requirements would be five times the applicable requirements.

(c) For applicants and members whose financial statements are prepared in accordance with any other type of GAAP, the minimum financial requirements would be seven times the applicable requirements.[3]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by FICC.

[3] In order to determine the appropriate premiums, FICC's risk management staff compiled all the U.S. GAAP and non-U.S. GAAP equity capital figures of financial institutions that filed SEC Form 20–F or 40–F for their 2002 and/or 2003 fiscal year ends to identify the largest absolute differences between U.S. GAAP and non-U.S. GAAPs. The staff found that approximately 50% was the largest difference when the U.S. GAAP figures were compared to IFRS, U.K. GAAP, and Canadian GAAP. The largest

Continued

For example, currently under the GSD's rules, the minimum financial requirement for a bank netting member is equity capital of US$100 million. This will continue to be the requirement for all such members (both U.S. and non-U.S. members), whose financial statements are prepared in accordance with U.S. GAAP. If such a member's financial statements were prepared in accordance with IFRS, U.K. GAAP, or Canadian GAAP, the member's minimum financial requirement would be US$150 million. If such a member's financial statements were prepared in accordance with an EU country GAAP other than U.K. GAAP, the member's minimum financial requirement would be US$500 million. If a member's financial statements were prepared in accordance with any other type of GAAP, the member's minimum financial requirement would be US$700 million.

FICC would retain the requirement that annual audited financial statements submitted by members and applicants be certified without qualification. The proposed rule change would make clear that annual audited financial statements must be prepared in accordance with generally accepted accounting principles. In addition, all information submitted to FICC would have to be in English or would have to be a fair and accurate English translation if the information had been translated into English. Additionally, in order to accommodate this change for members other than banks, the proposed rule change provides that specific references to the term U.S. regulatory capital should be deemed to refer to the general term of ''regulatory capital.''

The proposed rule changes would be applied to current members as well as applicants.

2. Material Regulatory Filings

As part of its credit risk management, FICC requires applicants and members to submit interim financial data. In the case of U.S. bank and broker-dealer members, the GSD and the MBSD are able to obtain this financial information through regulatory reports. Non-U.S. MBSD members are required to submit unaudited monthly financial statements to MBSD. Non-U.S. GSD netting members are required to submit certain quarterly financial information to GSD. The GSD rules also currently require non-U.S. members and applicants to also submit all ''material regulatory filings'' that the entity makes with its primary regulator in its home jurisdiction. However, FICC cannot specifically identify all such material regulatory filings for non-U.S. members and applicants with confidence.

In order to enhance FICC's credit risk monitoring program, the proposed rule change, which would be adopted uniformly across both FICC divisions, would require non-U.S. members (other than those organized or established in the U.K. and regulated by the FSA) to provide specific monthly or quarterly financial data, as applicable, directly to FICC. FICC will provide the non-U.S. members with a form requesting specific financial data related to capital, assets, liabilities, revenue, pertinent ratios, and various capital requirements, as applicable.[4] Each non-U.S. member will be required to complete the form, have it signed by the entity's chief financial officer, chief executive officer, or similar high-ranking official, and return it to FICC by a prescribed deadline.

Broker-dealers and banks that are organized or established in the U.K. and regulated by the Financial Services Authority (''FSA'') will be required to submit certain regulatory monthly or quarterly reports, as applicable, that are filed with the FSA.[5] Because FICC will be able to obtain the necessary financial data from these reports, these U.K. firms will not be required to complete and submit FICC's financial reporting form as are other non-U.S. members. The proposed rule change will provide that failure to submit the financial form or the U.K. regulatory reports, as applicable, to FICC within the timeframes required by FICC will subject a member to the same consequences, including a fine, as is currently provided for in FICC's rules.

FICC recognizes that certain regulatory filings provide warnings of possible concerns regarding a member's compliance with regulatory standards and its financial status. For example, under FICC's current rules, GSD's and MBSD's U.S. broker-dealer members are required to submit to FICC SEC Rule 17a–11 reports. GSD's netting members, MBSD's U.S. non-broker-dealer members, and all non-U.S. members must submit to FICC, concurrently with their submission to their relevant regulator, copies of regulatory notifications required to be made when a member's capital levels or other financial requirements fall below prescribed levels.[6] The proposed rule change would expand this to require members to submit to FICC any regulatory notifications required to be made when it does not comply with its financial reporting and responsibility standards set by its home country regulator and when it becomes subject to a disciplinary action by its home country regulator. In addition, the proposed rule change would make the late submission of any such filing subject to a fine and other related consequences that have been recently approved by or are pending with the Commission.[7] This proposed rule change would require that such filings be submitted to FICC in English or be in a fair and accurate English translation if they have been translated into English.

Finally, the proposed rule change would require MBSD non-U.S. regulated applicants to certify that they are in compliance with the financial reporting and responsibility standards of their home country. This requirement was recently added to GSD's rules.[8]

3. Legal Risk

FICC believes that members that are incorporated outside of the U.S. present FICC with increased legal risk in the event they become insolvent as compared to members incorporated within the U.S.[9] Notwithstanding the protections for clearing agencies contained in the U.S. federal laws [10] and the New York Banking Law (which is applicable to GSD foreign netting members with New York state-licensed branches and agencies), there is a risk that a U.S. court could determine not to apply New York law to the adjudication of FICC's rights against an insolvent non-U.S. member.[11] In such event, the

difference was approximately 528% when the U.S. GAAP figures were compared to EU country GAAP figures. Finally, approximately 400% was the largest difference when the U.S. GAAP figures were compared to all other non-U.S. GAAPs. (FICC staff determined that it would be prudent to apply a premium of seven times the existing requirement.) FICC staff will assess these premiums annually and will report to Commission staff on its findings.

[4] The proposed rule changes would replace the current financial documents required by the FICC membership agreements.

[5] Although FICC currently has no U.K. members, FICC is familiar with the regulatory reports filed by banks and broker-dealers that are organized or established in the U.K. and regulated by the FSA.

[6] Securities Exchange Act Release Nos. 49947 (June 30, 2004), 69 FR 41316 (July 8, 2004) [File No. SR–FICC–2003–01] and 49156 (Jan. 30, 2004), 69 FR 5881 (Feb. 6, 2004) [File No. SR–MBSCC–2001–06].

[7] Securities Exchange Act. Release No. 50659 (Nov. 15, 2004), 69 FR 67767 (Nov. 19, 2004) [File No. FICC–SR–2004–11] and FICC–SR–2004–13 (currently pending with the Commission).

[8] Securities Exchange Act Release No. 34–50617 (Nov. 1, 2004), 69 FR 64796 (Nov. 8, 2004) [File No. SR–FICC–2004–01].

[9] At this time, GSD will continue to only permit non-U.S. banks operating out of U.S. branches or agencies to be Foreign Netting Members.

[10] *E.g.*, the Federal Deposit Insurance Corporation Improvement Act of 1991 and the U.S. Bankruptcy Code.

[11] This particular matter is currently being adjudicated in a case that will be argued before the Second Circuit involving a Serbian governmental

foregoing protections may not be available to FICC.

In order to mitigate this risk, FICC has required, and will continue to require, non-U.S. GSD netting and MBSD clearing applicants to submit non-U.S. legal opinions drafted by outside counsel from the jurisdiction in which the member is incorporated and/or primarily conducts its business. FICC will continue to make a case-by-case determination, based on its analysis of the legal opinion, as to the legal risks presented by the home country laws of such applicants. In doing so, FICC will retain U.S. outside counsel to review the opinions and to advise FICC of any risks presented. The proposed rule filing makes clear that, based on the review of the legal opinion, FICC will determine what, if any, protective measures will be required to mitigate any legal risks. Protective action may, for example, take the form of requiring the member to post additional collateral and/or requiring a member to post a certain percentage of its collateral requirement in a certain form (such as letters of credit).

FICC recognizes that some of its non-U.S. netting and clearing members have been members for some time. In order to protect itself against any adverse changes in home country law that may have arisen since the members submitted their legal opinions and in order to determine whether any positive developments in home country law would support eliminating or relaxing the collateral premiums currently imposed on certain members,[12] FICC is proposing to require all of its current non-U.S. members (except those members whose opinions have been issued within the past 18 months) to submit a current legal opinion from outside non-U.S. counsel addressing the non-U.S. legal issues or to provide a letter on their outside counsel's letterhead stating that no material changes have occurred in home country law since the date of the original legal opinions. FICC would require its current members to submit these updated legal opinions (or letters) within three months of the approval of this filing by the Commission. FICC would then review with the assistance of its outside counsel all such revised legal opinions (and those original legal opinions that counsel indicates remain current) and determine whether protective measures need to be taken or whether the current increased collateral requirements should continue, be relaxed, or be eliminated.

The proposed rule change would also require all non-U.S. members to provide an annual update of their non-U.S. legal opinion or to provide a letter from their outside counsel stating that no material issues have arisen since the issuance of the opinion or the last update. FICC may impose such additional requirements on such members as described above based on review of such updated legal opinions.

4. Additional Changes

Upon reviewing its membership rules for non-U.S. members, FICC has determined that certain rules applicable to both U.S. and non-U.S. applicants and members need to be updated. Specifically, the proposed rule change would delete all references to certifications by the chief executive officer, chief financial officer, or other that accompany financial statements, financial data, or regulatory reports. These certifications do not appear to be standard documentation, and FICC historically has not received such certifications. If a need to request a certification with respect to a particular member or applicant arises, FICC would have the authority to request it pursuant to the general authority that it has in both division's rules to seek additional information.

In addition, in a prior proposed rule change approved by the Commission, FICC amended its rules intending to give FICC the option to request that financial figures be submitted in U.S. dollar equivalents.[13] This proposed rule change deletes this option from FICC's rules as FICC performs these calculations itself, intends to continue doing so, and believes that the pending language has the potential for confusion.

In addition, the proposed rule change would amend the number of recent routine regulatory reports that a U.S. GSD netting or MBSD clearing applicant is required to submit to FICC to the number of such reports that the entity has filed during the preceding 12 months or a lesser period if the applicant has been in business or has been registered or licensed for a lesser period. For example, a GSD U.S. broker-dealer applicant that is a monthly FOCUS filer would need to submit copies of all of its FOCUS reports filed during the preceding 12 months. With respect to 17a–11 reports, where the current rules do not specify the necessary time period, the proposed rule change requires U.S. broker-dealer applicants to submit all 17a–11 reports filed during the preceding 24 months.

FICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[14] and the rules and regulations thereunder because it will enhance FICC's assessment and surveillance of applicants and members and therefore help assure the safeguarding of securities and funds which are in its custody or control.

B. Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has received comments on the proposed rule change orally and in writing from the Institute of International Banks, representing the GSD non-U.S. members and from one non-U.S. MBSD participant. All such comments have been forwarded to the Commission.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

agency that has brought a U.S. Bankruptcy Code Section 304 proceeding seeking to have the disposition of the assets of certain Yugoslavian banks with New York state-licensed agencies be considered under home country law. *See* Agency for Deposit Ins., Rehab., Bankr. & Liquidation of Banks v. Superintendent of Banks, Case No. 03–CV–9320 (JSR), Case No. 03–CV–9321 (JSR), 2004 U.S. Dist. LEXIS 10848 (S.D.N.Y. June 2004).

[12] GSD currently has three non-U.S. netting members that are subject to increased clearing fund requirements due to past determinations of the heightened legal risk presented by the insolvency laws of their home jurisdictions. These members are currently posting 100 percent of their clearing fund requirement in the form of one or more letters of credit and an additional 30 percent in the form of cash and securities.

[13] FICC 2004–01, *supra* note 8. This proposed filing (*i.e.*, FICC–2004–14) proposes to delete the reference to U.S. dollar equivalents completely.

[14] 15 U.S.C. 78q–1.

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–FICC–2004–14 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–FICC–2004–14. 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 FICC's principal office and on FICC's Web site at *http://ficc.com/gov/gov.docs.jsp?NS-query=#rf.* 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–FICC–2004–14 and should be submitted on or before February 8, 2005.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–160 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51021; File No. SR–FICC–2004–09]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving a Proposed Rule Change Relating to Changes to Membership Requirements

January 11, 2005.

On April 14, 2004, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission''), a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] (File No. SR–FICC–2004–09) and on November 16, 2004, and January 3, 2005,[2] amended the proposed rule change. Notice of the proposal was published in the **Federal Register** on November 30, 2004.[3] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

FICC's Government Securities Division (''GSD'') and Mortgage Backed Securities Division (''MBSD'') rules will be changed in the following areas:

A. Annual Audited Financial Statements

Prior to this rule change, GSD's rules required U.S. applicants for GSD membership to submit annual audited financial statements for the preceding year and non-U.S. applicants to submit annual audited financial statements for the preceding three years. MBSD's rules used to require U.S. and non-U.S. membership applicants to submit annual audited financial statements for the preceding year.

Under the rule change, FICC will amend both divisions' rules to require GSD netting applicants and MBSD clearing applicants to submit two years of annual audited financial statements. However, if an applicant or member has not been in business for two years (*i.e.*, a newly-formed applicant or member[4]), FICC will permit such applicant or member to submit annual audited financial statements for a lesser period and/or annual audited financial statements of a predecessor firm in the case of an applicant or member formed by a corporate transaction. If audited financial statements cannot be obtained, newly-formed applicants will be permitted to submit unaudited pro forma financial statements. If FICC accepts pro forma or consolidated financial statements, the following shall apply:

1. If an applicant is newly formed and does not have annual audited financial statements, the applicant shall be required to submit pro forma financial statements and, if it has filed any regulatory reports, such regulatory reports.[5] FICC will verify the applicant's capital base by reviewing evidence from a third party as to the applicant's capital at the time of application.[6]

2. If an applicant is newly formed as a result of a merger (or similar corporate transaction), the applicant shall be required to submit pro forma financial statements, the most recent annual audited financial statement of its predecessor firm if such statement is available, and if it has filed regulatory reports, such regulatory reports.

3. If the applicant does not have its own audited financial statements but is consolidated in its parent's audited financial statements and it has filed its own regulatory reports, the applicant shall be required to submit such regulatory reports in addition to the consolidated financial statements.

FICC believes the proposed rule change permitting less than two years of annual audited financial statements or unaudited pro forma financial statements is necessary and appropriate in order to accommodate entities that are newly-formed and those that are created as a result of a merger of existing entities or other similar corporate transaction. First, firms that are newly-formed do not have audited financials and in some instances can only provide pro forma financial statements. Second, the GSD's rules already contemplate the admission of entities with little or no business history, which often are of equal or even greater credit quality than more established entities. For example,

[1] 15 U.S.C. 78s(b)(1).

[2] Although the proposed rule change was amended after it was noticed for comment in the **Federal Register**, republication of the notice is not necessary because the post-notice amendment made only a technical change to the proposed rule change.

[3] Securities Exchange Act Release No. 50718 (Nov. 22, 2004), 69 FR 69653.

[4] A newly formed applicant includes a company with no business history or a company formed as a result of a corporate transaction such as a merger.

[5] Unregulated and non-U.S. entities will be required to produce specific information that FICC needs in order to develop a risk profile to evaluate creditworthiness. This information will be requested in a form provided to the firms by FICC and signed by a senior officer of the firm. This form, which was the subject of a proposed rule filing, SR–FICC–2004–14, replaced the requirement for the submission of regulatory reports by non-U.S. entities. Securities Exchange Act Release No. 51018 (Jan. 11, 2005).

[6] For example, FICC may request a bank statement to verify that cash has been deposited, thereby verifying that the applicant meets FICC's minimum capital requirement.

GSD's rules provide that a netting applicant must have an established, profitable business history of a minimum of six months or personnel with sufficient operational background and experience to ensure in the judgment of FICC's Membership and Risk Management Committee the ability of the firm to conduct its business.[7] Third, FICC believes that the foregoing information will provide sufficient evidence that the applicant meets FICC's membership standards. Upon approval for membership, such a firm will be required to submit interim financial data to FICC, which will be used to monitor adherence to FICC's established financial parameters. As of its fiscal year-end, the firm will be required to provide its annual audited financial statement. At that time, the applicable interim statement will be compared to the audited financial statement. If there are discrepancies, the firm will be required to supply FICC with an acceptable explanation.

B. Financial Statements Prepared at the Applicant or Member Level

Prior to this rule change, the rules of both FICC divisions specified that all required audited financial statements be prepared at the applicant or member level. However, some entities do not prepare their own audited financial statements. Their financial status is included in audited consolidated financial statements of a parent company.[8]

FICC will amend both divisions' rules to permit the submission of audited consolidated financial statements in situations where audited financial statements are not prepared at the applicant or member level. First, many members are not required to prepare their own audited financial statements by their regulators and doing so would be very expensive. Second, FICC is comfortable in accepting audited consolidated financial statements because FICC is able to obtain information regarding an applicant's or member's financial status through interim financial data on the applicant or member itself. This interim data is on the applicant or member firm level and is obtained from regulatory reports filed by the applicant or member itself or unaudited financial reports prepared internally by the applicant or member. FICC staff compares data from the applicable interim statement to the audited financial statement or applicable audited consolidated financial statement. If there are discrepancies, the firm would be required to supply FICC with an acceptable explanation. In addition, in instances where the member or applicant is unregulated and regulatory reports are thus not available, FICC may request consolidating financial statements from the member firm, which will show the financials of the entities that were included in the audited consolidated financial statement.

In addition to this change, FICC will make a technical change to the term ''financial statements'' in GSD Rule 2, Section 7, to update the current reference to ''shareholder's equity'' to ''owner's equity'' to encompass those entities that do not have shareholders.

C. Compliance With Certain Capital Requirements

Before this rule change, GSD's rules stated that a comparison-only applicant must be in compliance with the capital requirements imposed by its designated examining authority, appropriate regulatory agency, or other examining authority or regulator, and any other self-regulatory organizations to which it is subject by statute, regulation, or agreement. FICC will eliminate this requirement because comparison-only membership does not present FICC with any credit or financial risk since FICC does not guarantee that service.

D. Letters of Credit

GSD's rules used to provide that if an approved letter of credit issuer was a non-U.S. bank acting through a branch or agency in the U.S., it was required to provide FICC with a ''guarantee of performance'' of such branch or agency deemed sufficient by FICC. FICC believes that the current language needs to be clarified because it was never meant to require a financial guarantee. FICC believes that it is not appropriate to require the head office of an approved letter of credit issuer to provide a financial guarantee for its branch or agency, given that the latter is simply an ''arm'' of the head office itself and not a separate legal entity.

Accordingly, FICC will change the current language to specify that non-U.S. banks wishing to become approved letter of credit issuers must have language in their opinion of counsel indicating that the head office is ''ultimately responsible'' for the credit obligation of the branch or agency. This language is already contained in the pro forma legal opinions that are part of the FICC letter of credit issuer application.

II. Discussion

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible.[9] The rule change will harmonize both of FICC's division's application requirements and will make clear to all applicants and members of the breadth of financial information that FICC will require and review in order to develop an accurate risk profile to evaluate an applicant's or member's financial responsibility. Accordingly, the proposed rule should assist FICC mitigate financial risk to itself and to its members and therefore should help FICC to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[10] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–FICC–2004–09) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–161 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

[7] FICC Rule 2, § 4 and Rule 3, § 2(c).

[8] References to a ''parent'' company can mean a direct parent, intermediate parent, or ultimate parent company.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 15 U.S.C. 78q–1.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51016; File No. SR–ISE–2005–02]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange, Inc., Establishing Fees for Transactions in Options on the Standard & Poor's Depository Receipts®

January 11, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 6, 2005, the International Securities Exchange, Inc. (''Exchange'' or ''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Items I, II, and III 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees to establish fees for transactions in options on the Standard & Poor's Depository Receipts,® or SPDR®. The text of the proposed rule change is available at the Commission and at 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 Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend its Schedule of Fees to establish fees for transactions in options on Standard & Poor's Depository Receipts®, or SPDR®. Specifically, the Exchange is proposing to adopt an execution fee and a comparison fee for all transactions in options on SPDRs.[3] The amount of the execution fee and comparison fee shall be the same for all order types on the Exchange—that is, orders for Public Customers, Market Makers, and Firm Proprietary—and shall be equal to the execution fee and comparison fee currently charged by the Exchange for Market Maker and Firm Proprietary transactions in equity options.[4] The Exchange believes the proposed rule change will further the Exchange's goal of introducing to the marketplace new products that are competitively priced.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b)(4) of the Act,[5] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties with respect to this proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[6] and Rule 19b–4(f)(2)[7] thereunder, because it concerns a fee imposed by the Exchange. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the 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 No. SR–ISE–2005–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–ISE–2005–02. 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 Commissions 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 Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2005–02 and should be submitted on or before Feburary 8, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–149 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

[3] The Exchange has represented that these fees will be charged only to Exchange members. Telephone conversation between Joseph Ferraro, Associate General Counsel, ISE, and Nathan Saunders, Attorney, Division of Market Regulation, Commission, January 10, 2005.

