AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

3–1–05 Tuesday
Vol. 70 No. 39 Mar. 1, 2005

Pages 9843–10020

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

[Docket No. FV04–983–2 FR]

Pistachios Grown in California; Establishment of Continuing Assessment Rate and Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes a continuing assessment rate for the Administrative Committee for Pistachios (Committee) for the 2004–05 and subsequent fiscal periods of $0.0014 per pound of pistachios received for processing and establishes assessment reporting requirements under the California pistachio marketing order (order). The order regulates the handling of pistachios grown in California and is administered by the Committee. Authorization to assess pistachio handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period began September 1 and ends August 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated. Requiring handlers to file annual reports with the Committee will facilitate the Committee's collection of handler assessments.

DATES: *Effective Date:* March 2, 2005.

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Program Analyst, or Rose Aguayo, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (559) 487–5901; Fax (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 983, regulating the handling of pistachios grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

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

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

This rule establishes the continuing assessment rate established for the Committee and for the 2004–05 and subsequent fiscal periods of $0.0014 per pound of pistachios received for processing and establishes assessment reporting requirements under the California pistachio order. The quantity of pistachios received by the handler for processing is converted to an assessed weight pursuant to § 983.6 and the assessment rate is applied to that weight in determining a handler's assessment obligation for the fiscal period. Requiring handlers to file annual Receipts/Assessment Reports with the Committee will facilitate the Committee's collection of handler assessments.

Continuing Assessment Rate

Sections 983.52 and 983.53 of the pistachio order provide authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and to collect assessments from handlers to administer the marketing order. Each handler who receives pistachios for processing in each production year (fiscal year) is required to pay an assessment based on the pro rata share of the expenses authorized by USDA which are reasonable and likely to be incurred by the Committee during that year. The assessment obligation for each handler is computed by applying the assessment rate set by USDA to each handler's assessed weight computed pursuant to § 983.6 of the pistachio order.

The members of the Committee are producers and handlers of California pistachios. They are familiar with the Committee needs and with the costs for goods and services in their local area, and are, thus, in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on August 17, 2004, and unanimously recommended 2004–05 expenditures of $271,499 and an assessment rate of $0.0014 per pound of pistachios received for processing. This was the first public meeting of the newly formed Committee since the pistachio marketing order became

effective on April 6, 2004 (69 FR 17944). The major expenditures recommended by the Committee for the 2004–05 fiscal period include $110,249 for administrative expenses; $34,500 for compliance expenses; $101,750 for salaries; and $25,000 for a contingency reserve.

Because this is a new order and there is no carry-in income, the Committee is borrowing funds from the California Pistachio Commission (Commission) until assessments are collected in March 2005. The Committee discussed the necessity of setting a relatively high assessment rate for the 2004–05 fiscal period because it is necessary to generate sufficient funds to reimburse the Commission, to cover the Committee's 2004–05 expenditures, and to build an adequate reserve to cover Committee expenditures until the 2005–06 fiscal period's assessments are available in December 2005.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses plus funds to establish a reserve by expected receipts (the assessed weight) of pistachios grown in California during 2004–05 ($271,499 plus $190,501 divided by 330,000,000 pounds = $0.0014). With pistachio receipts for the year estimated at 330,000,000 pounds, assessment income is expected to total of $462,000.

The Committee may carry over excess funds into subsequent production years (fiscal years) as a reserve, provided that funds already in the reserve do not exceed approximately two production years' budgeted expenses. In the event that funds exceed two production years' budgeted expenses, future assessments will be reduced to bring the reserves to an amount that is less than or equal to two production years' budgeted expenses (§ 983.56). Funds in the reserve will be kept within the maximum permitted by the order.

Under § 983.53 the Committee, prior to the beginning of each production year, shall recommend and the Secretary shall set the assessment for the following production year, which shall not exceed one-half of one percent of the average price received by producers in the preceding production year. According to the Commission's Annual Report for the 2003–04 crop year, the average price received by producers was $1.15 per pound. One-half of one percent equals $0.005. Taking ($0.005) × ($1.15) = $0.00575 for the maximum assessment rate allowed. The rates considered by the Committee ranged from $0.001 to $0.0014. The recommended assessment rate of $0.0014 is less than the maximum provided for in the order.

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

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2004–05 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Reporting Requirements

Section 983.47 of the pistachio order provides authority for establishing reporting requirements. Under the order, the Committee may, with the approval of the Secretary, establish reporting requirements to collect necessary information or data.

At its first meeting, the Committee also unanimously recommended that handlers file a Receipts/Assessment Report with the Committee to facilitate the Committee's collection of handler assessments.

Handlers, including custom hullers, who receive pistachios for processing (removal of green hulls and drying pistachios to 5 percent moisture), will be required to pay an assessment attributable to the assessed weight of pistachios received by that handler and to report that assessed weight to the Committee on the Receipts/Assessment Form. Pursuant to § 983.6 of the order, the term ''assessed weight'' means the pounds of inshell pistachios, free of internal defects as defined in § 983.39(b)(4) and (5), with the weight computed at 5 percent moisture, received for processing by a handler within each production year: *Provided,* That for loose kernels, the actual weight shall be multiplied by two to obtain an inshell weight.

A final order published on July 26, 2004 (69 FR 44460), delayed the implementation date for § 983.39(b)(4) and (5), of the order until February 1, 2005. A final order published on January 5, 2005 (70 FR 661), further delayed the implementation date for § 983.39(b)(4) and (5), of the order until August 12, 2005. Therefore, for the 2004–05 fiscal period, each handler who receives pistachios for processing will be required to furnish the Receipts/Assessment Report to the Committee and pay all due assessments to the Committee by March 15, 2005. For subsequent fiscal periods, each handler who receives pistachios for processing will be required to furnish the Receipts/Assessment Report and pay all due assessments to the Committee by December 15 of the applicable fiscal period.

The recommended reporting requirements are similar to those required by the Commission. Because the Commission is prohibited from sharing confidential handler information, the Committee recommended that a Receipt/Assessment Report be developed for Committee use and that the receipts information already compiled for the Commission be attached to the newly developed Committee form. Thus, handlers will not be duplicating their efforts and both agencies will receive necessary receipts/assessment data. The Committee estimates this action will affect 20 handlers of pistachios and further estimates that, on average, handlers will expend approximately 4 minutes per year to prepare and submit this report to the Committee. These actions are in the interest of producers and handlers.

Assessment Collection

To facilitate assessment collections under the order, the Committee unanimously recommended establishing § 983.253. This section sets the continuing assessment rate and establishes the reporting requirements necessary to verify that each handler has paid the correct assessment. Section 925.253 shall read as follows: § 983.253 Assessment rate. (a) On and after September 1, 2004, an assessment rate of $0.0014 per pound of pistachios received for processing is established for California Pistachios. The assessment obligation of each handler will be computed by applying the assessment rate to the assessed weight computed pursuant to § 983.6. (b) For the 2004–05 fiscal period each handler who receives pistachios for processing shall furnish the Receipts/Assessment Report to the Committee and pay all due assessments to the Committee by March 15, 2005. For subsequent fiscal periods, each handler who receives pistachios for processing shall furnish the Receipts/Assessment Report and pay all due

assessments to the Committee by December 15 of the applicable fiscal period.

Final Regulatory Flexibility Analysis

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

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

There are approximately 20 handlers of California pistachios subject to regulation under the order and approximately 741 producers in the production area. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. Eight of the 20 handlers subject to regulation have annual pistachio receipts of at least $5,000,000. In addition, 722 producers have annual receipts less than $750,000. Thus, the majority of handlers and producers of California pistachios may be classified as small entities.

This rule establishes a continuing assessment rate for the Committee and collected from handlers for the 2004–05 and subsequent fiscal periods of $0.0014 per pound of pistachios received for processing and establishes reporting requirements under the California pistachio order. Requiring handlers to file annual Receipts/Assessment Reports with the Committee will facilitate the Committee's collection of handler assessments. Pistachios harvested and received in August of any year shall be applied to the subsequent production year for order purposes.

Continuing Assessment Rate

The California pistachio order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California pistachios. They are familiar with the Committee needs and with the costs for goods and services in their local area, and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on August 17, 2004, and unanimously recommended 2004–05 expenditures of $271,499 and an assessment rate of $0.0014 per pound of pistachios received for processing. This was the first public meeting of the newly formed Committee since the pistachio marketing order became effective on April 6, 2004 (69 FR 17944). The major expenditures recommended by the Committee for the 2004–05 fiscal period include $110,249 for administrative expenses; $34,500 for compliance expenses; $101,750 for salaries; and $25,000 for a contingency reserve.

Because this is a new order and there is no carry-in income, the Committee is borrowing funds from the Commission until assessments are collected in March 2005. The Committee discussed the necessity of setting a relatively high assessment rate for the 2004–05 fiscal period because it is necessary to generate sufficient funds to reimburse the Commission, to cover the Committee's 2004–05 expenditures, and to build an adequate reserve to cover Committee expenditures until the 2005–06 fiscal period's assessments are available in December 2005.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses plus funds to establish a reserve by expected receipts of pistachios grown in California ($271,499 plus $190,501 divided by 330,000,000 pounds = $0.0014). With pistachio receipts for the year estimated at 330,000,000 pounds, assessment income should total $462,000.

The Committee may carry over such excess into subsequent production years as a reserve, provided that funds already in the reserve do not exceed approximately two production years' budgeted expenses. In the event that funds exceed two productions years' budgeted expenses, future assessments will be reduced to bring the reserves to an amount that is less than or equal to two production years' budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order (§ 983.56).

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

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2004–05 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

The Committee discussed alternative 2004–05 expenditures of $246,499, which did not include $25,000 for a contingency reserve. However, the Committee believes that it is important to establish a contingency reserve for unforeseen expenditures, and, thus, unanimously recommended expenditures in the amount of $271,499.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the grower price for the 2004–05 season could range between $1.30 and $1.40 per pound of assessed weight pistachios. Therefore, the estimated assessment revenue for the 2004–05 fiscal period as a percentage of total grower revenue could range between .11 and .10 percent.

Reporting Requirements

Section 983.47 of the pistachio order provides authority for establishing reporting requirements. Under the order, the Committee may, with the approval of the Secretary, establish reporting requirements to collect necessary information or data.

To facilitate the collection of handler assessments, the Committee also unanimously recommended that handlers file a Receipts/Assessment Report with the Committee. Both small and large handlers will be required to file the report and to pay assessments. The report will be filed by handlers (including custom hullers) who receive pistachios for processing (removal of green hulls and drying pistachios to 5 percent moisture).

Handlers who receive pistachios for processing, will be required to pay an assessment attributable to the assessed weight of pistachios received by that

handler and to report that assessed weight to the Committee on the Receipts/Assessment Form. The term ''assessed weight'' is defined in § 983.6 of the pistachio order.

Assessment Obligations

The computation of assessed weight involves requirements specified in §§ 983.39(b)(4) and (5). A final order published on July 26, 2004, (69 FR 44460), delayed the implementation date of those sections until February 1, 2005. A final order published on January 5, 2005, (70 FR 661), further delayed the implementation date for § 983.39(b)(4) and (5), of the order until August 12, 2005. Therefore, for the 2004–05 fiscal period, each handler who receives pistachios for processing will be required to furnish the Receipts/Assessment Report to the Committee and pay all due assessments to the Committee by March 15, 2005. For subsequent fiscal periods, each handler who receives pistachios for processing will be required to furnish the Receipts/Assessment Report and pay all due assessments to the Committee by December 15 of the applicable fiscal period.

While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the pistachio industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 17, 2004, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), AMS submitted to the Office of Management and Budget a revision to approved information collection OMB No. 0581–0215, ''Pistachios Grown in California.'' This information collection has been approved by OMB.

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

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

A proposed rule concerning this action was published in the **Federal Register** on December 10, 2004 (69 FR 71749). Copies of the proposed rule were also mailed or sent via facsimile to all pistachio handlers. Finally, the proposal was made available through the Internet by USDA and the Office of the Federal Register. A 60-day comment period ending February 8, 2005, was provided for interested persons to respond to the proposal.

One opposing comment was received. The commenter considered a continuing assessment rate for the Committee to be an outdated method for agricultural marketing. However, the establishment of the assessment rate is consistent with the marketing order and the Act under which the marketing order is implemented.

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

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

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The fiscal year began September 1, 2004, and the assessment rate applies to all pistachios received during the 2004–05 and subsequent seasons; (2) handlers received the 2004–05 crop pistachios by October 2004; and (3) handlers are required to complete and submit the ACP–1 to the Committee by March 15, 2005. Further, handlers are aware of this rule which was unanimously recommended at a public meeting. Also a 60-day comment period was provided for in the proposed rule.

This rule will impose some additional reporting and recordkeeping on both small and large pistachio handlers. This action will require one new Committee form. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

List of Subjects in 7 CFR Part 983

Pistachios, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 983 is amended as follows:

PART 983—PISTACHIOS GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 983 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In Part 983, a new Subpart—Assessment Rate and § 983.253 are added to read as follows:

Subpart—Assessment Rate

§ 983.253 Assessment rate.

(a) On and after September 1, 2004, a continuing assessment rate of $0.0014 per pound of assessed weight pistachios is established for California Pistachios. The assessment obligation of each handler shall be computed by applying the assessment rate to the assessed weight computed pursuant to § 983.6.

(b) For the 2004–05 fiscal period each handler who receives pistachios for processing shall furnish the Receipts/Assessment Report to the Committee and pay all due assessments to the Committee by March 15, 2005. For subsequent fiscal periods, each handler who receives pistachios for processing shall furnish the Receipts/Assessment Report and pay all due assessments to the Committee by December 15 of the applicable fiscal period.

Dated: February 24, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–3928 Filed 2–24–05; 1:33 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1131

[Docket No. AO–271–837; DA–03–04–A]

Milk in the Arizona-Las Vegas Marketing Area; Interim Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: This order amends the *Producer milk* provision of the Arizona-Las Vegas milk marketing order to eliminate the ability to simultaneously pool the same milk on the order and on a State-operated order that provides for marketwide pooling. More than the required number of producers on the Arizona-Las Vegas order have approved the issuance of the interim order as amended.

DATES: *Effective Date:* April 1, 2005.

FOR FURTHER INFORMATION CONTACT: Jack Rower, Marketing Specialist, Stop-0231, Room 2971, USDA/AMS/Dairy Programs, Order Formulation and Enforcement Branch, 1400 Independence Avenue SW., Washington, DC 20250–0231, (202) 720–2357, e-mail address *jack.rower@usda.gov.*

SUPPLEMENTARY INFORMATION: This administrative rule is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Department a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Department would rule on the petition. The Act provides that the District Court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Department's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this interim rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees.

For the purposes of determining which dairy farms are ''small businesses'', the $750,000 per year criterion was used to establish a marketing guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

During September 2003, the month during which the hearing began, there were 106 dairy producers pooled on, and 22 handlers regulated by, the Arizona-Las Vegas order. Approximately 18 producers, or 17 percent, were small businesses based on the above criteria. On the handler side, 7, or 32 percent were ''small business''.

The adoption of the proposed pooling standard serves to revise established criteria that determine the producer milk that has a reasonable association with—and consistently serves the fluid needs of—the Arizona-Las Vegas milk marketing area and is not associated with other marketwide pools concerning the same milk. Criteria for pooling are established on the basis of performance levels that are considered adequate to meet the Class I fluid needs and by doing so determine those that are eligible to share in the revenue that arises from the classified pricing of milk. Criteria for pooling are established without regard to the size of any dairy industry organization or entity. The established criteria are applied in an identical fashion to both large and small businesses and do not have any different economic impact on small entities as opposed to large entities. Therefore, the proposed amendment will not have a significant economic impact on a substantial number of small entities.

A review of reporting requirements was completed under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). It was determined that the amendment would have no impact on reporting, record keeping, or other compliance requirements because they would remain identical to the current requirements. No new forms are proposed and no additional reporting requirements would be necessary.

No other burdens are expected to fall on the dairy industry as a result of overlapping Federal rules. The rulemaking proceeding does not duplicate, overlap, or conflict with any existing Federal rules.