[4] The execution fee is currently between $.21 and $.12 per contract side, depending on the Exchange Average Daily Volume, and the comparison fee is currently $.03 per contract side.

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51005; File No. SR–NASD–2004–142]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change To Establish Fees for Companies With a Dual Listing on the New York Stock Exchange and Nasdaq

January 10, 2005.

On September 28, 2004, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission''), 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 adopt a fee schedule for issuers that are dually listed on the New York Stock Exchange (''NYSE'') and Nasdaq. The proposed rule change was published for comment in the **Federal Register** on December 3, 2004.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

The filing establishes a fee schedule for NYSE issuers that chose to dually list on Nasdaq during Nasdaq's initial pilot, January 12, 2004, to December 31, 2004. The annual listing fee for dually listed issuers will be $15,000. It will apply to NYSE issuers that are currently dually listed, as well as issuers who choose to do so in the future. Nasdaq will use the fee to support the cost of issuer services, including regulatory oversight and to fund future product and service investments.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered securities association [4] and, in particular the requirements of Section 15A of the Act.[5] The Commission finds specifically that the proposed rule change is consistent with Section 15A(b)(5) [6] and 15A(b)(6) [7] of the Act, in that Nasdaq's dual listing program with the lower listing fee has the potential to bring new issuers that would not otherwise dually list, to the Nasdaq market. Without this program, it is unlikely that an issuer would choose to dually list its securities. Nasdaq believes that issuers that dually list may eventually determine to transfer their listings to Nasdaq.[8] The Commission believes that competition among listing markets has the potential to benefit the public, issuers, and the listing markets.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NASD–2004–142) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–151 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 50741 (November 29, 2004), 69 FR 70296.

[4] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78*o*–3.

[6] 15 U.S.C. 78*o*–3(b)(5).

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] *See also* Securities Exchange Act Release No. 51004, January 10, 2005, re fees for exchange listed issuers that transfer to Nasdaq.

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51004; File No. SR–NASD–2004–140]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change To Eliminate Entry and Application Fees for Exchange-Listed Issuers Transferring Listings to Nasdaq

January 10, 2005.

On September 20, 2004, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission''), 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 eliminate the entry and application fees imposed upon issuers listed on a national securities exchange that transfer their listings to Nasdaq. The proposed rule change was published for comment in the **Federal Register** on December 3, 2004.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

Pursuant to this proposed rule change, Nasdaq will eliminate entry and application fees for exchange issuers that transfer their listing to Nasdaq on or after September 17, 2004. For issuers that have paid these fees, Nasdaq will refund the money. These issuers will be subject to the same level of annual fees and listing of additional shares fees as other Nasdaq issuers. Nasdaq states that it does not anticipate that a large number of issuers will change their listing market,[4] thus Nasdaq expects that the proposed rule change will not have a material financial impact on Nasdaq. Nasdaq states that the proposed rule change will not affect Nasdaq's commitment of resources to its regulatory oversight of the listing process or its regulatory programs. More specifically, Nasdaq represents that companies that switch their listing will be reviewed for compliance with Nasdaq listing standards in the same manner as any other company that applies to be listed on Nasdaq. Nasdaq will conduct a full and independent review of each issuer's compliance with Nasdaq's listing standards.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered securities association [5] and, in particular the requirements of Section 15A of the Act.[6] The Commission finds specifically that the proposed rule change is consistent with Section 15A(b)(5) [7] and 15A(b)(6) [8] of the Act, because while Nasdaq is eliminating certain fees for this group of issuers based on Nasdaq's belief that review of their applications will not require the same amount of resources as is required to review applications of other issuers, Nasdaq will continue to review for and enforce compliance with its listing requirements by these issuers. The Commission believes that Nasdaq's program may ultimately benefit issuers and investors because competition among listing markets has the potential to enhance the quality of services that listing markets provide.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NASD–2004–140) be, and it hereby is, approved.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 50740 (November 29, 2004), 69 FR 70299.

[4] Nasdaq stated that, as of November 12, 2004, seven issuers had become dually listed on Nasdaq. Nasdaq's goal is for these issuers to eventually transfer their listings to Nasdaq. *See also* Securities Exchange Act Release No. 51005, January 10, 2005, re fees for dually listed issuers.

[5] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78*o*–3.

[7] 15 U.S.C. 78*o*–3(b)(5).

[8] 15 U.S.C. 78*o*–3(b)(6).

[9] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–152 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51014; File No. SR–PCX–2004–83]

Self-Regulatory Organizations; Order Approving Proposed Rule Change, and Amendment No. 1 Thereto, by the Pacific Exchange, Inc. Relating To Changing the Opening Time and the Commencement of the Opening Auction on the Archipelago Exchange

January 10, 2005.

On October 22, 2004, the Pacific Exchange, Inc. (''PCX'' or ''Exchange''), through its wholly owned subsidiary PCX Equities, Inc. (''PCXE'') submitted to 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 change the opening time and the commencement of the Opening Auction of its facility, the Archipelago Exchange (''ArcaEx''), from 5 a.m. (Pacific time) to 1 a.m. (Pacific time) and modify PCXE Rules 7.34 and 7.35, respectively. On November 22, 2004, the PCX submitted Amendment No. 1 to the proposed rule change.[3] The **Federal Register** published the proposed rule change for comment on December 6, 2004.[4] The Commission received no comments on the proposed rule change, as amended.

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange.[5] In particular, the Commission believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5),[7] in particular, because it is designed 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 and perfect the mechanisms of a free and open market and to protect investors and the public interest. The Commission believes that the proposed rule change is reasonably designed to provide additional liquidity for customers seeking to participate in the Nasdaq-listed and exchange-listed markets by extending the ArcaEx's Opening Auction during the hours before the primary markets open for trading. The Commission believes that having a PCX Market Management staff member on-site at the ArcaEx facility beginning at 1 a.m. (Pacific time), in conjunction with the Exchange's employment of third-party data vendors, should enable the Exchange to coordinate its trading halts with those that are instituted for regulatory reasons by the primary markets, including the foreign markets with whom the PCX represents it is establishing contacts. In addition, this arrangement should permit the Exchange to exercise its discretion to institute a trading halt on ArcaEx when the trading halt is for a non-regulatory reason.

Further, the Commission recognizes that the Exchange has represented that the PCX Market Management staff member will be able to monitor the quoting and trading activity of its Users[8] during that time period. In addition, the Commission notes that the Exchange has represented that it will not begin trading at 1 a.m. (Pacific time) until the Securities Information Processors (''SIPs'' are ready to accommodate quoting and trading beginning at 1 a.m. (Pacific time) and have provided ArcaEx with notification that they are prepared to disseminate quotes and trades at that time. The Commission believes that this pre-condition to commencing trading a 1 a.m. (Pacific time) is appropriate because the quote and trade data disseminated by SIPs are fundamental to market transparency.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change, as amended, (SR–PCX–2004–83) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–159 Filed 1–14–05; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced and superceded the original filing in its entirety.

[4] Securities Exchange Act Release No. 50756 (November 30, 2004), 69 FR 70489.

[5] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* PCXE Rule 1.1(yy).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that may be included in this notice are for revisions to OMB-approved information collections and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below:

(OMB) Office of Management and Budget, Fax: 202–395–6974.

(SSA) Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1338 Annex Building, 6401 Security Blvd., Baltimore, MD 21235; Fax: 410–965–6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–0454 or by writing to the address listed above.

1. *Report of Death by Funeral Director—20 CFR 404.715, 404.720, 416.635—0960–0142.* SSA uses the information on form SSA–721 to make timely and accurate decisions based on

the report of death including: (1) Proving the death of an insured individual, (2) learning of the death of a beneficiary whose benefits should terminate, and (3) determining who is eligible for the Lump-Sum Death Payment (LSDP) or may be eligible for benefits. The respondents are funeral directors with knowledge of the fact of death.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 741,113.

Frequency of Response: 1.

Average Burden Per Response: 3.5 minutes.

Estimated Annual Burden: 43,231 hours.

2. *Statement Regarding Contributions—20 CFR 360–366 and 404.736—0960–0020.* The determination of one-half support or contributions to support must be made to entitle certain child applicants to Social Security benefits. SSA uses form SSA–783 to collect the information necessary to make such a determination. The respondents are persons giving information about a child's sources of support for entitlement to child's benefits.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 30,000.

Frequency of Response: 1.

Average Burden Per Response: 17 minutes.

Estimated Annual Burden: 8,500 hours.

3. *Appointment of Representative—20 CFR 404.1707, 404.1720, 404.1725, 410.684 and 416.1507—0960–0527.* The information collected by SSA on form SSA–1696–U4 is used to verify the applicant's appointment of a representative. It allows SSA to inform the representative of items which affect the applicant's claim. The affected public consists of applicants who notify SSA that they have appointed a person to represent them in their dealings with SSA when claiming a right to benefits.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 551,520.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 91,920 hours.

4. *Employee Work Activity Questionnaire—20 CFR 404.1574, 404.1592—0960–0483.* When a possible unsuccessful work attempt or a subsidy is involved, as described in regulations 20 CFR 404.1574(a)(1), (2) and (3), form SSA–3033 is used to request a description of the employee's work effort. The data is evaluated to determine if the claimant meets the disability requirements of the law. The information is collected through form SSA–3033 or by telephone contact, only in cases where it cannot be obtained through electronic data matches with other Federal agencies and/or State agencies.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 15,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 3,750 hours.

5. *Petition To Obtain Approval of a Fee for Representing a Claimant Before the Social Security Administration—20 CFR Subpart R—404.1720, 404.1725, Subpart F, 410.686b, Subpart O, 416.1520 and 416.1525—0960–0104.* A representative of a claimant for Social Security benefits must file either a fee petition or a fee agreement with SSA in order to charge a fee for representing a claimant in proceedings before SSA. The representative uses form SSA–1560 to petition SSA for authorization to charge and collect a fee. A claimant may also use the form to agree or disagree with the requested fee amount or other information the representative provides on the form. SSA uses the information to determine a reasonable fee that a representative may charge and collect for his or her services. The respondents are claimants, their attorneys and other persons representing them.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 34,624.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 17,312 hours.

6. *Authorization to Obtain Earnings Data From the Social Security Administration—0960–0602.* The information collected on form SSA–581 is used to verify the authorization of the wage earner, or other party, to access the correct earnings record and disposition of the response. This access is required in order to produce an itemized statement for release to the proper third party. The respondents are individuals, and various private/public organizations/agencies needing detailed earnings information.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 60,000.

Frequency of Response: 1.

Average Burden Per Response: 2 minutes.

Estimated Average Burden: 2,000 hours.

7. *Statement Regarding the Inferred Death of an Individual by Reason of Continued and Unexplained Absence—20 CFR 404.720 and 404.721—0960–0002.* SSA will use the information collected on form SSA–723 in making its determination that the missing person may be presumed deceased and, if so, to establish a date of presumed death. The respondents are persons who have knowledge about the disappearance of the missing person.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 3,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 1,500 hours.

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

1. *Reporting Events–SSI—20 CFR 416.701–.732—0960–0128.* SSA administers Federal Supplemental Security Income (SSI) benefits under title XVI of the Social Security Act. SSI is a public assistance program that provides benefits to individuals who are disabled, blind, or aged and who have limited income and resources. To assure proper administration of SSI benefits, SSA periodically requests information from individuals to reevaluate their continuing SSI eligibility and payment amount using Form SSA–8150–EV. The form serves as a reminder to individuals as to what they need to report in order to retain their benefits. Form SSA–8150–EV provides individuals with a way to report changes in their circumstances in writing. SSA uses the reported changes to determine SSI eligibility and correct payment amounts.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 30,180.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 2,515 hours.

2. *Cessation or Continuance of Disability or Blindness Determination and Transmittal—20 CFR 404.1615, 20 CFR 404.1512, and 20 CFR 404.1588–1599—0960–0442.* Form SSA–833–C3/

U3 is used by Disability Determination Services (DDS) to prepare continuance and cessation determinations of disability or blindness on Title II claims. The information is used in the course of the Federal SSA quality review of the determination. Form SSA–833–C3/U3 is also used to provide for SSA input on automated systems controls, *e.g.* establish and/or cancel diary controls, to establish a permanent longitudinal history of the claim, and to supply a statistical base to provide aggregate program information to SSA administrators, Congress, and the President.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 303,564.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 151,782 hours.

3. *Application to Collect a Fee for Payee Services—0960–NEW.* Information requested on form SSA–445 will be provided by the fee for payee services applicant. SSA will be the only user of this information. By using form SSA–445, SSA will be able to determine whether the applicant meets the requirements to become a fee for service organizational payee, and if the applicant has provided all the information and documentation required. Based on the information provided on form SSA–445, SSA will issue a determination authorizing or denying permission to collect fees for payee services.

Type of Request: New information collection.

Number of Respondents: 100.

Frequency of Response: 1.

Average Burden Per Response: 3 minutes.

Estimated Annual Burden: 5 hours.

4. *Agreement to Sell Property—20 CFR 416.1240–1245—0960–0127.* Individuals or couples who are otherwise eligible for SSI benefits, but who's resources exceed the allowable limit, may receive conditional payments if they agree to dispose of the excess non-liquid resources and make repayment. Form SSA–8060-U3 is used to document this agreement and to ensure that the individuals understand their obligations. Respondents are applicants and recipients of SSI benefits.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 20,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 3,333 hours.

5. *Epidemiological Research Request—20 CFR 401.165—0960–NEW.* Section 311 of the Social Security Independence and Program Improvements Act of 1994 directed SSA to provide support to health researchers involved in epidemiological research. Specifically, when the study is determined to contribute to a national health interest, SSA will furnish information regarding whether a study subject is shown on the SSA administrative records as being alive or deceased (vital status). SSA will recoup all expenses incurred in providing this information. SSA collects information from health researchers in order to provide the data required and to collect fees. Respondents are applicants for vital status information.

Type of Request: Collection in use without OMB number.

Number of Respondents: 25.

Frequency of Response: 1.

Average Burden Per Response: 120 minutes.

Estimated Annual Burden: 50 hours.

6. *Student Reporting Form—20 CFR 404.367, 404.368, 404.415, 404.434, 404.452(b)(2)—0960–0088.* Form SSA–1383 is used by Social Security student beneficiaries to report events or changes that may affect continuing entitlement to these benefits. The respondents are Social Security student beneficiaries.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 75,000.

Frequency of Response: 1.

Average Burden Per Response: 6 minutes.

Estimated Annual Burden: 7,500 hours.

7. *Electronic Benefit Verification Information—20 CFR 401.40—0960–0595.* SSA provides verification of benefits, when requested, to individuals receiving Title II and/or Title XVI benefits. In order to provide to the public an easy and convenient means of requesting benefit information, SSA has developed an electronic request form that will allow persons to request the information through the Internet. The information collected on the electronic screens will be used by SSA to process the request for a benefit verification statement. To ensure appropriate confidentiality, the statement will be mailed to the recipient/beneficiary address shown in SSA's records. The respondents are Title II and XVI recipients/beneficiaries who request benefit verification information using the Internet.

Type of Request: Extension of an approved OMB information collection.

Number of Respondents: 133,920.

Frequency of Response: 1.

Average Burden Per Response: ½ minute.

Estimated Annual Burden: 1,116 hours.

8. *Listing of Impairments—Part 404, Subpart P, Appendix I—0960–0642.*

Background

The Listing of Impairments (the listings), part 404, subpart P, appendix I, describes for each of the major body systems, impairments which are severe enough to prevent an individual from doing any gainful activity. As part of the listings, we provide an introductory text, which identifies specific requirements that affect the body system, such as documentation requirements and other factors that must be considered when evaluating impairments within that body system. These can include requirements for medical and other evidence. This clearance request covers sections in the following listings that contain information collection requirements: The regulations for the musculoskeletal body system contain reporting requirements at sections 1.00B, 1.00C, 1.00D, 1.00E, 1.00H, 1.00I, 1.00J, 1.00K, 1.00P, 14.09A, 101.00B, 101.00C, 101.00D, 101.00E, 101.00H, 101.00I, 101.00J, 101.00P, and 114.09A. The regulations for the cardiovascular body system contain reporting requirements at sections 4.00B, 4.00C, 4.00D, 4.00E, 4.00F, 4.00G, 4.02A, 104.00B, 104.00C, 104.00E, and 104.06. The regulations for the genitourinary body system contain reporting requirements at sections 6.00C, 6.00E, 6.00G, 106.00C, 106.00E, and 106.00G. The regulations for the skin body system contain reporting requirements at sections 8.00C, 8.00D, 108.00B, 108.00C, and 108.00D. The regulations for the multiple body system contain reporting requirements at sections 10.00B, 10.00C, 110.00B, and 110.00C. The regulations for Amyotrophic Lateral Sclerosis (ALS) contain reporting requirements at sections 11.00G and 11.10. The regulations for the malignant neoplastic diseases contain reporting requirements at 13.00B, 13.00D, 13.00E, 13.00G, 13.00K, 113.00B, 113.00D, 113.00E, 113.00G, and 113.00K.

The Information Collection

The medical evidence documentation described in the listings is used by State DDSs to assess the alleged disability. The information, together with other evidence, is used to determine if an individual claiming disability benefits has an impairment that meets severity and duration requirements. The

respondents are disability applicants and other sources of evidence. SSA uses various forms to collect the information specified in the regulations. The public reporting burden is accounted for in the Information Collection Requests for these forms. Consequently, we are assigning a placeholder of 1-hour to the specific reporting requirements in theses listings so that we do not duplicate the burden assigned to the forms.

Type of Request: Extension of an OMB-approved information collection.

9. *Request for Review of Hearing Decision/Order—20 CFR 404.967–.981, 20 CFR 416.1467–.1481—0960–0277.* SSA collects the information on form HA–520 from each claimant for Social Security or SSI benefits who is dissatisfied with the hearing decision or the dismissal of a hearing request and wants to request review of the decision by the Appeals Council. An individual may request Appeals Council review by filing a written request; however, a completed HA–520 ensures that SSA receives the information necessary to establish that the claimant filed the request for review within the prescribed time, that the claimant is a proper party, and that the claimant has completed the requisite steps to permit review by the Appeals Council. The Appeals Council also uses the information provided by the claimant to document the claimant's reason (s) for disagreeing with the ALJ decision or dismissal, to determine whether the claimant has additional evidence to submit, and to determine whether the claimant has a representative or wants to appoint one.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 107,485.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 17,914 hours.

10. *Non-Attorney Representative Demonstration Project Application—0960–NEW.*

Section 303 of the Social Security Protection Act of 2004 (SSPA) provides for a 5-year demonstration project to be conducted by SSA under which the direct payment of SSA approved fees is extended to certain non-attorney claimant representatives. Under the SSPA, to be eligible for direct payment of fees, a non-attorney representative must fulfill the following statutory requirements: (1) Possess a bachelors degree or have equivalent qualifications derived from training and work experience; (2) pass an examination that tests knowledge of the relevant provisions of the Social Security Act; (3) secure professional liability insurance or equivalent insurance; (4) pass a criminal background check; and (5) demonstrate completion of relevant continuing education courses. Through the services of a private contractor, SSA must collect the requested information to determine if a non-attorney representative has met the statutory requirements to be eligible for direct payment of fees for his or her claimant representation services. The information collection is needed to comply with the legislation. The respondents are non-attorney representatives who apply for direct payment of fees.

Type of Request: New information collection.

Number of Respondents: 500.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 500 hours.

11. *Disability Determination and Transmittal—20 CFR 404.1615(e), 416.1015(f)—0960–0437.* The information collected on form SSA–831–C3/U3 is used by SSA to document the State agency determination as to whether an individual who applies for disability benefits is eligible for those benefits based on his/her alleged disability. SSA also uses form SSA–831–C3/U3 for program management and for evaluation. The respondents are State DDSs adjudicating Title II and Title XVI disability determinations for SSA.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 3,155,120.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Average Burden: 788,780 hours.