Prior documents in this proceeding:

Notice of Hearing: Issued July 31, 2003; published August 6, 2003 (68 FR 46505).

Correction to Notice of Hearing: Issued August 20, 2003; published August 26, 2003 (68 FR 51202)

Notice of Reconvened Hearing: Issued October 27, 2003; published October 31, 2003 (68 FR 62027).

Notice of Reconvened Hearing: Issued December 18, 2003; published December 29, 2003 (68 FR 74874).

Tentative Final Decision: Issued December 23, 2004; published December 30, 2004 (69 FR 250).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Arizona-Las Vegas order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the Arizona-Las Vegas order:

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Arizona-Las Vegas marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The Arizona-Las Vegas order, as hereby amended on an interim basis, and all of the terms and conditions

thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as hereby amended on an interim basis, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The Arizona-Las Vegas order, as hereby amended on an interim basis, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) Additional Findings. It is necessary and in the public interest to make these interim amendments to the Arizona-Las Vegas order effective April 1, 2005. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing area.

The interim amendments to this order are known to handlers. The final decision containing the proposed amendments to this order was issued on December 23, 2004.

The changes that result from these interim amendments will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making these interim order amendments effective on April 1, 2005. It would be contrary to the public interest to delay the effective date of these amendments for 30 days after their publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the specified marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this interim order amending the Arizona-Las Vegas order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended;

(3) The issuance of the interim order amending the Arizona-Las Vegas order is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1131

Milk marketing orders.

Order Relative to Handling

■ *It is therefore ordered,* that on and after the effective date hereof, the handling of milk in the Arizona-Las Vegas marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended on an interim basis, as follows:

■ The authority citation for 7 CFR part 1131 continues to read as follows:

Authority: 7 U.S.C. 601–674, and 7253.

PART 1131—MILK IN THE ARIZONA-LAS VEGAS MARKETING AREA

■ 1. Section 1131.13 is amended by adding a new paragraph (e) to read as follows:

§ 1131.13 Producer milk.

* * * * *

(e) Producer milk shall not include milk of a producer that is subject to a marketwide equalization pool under a milk classification and pricing plan under the authority of a State government.

Dated: February 23, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–3883 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19451; Directorate Identifier 2002–NM–138–AD; Amendment 39–13983; AD 2005–04–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; A300 B4–600, B4–600R and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600); and A310 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to all Airbus Model A300 B2 and B4, A300–600, and A310 series airplanes. That AD currently requires identification of the part number and serial number of the parking brake operated valve (PBOV); and, if necessary, inspections of the PBOV, including a functional check of the PBOV, and follow-on and corrective actions. That AD also provides for optional terminating action for the requirements of that AD. This new AD requires modification of all affected PBOVs, or replacement with new, non-affected PBOVs, which would terminate the requirements of the existing AD. This AD is prompted by a decision by the FAA and a civil airworthiness authority to require modification or replacement of all affected PBOVs. We are issuing this AD to prevent loss of the yellow hydraulic system, which provides all the hydraulics for certain spoilers; elements of the hydraulics for flaps, stabilizer, pitch and yaw feel systems, pitch and yaw autopilot, and yaw damper; and elevator, rudder, and aileron.

DATES: This AD becomes effective April 5, 2005.

The incorporation by reference of Airbus Service Bulletin A310–32A2124, including Appendix 01, dated September 10, 2001, as listed in the AD, is approved by the Director of the Federal Register as of April 5, 2005.

On May 8, 2002 (67 FR 19655, April 23, 2002), the Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A300–32A0441, including Appendix 01, dated September 10, 2001; and Airbus Service Bulletin A300–32A6087, including Appendix 01, dated September 10, 2001.

ADDRESSES: For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. You can examine this information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Docket: The AD docket contains the proposed AD, comments, and any final disposition. 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 located on the plaza level of the Nassif Building at

the U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Washington, DC. This docket number is FAA–2004–19451; the directorate identifier for this docket is 2002–NM–138–AD.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–2797.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR Part 39) with an AD to supersede AD 2002–08–14, amendment 39–12722 (67 FR 19655, April 23, 2002). The existing AD applies to all Airbus Model A300 B2 and B4; A300 B4–600, B4–600R, and F4–600R (collectively called A300–600); and A310 series airplanes. The proposed AD was published in the **Federal Register** on October 27, 2004 (69 FR 62627), to retain certain requirements of the existing AD. The action also proposed to require modification of all affected parking brake operated valves (PBOVs), or replacement with new, non-affected PBOVs, which would terminate the requirements of the existing AD.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

Request To Withdraw the Proposed AD

One commenter, on behalf of its member operators, has no technical objection to the proposed AD, but requests withdrawing the proposed AD because the service information specified in Table 1 of the proposed AD meets the intent of the proposed AD.

We do not agree with the commenter's request to withdraw the proposed AD. There is no legal requirement for an operator to incorporate a service bulletin without an AD. Therefore, it is necessary to issue this AD to mandate that certain actions be done to correct the identified unsafe condition.

Conclusion

We have carefully reviewed the available data, including the comment that has been submitted, and determined that air safety and the public interest require adopting the AD as proposed, except as discussed under ''Changes to Applicability.''

Changes to Applicability

In the proposed AD, we inadvertently did not include Model A300 C4–605R Variant F airplanes. We are including that airplane model in this AD. No airplanes of that model are currently on the U.S. Register and thus providing notice and opportunity for public comment is unnecessary before this AD is issued. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD. This AD will affect about 168 airplanes of U.S. registry.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane
Inspection of PBOV part number/serial number (required by AD 2002–08–14).	2	$65	None	$130
Modification/replacement (new proposed action)	4	65	No Charge	260

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

For the reasons discussed above, I certify that this AD:

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing amendment 39–12722 (67 FR 19655, April 23, 2002), and by adding the following new airworthiness directive (AD):

2005–04–11 Airbus: Amendment 39–13983. Docket No. FAA–2004–19451; Directorate Identifier 2002–NM–138–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 5, 2005.

Affected ADs

(b) This AD supersedes AD 2002–08–14, amendment 39–12722 (67 FR 19655, April 23, 2002).

Applicability

(c) This AD applies to all Airbus Model A300 B2 and B4 series airplanes; A300 B4–600, B4–600R, and F4–600R series airplanes, and Model C4–605R Variant F airplanes (collectively called A300–600); and A310 series airplanes; certificated in any category.

Unsafe Condition

(d) This AD was prompted by a decision by the FAA and a civil airworthiness authority to require modification or replacement of all affected parking brake operated valves (PBOV). We are issuing this AD to prevent loss of the yellow hydraulic system, which provides all the hydraulics for certain spoilers; elements of the hydraulics for flaps, stabilizer, pitch and yaw feel systems, pitch and yaw autopilot, and yaw damper; and elevator, rudder, and aileron.

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.

Restatement of Certain Requirements of AD 2002–08–14

Inspection and Functional Check

(f) Within 7 days after May 8, 2002 (the effective date of AD 2002–08–14, amendment 39–12722), identify the part and serial number of the PBOV to determine whether the PBOV is an affected part, as identified by Airbus Service Bulletin A300–32A0441 (for Model A300 B2 and B4 series airplanes), A300–32A6087 (for Model A300–600 series airplanes), or A310–32A2124 (for Model A310 series airplanes); all dated September 10, 2001; as applicable.

(1) If the PBOV is NOT an affected part, no further action is required by this AD.

(2) If the PBOV is an affected part: Except as required by paragraph (g) of this AD, prior to further flight, test the PBOV in accordance with the applicable service bulletin; and thereafter perform follow-on and corrective actions (including repetitive tests and repair of the PBOV or replacement with a serviceable PBOV) at the time specified by and in accordance with the service bulletin, as applicable.

(g) If the applicable service bulletin identified in paragraph (f) of this AD specifies to contact ''SEE32'' for corrective action: Prior to further flight, perform the corrective action in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent).

Parts Installation

(h) As of May 8, 2002 (the effective date of AD 2002–08–14) no person may install an affected PBOV on any airplane, unless that PBOV is in compliance with all applicable requirements of this AD. Affected PBOVs are identified by Airbus Service Bulletin A300–32A0441 (for Model A300 B2 and B4 series airplanes), A300–32A6087 (for Model A300–600 series airplanes); or A310–32A2124 (for Model A310 series airplanes), all dated September 10, 2001; as applicable.

New Requirements of This AD

PBOV Modification/Replacement

(i) Within 7 months after the effective date of this AD: Modify all affected PBOVs, or replace them with new PBOVs, in accordance with Airbus Service Bulletin A300–32A0441 (for Model A300 B2 and B4 series airplanes), A300–32A6087 (for Model A300–600 series airplanes), or A310–32A2124 (for Model A310 series airplanes); all dated September 10, 2001; as applicable. The modification or replacement of all affected PBOVs terminates the requirements of this AD.

Alternative Methods of Compliance (AMOCs)

(j) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Related Information

(k) French airworthiness directive 2001–510(B) R1, dated May 15, 2002, also addresses the subject of this AD.

Material Incorporated by Reference

(l) You must use the service information that is specified in Table 1 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approves the incorporation by reference Airbus Service Bulletin A310–32A2124, including Appendix 01, dated September 10, 2001, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The Director of the Federal Register previously approved the incorporation by reference of Airbus Service Bulletin A300–32A0441, including Appendix 01, dated September 10, 2001; and Airbus Service Bulletin A300–32A6087, including Appendix 01, dated September 10, 2001; as of May 8, 2002 (67 FR 19655, April 23, 2002).

(3) For copies of the service information, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC.

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE

Airbus service bulletin	Revision level	Date
Service Bulletin A300–32A0441, including Appendix 01	Original	September 10, 2001.
Service Bulletin A300–32A6087, including Appendix 01	Original	September 10, 2001.
Service Bulletin A310–32A2124, including Appendix 01	Original	September 10, 2001.

Issued in Renton, Washington, on February 9, 2005.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–3279 Filed 2–28–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–05–20399; Directorate Identifier 2005–CE–02–AD; Amendment 39–13988; AD 2005–04–16]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 airplanes. This AD requires you to do a one-time inspection of the windshield de-ice wiring system for heat damage and incorrect wire sizes and to replace any wires that are damaged or the incorrect size. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. We are issuing this AD to detect and replace windshield de-ice wiring of the incorrect size, which could result in heat damage of the windshield de-ice wiring. This failure could lead to possible fire in the overhead panel of the flight compartment.

DATES: This AD becomes effective on March 8, 2005.

As of March 8, 2005, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

We must receive any comments on this AD by April 19, 2005.

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

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Fax:* 1–202–493–2251.
- *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.

To get the service information identified in this AD, contact Pilatus Aircraft Ltd., CH–6371 Stans, Switzerland.

To view the comments to this AD, go to *http://dms.dot.gov*. The docket number is FAA–05–20399; Directorate Identifier 2005–CE–02–AD.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, ACE–112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Federal Office of Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified FAA that an unsafe condition may exist on certain Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 airplanes. FOCA reports a co-pilot windshield de-ice system failure, which was caused by an overheated return wire in the windshield heating system. Investigation revealed that the wiring in the windshield heating system was not installed following the specifications in the applicable wiring diagrams.

What is the potential impact if FAA took no action? Windshield de-ice wiring of the incorrect size could result in heat damage of the windshield de-ice wiring. This failure could lead to possible fire in the overhead panel of the flight compartment.

Is there service information that applies to this subject? Pilatus Aircraft Ltd. has issued Service Bulletin No. 30–009, dated January 25, 2005.

What are the provisions of this service information? The service bulletin includes procedures for:

—Inspecting the wires installed in the windshield de-ice system to make sure they are the correct size (American Wire Gage) as specified in the applicable wiring diagrams;

—Inspecting the wires, splices, and related link wires in the terminal block (TB 152) for any heat damage; and

—Replacing all damaged or incorrect sized wires.

What action did FOCA take? FOCA classified this service bulletin as mandatory and issued Swiss AD Number HB–2005–079, dated February 11, 2005, to ensure the continued airworthiness of these airplanes in Switzerland.

Did FOCA inform the United States under the bilateral airworthiness agreement? These Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 airplanes are manufactured in Switzerland and are type-certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Under this bilateral airworthiness agreement, FOCA has kept us informed of the situation described above.

FAA's Determination and Requirements of This AD

What has FAA decided? We have examined FOCA's findings, reviewed all available information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described previously is likely to exist or develop on other Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 airplanes of the same type design that are registered in the United States, we are issuing this AD to detect and replace windshield de-ice wiring of the incorrect size, which could result in heat damage of the windshield de-ice wiring. This failure could lead to possible fire in the overhead panel of the flight compartment.

What does this AD require? This AD requires you to incorporate the actions in the previously-referenced service bulletin.

In preparing this rule, we contacted type clubs and aircraft operators to get technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included a discussion of any information that may have influenced this action in the rulemaking docket.

How does the revision to 14 CFR part 39 affect this AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Comments Invited

Will I have the opportunity to comment before you issue the rule? This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your

comments to an address listed under **ADDRESSES.** Include the docket number, ''FAA–05–20399; Directorate Identifier 2005–CE–02–AD'' at the beginning of your 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 AD.

Using the search function of our docket Web site, anyone can find and read the comments received into 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.). This is docket number FAA–05–20399; Directorate Identifier 2005–CE–02–AD. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov*.

Are there any specific portions of this AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this AD in light of those comments and contacts.

Docket Information

Where can I go to view the docket information? You may view the AD docket that contains the AD, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at *http://dms.dot.gov*. The comments will be available in the AD docket shortly after the DMS receives them.

Authority for This Rulemaking

What authority does FAA have for issuing this rulemaking action? 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 AD.

Regulatory Findings

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

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

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

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

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

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES.** Include ''Docket No. FAA–05–20399; Directorate Identifier 2005–CE–02–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2005–04–16 Pilatus Aircraft Ltd.: Amendment 39–13988; Docket No. FAA–05–20399; Directorate Identifier 2005–CE–02–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on March 8, 2005.

Are Any Other ADs Affected by This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects airplane Models PC–12 and PC–12/45 airplanes with serial numbers 322 through 400 that are certificated in any category.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. We are issuing this AD to detect and replace windshield de-ice wiring of the incorrect size, which could result in heat damage of the windshield de-ice wiring. This failure could lead to possible fire in the overhead panel of the flight compartment.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspect the windshield de-ice wiring on both the left and right side windshields for heat damage of the wires, splices, and related link wires in the area of the terminal block 152 (TB 152).	Within 10 hours time-in-service (TIS) or 30 days, whichever occurs first, after March 8, 2005 (the effective date of this AD). This is a one-time inspection.	Follow Pilatus Aircraft Ltd. Service Bulletin No. 30–009, dated January 25, 2005.

Actions	Compliance	Procedures
(2) Inspect the windshield deice wiring and related link wires on both the left and right side windshields to verify that wires of the correct size (American Wire Gage) are installed as specified in Service Bulletin 30–009, dated January 25, 2005.	Within 10 hours TIS or 30 days, whichever occurs first, after March 8, 2005 (the effective date of this AD). This is a one-time inspection.	Follow Pilatus Aircraft Ltd. Service Bulletin No. 30–009, dated January 25, 2005.
(3) If any heat damage or incorrect wiring is found, replace the damaged or incorrect wires.	Before further flight	Follow Pilatus Aircraft Ltd. Service Bulletin No. 30–009, dated January 25, 2005.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Doug L. Rudolph, Aerospace Engineer, ACE–112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

Is There Other Information That Relates to This Subject?

(g) FOCA Airworthiness Directive HB–2005–079, dated February 11, 2005, also addresses the subject of this AD.

Does This AD Incorporate Any Material by Reference?

(h) You must do the actions required by this AD following the instructions in Pilatus Aircraft Ltd. Service Bulletin No. 30–009, dated January 25, 2005. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may get a copy from Pilatus Aircraft Ltd., CH–6371 Stans, Switzerland. To get a copy of this service information, contact Doug Rudolph, Aerospace Engineer, ACE–112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html* or call (202) 741–6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is Docket No. FAA–05–20399; Directorate Identifier 2005–CE–02–AD.