12. *State Mental Institution Policy Review—20 CFR 416 Subpart U, 20 CFR 416 Subpart F, 20 CFR 404.2035 and .2065, 20 CFR 416.635 and .665—0960–0110.* SSA sends form SSA–9584–BK to State mental institutions that participate in SSA's representative payee onsite review program. As a representative payee, the State mental institution has the responsibility to receive and administer payments to beneficiaries who have been determined by SSA to be incapable of managing benefits. SSA is required by law and regulations to monitor representative payees' use of benefits. Under the onsite review program, SSA conducts a triennial review of State mental institutions in order to determine whether the institutions; policies and practices conform with SSA's regulations in the use of benefits, and the other duties and responsibilities required of representative payees.

The form obtains information needed by the SSA review team (comprised of representatives from SSA's regional and field offices), and provides a basis for conducting the actual onsite review. In addition, the information is used in the preparation of the subsequent report of findings and recommendations, which is issued to the institutions.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 100.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 100 hours.

Dated: January 11, 2005.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 05–868 Filed 1–14–05; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Andean Trade Preference Act (ATPA), as Amended: Notice Regarding the 2003 and 2004 Annual Reviews

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) received petitions in September 2004 to review certain practices in certain beneficiary developing countries to determine whether such countries are in compliance with the ATPA eligibility criteria. In a November 15, 2004 notice, USTR published a list of responsive petitions that were accepted for review. This notice specifies the results of the preliminary review of those petitions as well as the status of the petitions filed in 2003 that have remained under review.

FOR FURTHER INFORMATION CONTACT: Bennett M. Harman, Deputy Assistant U.S. Trade Representative for Latin America, at (202) 395–9446.

SUPPLEMENTARY INFORMATION: The ATPA (19 U.S.C. 3201 *et seq.*), as renewed and amended by the Andean Trade Promotion and Drug Eradication Act of 2002 (ATPDEA) in the Trade Act of 2002 (Public Law 107–210), provides trade benefits for eligible Andean countries. Pursuant to section 3103(d) of the ATPDEA, USTR promulgated regulations (15 CFR part 2016) (68 FR 43922) regarding the review of

eligibility of countries for the benefits of the ATPA, as amended.

In a **Federal Register** notice dated August 17, 2004, USTR initiated the 2004 ATPA Annual Review and announced a deadline of September 15, 2004 for the filing of petitions (69 FR 51138). Several of these petitions requested the review of certain practices in certain beneficiary developing countries regarding compliance with the eligibility criteria set forth in sections 203(c) and (d) and section 204(b)(6)(B) of the ATPA, as amended (19 U.S.C. 3203 (c) and (d); 19 U.S.C. 3203(b)(6)(B)).

In a **Federal Register** notice dated November 15, 2004, USTR published a list of the responsive petitions filed pursuant to the announcement of the annual review (69 FR 65674). The Trade Policy Staff Committee (TPSC) has conducted a preliminary review of these petitions. It has determined that the petition filed by the American Cast Iron Pipe Company concerning Ecuador does not require action and terminates its review.

With respect to the remaining 2004 petitions, the TPSC is modifying the schedule for this review, in accordance with 15 CFR 2016.2(b). The results will be announced on or about May 31, 2005. The TPSC is similarly modifying the date of the announcement of the results of preliminary review for the remaining 2003 petitions to May 31, 2005. Following is the list of all petitions that remain under review:

Peru: Engelhard;
Peru: Princeton Dover;
Peru: LeTourneau;
Peru: Duke Energy;
Ecuador: AFL–CIO; Human Rights Watch; and US/LEAP;
Ecuador: Chevron Texaco;
Ecuador: Electrolux Home Products, Inc.;
Peru: Parsons Corporation.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 05–865 Filed 1–14–05; 8:45 am]

BILLING CODE 3190–W5–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Addison and Rutland Counties, VT

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for proposed improvements to freight transportation to and from Middlebury, Vermont.

FOR FURTHER INFORMATION CONTACT: Rob Sikora, Environmental Program Manager, Federal Highway Administration, P.O. Box 568, Montpelier, Vermont 05601. Telephone: 802–828–4573.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Vermont Agency of Transportation (VTrans), will prepare an Environmental Impact Statement (EIS) for a proposal to improve the transportation of large amounts of industrial materials to and from Middlebury along the U.S. Route 7 corridor.

Improvements in the corridor are considered necessary to provide for existing and projected movement of freight to and from Middlebury via U.S. Route 7. Alternatives under consideration include (1) taking no action; (2) improving existing U.S. Route 7; and (3) adding a new rail line with associated connector tracks and access roads. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A series of public meetings will be held in Middlebury and other communities along Route 7. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on: January 11, 2005.

Kenneth R. Sikora, Jr.,

Environmental Program Manager, Montpelier, Vermont.

[FR Doc. 05–899 Filed 1–14–05; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: New Hanover County, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed extension of Independence Boulevard in New Hanover County, North Carolina.

FOR FURTHER INFORMATION CONTACT: John F. Sullivan, III, PE, Division Administrator, Federal Highway Administration, 310 New Bern Avenue, Ste 410, Raleigh, North Carolina 27601–1418, Telephone: (919) 856–4346.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to provide an extension to Independence Boulevard in New Hanover County, North Carolina. The proposed improvement would involve the extension of Independence Boulevard as an urban boulevard with a grass median and partially controlled access between Randall Parkway and Martin Luther King Jr. Parkway for a distance of about 2 miles.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. Also, included in this proposal is the potential construction of a partial cloverleaf interchange at Princess Place (with ramps and loops in the southwest and northeast quadrants, and spanning the CSX Railroad crossing). A trumpet interchange at Martin Luther King, Jr. Parkway may also be necessary. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public meetings will be held in Wilmington, North Carolina throughout the development of the EIS. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and

hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on: January 4, 2005.

John F. Sullivan, III,

Division Administrator, Raleigh, North Carolina.

[FR Doc. 05–914 Filed 1–14–05; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Ex Parte No. 333]

Sunshine Act Meeting

TIME AND DATE: 10 a.m., January 19, 2005.

PLACE: The Board's Hearing Room, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

STATUS: The Board will meet to discuss among themselves the following agenda items. Although the conference is open for public observation, no public participation is permitted.

MATTERS TO BE CONSIDERED:

STB Docket No. 42057, *Public Service Company of Colorado d/b/a Xcel Energy v. The Burlington Northern and Santa Fe Railway Company.*

STB Docket No. AB–156 (Sub-No. 25X), *Delaware and Hudson Railway Company, Inc.—Discontinuance of Trackage Rights Exemption—in Susquehanna County, PA, and Broome, Tioga, Chemung, Steuben, Allegany, Livingston, Wyoming, Erie, and Genesee Counties, NY.*

Embraced case: STB Finance Docket No. 34561, *Canadian Pacific Railway Company—Trackage Rights Exemption—Norfolk Southern Railway Company.*

Embraced case: STB Finance Docket No. 34562, *Norfolk Southern Railway Company—Trackage Rights Exemption—Delaware and Hudson Railway Company, Inc.*

STB Finance Docket No. 33388 (Sub-No. 95), *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation [Petition to Approve Settlement Agreement and Exempt Embraced Transactions].*

Embraced case: STB Finance Docket No. 33388 (Sub-No. 96), *Wheeling & Lake Erie Railway Co.—Trackage Rights Exemption—Norfolk Southern Railway Co. Between Bellevue and Toledo, OH.*

Embraced case: STB Finance Docket No. 33388 (Sub-No. 97), *Wheeling & Lake Erie Railway Co.—Trackage Rights Exemption—Norfolk Southern Railway Co. in Cleveland, OH.*

Embraced case: STB Finance Docket No. 33388 (Sub-No. 98), *Norfolk Southern Railway Co.—Trackage Rights Exemption—Wheeling & Lake Erie Railway Co. Between Clairton, PA and Bellevue, OH.*

Embraced case: STB Finance Docket No. 33388 (Sub-No. 99), *Wheeling & Lake Erie Railway Co.—Petition for Exemption—Purchase of the Toledo Pivot Bridge—Norfolk Southern Railway Co.*

Embraced case: STB Finance Docket No. 32516 (Sub-No. 1), *Wheeling & Lake Erie Railway Co.—Lease and Operation Exemption—Norfolk and Western Railway Co.'s Dock at Huron, OH.*

Embraced case: STB Finance Docket No. 32525 (Sub-No. 1), *Wheeling & Erie Railway Co.-Trackage Rights Exemption-Norfolk and Western Railway.*

STB Finance Docket No. 34483, *SMS Rail Service, Inc.—Petition for Declaratory Order.*

STB Finance Docket No. 32760 (Sub-No. 43), *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company-Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (Arbitration Review).*

STB Finance Docket No. 34633, *Wisconsin & Southern Railroad Co.—Acquisition Exemption—Union Pacific Railroad Company.*

STB Docket No. AB–444 (Sub-No. 1X), *Lamoille Valley Railroad Company—Abandonment and Discontinuance of Trackage Rights Exemption—in Caledonia, Washington, Orleans, Lamoille, and Franklin Counties, VT.*

STB Docket No. AB–68 (Sub-No. 4X), *Lake Superior & Ishpeming Railroad Company—Abandonment Exemption—in Marquette County, MI.*

STB Docket No. AB–882, *Minnesota Commercial Railway Company—Adverse Discontinuance—in Ramsey County, MN.*

Embraced case: STB Docket No. AB–884, *MT Properties, Inc.—Adverse Abandonment—in Ramsey County, MN.*

STB Ex Parte No. 656, *Motor Carrier Bureaus—Periodic Review Proceeding.*

FOR MORE INFORMATION CONTACT: A. Dennis Watson, Office of Congressional and Public Services, Telephone: (202) 565–1596, FIRS: 1–800–877–8339.

Dated: January 12, 2005.

Vernon A. Williams,

Secretary.

[FR Doc. 05–1003 Filed 1–13–05; 11:12 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–290 (Sub-No. 242X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—Between Newark and Kearny, NJ, in Essex and Hudson Counties, NJ

Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over a 10.0-mile line of railroad between milepost WD–2.2 in Newark, NJ, and milepost WD–8.4 in Kearny, NJ (which is a segment of a branch line known as the Boonton line), and between milepost NK–4.3 and milepost NK–8.1 on the adjacent Newark Industrial Track in Essex and Hudson Counties, NJ. The line traverses United States Postal Service Zip Codes 07029, 07032, 07094, 07099, 07102–07108, 07112 and 07114.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under

Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 17, 2005,[1] unless stayed pending reconsideration. Petitions to stay and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2)[2] must be filed by January 28, 2005. Petitions to reopen must be filed by February 7, 2005, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to NSR's representative: James R. Paschall, General Attorney, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: January 7, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–811 Filed 1–14–05; 8:45 am]

BILLING CODE 4915–01–P

[1] Because this is a discontinuance of service proceeding and not an abandonment, there is no need to provide an opportunity for trail use/rail banking or public use condition requests. Likewise, no environmental or historic documentation is required under 49 CFR 1105.6(c)(6) and 1105.8.