Issued in Kansas City, Missouri, on February 17, 2005.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–3634 Filed 2–28–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20425; Directorate Identifier 2005–NM–014–AD; Amendment 39–13987; AD 2005–04–15]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Falcon 2000EX and 900EX Series Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Dassault Model Falcon 2000EX and 900EX series airplanes. This AD requires prohibiting dispatch with certain equipment inoperative; and revising the airplane flight manual to facilitate recovery of the cockpit display units in the event of an avionics standard communication bus (ASCB) failure and to inform the flightcrew what equipment is inoperative during an ASCB failure. This AD also requires doing an integrity check of the ASCB for any faults and corrective action if necessary, and installing an avionics software update to the Honeywell Primus Epic system. This AD is prompted by a report that an analysis and tests of the Honeywell Primus Epic systems installed on the Model Falcon 2000EX and 900EX series airplanes revealed that all information displayed on the cockpit display units could become invalid during flight. We are issuing this AD to prevent a loss of data from all four of the cockpit display units, and loss of all radio communications (with the exception of VHF emergency frequency and last frequency used), primary navigation instruments, autopilot, auto-throttle, central alerting system, aural alarms, and normal braking (on Model Falcon 2000EX series airplanes only). These losses could reduce the flightcrew's situational awareness, increase flightcrew workload, and consequently reduce the ability to maintain safe flight and landing of the airplane.

DATES: Effective March 1, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of March 1, 2005.

We must receive comments on this AD by May 2, 2005.

ADDRESSES: Use one of the following addresses to submit comments on this 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.
- 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 AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. You can examine this information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

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. This docket number is FAA–2005–20425; the directorate identifier for this docket is 2005–NM–014–AD.

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 located 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.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Dassault Model Falcon 2000EX and 900EX series airplanes. The DGAC advises that an analysis and tests of the Honeywell Primus Epic system installed on Model Falcon 2000EX and 900EX series airplanes revealed a potential for all information presented on the cockpit display units to become invalid during flight. The cause of the malfunctioning cockpit display units has been attributed to a failure of a network interface controller (NIC) for the avionics standard communication bus (ASCB), which causes a loss of ASCB synchronization. The ASCB failure could result in a loss of data from all four of the cockpit display units, and loss of all radio communications (with the exception of VHF emergency frequency and last frequency used), primary navigation instruments, autopilot, auto-throttle, central alerting system, aural alarms, and normal braking (on Model Falcon 2000EX series airplanes only). These losses could reduce the flightcrew's situational awareness, increase flightcrew workload, and consequently reduce the ability to maintain safe flight and landing of the airplane.

Other Relevant Rulemaking

We have determined that since the Honeywell Primus Epic system is also installed on Gulfstream Model GV–SP series airplanes and on Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 series airplanes, those airplanes are subject to an unsafe condition similar to that addressed in this AD. In light of that determination, we issued AD 2005–04–06, amendment 39–13978 (70 FR 7847, February 16, 2005) (for Model GV–SP series airplanes), and issued AD 2004–26–12, amendment 39–13924 (69 FR 78300, December 30, 2004) (for Model ERJ 170 series airplanes), to address the unsafe condition on those airplane models. We may consider additional rulemaking on other airplane models having the Honeywell Primus Epic system that also exhibit a similar unsafe condition.

Relevant Service Information

Dassault has issued Service Bulletin F2000EX–58, dated January 10, 2005; and Service Bulletin F900EX–256, dated January 10, 2005. These service bulletins describe procedures for performing an inspection to check the integrity of the ASCB by inspecting for any faults. The inspection involves using a maintenance laptop computer to run a TELNET session.

Dassault has also issued Temporary Change 12, dated January 26, 2005, to the Dassault Falcon 2000EX Airplane Flight Manual, DGT88898 (for Model Falcon 2000EX series airplanes); and Temporary Change 14, dated January 12, 2005, to the Dassault Falcon 900EX Airplane Flight Manual, DGT84972 (for Model Falcon 900EX series airplanes). The temporary changes describe procedures for flightcrew to follow in the event that the information displayed on all four cockpit display units become invalid during flight. The procedures describe steps the flightcrew can perform to facilitate recovery of the cockpit display units, and informs the flightcrew what equipment will be unavailable during an ASCB failure/event.

In addition, Dassault has issued Service Bulletin F2000EX–59, dated February 2, 2005; and Service Bulletin F900EX–254, dated February 2, 2005. These service bulletins describe procedures for performing an avionics software upgrade to the Honeywell Primus Epic system. The software upgrade involves installing a new NIC and generic input/output (I/O) software.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information described above and issued French emergency airworthiness directives UF–2005–024, dated January 27, 2005; and UF–2005–025, dated January 27, 2005; to ensure the continued airworthiness of these airplanes in France.

FAA's Determination and Requirements of This AD

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are issuing this AD to prohibit dispatch with certain equipment inoperative; and to require revising the airplane flight manual (AFM) to facilitate recovery of the cockpit display units in the event of an avionics systems communication bus (ASCB) failure and to inform the flightcrew what equipment is inoperative during an ASCB failure. This AD also requires doing an integrity check of the ASCB for any faults and corrective action if necessary, and installing an avionics software update to the Honeywell Primus Epic system. This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this AD and the Service Information'' and ''Differences Between this AD and the French Airworthiness Directives.''

Differences Between the AD and the Service Information

Operators should note that, although the Accomplishment Instructions of the referenced service bulletins describe procedures for submitting a sheet recording compliance with the service bulletin, this AD will not require those actions. We do not need this information from operators.

The service bulletins F2000EX–58, dated January 10, 2005; and F900EX–256, dated January 10, 2005; specify that you may contact the manufacturer for instructions on how to repair certain conditions, but this AD requires you to repair those conditions using a method that we or the European Aviation Safety Agency (EASA) (or its delegated agent) approve. In light of the type of repair that would be required to address the unsafe condition, and consistent with existing bilateral airworthiness

agreements, we have determined that, for this AD, a repair we or the EASA approve would be acceptable for compliance with this AD.

Differences Between This AD and the French Airworthiness Directives

Although the French airworthiness directives specify a compliance time of 24 hours after the effective date of the French airworthiness directive for the AFM revisions, we specify a compliance time of 72 hours after the effective date of this AD. We find that this will prevent airplanes from being grounded unnecessarily without adversely affecting the safety of the airplanes.

Although the French airworthiness directives require operators to revise the Abnormal Procedures of the AFMs, this AD requires the Limitations section to be revised. The Limitations section of the AFM is the only AFM section mandated by the FAA.

Although the French airworthiness directives require revising the AFM by inserting operational limitations on landing with published go-around flight paths and on take-off in a certain runway visual range condition, we do not require that action. This decision is based on our determination that those operational limitation revisions are not necessary.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD; therefore, providing notice and opportunity for public comment before the AD is issued is impracticable, and good cause exists to make this AD effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20425; Directorate Identifier 2005–NM–014–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the 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 AD. Using the search function of our docket Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the 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.*

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

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

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this 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, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2005–04–15 Dassault Aviation: Amendment 39–13987. Docket No. FAA–2005–20425; Directorate Identifier 2005–NM–014–AD.

Effective Date

(a) This AD becomes effective March 1, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Dassault Model Falcon 2000EX series airplanes with serial numbers 6, 28 and subsequent; and Model Falcon 900EX series airplanes with serial numbers 97, 120 and subsequent; certificated in any category.

Unsafe Condition

(d) This AD was prompted by a report that an analysis and tests of the Honeywell Primus Epic systems installed on Model Falcon 2000EX and 900EX series airplanes revealed that all information displayed on the cockpit display units could become invalid during flight. The FAA is issuing this AD to prevent a loss of data from all four of the cockpit display units, and loss of all radio communications (with the exception of VHF emergency frequency and last frequency used), primary navigation instruments, autopilot, auto-throttle, central alerting system, aural alarms, and normal braking (on Model Falcon 2000EX series airplanes only). These losses could reduce the flightcrew's situational awareness, increase flightcrew workload, and consequently reduce the ability to maintain safe flight and landing 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.

Inoperative Equipment Restrictions

(f) As of the effective date of this AD, dispatch is prohibited with any of the equipment specified in paragraphs (f)(1),

(f)(2), (f)(3), and (f)(4) of this AD inoperative. When the actions required in paragraph (i) of this AD are accomplished, dispatch with any of the equipment specified in paragraphs (f)(1), (f)(2), (f)(3), and (f)(4) inoperative is allowed in accordance with the provisions and limitations specified in the Master Minimum Equipment List (MMEL).

Note 1: The MMELs currently allow flight/dispatch with any or all of the equipment specified in paragraphs (f)(1), (f)(2), (f)(3), and (f)(4) inoperative under certain conditions. This AD supersedes the MMEL or the approved Minimum Equipment List (MEL) for any operator. Paragraph (i) of this AD provides the required terminating action for the dispatch restrictions.

(1) Dispatch with Secondary flight display system inoperative, as allowed in section 34–2, item 5, of the Dassault F2000EX MMEL or the Dassault F900EX MMEL, as applicable, is prohibited.

(2) Dispatch with Non-stabilized magnetic (standby) compass inoperative, as allowed in section 34–2, item 6, of the Dassault F2000EX MMEL or the Dassault F900EX MMEL, as applicable, is prohibited.

(3) Dispatch with UP–DN manual regulator in pressurized flight inoperative, as allowed in section 21–5, item 2, of the Dassault F2000EX MMEL; or in section 21–5, item 3, of the Dassault F900EX MMEL; as applicable; is prohibited.

(4) Dispatch with Digital electronic engine computers (automatic mode) inoperative, as allowed in section 73–1, item 1, sub-item 1, of the Dassault F900EX MMEL is prohibited.

Airplane Flight Manual (AFM) Revision

(g) Within 72 hours after the effective date of this AD, revise the Limitations section of the AFM as required in paragraphs (g)(1) and (g)(2) of this AD, as applicable.

(1) Revise Dassault Falcon F2000EX AFM, DGT88898, by inserting a copy of Dassault Temporary Change (TC) 12, dated January 26, 2005.

(2) Revise Dassault Falcon 900EX AFM, DGT84972, by inserting a copy of Dassault TC 14, dated January 12, 2005.

Inspection

(h) Within 30 days after the effective date of this AD, do an inspection to check the integrity of the avionics systems communication bus (ASCB) for any faults, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F2000EX–58, dated January 10, 2005; or Dassault Service Bulletin F900EX–256, dated January 10, 2005; as applicable. If any fault is found during the inspection, before further flight, repair the ASCB in accordance with a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent).

Terminating Action

(i) Within 90 days after the effective date of this AD, install an avionics software update to the Honeywell Primus Epic system in accordance with the Accomplishment Instructions of Dassault Service Bulletin F2000EX–59, dated February 2, 2005; or Dassault Service Bulletin F900FX–254, dated February 2, 2005; as applicable. Doing this software update ends the requirements of paragraph (h) of this AD, and the dispatch restrictions and AFM revisions required by paragraphs (f) and (g) of this AD may be removed.

No Reporting Requirement

(j) Although the service bulletins referenced in this AD specify to submit information to the manufacturer, this AD does not include that requirement.

Alternative Methods of Compliance (AMOCs)

(k) The Manager, International Branch, ANM–116, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Related Information

(l) French emergency airworthiness directives UF–2005–024, dated January 27, 2005; and UF–2005–025, dated January 27, 2005; also address the subject of this AD.

Material Incorporated by Reference

(m) You must use the service information that is specified in Table 1 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise. (Only the title and List of Temporary Changes pages of Dassault Temporary Changes 12 and 14 contain the document issue date; no other page of these documents contain this information.) The Director of the Federal Register approves the incorporation by reference of those documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. You can review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE

Service information	Date
Dassault Service Bulletin F2000EX–58.	January 10, 2005.
Dassault Service Bulletin F2000EX–59.	February 2, 2005.
Dassault Service Bulletin F900EX–254.	February 2, 2005.
Dassault Service Bulletin F900EX–256.	January 10, 2005.
Dassault Falcon 2000EX Temporary Change 12.	January 26, 2005.
Dassault Falcon 900EX Temporary Change 14.	January 12, 2005.

Issued in Renton, Washington, on February 14, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–3559 Filed 2–28–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 679

[Docket No. 041117321–5035–02; I.D. 110904D]

RIN 0648–AS37

Fisheries of the Exclusive Economic Zone Off Alaska; Proposed Information Collection; Comment Request; Aleutian Islands Subarea Directed Pollock Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule that implements Amendment 82 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). Amendment 82 establishes a framework for the management of the Aleutian Islands subarea (AI) directed pollock fishery. This action is necessary to implement provisions of the Consolidated Appropriations Act of 2004 that require the AI directed pollock fishery to be allocated to the Aleut Corporation for the purpose of economic development in Adak, Alaska. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the FMP, the Consolidated Appropriations Act of 2004, and other applicable laws.

The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Effective February 24, 2005.

Written comments on the renewal of collection–of–information must be submitted on or before May 2, 2005.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for the proposed rule (69 FR 70589, December 7, 2004), the 2000 FMP level biological opinion, and the 2001 biological opinion and its June 2003 supplement for the Steller sea lion protection measures may be obtained by mail from NMFS Alaska Region, P. O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Durall, or from the NMFS Alaska Region website at *www.fakr.noaa.gov*.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS, Alaska Region.

Direct all written comments regarding the renewal of collection-of-information to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Melanie Brown, 907–586–7228 or *melanie.brown@noaa.gov*. Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, 907–586–7008 or *patsy.bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) are managed under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801, *et seq.* Regulations implementing the FMP appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The Council submitted Amendment 82 for review by the Secretary of Commerce. A notice of availability of the amendment was published in the **Federal Register** on November 16, 2004 (69 FR 67107), with comments invited through January 18, 2005. The proposed rule for Amendment 82 was published in the **Federal Register** on December 7, 2004 (69 FR 70589), with comments invited through January 21, 2005. Five letters of comments were received on the notice of availability and the proposed rule. Comments are summarized and responded to under Comments and Responses, below. Amendment 82 was approved by the Secretary of Commerce on February 09, 2005.

Background

The Consolidated Appropriations Act of 2004 (Public Law (Pub. L.) 108–199) was signed into law on January 23, 2004. Section 803 of this law allocates the AI directed pollock fishery to the Aleut Corporation for economic development in Adak, Alaska. Throughout this preamble, the term ''Aleut Corporation'' will mean the Aleut Corporation or its authorized agent(s) for purposes of describing activities required for managing the AI directed pollock fishery.

Public Law 108–199 requires the Aleut Corporation's selection of participants in the AI directed pollock fishery and limits participation to American Fisheries Act (AFA) (Pub. L. 105–277, Title II of Division C) qualified entities and vessels 60 feet (18.3 m) or less in length overall (LOA) with certain endorsements. Section 803(b) of Pub. L. 108–199 restricts the annual harvest of pollock in the AI directed pollock fishery by vessels 60 feet (18.3 m) LOA or less to less than 25 percent of the annual allocation until 2009, and to less than 50 percent of the annual allocation prior to 2013. These vessels must receive 50 percent of the annual directed pollock fishery allocation starting in 2013 and beyond. Amendment 82 includes the measures necessary to manage the AI directed pollock fishery.

The Council adopted Amendment 82 in June 2004 and clarified a portion of its action in October 2004. Amendment 82 revises the FMP to establish the management framework for the AI directed pollock fishery. This final rule implements the following management provisions for the AI directed pollock fishery:

1. Restrictions on the harvest specifications for the AI directed pollock fishery, including limits on the size of the annual AI pollock total allowable catch (TAC), limits on the A season harvest of TAC, allocation requirements for vessels 60 feet (18.3 m) LOA or less, and reallocation provisions for unharvested amounts of the AI pollock allocations;

2. Provisions for fishery monitoring, including the Aleut Corporation's selection and NMFS's approval of vessels and processors participating in the AI directed pollock fishery, restrictions on possession of pollock from the AI and either the Bering Sea subarea (BS) or the Gulf of Alaska on a vessel at one time, scale requirements, catch monitoring control plans (CMCPs) for shoreside and stationary floating processors, and Aleut Corporation's and participants' responsibility for ensuring the harvest does not exceed the AI directed pollock fishery allocation;

3. Reporting requirements; and

4. A new AI Chinook salmon prohibited species catch limit that, when reached, closes the directed pollock fishery in the existing Chinook salmon savings areas in the AI.

Prior to Pub. L. 108–199, the AI directed pollock fishery was managed pursuant to the AFA. The AFA allocated the AI directed pollock fishery to specific harvesters and processors identified in the AFA and specified in regulations at 50 CFR part 679. Public Law 108–199 supersedes portions of the AFA and allocates all the AI directed pollock fishery to the Aleut Corporation. Implementation of Pub. L. 108–199 requires the amendment of AFA provisions in the FMP and in the regulations at 50 CFR part 679 to provide for the allocation of the AI directed pollock fishery to the Aleut Corporation and for the management of this fishery.

The allocation of pollock to the AFA directed pollock fisheries under section 206(b) of the AFA now only pertains to the BS pollock TAC given that Pub. L. 108–199 fully allocates the AI directed pollock fishery to the Aleut Corporation. Thus, AFA restrictions associated with the directed pollock fishery, including excessive harvesting and processing shares under section 210(e) of the AFA, now apply only to the AFA allocations of BS pollock.

Similarly, AFA groundfish sideboard provisions under section 211 of the AFA do not apply to AFA entities while those entities are participating in the AI directed pollock fishery. Groundfish species taken incidental to the AI directed pollock fishery are deducted from the relevant TACs for those species, and fisheries for those species are managed by NMFS accordingly.

Comments and Responses

Twelve unique comments from one e-mail regarding Amendment 82 and one e-mail and three letters regarding the proposed rule were received. The comments are summarized and responded to below.

Comment 1: The comment period for the proposed rule should be extended by 120 days.

Response: The commentor provided no reason for the comment period extension. Because the commentor offered no justification for extending the comment period, and because NMFS considers the comment period adequate, the comment period remained 45 days.

Comment 2: All quotas should be cut by 50 percent this year and 10 percent

each succeeding year. Marine sanctuaries must be established.

Response: This action establishes the management provisions for the AI directed pollock fishery and does not specify groundfish harvest levels. The harvest specifications are established by separate rulemaking at the beginning of each year. NMFS encourages the commentor to submit comments on the proposed harvest specifications when they are published in the **Federal Register** for public comment in approximately December of each year.

Additionally, this action does not address the creation of marine sanctuaries. The January 2004 draft environmental impact statement (EIS) for essential fish habitat discusses the effects of fishing on sensitive habitat features and evaluates a range of options for minimizing adverse effects, such as closing areas of rockfish habitat to bottom trawling. Further information on this draft EIS may be found at the NMFS Alaska Region website at *www.fakr.noaa.gov*.

Comment 3: The Pew Foundation and United Nations (UN) reports on overfishing are incorporated into the comments from this commentor.

Response: This action raises no issues related to overfishing. NMFS manages the groundfish fisheries on a sustainable basis, and notes that no overfishing is occurring for groundfish stocks off Alaska. The current condition of groundfish stocks is detailed in the Stock Assessment and Fishery Evaluation reports which are available on the NMFS Alaska Region website at *http://www.fakr.noaa.gov/npfmc/SAFE/SAFE.htm*. The commentor's specific concerns and their relationship to these reports are not identified. Because no further details are provided by the commentor, NMFS is unable to respond further to this comment.

Comment 4: The commentor provided a November 18, 2004, Associated Press article regarding the UN recommendations for banning of high seas bottom trawling. The commentor was concerned that money influences Council recommendations which allow the use of fishery resources that are owned by all of the people of the nation.

Response: This action establishes management provisions for the AI directed pollock fishery. Pollock is harvested using pelagic trawl gear, which does not have as much of an impact on the ocean bottom as bottom trawling gear. The AI directed pollock fishery is authorized by this final rule in the exclusive economic zone (EEZ) off Alaska and not in the high seas that extend beyond the EEZ. The commentor did not provide further information regarding the relationship between the UN high seas bottom trawling ban article and this action.

Even though for-profit entities work with the Council in developing recommendations for management of Alaska groundfish harvest, only the Department of Commerce has the approval authority for Council recommendations. Decisions are made considering the long term conservation and sustainability of the resource for the benefit of the nation.

Comment 5: The commentor disapproves of, objects to, and opposes the proposed rule. It does not promote the Magnuson-Stevens Act. Economic development can change an area to resemble an urban area in the United States. The economic development in Adak, Alaska is not needed. Adak's economic development should not be supported by overfishing.

Response: Public Law 108–199 requires that, if a directed pollock fishery is open in the AI, all of the quota would go to the Aleut Corporation for economic development in Adak, Alaska. This is a statutory mandate that cannot be changed by NMFS. The nature of the economic development will be decided by the Aleut Corporation and is unlikely to resemble large urban areas of the United States, considering the Aleut culture and the remote location of Adak. No overfishing is occurring in the groundfish stocks off Alaska and therefore, the AI directed pollock fishery will not result in overfishing supporting economic development.

Comment 6: The commentor opposes NMFS' action because it will result in seals, sea lions, and other marine life being starved or destroyed.

Response: NMFS analyzed the effects of this action on the human environment in the EA/RIR for this action (see **ADDRESSES**) and found no significant impacts. NMFS recognizes that the AI directed pollock fishery may have impacts on marine mammals and other sea life, but these effects were found to be insignificant. Pollock is harvested using pelagic trawl gear which has less adverse effect on the environment than other types of gear. The pollock fishery has a relatively small rate of bycatch of other marine organisms compared to other groundfish fisheries, and the pollock fishery will be managed in accordance with the Steller sea lion protection measures. Fishing will be conducted 20 nautical miles from shore in almost all of the AI, thereby reducing potential interaction with marine mammals and other organisms in this sensitive, near-shore marine habitat. The pollock harvest amounts will be at or well below the acceptable biological catch (ABC), reducing the potential for competition for prey with marine mammals.

Comment 7: The inseason management flexibility to raise and lower the incidental catch allowance (ICA) needs to be included in the regulations for the AI directed pollock fishery.

Response: NMFS has implemented this provision in the final rule. Section 679.20(a)(5)(iii)(B)(*1*)(*ii*) provides for the Regional Administrator to determine the amount of pollock that is needed as incidental catch in other groundfish fisheries in the AI and to deduct that amount from the annual allocation of AI pollock. The Regional Administrator should be able to reallocate the AI ICA during the fishing year if the ICA is not expected to be fully taken in the same manner as provided for in the BS fishery under § 679.20(a)(5)(i)(A)(*1*). The provisions in § 679.20(a)(5)(i)(A)(*1*) allow the Regional Administrator to reallocate pollock either to or from the directed fishing allowance and the ICA by publication in the **Federal Register**.

Without a mechanism to reallocate unharvested ICA, the potential exists that the unused pollock quota may be forgone. NMFS agrees that the regulations should provide for the full harvest of pollock quota established through the harvest specifications and avoid constraints on other groundfish fisheries from inadequate amounts of pollock ICA. Therefore, NMFS adds text to § 679.20(a)(5)(iii)(B)(*2*)(*ii*) to authorize the Regional Administrator to reallocate anticipated unused ICA to the AI directed pollock fishery or to reallocate pollock from the directed pollock fishery to the ICA during the fishing year by publication in the **Federal Register**.

Comment 8: The Regional Administrator's seasonal apportionment of the ICA should be provided for in the regulations for Amendment 82.

Response: NMFS has implemented this provision in the final rule. Proposed § 679.20(a)(5)(iii)(B)(*3*)(*i*), limits the harvest of AI pollock in the A season to no more than 40 percent of the ABC. This harvest includes the directed pollock fishery, Community Development Quota (CDQ) directed fishing allowance, and the ICA. To establish the A season directed pollock fishery allocation within the seasonal limit, the Regional Administrator must determine the amount of ICA that will be necessary to support other groundfish fisheries during the A season. Therefore, the final rule is changed from the proposed rule by including a provision in § 679.20(a)(5)(iii)(B)(*2*) for the Regional

Administrator to determine the seasonal apportionment of the ICA.

Comment 9: The Regional Administrator should have the discretion to reapportion amounts of the ICA between seasons, as provided for the directed pollock fishery.

Response: NMFS has made changes from the proposed rule in the final rule to implement this provision. Because the Regional Administrator may not be able to accurately predict the amount of ICA needed in the A and B seasons, the Regional Administrator should have discretion to reapportion the ICA to the B season, if needed. The final rule will authorize the Regional Administrator to adjust seasonal apportionments of the ICA to ensure other groundfish fisheries are not constrained by a lack of ICA in the B season. Therefore, § 679.20(a)(5)(iii)(B)(*3*)(*iv*) is added to authorize the seasonal reapportionment of the ICA.

Comment 10: Non-AFA qualified catcher/processors and motherships should be allowed to participate in the AI directed pollock fishery. The Council's recommendation that all catcher/processors and motherships be AFA qualified goes beyond the requirements specified in Pub. L. 108–199, which restricted only the harvest of pollock to AFA qualified vessels greater than 60 feet (18.3 m) in length overall (LOA). No justification or rationale was provided by the Council for why catcher/processors and motherships should be AFA qualified.

Requiring all catcher/processors and motherships to be AFA qualified hinders the economic development of Adak, Alaska. The head-and-gut fleet operating in the AI have several catcher/processors that could be available to process pollock. The inclusion of these vessels in the directed pollock fishery would provide the Aleut Corporation additional alternatives for processing their pollock allocation, particularly for the small vessel fleet. Small catcher vessels could pass pollock harvests to the non-AFA qualified catcher/processors for processing. Allowing non-AFA qualified catcher/processors would provide additional locations for processing small vessel fleet pollock. Additional processing locations for the small vessel fleet have important safety and economic considerations based on: (1) the limited areas for fishing due to the Steller sea lion protection measures, (2) the severe winter weather in the AI, and (3) the potential for harvested pollock to be stranded on the catcher vessel if AFA qualified catcher/processors or motherships are engaged in the BS pollock fishery.

Response: The Council recommended that all catcher/processors and motherships participating in the AI directed pollock fishery be AFA qualified to ensure adequate monitoring provisions are used for the management of this quota-based fishery. These vessels are required to maintain AFA pollock monitoring requirements if they are used to participate in the AI directed pollock fishery. The Council recommendations do not conflict with the provisions of Pub. L. 108–199. NMFS has determined that the Council's recommendation is necessary to ensure accurate monitoring and verification of the harvest of the AI directed pollock fishery allocation. Vessels within the head-and-gut fleet are not required to meet the same monitoring requirements as AFA-qualified catcher/processors and motherships, and therefore, do not meet the monitoring needs to ensure effective management of the directed pollock fishery allocation.

NMFS agrees that special considerations will be needed for the small vessel fleet participating in this fishery. We also are concerned about the safety for small vessels in offshore waters during the winter and about the monitoring of catch from such vessels. This will be particularly important when the small vessel fleet is allocated 50 percent of the directed pollock fishery starting in 2013. NMFS will continue to work with the Council and industry to review the effectiveness of the provisions for the AI directed pollock fishery and will seek ways to balance the economic, safety, and monitoring concerns of this program.

Comment 11: Non-AFA qualified stationary floating processors should not be required to have a CMCP, as required for shoreside processors. Catcher/processors acting as motherships should have to meet the AFA mothership standards for observer coverage. Requiring a CMCP for non-AFA qualified catcher/processors is completely unreasonable.

Response: Under § 679.4 (b) and (f), Federal fisheries permits may be issued for catcher vessels, catcher/processors, and motherships for groundfish harvest, and Federal processor permits may be issued for shoreside processors and stationary floating processors. Stationary floating processors are vessels of the United States operating as processors in the Alaska State waters that remain anchored or otherwise remain stationary in a single geographic location while receiving or processing groundfish harvested in the GOA or BSAI. A catcher/processor cannot be used as a stationary floating processor unless it meets the permitting and single geographic location requirements of a stationary floating processor. NMFS agrees that all catcher/processors and motherships processing pollock from the AI directed pollock fishery should meet AFA observer requirements. CMCPs are required only for shoreside processors and stationary floating processors to ensure that all catch is sorted and weighed and to ensure the facilities and practices to support an observer are provided. The practices used for processing pollock at shoreside processors and stationary floating processors are similar, and therefore, the CMCP requirement is applied to both types of processing facilities.

Comment 12: The December 2004 allocation of groundfish in the BSAI resulted in an increase of 4,460 mt for BS pollock and a reduction of non-pollock fisheries by the same amount to ensure the 2 million mt optimum yield is not exceeded. The Council policy requires funding the AI pollock allocation by reducing the BS pollock allocation. By increasing the BS pollock allocation in the harvest specifications and subsequently reducing the non-pollock fisheries allocations, the non-pollock fisheries are funding the AI pollock allocation. Any unused AI pollock should be returned to the BS fisheries in proportion to the funding, approximately 75 percent for the BS pollock fishery and 25 percent for the non-pollock fisheries. This may be accomplished by reallocating the unused AI pollock funded from the non-pollock fisheries into a non-specified reserve available to the non-pollock fisheries.

Response: The proposed BS pollock initial TAC was 1,327,005 mt (69 FR 70974, December 8, 2004), and the final initial TAC recommended by the Council is 1,330,650 mt. The Council has recommended a final initial pollock TAC 3,645 mt higher than the proposed initial TAC for BS pollock. NMFS has not yet published final initial TACs for the groundfish fisheries, but is aware that the sum of the harvest levels must not exceed the 2 million mt optimum yield maximum.

Each year, NMFS considers the Council's harvest recommendations for the groundfish fisheries. The Council's policy for funding the AI directed pollock fishery from the BS pollock fishery is specified in Amendment 82 to the FMP. The Council recommended that all unharvested AI pollock be reallocated to the BS pollock fishery because the intent is to restore the pollock harvest to the BS pollock fishery. Thus, the Council has recommended that unused AI pollock

be reallocated to the BS pollock fishery rather than attempting complicated proportional reallocations. NMFS approved this policy as a provision of Amendment 82.

Regulatory Amendments and Changes from the Proposed Rule in the Final Rule

Detailed descriptions of the regulatory amendments required to implement the management provisions for the AI directed pollock fishery pursuant to Amendment 82 and Pub. L. 108–199 were published in the proposed rule for this action (69 FR 70589, December 7, 2004). Several changes are made in the final rule from the proposed rule, as detailed below.

Section 679.4 Permits

Proposed § 679.4(m)(2) specifies the information that the Aleut Corporation would have been required to submit to NMFS in the application for approval of each participant in the AI directed pollock fishery. For stationary floating processors and shoreside processors this information would have included an approved CMCP (proposed § 679.4(m)(2)(iii)). NMFS has determined that submission of the CMCP at the time of application for participant approval is an unwarranted burden, and therefore, does not implement proposed § 679.4(m)(2)(iii) in this final rule. However, submission and approval of a CMCP is nevertheless required as proposed before a shoreside processor or a stationary floating processor may lawfully process pollock harvested in the AI directed pollock fishery (see §§ 679.7(l)(3)(iii) and 679.28(g)(2)).

Section 679.20 General Limitations

Based on comments received, three changes are made to the proposed provisions for the management of the incidental catch allowance (ICA) in paragraph (a)(5)(iii) which establishes the AI pollock allocations and seasonal apportionments. See the responses to Comments 7, 8 and 9 above for details.

Section 679.21 Prohibited Species Bycatch Management

The proposed rule included a separate Chinook salmon prohibited species catch (PSC) limit of 700 fish for the AI directed pollock fishery. If the amount of Chinook salmon bycatch in the AI subarea were to exceed the 700 fish limit, only the AI portion of the Chinook salmon savings areas would be closed (area 1 on Figure 8 to 50 CFR part 679).

Under paragraph (e)(1)(i), 7.5 percent of each PSC amount is allocated to the CDQ fisheries. PSC restrictions for the CDQ program are based on the portions of the PSC amounts allocated to the CDQ program. Because the CDQ sector will be harvesting pollock in the AI, a portion of the salmon PSC limit must be allocated to the CDQ sector to ensure that CDQ participants also will be subject to the salmon area closure based on the PSC limit established for the CDQ sector. Therefore, NMFS revises paragraph (e)(1)(i) accordingly.

Section 679.60 Authority and Related Regulations

The citation for the Department of Transportation regulations that implement provisions of the AFA is corrected in the final rule to 46 CFR part 356.