[2] Effective October 31, 2004, the filing fee for an OFA increased to $1,200. *See Regulations Governing Fees and Services Performed in Connection with Licensing and Related Services—2004 Update,* STB Ex Parte No. 542 (Sub-No. 11) (STB served Oct. 1, 2004).

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 10, 2005.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before February 17, 2005, to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: 1535–0111.

Form Number: SB 2362, 2378 and 2383.

Type of Review: Extension.

Title: Authorization for Purchase and Request for Change U.S. Savings Bonds.

Description: These forms are used to authorize employers to allot funds from employee's pay for the purchase of Savings Bonds.

Respondents: Individuals or households.

Estimated Number of Respondents: 1,300,000.

Estimated Burden Hours Per Respondent: 1 minute.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 21,667 hours.

OMB Number: 1535–0137.

Form Number: PD F 5441.

Type of Review: Extension.

Title: U.S. Treasury Auctions Submitter Agreement.

Description: These forms are used to request information from entities wishing to participate in U.S. Treasury Securities Auctions via TAPPS Link.

Respondents: Businesses or other for profit.

Estimated Number of Respondents: 1,000.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 80 hours.

Clearance Officer: Vicki S. Thorpe, (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328.

OMB Reviewer: Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Treasury PRA Clearance Officer.

[FR Doc. 05–924 Filed 1–14–05; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

Notice of Call for Redemption: 10 Percent Treasury Bonds of 2005–10

1. As of January 14, 2005, public notice is hereby given that all outstanding 10 percent Treasury Bonds of 2005–10 (CUSIP No. 912810 CP 1) dated May 15, 1980, due May 15, 2010, are hereby called for redemption at par on May 15, 2005, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of such bonds held in coupon and registered form for redemption under this call will be found in Department of the Treasury Circular No. 300 dated March 4, 1973, as amended (31 CFR part 306), and from the Definitives Section of the Bureau of the Public Debt (telephone (304) 480–7936), and on the Bureau of the Public Debt's Web site, *http://www.publicdebt.treas.gov.*

3. Redemption payments for such bonds held in book-entry form, whether on the books of the Federal Reserve Banks or in Treasury-Direct accounts, will be made automatically on May 15, 2005.

Donald V. Hammond,

Fiscal Assistant Secretary.

[FR Doc. 05–780 Filed 1–14–05; 8:45 am]

BILLING CODE 4810–40–M

Corrections

Federal Register

Vol. 70, No. 11

Tuesday, January 18, 2005

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.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–50866; File No. SR–Amex–2003–90]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by American Stock Exchange LLC Relating to the Amendment of Exchange Rule 153 and Amendment No. 1 Thereto

Correction

In notice document 04–27969 beginning on page 76798 in the issue of Wednesday, December 22, 2004, make the following correction:

On page 76801, in the second column, in the first paragraph, in the last line, ''January 12, 2005'' should read ''January 6, 2005.''

[FR Doc. C4–27969 Filed 1–14–05; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 13

[Docket No. 27854; Amendment No. 13–32]

RIN 2120–AE84

Civil Penalty Assessment Procedures; Correction

Correction

In rule document 05–528 beginning on page 1812 in the issue of Tuesday, January 11, 2005 make the following corrections:

§ 13.16 [Corrected]

1. On page 1813, in the first column, in §13.16(a), in the 2nd line from the bottom, ''40 U.S.C. 46301(d)(2)'' should read, ''49 U.S.C. 46301(d)(2)''.

2. On the same page, in the third column, after §13.16(d)(4), in the next line, paragraph ''(3)'' should read ''(e)''.

[FR Doc. C5–528 Filed 1–14–05; 8:45 am]

BILLING CODE 1505–01–D

Reader Aids

Federal Register

Vol. 70, No. 11

Tuesday, January 18, 2005

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Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

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FEDERAL REGISTER PAGES AND DATE, JANUARY

1–248 3
249–660 4
661–1160 5
1161–1324 6
1325–1654 7
1655–1788 10
1789–1994 11
1995–2324 12
2325–2560 13
2561–2796 14
2797–2926 18

CFR PARTS AFFECTED DURING JANUARY

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:
7859 1159
7860 2321
7861 2797

Executive Orders:
13332 (Superseded by EO 13368) 1147
13368 1147
13369 2323

Administrative Orders:
Presidential Determinations:
No. 2004-48 of September 20, 2004 1783
No. 2005-12 of December 10, 2004 1785
No. 2005-13 of December 14, 2004 1
No. 2005-16 of January 4, 2005 1787

5 CFR

Proposed Rules:
213 1833
315 1833
353 1068
530 1068
531 1068
550 1068
575 1068
610 1068
630 1068

7 CFR

301 249
900 2744
926 1995
983 661
1150 2744
1160 2744
1205 2744
1206 2744
1207 2744
1209 2744
1210 2744
1215 2744
1216 2744
1218 2744
1219 2744
1220 2744
1230 2744
1240 2744
1250 2744
1260 2744
1280 2744
1466 1789
1486 253
1924 1325
2902 1792

Proposed Rules:
97 1835
360 2573
923 2573
925 1837
927 2520
982 1839
985 2027
1160 2032
1205 2034

8 CFR

241 661
1240 661
1241 661

9 CFR

93 460
94 460
95 460
96 460

10 CFR

30 2001

Proposed Rules:
20 2577
40 2053
71 312
709 1383
710 1383

11 CFR

111 3

13 CFR

125 1655

14 CFR

13 ..... 1812, 2925
21 2325
23 ..... 1326, 2561
25 ..... 675, 1161, 1163, 2009, 2325
29 2011
39 ..... 7, 10, 261, 265, 677, 679, 680, 684, 685, 687, 690, 1169, 1172, 1176, 1178, 1180, 1182, 1184, 1328, 1329, 1332, 1335, 1336, 1338, 1340, 1655, 1815, 2330, 2333, 2336, 2339
47 240
49 240
65 1634
71 ..... 1342, 1343, 2342, 2343, 2344, 2345, 2346, 2347, 2348
73 2564
97 ..... 691, 1186

Proposed Rules:
39 ..... 51, 317, 725, 727, 729,

731, 733, 735, 737, 1211, 1215, 2057, 2060, 2062, 2064, 2066, 2067, 2070, 2370, 2826
71 .....1396, 1397, 1399
257.....2372

15 CFR

742.....2348
774.....2348
996.....693
Proposed Rules:
30.....2072
710.....1216
711.....1216
712.....1216
713.....1216
714.....1216
715.....1216
716.....1216
717.....1216
718.....1216
719.....1216
720.....1216
721.....1216
722.....1216
723.....1216
724.....1216
725.....1216
726.....1216
727.....1216
728.....1216
729.....1216
904.....740

16 CFR

Proposed Rules:
Ch. 1 2074
312.....2580
1633.....2470
1634.....2514

17 CFR

140.....2565
171.....2350
210.....1506
228.....1506
229.....1506
230.....1506
232.....1506
239.....1506
240.....1506
242.....1506
245.....1506
249.....1506
275.....2712
Proposed Rules:
200.....1503
201.....1503
230.....1503
240.....1503, 2829
242.....1503, 2829
249.....1503, 2829
270.....1503
275.....2716

18 CFR

35.....265
358.....284
Proposed Rules:
284.....319

20 CFR

404.....11
408.....11
416.....11

21 CFR

20.....2799
510.....2352
520 .....1817, 1818, 2352
558.....2566, 2567
1304.....291
1306.....291
1310.....291, 294
Proposed Rules:
357.....741

24 CFR

Proposed Rules:
81.....1774
200.....1750
242.....1750

25 CFR

Proposed Rules:
542.....1840

26 CFR

1.....704, 2012
20.....295
301 .....295, 704, 2012
602.....704
Proposed Rules:
1 .....746, 749, 1400, 2075
31.....767
301.....2075, 2076

27 CFR

4.....2799
7.....194
9.....2801
24.....2799
25.....194

28 CFR

570.....1659

29 CFR

1910.....1112
1915.....1112
1926.....1112
4022.....2568
4044.....2568
Proposed Rules:
4000.....2080
4010.....2080

31 CFR

1.....2805
Proposed Rules:
50.....2830
92.....2081

33 CFR

27.....17
110.....2353
117 .....1187, 1343, 2355, 2570
165 .....20, 1187, 1345, 2017, 2019, 2355, 2357, 2806
Proposed Rules:
117.....773
151.....1400
165.....1400

34 CFR

Proposed Rules:
230.....2582
300.....1673
303.....1673

36 CFR

219.....1022, 1023
Proposed Rules:
242.....1216

37 CFR

1.....1818
3.....1818
Proposed Rules:
404.....1403

38 CFR

Proposed Rules:
17.....1841

39 CFR

111.....1346
501.....705, 1348

40 CFR

52 .....22, 1663, 1664, 1824, 2358
62.....1668
63.....1670
81.....944, 1664
82.....1972
180 .....706, 708, 1349, 1357
228.....2808
271.....1825
Proposed Rules:
51.....1314, 1640
52 .....53, 1640, 1673, 2085
62.....1674,
80.....640, 646
81.....1673
93.....323
122.....2832
194.....2101
271.....1842
372.....1674

41 CFR

102–42.....2318

42 CFR

Proposed Rules:
9.....1843

44 CFR

64.....2817

47 CFR

1.....556
15.....1360
27.....1189
64.....720, 2360
73 .....25, 723, 724, 2571, 2572
76.....25
Proposed Rules:
64 .....60, 61, 62
73.....63, 775
76.....63

48 CFR

Ch. 3 38
206.....2361
225.....2361
252.....2361
401.....41
403.....41
404.....41
405.....41
406.....41
407.....41
408.....41
410.....41
411.....41
413.....41
414.....41
415.....41
416.....41
419.....41
422.....41
423.....41
424.....41
425.....41
426.....41
428.....41
432.....41
433.....41
434.....41
436.....41
439.....41
445.....41
450.....41
452.....41
453.....41
533.....298
552.....298
1835.....2022
1852.....2022