Section 679.63 Catch Weighing Requirements for Vessels and Processors

The proposed rule revised paragraph (c) to remove references to AI pollock for AFA inshore processors' requirements for catch weighing, observer coverage, and prior notification. AI pollock likely will not be processed by any inshore facilities in 2005. The only inshore facilities that may be able to process AI pollock are AFA qualified facilities in Dutch Harbor. These facilities already meet AFA catch weighing and observer requirements for all pollock received and can easily provide the same for any AI pollock that may be delivered. To ensure consistency in the monitoring of pollock landed at AFA facilities, NMFS has determined that maintaining the same level of catch weighing and observer requirements for all pollock delivered at AFA inshore processors is necessary. Thus, NMFS has determined that the revisions to this section are not necessary and has removed them in the final rule.

NMFS is further considering catch monitoring and observer provisions for non-AFA qualified shoreside and stationary floating processors that may process AI pollock and intends to consider additional rulemaking in the future. The level of monitoring and verification for a quota-based program such as the AI directed pollock fishery should be similar to that implemented for AFA fisheries to enhance accurate quota management. Current provisions in this final rule do not provide for all AI pollock delivered to shoreside and stationary floating processors to be observed during catch weighing and sorting. Because neither non-AFA shoreside processors nor stationary floating processors are likely to be used for the AI directed pollock fishery in the immediate future, NMFS has determined that this is not a significant monitoring or enforcement concern at this time.

Classification

The Regional Administrator determined that Amendment 82 is necessary for the conservation and management of the BSAI groundfish fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

The AI directed pollock fishery will remain closed until the effective date of the final rule. The Council made final recommendations for this program in October 2004, and NMFS commenced the rulemaking process as soon as possible after receiving the recommendations. Pollock harvested in the early part of the year usually bears roe which is one of the most valuable components of the total pollock harvest in the year. In 2005, the pollock roe is maturing at a faster rate than anticipated and is likely to reach peak maturity at the end of February.

All of the participants in the AI directed pollock fishery are AFA vessels which also are used in the Bering Sea pollock fishery. These participants have completed negotiating their contracts for Bering Sea and AI pollock harvest for the year. Because pollock is more valuable during the roe producing season Bering Sea pollock fishery, a short window of opportunity exists in late February and early March for the Aleut Corporation to harvest AI pollock. Industry representatives have stated that they are ready to participate in the AI directed pollock fishery on February 28, 2005. They will be moving their vessels from the Bering Sea to the AI in preparation for the AI directed pollock fishery. A delay in the effectiveness of the rule would result in severe economic impact on the AI directed pollock fishery participants. The participants would be unable to harvest AI pollock during the roe season, would lose money in moving the vessels to the AI without the opportunity to harvest in the AI at the time period that they are available, and the lost revenue cannot be recovered by pollock harvested at a later time in the year due to less valuable fish being available.

The potential loss in revenue would prevent the Aleut Corporation from meeting the statutory goal of economic development in Adak, Alaska for this year. Moreover, the Aleut Corporation has worked closely with NMFS and the Council in the development of this rule and is aware of its general requirements and is prepared to meet them. In addition, the directed pollock fishery in the AI has been closed since 1999; consequently, no current participants

exist who might require time to conform ongoing fishing activities to the requirements of this final rule. For these reasons, the Assistant Administrator for Fisheries finds good cause to waive the 30-day delay in effectiveness for the final rule and makes its provisions effective upon filing with the Office of the Federal Register.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved on February 18, 2005, by Office of Management and Budget (OMB) under a request for emergency clearance. Public reporting burden per response for these requirements are listed by OMB control number.

OMB Control No. 0648–0206

Federal fisheries permit application, 21 minutes; Federal processor permit application, 21 minutes.

OMB Control No. 0648–0213

Weekly production reports, 17 minutes; check-in/check-out report, shoreside processor, 8 minutes; check-in/check-out report, mothership or catcher/processor, 7 minutes; daily production report, 11 minutes; buying station report, 23 minutes; catcher vessel trawl gear daily fishing logbook (DFL), 18 minutes; catcher vessel longline or pot gear DFL, 28 minutes; shoreside processor daily cumulative production logbook (DCPL), 31 minutes; mothership DCPL, 31 minutes; catcher/processor longline and pot gear DCPL, 41 minutes; and catcher/processor trawl gear DCPL, 30 minutes.

OMB Control No. 0648–0330

Inshore processor catch monitoring and control plan, 40 hours.

OMB control No. 0648–0334

LLP permit, 1 hour.

OMB Control No. 0648–0393

AFA inshore processor permit application, 2 hours; AFA catcher vessel permit application, 2 hours; AFA mothership, 2 hours; and AFA catcher/processor permit application, 0 hours.

OMB Control No. 0648–0401

Catcher vessel cooperative pollock catch report, 5 minutes; shoreside processor electronic logbook report, 35 minutes.

OMB Control No. 0648–0513

List of participating harvestors and processors in the AI directed pollock fishery, 32 hours; copy of NMFS' approval to participants, 4 hours; and appeals of NMFS' disapproval of participating harvestors or processors, 4 hours. This information collection has been approved for six months through an emergency request, and will be re-submitted for approval for a full three-year period.

Response times include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**).

Comments are invited on: (a) whether the proposed collection-of-information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection-of-information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection-of-information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of 0648–0513; they also will become a matter of public record.

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

Consultation under the Endangered Species Act was concluded for Amendment 82 on October 22, 2004. As a result of the consultation, the Regional Administrator determined that fishing activities under this rule are not likely to adversely affect endangered or threatened species or their critical habitat. Pollock is an important prey species for the endangered and threatened Steller sea lion populations. The Steller sea lion protection measures evaluated in the 2000 and 2001 Biological Opinions (see **ADDRESSES**) were considered in the development of the management provisions of Amendment 82. The protection measures for Steller sea lions include spatial and temporal dispersion of pollock harvest. The pollock fishing closure areas in the AI would remain unchanged under Amendment 82 to ensure spatial dispersion of fishing effort. To temporally disperse harvest of prey species, the Steller sea lion protection measures apportion 40 percent of pollock harvest in the BSAI to the A season and 60 percent to the B season. Amendment 82 would continue to temporally disperse pollock harvest with no more than 40 percent of the ABC permitted to be harvested in the A season. The total harvest of pollock in the BS, including any reallocation of unharvested AI pollock, also will remain well below the ABC so that overall harvest would be in proportion to biomass and less likely to compete with Steller sea lions for prey.

List of Subjects in 15 CFR Part 902 and 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: February 22, 2005.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 15 CFR part 902, chapter IX, is amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

■ 2. In § 902.1, the table in paragraph (b) is amended by adding under 50 CFR the following entries in numerical order:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

CFR part or section where the information collection requirement is located	Current OMB control number (All numbers begin with 0648–)
* * * *	*
50 CFR	
* * * *	*
679.4(m)(2)	–0513
679.4(m)(4)	–0513
* * * *	*
679.5(q)	–0513
* * * *	*

■ For reasons set out in the preamble, 50 CFR part 679 is amended as follows:

50 CFR Chapter VI

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 3. The authority citation for part 679 is revised to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1540(f); 1801 *et seq.*; 1851 note; 3631 *et seq.*

■ 4. In § 679.1, paragraph (k) is revised to read as follows:

§ 679.1 Purpose and scope.

* * * * *

(k) *American Fisheries Act and AI directed pollock fishery measures.* Regulations in this part were developed by NMFS and the Council under the Magnuson-Stevens Act, the American Fisheries Act (AFA), and the Consolidated Appropriations Act of 2004 to govern commercial fishing for BSAI pollock according to the requirements of the AFA and the Consolidated Appropriations Act of 2004. This part also governs payment and collection of the loan, under the AFA, the Magnuson-Stevens Act, and Title XI of the Merchant Marine Act, 1936, made to all those persons who harvest pollock from the directed fishing allowance allocated to the inshore component under section 206(b)(1) of the AFA.

■ 5. In § 679.2, the definitions for ''AFA catcher/processor,'' ''AFA catcher vessel,'' ''AFA crab processing facility,'' ''AFA entity,'' ''AFA inshore processor,'' ''AFA mothership,'' ''designated primary processor,'' ''fishery cooperative or cooperative,'' ''license limitation groundfish,'' ''listed AFA catcher/processor,'' and ''unlisted AFA catcher/processor,'' are revised, and the definitions for ''AI directed pollock fishery,'' ''Aleut Corporation,'' ''Aleut Corporation entity,'' and ''designated contact for the Aleut Corporation'' are added in alphabetical order to read as follows:

§ 679.2 Definitions.

* * * * *

AFA catcher/processor means a catcher/processor permitted to harvest BS pollock under § 679.4(l)(2).

AFA catcher vessel means a catcher vessel permitted to harvest BS pollock under § 679.4(l)(3).

AFA crab processing facility means a processing plant, catcher/processor, mothership, floating processor or any other operation that processes any FMP species of BSAI crab, and that is affiliated with an AFA entity that processes pollock harvested by a catcher vessel cooperative operating in the inshore or mothership sectors of the BS pollock fishery.

AFA entity means a group of affiliated individuals, corporations, or other business concerns that harvest or process pollock in the BS directed pollock fishery.

AFA inshore processor means a shoreside processor or stationary floating processor permitted to process BS pollock under § 679.4(l)(5).

AFA mothership means a mothership permitted to process BS pollock under § 679.4(l)(5).

* * * * *

AI directed pollock fishery means directed fishing for pollock in the AI under the allocation to the Aleut Corporation authorized at § 679.20(a)(5)(iii).

* * * * *

Aleut Corporation means the Aleut Corporation incorporated pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*).

Aleut Corporation entity means a harvester or processor selected by the Aleut Corporation and approved by NMFS to harvest or process pollock in the AI directed pollock fishery.

* * * * *

Designated contact for the Aleut Corporation means an individual who is designated by the Aleut Corporation for the purpose of communication with NMFS regarding the identity of selected AI directed pollock fishery participants and weekly reports required by § 679.5.

* * * * *

Designated primary processor means an AFA inshore processor that is designated by an inshore pollock cooperative as the AFA inshore processor to which the cooperative will deliver at least 90 percent of its BS pollock allocation during the year in which the AFA inshore cooperative fishing permit is in effect.

* * * * *

Fishery cooperative or cooperative means any entity cooperatively managing directed fishing for BS pollock and formed under section 1 of the Fisherman's Collective Marketing Act of 1934 (15 U.S.C. 521). In and of itself, a cooperative is not an AFA entity subject to excessive harvest share limitations, unless a single person, corporation or other business entity controls the cooperative and the cooperative has the power to control the fishing activity of its member vessels.

* * * * *

License limitation groundfish means target species and the ''other species'' category, specified annually pursuant to § 679.20(a)(2), except that demersal shelf rockfish east of 140° W. longitude, sablefish managed under the IFQ program, and pollock allocated to the Aleutian Islands directed pollock fishery and harvested by vessels 60 feet (18.3 m) LOA or less, are not considered license limitation groundfish.

* * * * *

Listed AFA catcher/processor means an AFA catcher/processor permitted to harvest BS pollock under § 679.4(l)(2)(i).

* * * * *

Unlisted AFA catcher/processor means an AFA catcher/processor permitted to harvest BS pollock under § 679.4(l)(2)(ii).

* * * * *

■ 6. In § 679.4, paragraphs (l)(1)(i), (l)(5)(iii), (l)(6)(ii)(B), (l)(6)(ii)(C)(*2*), (l)(6)(ii)(D)(*1*)(*ii*), (l)(6)(ii)(D)(*2*)(*i*), and (l)(6)(ii)(D)(*2*)(*ii*) are revised and paragraph (m) is added to read as follows:

§ 679.4 Permits.

* * * * *

(l) * * *

(1) * * *

(i) *Applicability.* In addition to any other permit and licensing requirements set out in this part, any vessel used to engage in directed fishing for a non-CDQ allocation of pollock in the BS and any shoreside processor, stationary floating processor, or mothership that receives pollock harvested in a non-CDQ directed pollock fishery in the BS must have a valid AFA permit onboard the vessel or at the facility location at all times while non-CDQ pollock is being harvested or processed. In addition, the owner of any vessel that is a member of a pollock cooperative in the BS must also have a valid AFA permit for every vessel that is a member of the cooperative, regardless of whether or not the vessel actually engages in

directed fishing for pollock in the BS. Finally, an AFA permit does not exempt a vessel operator, vessel, or processor from any other applicable permit or licensing requirement required under this part or in other state or Federal regulations.

* * * * *

(5) * * *

(iii) *Single geographic location requirement.* An AFA inshore processor permit authorizes the processing of pollock harvested in the BS directed pollock fishery only in a single geographic location during a fishing year. For the purpose of this paragraph, ''single geographic location'' means:

(A) *Shoreside processors.* The physical location at which the land-based shoreside processor first processed pollock harvested from the BS subarea directed pollock fishery during a fishing year.

(B) *Stationary floating processors.* A location within Alaska state waters that is within 5 nm of the position in which the stationary floating processor first processed pollock harvested in the BS subarea directed pollock fishery during a fishing year.

* * * * *

(6) * * *

(ii) * * *

(B) *Designated cooperative processor.* The name and physical location of an AFA inshore processor that is designated in the cooperative contract as the processor to whom the cooperative has agreed to deliver at least 90 percent of its BS pollock catch;

(C) * * *

(*2*) The cooperative contract requires that the cooperative deliver at least 90 percent of its BS pollock catch to its designated AFA processor; and

* * * * *

(D) * * *

(*1*) * * *

(*ii*) *LLP permit.* The vessel must be named on a valid LLP permit authorizing the vessel to engage in trawling for pollock in the Bering Sea subarea. If the vessel is more than 60 feet (18.3 m) LOA, the vessel must be named on a valid LLP permit endorsed for the AI to engage in trawling for pollock in the AI; and

* * * * *

(*2*) * * *

(*i*) *Active vessels.* The vessel delivered more pollock harvested in the BS inshore directed pollock fishery to the AFA inshore processor designated under paragraph (l)(6)(ii)(B) of this section than to any other shoreside processor or stationary floating processor during the year prior to the year in which the cooperative fishing permit will be in effect; or

(*ii*) *Inactive vessels.* The vessel delivered more pollock harvested in the BS inshore directed pollock fishery to the AFA inshore processor designated under paragraph (l)(6)(ii)(B) of this section than to any other shoreside processor or stationary floating processor during the last year in which the vessel delivered BS pollock harvested in the BS directed pollock fishery to an AFA inshore processor.

* * * * *

(m) *Participation in the AI directed pollock fishery*—(1) *Applicability.* Harvesting pollock in the AI directed pollock fishery and processing pollock taken in the AI directed pollock fishery is authorized only for those harvesters and processors that are selected by the Aleut Corporation and approved by the Regional Administrator to harvest pollock in the AI directed pollock fishery or to process pollock taken in the AI directed pollock fishery.

(2) *Annual selection of participants by the Aleut Corporation.* Each year and at least 14 days before harvesting pollock in the AI directed pollock fishery or processing pollock harvested in the AI directed pollock fishery, a participant must be selected by the Aleut Corporation and the following information for each participant must be submitted by the designated contact to the Regional Administrator:

(i) Vessel or processor name;

(ii) Federal fisheries permits number issued under paragraph (b) of this section or Federal processor permit issued under paragraph (f) of this section; and

(iii) The fishing year which participation approval is requested.

(3) *Participant approval.* (i) Participants must have:

(A) A valid Federal fisheries permit or Federal processing permit, pursuant to paragraphs (b) and (f) of this section, respectively;

(B) A valid fishery endorsement on the vessel's U.S. Coast Guard documentation for the vessel's participation in the U. S. fishery; and

(C) A valid AFA permit under: paragraph (l)(2) of this section for all catcher/processors, paragraph (l)(3) of this section for all catcher vessels greater than 60 ft (18.3 m) LOA, or paragraph (l)(4) of this section for all motherships.

(ii) Each participant selected by the Aleut Corporation that meets the conditions under paragraph (m)(3)(i) of this section will be approved by the Regional Administrator for participation in the AI directed pollock fishery.

(iii) The Regional Administrator will provide to the designated contact for the Aleut Corporation the identity of each approved participant and the date upon which participation in the AI directed pollock fishery may commence. The Aleut Corporation shall forward to the approved participants a copy of NMFS's approval letter before harvesting or processing occurs.

(iv) A copy of NMFS' approval letter for participating in the AI directed pollock fishery during the fishing year must be on site at the shoreside processor or stationary floating processor, or on board the vessel at all times and must be presented for inspection upon the request of any authorized officer.

(4) *Participant disapproval.* (i) The Regional Administrator shall disapprove any participant that does not meet the conditions under paragraph (m)(3)(i) of this section. The Regional Administrator will notify in writing the Aleut Corporation and the selected participant of the disapproval. The selected participant will have 30 days in which to submit proof of meeting the requirements to participate in the AI directed pollock fishery.

(ii) The Regional Administrator will prepare and send an initial administrative determinations (IAD) to the selected participant following the expiration of the 30-day evidentiary period if the Regional Administrator determines that the information or evidence provided by the selected participant fails to support the participant's claims and is insufficient to rebut the presumption that the disapproval for participation in the AI directed pollock fishery is correct or if the additional information or evidence is not provided within the time period specified in the letter that notifies the applicant of his or her 30-day evidentiary period. The IAD will indicate the deficiencies in the information required, including the evidence submitted in support of the information. The IAD also will indicate which claims cannot be approved based on the available information or evidence. A participant who receives an IAD may appeal under the appeals procedures set out at § 679.43. A participant who avails himself or herself of the opportunity to appeal an IAD will receive an interim approval from NMFS authorizing participation in the AI directed pollock fishery. An interim approval based on claims contrary to the final determination will expire upon final agency determination.

■ 7. In § 679.5, paragraphs (a)(7)(xv)(F), (h)(1)(i), (h)(1)(ii)(I), and (q) are added to read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

(a)* * *

(7) * * *

(xv) * * *

If harvest made under ... program	Indicate yes and record the ...	Reference
* * *	*	*
(F) AIP	n/a	Subpart F to part 679

* * * * *

(h) * * *

(1) * * *

(i) *Check-in report (BEGIN message).* Except as indicated in paragraph (h)(1)(iii) of this section, the operator or manager must submit a check-in report according to the following table:

Submit a separate BEGIN message for ...	If you are a ...	Within this time limit
(A) Each reporting area of groundfish harvest, except 300, 400, 550, or 690	(*1*) C/P using trawl gear	Before gear deployment
	(*2*) C/P using longline or pot gear.	Before gear deployment. May be checked in to more than one area simultaneously.
	(*3*) MS, SS, SFP	Before receiving groundfish. May be checked in to more than one area simultaneously.
	(*4*) MS	Must check-in to reporting area(s) where groundfish were harvested.
(B) COBLZ or RKCSA	(*1*) C/P using trawl gear	Prior to fishing. Submit one check-in for the COBLZ or RKCSA and another check-in for the area outside the COBLZ or RKCSA.
	(*2*) MS, SS, SFP	Before receiving groundfish harvested with trawl gear, submit one check-in for the COBLZ or RKCSA and another check-in for the area outside the COBLZ or RKCSA.
(C) Gear Type	(*1*) C/P	If in the same reporting area but using more than one gear type, prior to fishing submit a separate check-in for each gear type.
	(*2*) MS, SS, SFP	If harvested in the same reporting area but using more than one gear type, prior to receiving groundfish submit a separate check-in for each gear type.
(D) CDQ	(*1*) C/P	If in the same reporting area but using more than one gear type, prior to fishing submit a separate check-in for each gear type.
	(*2*) MS, SS, SFP	Prior to receiving groundfish CDQ. If receiving groundfish under more than one CDQ number, use a separate check-in for each number.
(E) Exempted or Research Fishery	(*1*) C/P	If in an exempted or research fishery, prior to fishing submit a separate check-in for each type.
	(*2*) MS, SS, SFP	If receiving groundfish from an exempted or research fishery, prior to receiving submit a separate check-in for each type.
(F) Processor Type	C/P, MS	If a catcher/processor and functioning simultaneously as a mothership in the same reporting area, before functioning as either processor type.
(G) Change of fishing year	C/P, MS, SS, SFP	If continually active through the end of one fishing year and at the beginning of a second fishing year, submit a check-in for each reporting area to start the year on January 1.
(H) AIP	(*1*)C/P	Prior to AI pollock fishing.
	(*2*) MS, SS, SFP	Before receiving AI pollock.

(ii) * * *

Submit a separate BEGIN message for ...	If you are a ...	Within this time limit
(I) AIP	(*1*) C/P	Within 24 hours after completion of gear retrieval for AI pollock.
	(*2*) SS, SFP	Within 48 hours after the end of the applicable weekly reporting period that a shoreside processor or SFP ceases to receive or process AI pollock for the fishing year.
	(*3*) MS	Within 24 hours after receipt of AIP pollock has ceased.

* * * * *

(q) *AI directed pollock fishery catch reports*—(1) *Applicability.* The Aleut Corporation shall provide NMFS the identity of its designated contact for the Aleut Corporation. The Aleut Corporation shall submit to the Regional Administrator a pollock catch report containing information required by paragraph (q)(3) of this section.

(2) *Time limits and submittal.* (i) The Aleut Corporation must submit its AI directed pollock fishery catch reports by one of the following methods:

(A) An electronic data file in a format approved by NMFS; or

(B) By fax.

(ii) The AI directed pollock fishery catch reports must be received by the Regional Administrator by 1200 hours, A.l.t. on Tuesday following the end of the applicable weekly reporting period, as defined at § 679.2.

(3) *Information required.* The AI directed pollock fishery catch report must contain the following information:

(i) Catcher vessel ADF&G number;

(ii) Federal fisheries or Federal processor permit number;

(iii) Delivery date;

(iv) Pollock harvested:

(A) For shoreside and stationary floating processors and motherships, the amount of pollock (in lb for shoreside and stationary floating processors and in mt for motherships) delivered, including the weight of at-sea pollock discards; and

(B) For catcher/processors, the amount of pollock (in mt) harvested and processed, including the weight of at-sea pollock discards; and

(v) ADF&G fish ticket number.

■ 8. In § 679.7, paragraphs (k)(3)(i), (k)(3)(iii), (k)(3)(iv), (k)(4)(i), (k)(5), (k)(6), and (k)(7) are revised, and paragraph (l) is added to read as follows:

§ 679.7 Prohibitions.

* * * * *

(k) * * *

(3) * * *

(i) *Permit requirement.* Use a shoreside processor or stationary floating processor to process pollock harvested in a non-CDQ directed fishery for pollock in the BS without a valid AFA inshore processor permit at the facility or on board vessel.

* * * * *

(iii) *Restricted AFA inshore processors.* Use an AFA inshore processor holding a restricted AFA inshore processor permit to process more than 2,000 mt round weight of non-CDQ pollock harvested in the BS directed pollock fishery in any one calendar year.

(iv) *Single geographic location requirement.* Use an AFA inshore processor to process pollock harvested in the BS directed pollock fishery at a location other than the single geographic location defined as follows:

(A) *Shoreside processors.* The physical location at which the land-based shoreside processor first processed BS pollock harvested in the BS directed pollock fishery during a fishing year.

(B) *Stationary floating processors.* A location within Alaska State waters that is within 5 nm of the position in which the stationary floating processor first processed BS pollock harvested in the BS directed pollock fishery during a fishing year.

* * * * *

(4) * * *

(i) *Permit requirement.* Use a catcher vessel to engage in directed fishing for non-CDQ BS pollock for delivery to any AFA processing sector (catcher/processor, mothership, or inshore) unless the vessel has a valid AFA catcher vessel permit on board that includes an endorsement for the sector of the BS pollock fishery in which the vessel is participating.

* * * * *

(5) *AFA inshore fishery cooperatives*--(i) *Overages by vessel.* Use an AFA catcher vessel listed on an AFA inshore cooperative fishing permit, or under contract to a fishery cooperative under § 679.62(c), to harvest non-CDQ BS pollock in excess of the fishery cooperative's annual allocation of pollock specified under § 679.62.

(ii) *Overages by fishery cooperative.* An inshore pollock fishery cooperative is prohibited from exceeding its annual allocation of BS pollock TAC.

(6) *Excessive harvesting shares.* It is unlawful for an AFA entity to harvest, through a fishery cooperative or otherwise, an amount of BS pollock that exceeds the 17.5 percent excessive share limit specified under § 679.20(a)(5)(i)(A)(*6*). The owners and operators of the individual vessels comprising the AFA entity that harvests BS pollock will be held jointly and severally liable for exceeding the excessive harvesting share limit.

(7) *Excessive processing shares.* It is unlawful for an AFA entity to process an amount of BS pollock that exceeds the 30–percent excessive share limit specified under § 679.20(a)(5)(i)(A)(*7*). The owners and operators of the individual processors comprising the AFA entity that processes BS pollock will be held jointly and severally liable for exceeding the excessive processing share limit.

* * * * *

(l) *Prohibitions specific to the AI directed pollock fishery*—(1) *Catcher/processors.* (i) Use a catcher/processor vessel to harvest pollock in the AI directed pollock fishery or process pollock harvested in the AI directed pollock fishery without a copy of NMFS' approval letter on board pursuant to § 679.4(m).

(ii) Process any pollock harvested in the AI directed pollock fishery without complying with catch weighing and observer sampling station requirements set forth at paragraphs (k)(1)(vi) and (k)(1)(vii) of this section, respectively.

(iii) Use a catcher/processor to harvest pollock in the AI directed pollock fishery or process pollock harvested in the AI directed pollock fishery without a valid AFA catcher/processor permit on board the vessel.

(2) *Motherships.* (i) Use a mothership to process pollock harvested in the AI directed pollock fishery without a copy of NMFS' approval letter on board pursuant to § 679.4(m).

(ii) Process any pollock harvested in the AI directed pollock fishery without complying with catch weighing and observer sampling station requirements set forth at paragraphs (k)(2)(iii) and (k)(2)(iv) of this section, respectively.

(iii) Use a mothership to process pollock harvested in the AI directed pollock fishery without a valid AFA mothership permit on board the vessel.

(3) Shoreside and stationary floating processors. (i) Use a shoreside processor or stationary floating processor to process pollock harvested in the in AI directed pollock fishery without a copy of NMFS' approval letter on location pursuant to § 679.4(m).

(ii) Process any pollock harvested in the AI directed pollock fishery without complying with catch weighing requirements set forth at paragraph (k)(3)(v) of this section.

(iii) Take deliveries of pollock harvested in the AI directed pollock fishery or process pollock harvested in the AI pollock fishery without following an approved CMCP as described in § 679.28(g). A copy of the CMCP must be maintained on the premises and made available to authorized officers or NMFS-authorized personnel upon request.

(4) *Catcher vessels.* (i) Use a catcher vessel to harvest pollock in the AI directed pollock fishery without a copy of NMFS' approval letter on board pursuant to § 679.4(m).

(ii) Have on board at any one time pollock harvested in the AI directed pollock fishery and pollock harvested from either the Bering Sea subarea or the Gulf of Alaska.

(iii) Use a catcher vessel to deliver pollock harvested in the AI directed pollock fishery:

(A) To a shoreside or stationary floating processor that does not have an approved CMCP pursuant to § 679.28(g) and is not approved by NMFS to process pollock harvested in the AI directed pollock fishery, or

(B) To a catcher/processor or mothership that is not approved by NMFS to process pollock harvested in the AI directed pollock fishery.

(iv) Use a catcher vessel greater than 60 ft (18.3 m) LOA to harvest pollock in the AI directed pollock fishery unless the vessel has a valid AFA catcher vessel permit on board.

(5) *AI directed pollock fishery overages.* (i) Use a catcher vessel selected by the Aleut Corporation and approved by NMFS to participate in the AI directed pollock fishery under § 679.4(m) to harvest pollock in the AI directed pollock fishery in excess of the Aleut Corporation's annual or seasonal allocations of pollock or in excess of the

vessel allocation specified under § 679.20(a)(5)(iii).

(ii) The Aleut Corporation is prohibited from exceeding its annual and seasonal allocations of AI pollock TAC or from exceeding the allocation to vessels, as specified in § 679.20(a)(5)(iii).

■ 9. In § 679.20, paragraph (a)(5)(iii) is redesignated as paragraph (a)(5)(iv); paragraph (a)(5)(iii) is added, and paragraphs (a)(5)(i)(B)(*1*), (a)(5)(ii), newly redesignated paragraph (a)(5)(iv)(B) introductory text, and paragraph (a)(6)(i) are revised to read as follows:

§ 679.20 General limitations.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(B) *BSAI seasonal allowances for AFA and CDQ*—(*1*) *Inshore, catcher/processor, mothership, and CDQ components*. The portions of the BS subarea pollock directed fishing allowances allocated to each component under sections 206(a) and 206(b) of the AFA and the CDQ allowance in the BSAI will be divided into two seasonal allowances corresponding to the two fishing seasons set out at § 679.23(e)(2), as follows: A season, 40 percent; and B season, 60 percent.

(*2*) * * *

* * * * *

(ii) *Bogoslof District*. If the Bogoslof District is open to directed fishing for pollock by regulation, then the pollock TAC for this district will be allocated according to the same procedure established for the Bering Sea subarea at paragraph (a)(5)(i) of this section. If the Bogoslof District is closed to directed fishing for pollock by regulation, then the entire TAC for this district will be allocated as an incidental catch allowance.

(iii) *AI*. (A) If a directed fishery for pollock in the AI is not specified under paragraph (c) of this section, then the entire TAC for this subarea will be allocated as an incidental catch allowance.

(B) If the AI is open to directed fishing for pollock under paragraph (c) of this section, then the pollock TAC for this subarea will be specified, allocated, seasonally apportioned, and reallocated as follows:

(*1*) *AI annual TAC limitations*. When the AI pollock ABC is less than 19,000 mt, the annual TAC will be no greater than the ABC. When the AI pollock ABC equals or exceeds 19,000 mt, the annual TAC will be equal to 19,000 mt.

(*2*) *Allocations*—(*i*) *CDQ Directed fishing allowance*. 10 percent of the annual TAC will be allocated to the CDQ pollock reserve established under § 679.31(a)(2).

(*ii*) *Incidental catch allowance*. The Regional Administrator will determine the amount of the pollock incidental catch necessary to support an incidental catch allowance in the AI during the fishing year for each season. This amount of pollock will be deducted from the annual TAC. If during a fishing year, the Regional Administrator determines that the incidental catch allowance is excessive or inadequate, the Regional Administrator may reallocate the excess of the incidental catch allowance to the directed pollock fishery, or may reallocate pollock from the directed pollock fishery to the incidental catch allowance as necessary to support incidental catch of pollock in AI groundfish fisheries, by publication in the **Federal Register**.

(*iii*) *Directed Pollock Fishery*. The amount of the TAC remaining after subtraction of the CDQ directed fishing allowance and the incidental catch allowance will be allocated to the Aleut Corporation as a directed pollock fishery allocation.

(*3*) Seasonal apportionment. The seasonal harvest of pollock in the AI directed pollock fishery shall be:

(*i*) *A season*. No greater than the lesser of the annual initial TAC plus any A season CDQ pollock directed fishery allowance or 40 percent of the AI pollock ABC. The total A season apportionment, including the AI directed pollock fishery allocation, the CDQ pollock directed fishery seasonal allowance, and the incidental catch amount, shall not exceed 40 percent of the ABC.

(*ii*) *B season*. The B season apportionment of the AI directed pollock fishery shall equal the annual initial TAC minus the A season directed pollock fishery apportionment under paragraph (a)(5)(iii)(B)(*3*)(*i*) of this section and minus the incidental catch amount under paragraph (a)(5)(iii)(B)(*2*)(*ii*) of this section.

(*iii*) *Inseason adjustments for the directed pollock fishery*. During any fishing year, the Regional Administrator may add any under harvest of the A season directed pollock fishery apportionment to the B season directed pollock fishery apportionment by inseason notification published in the **Federal Register** if the Regional Administrator determines that the harvest capacity in the B season is sufficient to harvest the adjusted B season apportionment.