49 CFR

1.....2819
15.....1379
24.....590
171.....2367
172.....2367
173.....2367
175.....2367
199.....50
224.....144
579.....2022
571.....299
1520.....1379
1572.....2542
Proposed Rules:
229.....2105
238.....2105
571.....2105
572.....2105
598.....2105

50 CFR

17 .....426, 1190, 1286, 1940
222.....1830
224.....1830
226.....1830
229.....2367
622.....300
635.....302
648 .....303, 1686, 2023, 2820, 2821
Proposed Rules:
17.....1858, 2244
100.....1216
226.....325
229.....776
648 .....68, 2108, 2586

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 JANUARY 18, 2005

DEFENSE DEPARTMENT

Army Department

Law enforcement and criminal investigations:

Law enforcement reporting; published 12-16-04

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

California; published 11-16-04

Water pollution control:

Ocean dumping; site designations—

Rhode Island Sound, RI; published 12-16-04

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

California; published 12-20-04

Massachusetts and New York; published 12-20-04

New Mexico; published 12-20-04

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Mortgage and loan insurance programs:

Federal Housing Administration Credit Watch Termination Initiative; revisions; published 12-17-04

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Bell Helicopter Textron Canada; published 1-3-05

Pratt & Whitney Canada; published 12-14-04

Raytheon; published 12-16-04

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Hydraulic and electric brake systems; published 12-17-04

Rear impact guard labels; published 11-19-04

TREASURY DEPARTMENT

Privacy Act:

Systems of records; implementation; published 1-18-05

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]

Melons grown in—

Texas; comments due by 1-25-05; published 11-26-04 [FR 04-26120]

Vidalia onions grown in—

Georgia; comments due by 1-25-05; published 11-26-04 [FR 04-26122]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Noxious weeds:

Caulerpa; comments due by 1-26-05; published 1-14-05 [FR 05-00801]

AGRICULTURE DEPARTMENT

Forest Service

Alaska National Interest Lands Conservation Act; Title VIII Implementation (subsistance priority):

Southwestern Alaska coastal areas; subsistence management jurisdiction; comments due by 1-24-05; published 12-8-04 [FR 04-26789]

AGRICULTURE DEPARTMENT

Rural Housing Service

Grants and cooperative agreements; availability, etc.:

Rural Community Development Initiative; comments due by 1-25-05; published 10-27-04 [FR 04-24013]

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

Acquisition regulations:

Pilot Mentor-Protege Program; Open for comments until further notice; published 12-15-04 [FR 04-27351]

ENERGY DEPARTMENT

Meetings:

Environmental Management Site-Specific Advisory Board—

Oak Ridge Reservation, TN; Open for comments until further notice; published 11-19-04 [FR 04-25693]

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Commercial and industrial equipment; energy efficiency program:

Test procedures and efficiency standards—

Commercial packaged boilers; Open for comments until further notice; published 10-21-04 [FR 04-17730]

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 pollutants, hazardous; national emission standards:

Synthetic organic manufacturing industry and other processes subject to negotiated regulation for equipment leaks; comments due by 1-24-05; published 12-23-04 [FR 04-27991]

Air programs:

Ambient air quality standards, national—

Transportation conformity; rule amendments for new 8-hour ozone and fine particular matter; comments due by 1-27-05; published 1-4-05 [FR 05-00083]

Air quality implementation plans; approval and promulgation; various States:

District of Columbia; comments due by 1-24-05; published 12-23-04 [FR 04-28087]

Maryland and Virginia; comments due by 1-24-05; published 12-23-04 [FR 04-28090]

Michigan; comments due by 1-24-05; published 12-23-04 [FR 04-27983]

Virginia; comments due by 1-28-05; published 12-29-04 [FR 04-28352]

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:

Trifluralin; comments due by 1-24-05; published 11-24-04 [FR 04-25941]

Water pollution control:

National Pollutant Discharge Elimination System—

Concentrated animal feeding operations in New Mexico and Oklahoma; general permit for discharges; Open for comments until further notice; published 12-7-04 [FR 04-26817]

Water pollution; effluent guidelines for point source categories:

Meat and poultry products processing facilities; Open for comments until further notice; published 9-8-04 [FR 04-12017]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Communications disruptions; airport communications; comments due by 1-25-05; published 11-26-04 [FR 04-26161]

Interconnection—

Incumbent local exchange carriers unbounding obligations; local competition provisions; wireline services offering advanced telecommunications capability; Open for comments until further notice; published 12-29-04 [FR 04-28531]

Radio stations; table of assignments:

Idaho; comments due by 1-24-05; published 12-15-04 [FR 04-27448]

Washington; comments due by 1-24-05; published 12-15-04 [FR 04-27447]
Television broadcasting:
Digital television conversion—
Digital low power television, television translator stations, and digital television booster stations and related issues; comments due by 1-28-05; published 11-29-04 [FR 04-25742]

GENERAL SERVICES ADMINISTRATION
Federal travel:
Relocation allowance; comments due by 1-24-05; published 11-23-04 [FR 04-25890]
Privacy Act; implementation; comments due by 1-28-05; published 12-29-04 [FR 04-28182]

HEALTH AND HUMAN SERVICES DEPARTMENT
Centers for Medicare & Medicaid Services
Medicare:
Ambulatory surgical centers; ratesetting methodology, payment rates and policies, and covered surgical procedures list; update; comments due by 1-25-05; published 11-26-04 [FR 04-25968]
Provider service terminations; expedited determination and reconsideration procedures; comments due by 1-25-05; published 11-26-04 [FR 04-26133]

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Food for human consumption:
Irradiation in production, processing, and handling of food—
Ionizing radiation in treatment of food; x ray maximum permited energy level; comments due by 1-24-05; published 12-23-04 [FR 04-28043]
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]
Medical devices—
Dental noble metal alloys and base metal alloys; Class II special controls; Open for comments until further notice; published 8-23-04 [FR 04-19179]

HOMELAND SECURITY DEPARTMENT
Coast Guard
Anchorage regulations:
Maryland; Open for comments until further notice; published 1-14-04 [FR 04-00749]

INTERIOR DEPARTMENT
Fish and Wildlife Service
Alaska National Interest Lands Conservation Act; Title VIII Implementation (subsistance priority):
Southwestern Alaska coastal areas; subsistence management jurisdiction; comments due by 1-24-05; published 12-8-04 [FR 04-26789]
Endangered and threatened species permit applications
Recovery plans—
Paiute cutthroat trout; Open for comments until further notice; published 9-10-04 [FR 04-20517]
Endangered and threatened species:
Critical habitat designations—
California and Southern Oregon; vernal pool crustaceans and plants; comments due by 1-27-05; published 12-28-04 [FR 04-28164]
Fish slough milk-vetch; comments due by 1-27-05; published 12-28-04 [FR 04-28163]

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office
Permanent program and abandoned mine land reclamation plan submissions:
Oklahoma; comments due by 1-28-05; published 12-29-04 [FR 04-28485]

JUSTICE DEPARTMENT
Americans with Disabilities Act, implementation:
Accessibility guidelines—
ADA standards revisions; adoption; comment request; comments due by 1-28-05; published 9-30-04 [FR 04-21875]

LABOR DEPARTMENT
Employment and Training Administration
Alien temporary employment labor certification process:
Nonimmigrant workers (H-1B); Labor condition applications and requirments; comments due by 1-24-05; published 11-23-04 [FR 04-25783]

LABOR DEPARTMENT
Wage and Hour Division
Alien temporary employment labor certification process:
Nonimmigrant workers (H-1B); Labor condition applications and requirments; comments due by 1-24-05; published 11-23-04 [FR 04-25783]

MINE SAFETY AND HEALTH FEDERAL REVIEW COMMISSION
Federal Mine Safety and Health Review Commission
Procedural rules; revisions; comments due by 1-25-05; published 10-27-04 [FR 04-24023]

NATIONAL CREDIT UNION ADMINISTRATION
Credit unions:
Organization and operations—
Loans and lines of credit to members; comments due by 1-25-05; published 11-26-04 [FR 04-25996]

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]
Rulemaking petitions:
Committee to Bridge the Gap; comments due by 1-24-05; published 11-8-04 [FR 04-24803]

PENSION BENEFIT GUARANTY CORPORATION
Electronic filing; annual and actuarial information; comments due by 1-27-05; published 12-28-04 [FR 04-28398]

SECURITIES AND EXCHANGE COMMISSION
Securities:
National market system; joint industry plans; amendments; comments due by 1-26-05; published 12-27-04 [FR 04-27934]
Self-regulatory organizations; governance, administration, transparency and ownership, and reporting requirements; comments due by 1-24-05; published 12-8-04 [FR 04-26153]

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
Air carrier certification and operations:
Pyrotechnic signaling device requirements; comments due by 1-26-05; published 12-27-04 [FR 04-28230]
Airworthiness directives:
Boeing; comments due by 1-24-05; published 12-8-04 [FR 04-26920]
McDonnell Douglas; comments due by 1-28-05; published 12-14-04 [FR 04-27327]

TRANSPORTATION DEPARTMENT
National Highway Traffic Safety Administration
Motor vehicle safety standards:
Head restraints for passenger cars and light multipurpose vehicles, trucks, and buses; comments due by 1-28-05; published 12-14-04 [FR 04-26641]
Occupant crash protection—
Integral lap/shoulder safety belts; rear seats requirement; comments due by 1-24-05; published 12-8-04 [FR 04-26874]

TREASURY DEPARTMENT
Thrift Supervision Office
Community Reinvestment Act; implementation:
Community development; definition and assigned ratings; comments due by 1-24-05; published 11-24-04 [FR 04-26011]
Economic Growth and Regulatory Paperwork

Reduction Act; implementation:

Application and reporting requirements; comments due by 1-24-05; published 11-24-04 [FR 04-26010]

LIST OF PUBLIC LAWS

This is the first in 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. 241/P.L. 109-1
To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami. (Jan. 7, 2005; 119 Stat. 3)