(*iv*) *Inseason adjustments for the incidental catch allowance*. During any fishing year, the Regional Administrator may add any under harvest of the A season incidental catch allowance apportionment to the B season incidental catch allowance apportionment by publication in the **Federal Register** if the Regional Administrator determines that the additional B season incidental catch allowance is necessary to support other groundfish fisheries.

(*4*) *Reallocation of the annual AI directed pollock fishery and AI CDQ allocations*. As soon as practicable, if the Regional Administrator determines that vessels participating in either the AI directed pollock fishery or the AI CDQ directed pollock fishery likely will not harvest the entire AI directed pollock fishery or CDQ pollock directed fishing allowance, the Regional Administrator may reallocate some or all of the projected unused directed pollock fishery allocation to the Bering Sea subarea directed pollock fishery or AI CDQ pollock directed fishing allowance to the Bering Sea subarea CDQ pollock directed fishing allowance by inseason notification published in the **Federal Register**.

(*5*) *Allocations to small vessels*. The annual allocation for vessels 60 feet (18.3 m) LOA or less participating in the AI directed pollock fishery will be:

(*i*) No more than 25 percent of the AI directed pollock fishery allocation through 2008;

(*ii*) No more than 50 percent of the AI directed pollock fishery allocation from 2009 through 2012; and

(*iii*) 50 percent of the AI directed pollock fishery allocation in 2013 and beyond.

(iv) * * *

(B) *GOA Western and Central Regulatory Areas seasonal apportionments*. Each apportionment established under paragraph (a)(5)(iv)(A) of this section will be divided into four seasonal apportionments corresponding to the four fishing seasons specified in § 679.23(d)(2) as follows: * * *

(C) * * *

(6) * * *

(i) *GOA pollock*. The apportionment of pollock in all GOA regulatory areas for each seasonal allowance described in paragraph (a)(5)(iv) of this section will be allocated entirely to vessels harvesting pollock for processing by the inshore component in the GOA after subtraction of an amount that is projected by the Regional Administrator to be caught by, or delivered to, the offshore component in the GOA incidental to directed fishing for other groundfish species.

* * * * *

■ 10. In § 679.21, paragraphs (e)(1)(i), (e)(1)(vii), and (e)(7)(viii) are revised and paragraph (e)(1)(ix) is added to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(e) * * *

(1) * * *

(i) *PSQ reserve*. 7.5 percent of each PSC limit set forth in paragraphs (e)(1)(ii) through (v), and (e)(1)(vii) through (e)(1)(ix) of this section is allocated to the groundfish CDQ program as PSQ reserve. The PSQ reserve is not apportioned by gear or fishery.

* * * * *

(vii) *Chinook salmon*. The trawl closures identified in paragraph (e)(7)(viii) of this section will take effect when the Regional Administrator determines that the PSC limit of 29,000 Chinook salmon caught while harvesting pollock in the BS between January 1 and December 31 is attained.

* * * * *

(ix) *AI Chinook salmon*. The trawl closures identified in paragraph (e)(7)(viii) of this section will take effect when the Regional Administrator determines that the AI PSC limit of 700 Chinook salmon caught while harvesting pollock in the AI between January 1 and December 31 is attained.

* * * * *

(7) * * *

(viii) *Chinook salmon*. If, during the fishing year, the Regional Administrator determines that catch of Chinook salmon by vessels using trawl gear while directed fishing for pollock in the BSAI will reach the annual limits, as identified in paragraphs (e)(1)(vii) and (e)(1)(ix) of this section, NMFS, by notification in the **Federal Register** will close the Chinook Salmon Savings Areas, as defined in Figure 8 to this part, to directed fishing for pollock with trawl gear as follows:

(A) For the BS Chinook salmon PSC limit under paragraph (e)(1)(vii) of this section, area 1 and area 2 in Figure 8 to this part will be closed on the following dates:

(*1*) From the effective date of the closure until April 15, and from September 1 through December 31, if the Regional Administrator determines that the annual limit of BS Chinook salmon will be attained before April 15.

(*2*) From September 1 through December 31, if the Regional Administrator determines that the annual limit of BS Chinook salmon will be attained after April 15.

(B) For the AI Chinook salmon limit under paragraph (e)(1)(ix) of this section, area 1 in Figure 8 to this part will be closed on the following dates:

(*1*) From the effective date of the closure until April 15, and from September 1 through December 31, if the Regional Administrator determines that the annual limit of AI Chinook salmon will be attained before April 15.

(*2*) From September 1 through December 31, if the Regional Administrator determines that the annual limit of AI Chinook salmon will be attained after April 15.

* * * * *

■ 11. In § 679.23, paragraph (e)(2) is revised to read as follows:

§ 679.23 Seasons.

* * * * *

(e) * * *

(2) *Directed fishing for pollock in the Bering Sea subarea by inshore, offshore catcher/processor, and mothership components, in the AI directed pollock fishery, and pollock CDQ fisheries.* Subject to other provisions of this part, directed fishing for pollock by vessels catching pollock for processing by the inshore component, catcher/processors in the offshore component, and motherships in the offshore component in the Bering Sea subarea, directed fishing for pollock in the AI directed pollock fishery, or directed fishing for CDQ pollock in the BSAI is authorized only during the following two seasons:

(i) *A season*. From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., June 10; and

(ii) *B season*. From 1200 hours, A.l.t., June 10 through 1200 hours, A.l.t., November 1.

* * * * *

■ 12. In § 679.28, paragraph (g)(2) and the first sentence of paragraph (g)(3) are revised to read as follows:

§ 679.28 Equipment and operational requirements.

* * * * *

(g) * * *

(2) *Who is required to prepare and submit a CMCP for approval*? The owner and manager of an AFA inshore processor or the owner and manager of a shoreside or stationary floating processor processing pollock harvested in the AI directed pollock fishery are required to prepare and submit a CMCP which must be approved by NMFS prior to the receipt of pollock harvested in the BSAI directed pollock fisheries.

(3) *How is a CMCP approved by NMFS*? NMFS will approve a CMCP if it meets all the requirements specified in paragraph (g)(7) of this section. * * *

* * * * *

■ 13. In § 679.50, paragraphs (c)(2)(i), (c)(5) paragraph heading, and (e)(1) are revised and paragraph (c)(5)(i)(C) is added to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 31, 2007.

* * * * *

(c) * * *

(2) * * *

(i) *Pollock fishery*. In a retained catch of pollock that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2) and in a retained catch of pollock harvested in the AI directed pollock fishery.

* * * * *

(5) *AFA and AI directed pollock fishery catcher/processors and motherships.*

(i) * * *

(C) *AI directed pollock fishery catcher/processors and motherships*. A catcher/processor participating in the AI directed pollock fishery or a mothership processing pollock harvested in the AI directed pollock fishery must have on board at least two NMFS-certified observers, at least one of which must be certified as a lead level 2 observer, for each day that the vessel is used to harvest, process, or take deliveries of groundfish. More than two observers are required if the observer workload restriction at paragraph (c)(5)(ii) of this section would otherwise preclude sampling as required under § 679.63(a)(1).

* * * * *

(e) * * *

(1) Any vessel, shoreside processor, or stationary floating processor required to comply with observer coverage requirements under paragraphs (c) or (d) of this section or under § 679.7(f)(4) or a catcher vessel less than 60 ft (18.3 m) LOA that is participating in the AI directed pollock fishery must use, upon written notification by the Regional Administrator, NMFS' staff or an individual authorized by NMFS to satisfy observer coverage requirements as specified in paragraphs (c) and (d) of this section or for other conservation and management purpose.

* * * * *

■ 14. In subpart F, the subpart heading is revised to read as follows:

Subpart F—American Fisheries Act and Aleutian Island Directed Pollock Fishery Management Measures

■ 15. Section 679.60 is revised to read as follows:

§ 679.60 Authority and related regulations.

(a) Regulations under this subpart were developed by the National Marine

Fisheries Service and the North Pacific Fishery Management Council to implement the American Fisheries Act (AFA) (Div. C, Title II, Subtitle II, Public Law 105–277, 112 Stat. 2681 (1998)) and the Consolidated Appropriations Act of 2004 (Public Law 108–199, Sec. 803). Additional regulations in this part that implement specific provisions of the AFA and Consolidated Appropriations Act of 2004 are set out at §§ 679.2 Definitions, 679.4 Permits, 679.5 Recordkeeping and reporting (R &R), 679.7 Prohibitions, 679.20 General limitations, 679.21 Prohibited species bycatch management, 679.28 Equipment and operational requirements, 679.31 CDQ reserves, and 679.50 Groundfish Observer Program.

(b) Regulations developed by the Department of Transportation to implement provisions of the AFA are found at 46 CFR part 356.

■ 16. In § 679.61, paragraphs (b), (d)(3), and (g) are revised to read as follows:

§ 679.61 Formation and operation of fishery cooperatives.

* * * * *

(b) *Who must comply this section*? Any fishery cooperative formed under section 1 of the Fisherman's Collective Marketing Act 1934 (15 U.S.C. 521) for the purpose of cooperatively managing directed fishing for BS subarea pollock must comply with the provisions of this section. The owners and operators of all the member vessels that are signatories to a fishery cooperative are jointly and severally responsible for compliance with the requirements of this section.

* * * * *

(d) * * *

(3) *What is the deadline for filing*? The contract or renewal letter and supporting materials must be received by NMFS and by the Council at least 30 days prior to the start of any fishing activity conducted under the terms of the contract. In addition, an inshore cooperative that is also applying for an allocation of BS subarea pollock under § 679.62 must file its contract, any amendments hereto, and supporting materials no later than December 1 of the year prior to the year in which fishing under the contract will occur.

* * * * *

(g) *Landing tax payment deadline*. You must pay any landing tax owed to the State of Alaska under section 210(f) of the AFA and paragraph (e)(1)(v) of this section before April 1 of the following year, or the last day of the month following the date of publication of statewide average prices by the Alaska State Department of Revenue, whichever is later. All members of the cooperative are prohibited from harvesting pollock in the BS subarea directed pollock fishery after the payment deadline if any member vessel has failed to pay all required landing taxes from any landings made outside the State of Alaska by the landing deadline. Members of the cooperative may resume directed fishing for pollock once all overdue landing taxes are paid.

■ 17. In § 679.62, the introductory text in paragraph (a), and paragraphs (a)(2), (a)(3), (b)(2)(i), (b)(2)(ii), and (b)(3) are revised to read as follows:

§ 679.62 Inshore sector cooperative allocation program.

(a) *How will inshore sector cooperative allocations be made*? An inshore catcher vessel cooperative that applies for and receives an AFA inshore cooperative fishing permit under § 679.4(l)(6) will receive a sub-allocation of the annual BS subarea inshore sector directed fishing allowance. Each inshore cooperative's annual allocation amount(s) will be determined using the following procedure:

* * * * *

(2) *Conversion of individual vessel catch histories to annual cooperative quota share percentages*. Each inshore pollock cooperative that applies for and receives an AFA inshore pollock cooperative fishing permit will receive an annual quota share percentage of pollock for the BS subarea that is equal to the sum of each member vessel's official AFA inshore cooperative catch history for the BS subarea divided by the sum of the official AFA inshore cooperative catch histories of all inshore-sector endorsed AFA catcher vessels. The cooperative's quota share percentage will be listed on the cooperative's AFA pollock cooperative permit.

(3) *Conversion of quota share percentage to TAC allocations*. Each inshore pollock cooperative that receives a quota share percentage for a fishing year will receive an annual allocation of pollock that is equal to the cooperative's quota share percentage multiplied by the annual inshore BS subarea pollock allocation. Each cooperative's annual pollock TAC allocation may be published in the interim, and final BSAI TAC specifications notices.

(b) * * *

(2) * * *

(i) *Member vessels*. All pollock caught by a member vessel while engaged in directed fishing for pollock in the BS subarea unless the vessel is under contract to another cooperative and the pollock is assigned to another cooperative.

(ii) *Contract vessels*. All pollock contracted for harvest and caught by a vessel under contract to the cooperative under paragraph (c) of this section while the vessel was engaged in directed fishing for pollock in the BS subarea.

(3) *How must cooperative harvests be reported to NMFS*? Each inshore pollock cooperative must report its BS subarea pollock harvest to NMFS on a weekly basis according to the recordkeeping and reporting requirements set out at § 679.5(o).

* * * * *

■ 18. In § 679.64, introductory paragraph of (a), paragraphs (a)(1)(i), (a)(2)(ii), (a)(4)(i), (a)(4)(ii), introductory paragraph of (b), and introductory paragraph of (b)(3) are revised to read as follows:

§ 679.64 Harvesting sideboard limits in other fisheries.

(a) Harvesting sideboards for listed AFA catcher/processors. The Regional Administrator will restrict the ability of listed AFA catcher/processors to engage in directed fishing for non-pollock groundfish species to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the BS subarea directed pollock fishery.

(1) * * *

(i) Except for Aleutian Islands pollock, the Regional Administrator will establish annual AFA catcher/processor harvest limits for each groundfish species or species group in which a TAC is specified for an area or subarea of the BSAI as follows:

* * * * *

(2) * * *

(ii) If the amount of Pacific ocean perch calculated under paragraph (a)(2)(i) of this section is determined by the Regional Administrator to be insufficient to meet bycatch needs of AFA catcher/processors in other directed fisheries for groundfish, the Regional Administrator will prohibit directed fishing for Aleutian Islands Pacific ocean perch by AFA catcher/processors and establish the sideboard amount equal to the amount of Aleutian Islands Pacific ocean perch caught by AFA catcher/processors incidental to directed fishing for other groundfish species.

* * * * *

(4) * * *

(i) Except as provided for in paragraphs (a)(1)(ii) through (a)(3) of this section, the harvest limit for each BSAI groundfish species or species group will be equal to the 1995 through 1997 aggregate retained catch of that

species by catcher/processors listed in paragraphs 208(e)(1) through (e)(20) and section 209 of the AFA in non-pollock target fisheries divided by the sum of the catch of that species in 1995 through 1997 multiplied by the TAC of that species available for harvest by catcher/processors in the year in which the harvest limit will be in effect.

(ii) If the amount of a species calculated under paragraph (a)(4)(i) of this section is determined by the Regional Administrator to be insufficient to meet bycatch needs for AFA catcher/processors in other directed fisheries for groundfish, the Regional Administrator will prohibit directed fishing for that species by AFA catcher/processors and establish the sideboard amount equal to the amount of that species caught by AFA catcher/processors incidental to directed fishing for other groundfish species.

* * * * *

(b) *Harvesting sideboards for AFA catcher vessels.* The Regional Administrator will restrict the ability of AFA catcher vessels to engage in directed fishing for other groundfish species to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the BS subarea directed pollock fishery.

* * * * *

(3) *How will groundfish sideboard limits be calculated*? Except for Aleutian Islands pollock, the Regional Administrator will establish annual AFA catcher vessel harvest limits for each groundfish species or species group in which a TAC is specified for an area or subarea of the GOA and BSAI as follows:

* * * * *

■ 19. In § 679.65, paragraphs (a) and (b) are revised to read as follows:

§ 679.65 Crab processing sideboard limits.

(a) *What is the purpose of crab processing limits*? The purpose of crab processing sideboard limits is to protect processors not eligible to participate in the BS subarea directed pollock fishery from adverse effects as a result of the AFA and the formation of fishery cooperatives in the BS subarea directed pollock fishery.

(b) *To whom do the crab processing sideboard limits apply*? The crab processing sideboard limits in this section apply to any AFA inshore or mothership entity that receives pollock harvested in the BS directed pollock fishery by a fishery cooperative established under § 679.61 or § 679.62.

* * * * *

[FR Doc. 05–3788 Filed 2–24–05; 2:55 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9185]

RIN 1545–BB77

Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations removing provisions of the Income Tax Regulations that apply a look-through rule to assets of a nonregistered partnership for purposes of satisfying the diversification requirements of section 817(h) of the Internal Revenue Code.

DATES: *Effective Date:* These regulations are effective as of March 1, 2005. However, arrangements in existence on March 1, 2005, will be considered to be adequately diversified if: (i) Those arrangements were adequately diversified within the meaning of section 817(h) prior to March 1, 2005, and (ii) by December 31, 2005, the arrangements are brought into compliance with the final regulations.