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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	(869–052–00051–5)	58.00	Apr. 1, 2004
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	(869–052–00055–8)	61.00	Apr. 1, 2004
141–199	(869–052–00056–6)	58.00	Apr. 1, 2004
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	(869–052–00060–9)	63.00	Apr. 1, 2004
21 Parts:			
1–99	(869–052–00061–2)	42.00	Apr. 1, 2004
100–169	(869–052–00062–1)	49.00	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	(869–052–00065–5)	31.00	Apr. 1, 2004
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	(869–052–00071–0)	45.00	Apr. 1, 2004
23	(869–052–00072–8)	45.00	Apr. 1, 2004
24 Parts:			
0–199	(869–052–00073–6)	60.00	Apr. 1, 2004
200–499	(869–052–00074–4)	50.00	Apr. 1, 2004
500–699	(869–052–00075–2)	30.00	Apr. 1, 2004
700–1699	(869–052–00076–1)	61.00	Apr. 1, 2004
1700–End	(869–052–00077–9)	30.00	Apr. 1, 2004
25	(869–052–00078–7)	63.00	Apr. 1, 2004
26 Parts:			
§§ 1.0–1–1.60	(869–052–00079–5)	49.00	Apr. 1, 2004
§§ 1.61–1.169	(869–052–00080–9)	63.00	Apr. 1, 2004
§§ 1.170–1.300	(869–052–00081–7)	60.00	Apr. 1, 2004
§§ 1.301–1.400	(869–052–00082–5)	46.00	Apr. 1, 2004
§§ 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	(869–052–00089–2)	61.00	Apr. 1, 2004
§§ 1.1401–1.1503–2A	(869–052–00090–6)	55.00	Apr. 1, 2004
§§ 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	(869–052–00095–7)	41.00	Apr. 1, 2004
300–499	(869–052–00096–5)	61.00	Apr. 1, 2004

Title	Stock Number	Price	Revision Date
500–599	(869–052–00097–3)	12.00	[5]Apr. 1, 2004
600–End	(869–052–00098–1)	17.00	Apr. 1, 2004
27 Parts:			
1–199	(869–052–00099–0)	64.00	Apr. 1, 2004
200–End	(869–052–00100–7)	21.00	Apr. 1, 2004
28 Parts:			
0–42	(869–052–00101–5)	61.00	July 1, 2004
43–End	(869–052–00102–3)	60.00	July 1, 2004
29 Parts:			
0–99	(869–052–00103–1)	50.00	July 1, 2004
100–499	(869–052–00104–0)	23.00	July 1, 2004
500–899	(869–052–00105–8)	61.00	July 1, 2004
900–1899	(869–052–00106–6)	36.00	July 1, 2004
1900–1910 (§§ 1900 to 1910.999)	(869–052–00107–4)	61.00	July 1, 2004
1910 (§§ 1910.1000 to end)	(869–052–00108–2)	46.00	[8]July 1, 2004
1911–1925	(869–052–00109–1)	30.00	July 1, 2004
1926	(869–052–00110–4)	50.00	July 1, 2004
1927–End	(869–052–00111–2)	62.00	July 1, 2004
30 Parts:			
1–199	(869–052–00112–1)	57.00	July 1, 2004
200–699	(869–052–00113–9)	50.00	July 1, 2004
700–End	(869–052–00114–7)	58.00	July 1, 2004
31 Parts:			
0–199	(869–052–00115–5)	41.00	July 1, 2004
200–End	(869–052–00116–3)	65.00	July 1, 2004
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	(869–052–00117–1)	61.00	July 1, 2004
191–399	(869–052–00118–0)	63.00	July 1, 2004
400–629	(869–052–00119–8)	50.00	[8]July 1, 2004
630–699	(869–052–00120–1)	37.00	[7]July 1, 2004
700–799	(869–052–00121–0)	46.00	July 1, 2004
800–End	(869–052–00122–8)	47.00	July 1, 2004
33 Parts:			
1–124	(869–052–00123–6)	57.00	July 1, 2004
125–199	(869–052–00124–4)	61.00	July 1, 2004
200–End	(869–052–00125–2)	57.00	July 1, 2004
34 Parts:			
1–299	(869–052–00126–1)	50.00	July 1, 2004
300–399	(869–052–00127–9)	40.00	July 1, 2004
400–End	(869–052–00128–7)	61.00	July 1, 2004
35	(869–052–00129–5)	10.00	[6]July 1, 2004
36 Parts			
1–199	(869–052–00130–9)	37.00	July 1, 2004
200–299	(869–052–00131–7)	37.00	July 1, 2004
300–End	(869–052–00132–5)	61.00	July 1, 2004
37	(869–052–00133–3)	58.00	July 1, 2004
38 Parts:			
0–17	(869–052–00134–1)	60.00	July 1, 2004
18–End	(869–052–00135–0)	62.00	July 1, 2004
39	(869–052–00136–8)	42.00	July 1, 2004
40 Parts:			
1–49	(869–052–00137–6)	60.00	July 1, 2004
50–51	(869–052–00138–4)	45.00	July 1, 2004
52 (52.01–52.1018)	(869–052–00139–2)	60.00	July 1, 2004
52 (52.1019–End)	(869–052–00140–6)	61.00	July 1, 2004
53–59	(869–052–00141–4)	31.00	July 1, 2004
60 (60.1–End)	(869–052–00142–2)	58.00	July 1, 2004
60 (Apps)	(869–052–00143–1)	57.00	July 1, 2004
61–62	(869–052–00144–9)	45.00	July 1, 2004
63 (63.1–63.599)	(869–052–00145–7)	58.00	July 1, 2004
63 (63.600–63.1199)	(869–052–00146–5)	50.00	July 1, 2004
63 (63.1200–63.1439)	(869–052–00147–3)	50.00	July 1, 2004
63 (63.1440–63.8830)	(869–052–00148–1)	64.00	July 1, 2004
64–71	(869–052–00150–3)	29.00	July 1, 2004
72–80	(869–052–00151–1)	62.00	July 1, 2004
81–85	(869–052–00152–0)	60.00	July 1, 2004
86 (86.1–86.599–99)	(869–052–00153–8)	58.00	July 1, 2004
86 (86.600–1–End)	(869–052–00154–6)	50.00	July 1, 2004
87–99	(869–052–00155–4)	60.00	July 1, 2004
100–135	(869–052–00156–2)	45.00	July 1, 2004
136–149	(869–052–00157–1)	61.00	July 1, 2004
150–189	(869–052–00158–9)	50.00	July 1, 2004
190–259	(869–052–00159–7)	39.00	July 1, 2004
260–265	(869–052–00160–1)	50.00	July 1, 2004
266–299	(869–052–00161–9)	50.00	July 1, 2004
300–399	(869–052–00162–7)	42.00	July 1, 2004
400–424	(869–052–00163–5)	56.00	[8]July 1, 2004
425–699	(869–052–00164–3)	61.00	July 1, 2004
700–789	(869–052–00165–1)	61.00	July 1, 2004
790–End	(869–052–00166–0)	61.00	July 1, 2004
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	(869–052–00167–8)	24.00	July 1, 2004
101	(869–052–00168–6)	21.00	July 1, 2004
102–200	(869–052–00169–4)	56.00	July 1, 2004
201–End	(869–052–00170–8)	24.00	July 1, 2004
42 Parts:			
1–399	(869–052–00171–6)	61.00	Oct. 1, 2004
400–429	(869–052–00172–4)	63.00	Oct. 1, 2004
430–End	(869–052–00173–2)	64.00	Oct. 1, 2004
43 Parts:			
1–999	(869–052–00174–1)	56.00	Oct. 1, 2004
1000–end	(869–052–00175–9)	62.00	Oct. 1, 2004
44	(869–052–00176–7)	50.00	Oct. 1, 2004
45 Parts:			
1–199	(869–052–00177–5)	60.00	Oct. 1, 2004
200–499	(869–052–00178–3)	34.00	Oct. 1, 2004
500–1199	(869–052–00179–1)	56.00	Oct. 1, 2004
1200–End	(869–052–00180–5)	61.00	Oct. 1, 2004
46 Parts:			
1–40	(869–052–00181–3)	46.00	Oct. 1, 2004
41–69	(869–052–00182–1)	39.00	Oct. 1, 2004
70–89	(869–052–00183–0)	14.00	Oct. 1, 2004
90–139	(869–052–00184–8)	44.00	Oct. 1, 2004
140–155	(869–052–00185–6)	25.00	Oct. 1, 2004
156–165	(869–052–00186–4)	34.00	Oct. 1, 2004
166–199	(869–052–00187–2)	46.00	Oct. 1, 2004
200–499	(869–052–00188–1)	40.00	Oct. 1, 2004
500–End	(869–052–00189–9)	25.00	Oct. 1, 2004
47 Parts:			
*0–19	(869–052–00190–2)	61.00	Oct. 1, 2004
*20–39	(869–052–00191–1)	46.00	Oct. 1, 2004
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)	(869–052–00195–3)	63.00	Oct. 1, 2004
1 (Parts 52–99)	(869–052–00196–1)	49.00	Oct. 1, 2004
2 (Parts 201–299)	(869–052–00197–0)	50.00	Oct. 1, 2004
3–6	(869–052–00198–8)	34.00	Oct. 1, 2004
7–14	(869–052–00199–6)	56.00	Oct. 1, 2004
*15–28	(869–052–00200–3)	47.00	Oct. 1, 2004
29–End	(869–052–00201–1)	47.00	Oct. 1, 2004
49 Parts:			
1–99	(869–052–00202–0)	60.00	Oct. 1, 2004

Title	Stock Number	Price	Revision Date
100–185	(869–050–00201–9)	63.00	Oct. 1, 2003
186–199	(869–052–00204–6)	23.00	Oct. 1, 2004
200–399	(869–050–00203–5)	64.00	Oct. 1, 2003
400–599	(869–052–00206–2)	64.00	Oct. 1, 2004
600–999	(869–052–00207–1)	19.00	Oct. 1, 2004
1000–1199	(869–052–00208–9)	28.00	Oct. 1, 2004
1200–End	(869–052–00209–7)	34.00	Oct. 1, 2004
50 Parts:			
1–16	(869–052–00210–1)	11.00	Oct. 1, 2004
17.1–17.95	(869–050–00209–4)	62.00	Oct. 1, 2003
*17.96–17.99(h)	(869–052–00212–7)	61.00	Oct. 1, 2004
17.99(i)–end and 17.100–end	(869–052–00213–5)	47.00	Oct. 1, 2004
18–199	(869–052–00214–3)	50.00	Oct. 1, 2004
200–599	(869–052–00215–1)	45.00	Oct. 1, 2004
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, 2004. 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, 2004. 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, 2004. 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, 2003, through July 1, 2004. The CFR volume issued as of July 1, 2003 should be retained.