Applicability Date: For dates of applicability, *see* § 1.817–5(i).

FOR FURTHER INFORMATION CONTACT: James Polfer, (202) 622–3970 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Under section 817(h), a variable contract based on a segregated asset account is not treated as an annuity, endowment, or life insurance contract unless the segregated asset account is adequately diversified. For purposes of testing diversification, section 817(h)(4) and § 1.817–5(f) of the regulations provide a look-through rule for assets held through certain investment companies, partnerships, or trusts. Section 1.817–5(f)(2)(i) provides that look-through treatment is available with respect to any investment company, partnership, or trust only if all the beneficial interests in the investment company, partnership, or trust are held by one or more segregated asset accounts of one or more insurance companies, and public access to such investment company, partnership, or trust is available exclusively (except as otherwise permitted by section 1.817–5(f)(3)) through the purchase of a variable contract. Under § 1.817–5(f)(2)(ii), the look-through rule applies to a partnership interest that is not registered under a Federal or state law regulating the offering or sale of securities. Unlike § 1.817–5(f)(2)(i), satisfaction of the nonregistered partnership look-through rule of § 1.817–5(f)(2)(ii) is not explicitly conditioned on limiting the ownership of interests in the partnership to certain specified holders.

On July 30, 2003, the Treasury Department and the IRS published a notice of proposed rulemaking (REG–163974–02) under section 817 in the **Federal Register** (68 FR 44689). The proposed regulations would remove the rule that applies specifically to nonregistered partnerships for purposes of testing diversification. The proposed regulations also would remove an example that illustrates that rule.

The application of § 1.817–5(f)(2)(i) to interests in nonregistered partnerships will be unchanged by the removal of § 1.817–5(f)(2)(ii). Thus, look-through treatment will be available for interests in a nonregistered partnership if all the beneficial interests in the partnership are held by one or more segregated asset accounts of one or more insurance companies and public access to the partnership is available exclusively (except as otherwise permitted by § 1.817–5(f)(3)) through the purchase of a variable contract.

Written comments were received in response to the notice of proposed rulemaking. A public hearing on the notice of proposed rulemaking was held on April 1, 2004. After consideration of all the comments and the hearing testimony, the proposed regulations are adopted as amended by this Treasury decision.

Explanation and Summary of Comments

In addition to requesting comments on the clarity of the proposed rule and how the rule could be made easier to understand, the Treasury Department and the IRS specifically requested comments on: (1) Whether revocation of § 1.817–5(f)(2)(ii) necessitates other changes to the look-through rules of § 1.817–5(f), in particular whether the list of holders permitted by § 1.817–5(f)(3) should be amended or expanded, and whether a non-pro-rata distribution of the investment returns of a segregated

asset account should be permitted to take account of certain bonus payments to investment managers commonly referred to as incentive payments, (2) whether § 1.817–5 should be updated to take account of changes to variable contracts since the final regulations were published in 1986, and (3) whether regulations are needed to address when a holder of a variable contract will be treated as the owner of assets held in a segregated asset account and, therefore, required to include earnings on those assets in income.

1. Comments on the Proposed Regulations

Two comments on the proposed regulation concerned the definition of ''security'' in § 1.817–5(h)(6). Under § 1.817–5(b)(1)(ii)(A), all securities of the same issuer are treated as one investment for the purposes of satisfying the diversification requirements. Section 1.817–5(h)(6) provides that the term security includes ''a cash item and any partnership interest registered under a Federal or state law regulating the offering or sale of securities,'' but does not include ''any other partnership interest.'' The commentators stated that the definition of ''security'' that applies to § 1.817–5 should be amended to include an interest in a non-registered partnership. The Treasury Department and the IRS agree that, in light of the revocation of former § 1.817–5(f)(2)(ii), the definition of security should be modified to remove the distinction between registered and nonregistered partnership interests. The final regulations reflect this change.

A number of commentators also suggested that the regulation should be clarified by adding to or otherwise revising the examples contained in § 1.817–5(g). In response to these comments, the final regulations revise § 1.817–5(g) *Example 1* to remove the reference to partnership P as a publicly registered partnership. The Treasury Department and the IRS believe that, with this change, the examples contained in § 1.817–5(g) adequately explain the application of § 1.817–5 to partnership interests. Any questions concerning the application of § 1.817–5 to more specific factual scenarios may be addressed by the letter ruling process or by subsequent published guidance.

Two commentators urged that existing arrangements either should be grandfathered in some fashion or should be given additional time to be brought into compliance with the final regulations. The notice of proposed rulemaking provided that arrangements in existence on the effective date of the revocation of § 1.817–5(f)(2)(ii) will be considered to be adequately diversified if: (i) Those arrangements were adequately diversified within the meaning of section 817(h) prior to the revocation of § 1.817–5(f)(2)(ii), and (ii) by the end of the last day of the second calendar quarter ending after the effective date of the regulation, the arrangements are brought into compliance with the final regulations. The Treasury Department and the IRS do not believe it is appropriate to grandfather existing arrangements indefinitely. In response to these comments, however, the transition period for existing arrangements to be brought into compliance with the regulations is two calendar quarters longer than the period provided in the proposed regulations.

Finally, one commentator questioned the authority of the Treasury Department and the IRS to enact this final regulation because ''the only substantive impetus for the regulation is a general statement in the legislative history.'' Congress enacted the diversification requirements of section 817(h) to ''discourage the use of tax-preferred variable annuity and variable life insurance primarily as investment vehicles,'' H.R. Conf. Rep. No. 98–861, at 1055 (1984), and granted the Secretary broad regulatory authority to develop rules to carry out this intent. The Treasury Department and the IRS have determined that this final regulation and the rest of the regulations contained in § 1.817–5 were prescribed within the delegation of authority provided by Congress.

2. Comments on § 1.817–5 More Generally

Many comments concerned the list of permitted investors under § 1.817–5(f)(3). Notwithstanding the limitations on public access to an investment company, partnership, or trust that is subject to look-through treatment under § 1.817–5(f), § 1.817–5(f)(3) permits look-through treatment if the beneficial interests of the investment company, partnership, or trust are held by certain other ''permitted investors,'' including the general account of a life insurance company (if certain requirements are met), the manager or a corporation related to the manager (if certain requirements are met), or the trustee of a qualified plan. Commentators suggested that the list of permitted investors be expanded to include, for example, qualified tuition programs described in section 529; segregated asset accounts of foreign insurance companies; foreign pension plans; persons or entities related to the manager of an investment company, partnership, or trust in a manner specified in section 707(b); certain investment professionals operating as service providers; or persons who receive interests in a partnership as a result of inadvertent transfers, such as by bankruptcy or death of the permitted investor. The sole speaker at the public hearing on the notice of proposed rulemaking testified that the list of investors permitted by § 1.817–5(f)(3) should be expanded to include ''floor specialists'' as that term is defined in section 1236(d)(2).

Other comments suggested guidance on non-pro-rata manager compensation. In order for the manager (or a corporation related in a manner specified in section 267(b) to the manager) of an investment company, partnership, or trust, to be a permitted investor under § 1.817–5(f)(3)(ii), (1) its interest must be held in connection with the creation or management of the investment company, partnership, or trust; (2) the return on such interest must be computed in the same manner as the return on an interest held by a segregated asset account is computed (determined without regard to expenses attributable to variable contracts); and (3) there must be no intent to sell such interest to the public. A number of commentators stated that the requirement that the return on a manager's interest be computed in the same manner as the return on a segregated asset account's interest—essentially a pro-rata distribution requirement—is inconsistent with prevailing market practices concerning manager bonuses, discourages the creation of insurance dedicated funds, and is not necessary to prevent abuse of the look-through rules contained in § 1.817–5(f).

Some comments stated there is a need to clarify the consequences to a variable contract and variable contract holder when the contract's segregated asset account contains an asset in which beneficial interests are held by investors (such as qualified plans) that qualified as permitted investors in § 1.817–5(f)(2) or (3) at the time of initial investment, but subsequently lose their status. Similarly, one commentator urged that if an insurance company has a reasonable basis to believe that an investment company, partnership, or trust satisfies the requirements of § 1.817–5(f)(2), a variable contract of that insurance company should be permitted to look-through that entity for purposes of testing a segregated asset account on which that contract is based, even if the investment company, partnership, or trust has investors not

described in § 1.817–5(f)(2) or (3). The commentator suggested that this standard would be consistent with the standard of determination often used in the Federal securities laws.

Other comments included a request for clarification of the treatment of fund-of-funds and master-feeder arrangements for purposes of testing diversification; the desirability of an updated correction procedure for failure to satisfy the diversification requirements of section 817(h) and § 1.817–5; guidance concerning the use of independent investment advisors; and extension of the special diversification rules for United States Treasury securities under section 817(h)(3) and § 1.817–5(b)(3) to variable annuity contracts. (The latter comment presumably would require a change to section 817(h)(3), as well as to the regulations.)

Although the comments on § 1.817–5 generally are not adopted in this Treasury decision, the Treasury Department and IRS will consider these comments in the event of future published guidance. For example, Rev. Rul. 2005–7 (2005–6 I.R.B.) (*see* § 601.601 (d)(2)(ii)(*b*) of this chapter) provides guidance on the application of the diversification look-through rule to tiered investment companies.

3. Comments on Investor Control

Finally, some comments concerned the need for additional guidance addressing circumstances under which the holder of a variable contract will be treated as the owner of assets held by a segregated asset account by virtue of the control the contract holder has over those assets. Under Rev. Rul. 81–225, 1981–2 C.B. 12 (*see* § 601.601(d)(2)(ii)(b) of this chapter), the owner of a variable annuity contract funded by publicly available mutual fund shares is treated as the owner of those shares. Rev. Rul. 2003–92, 2003–33 I.R.B. 350 (*see* § 601.601(d)(2)(ii)(*b*) of this chapter), clarified and amplified Rev. Rul. 81–225 by applying the same rule to variable life insurance contracts, and by treating as publicly available a nonregistered partnership, interests in which are sold only to qualified purchasers that are accredited investors or to no more than one hundred accredited investors. *See also* Rev. Rul. 2003–91, 2003–33 I.R.B. 347; Rev. Rul. 82–54, 1982–1 C.B. 11; Rev. Rul. 80–274, 1980–2 C.B. 27; Rev. Rul. 77–85, 1977–1 C.B. 12.; *Christoffersen* v. *U.S.*, 749 F.2d 513 (8th Cir. 1984), *rev'g* 578 F. Supp. 398 (N.D. Iowa 1984). *See* § 601.601(d)(2)(ii)(*b*) of this chapter.

One commentator urged that Rev. Rul. 2003–92 should not be applied retroactively to treat certain investors as the ''general public'' as that term is used in Rev. Rul. 81–225. Specifically, the commentator requested relief for investments in real estate partnerships, interests in which are held directly by (1) organizations described in section 501(c)(3), and (2) such partnerships' investment managers, if those managers are not described in § 1.817–5(f)(3)(ii) because of bonus payment arrangements. The commentator believed such relief is warranted because of uncertainty concerning the meaning of ''general public'' as that term is used in Rev. Rul. 81–225. Several other commentators suggested that regulations under section 817 should clarify that the permitted investors under § 1.817–5(f)(3) do not constitute the ''general'' public as that term is used in Rev. Rul. 2003–92 and Rev. Rul. 81–225. According to these commentators, it would be anomalous for ownership by a permitted investor under § 1.817–5(f)(3) to result in a variable contract holder being treated as the owner of an investment company, partnership, or trust, when the look-through rule itself appears to endorse ownership by that same investor for purposes of testing diversification. Still another commentator noted that when determining whether a contract holder is treated as the owner of segregated account assets, communications between investment advisors or officers and variable contract holders should be permitted if the communications are consistent with Federal securities and commodities laws.

One commentator suggested that the preamble to this Treasury decision should confirm the intended scope of Rev. Proc. 99–44, 1999–2 C.B. 598. Under Rev. Proc. 99–44, a contract is treated as an annuity contract described in sections 403(a), 403(b), or 408(b), notwithstanding that contract premiums are invested at the direction of the contract holder in publicly available securities, so long as certain requirements are met. Those requirements include a limitation that no additional Federal tax liability would have been incurred if the employer of the contract holder had instead paid amounts into a custodial account in an arrangement that satisfied the requirements of section 403(b)(7)(A) or no additional Federal tax liability would have been incurred if the consideration for the contract had instead been held as part of a trust that would satisfy the requirements of section 408(a), as applicable. The commentator urged that the preamble to this Treasury decision clarify that the ''no additional Federal tax liability'' limitation was intended to apply only to tax on unrelated business income. Finally, one commentator noted that, given the inherent factual nature of the determination whether a contract holder is treated as the owner of segregated account assets, the issue is better addressed by letter ruling or revenue ruling, rather than by regulations.

Although the comments on investor control are not adopted in this Treasury decision, they are responsive to the request for comments in the July 30, 2003, notice of proposed rulemaking and will receive careful attention in the event of further guidance on investor control.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is James Polfer, Office of the Associate Chief Counsel (Financial Institutions and Products), Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendment to the Regulations

■ Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAX

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

Authority: 26 U.S.C. 7805 * * *

Section 1.817–5 also issued under 26 U.S.C. 817(h). * * *

■ **Par. 2.** Section 1.817–5 is amended as follows:

■ 1. Paragraphs (f)(2)(ii) and (g) *Example 3* are removed.

■ 2. Paragraph (f)(2)(iii) is redesignated as paragraph (f)(2)(ii).

■ 3. The first sentence of paragraph (g) *Example* 1 is revised.

■ 4. Paragraph (g) *Example* 4 is redesignated as paragraph (g) *Example* 3.

■ 5. Paragraph (h)(6) is revised.

■ 6. New paragraph (i)(2)(v) is added.

The revisions read as follows:

§ 1.817–5 Diversification requirements for variable annuity, endowment, and life insurance contracts.

* * * * *

(g) * * *

Example 1. (i) The assets underlying variable contracts issued by a life insurance company consist of two groups of assets: (a) a diversified portfolio of debt securities and (b) interests in P, a partnership. * * *

* * * * *

(h) * * *

(6) *Security.* The term *security* shall include a cash item and any partnership interest, whether or not registered under a Federal or State law regulating the offering or sale of securities. The term shall not include any interest in real property, or any interest in a commodity.

* * * * *

(i) * * *

(2) * * *

(v) A segregated asset account in existence before March 1, 2005, will be considered to be adequately diversified if—

(A) As of March 1, 2005, the account was adequately diversified within the meaning of section 817(h) and this regulation as in effect prior to that date; and

(B) By December 31, 2005, the account is adequately diversified within the meaning of section 817(h) and this regulation.

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: February 15, 2005.

Eric Solomon,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 05–3825 Filed 2–28–05; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[R01–OAR–2004–ME–0002a; A–1–FRL–7876–8]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Total Reduced Sulfur From Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a revision to Maine's plan for controlling air pollution according to section 111(d) of the Clean Air Act (*i.e.*, a ''111(d) plan''). This revision changes state regulations controlling the emission of total reduced sulfur (''TRS'') from existing kraft paper mills by making April 17, 2007 the compliance date for brownstock washers. This action is being taken in accordance with section 111(d) of the Clean Air Act (''CAA'').

DATES: This direct final rule will be effective May 2, 2005, unless EPA receives adverse comments by March 31, 2005. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

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

FOR FURTHER INFORMATION CONTACT: Ian D. Cohen, Air Permits, Toxics, and Indoor Air Programs Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAP), Boston, MA 02114–2023, *cohen.ian@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

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

1. *The Regional Office has established an official public rulemaking file available for inspection at the Regional Office.* EPA has established an official public rulemaking file for this action under R01–OAR–2004–ME–0002. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

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

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

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

B. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text ''Public comment on proposed rulemaking R01–OAR–2004–ME–0002'' in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

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

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *edmondson.lucy@epa.gov*, please include the text ''Public comment on proposed rulemaking R01–OAR–2004–ME–0002'' in the subject line. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

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

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

2. *By Mail.* Send your comments to: Lucy Edmondson, acting Unit Manager, Air Permits, Toxics and Indoor Program Unit, Office of Ecosystem Protection (mail code CAP), U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA 02114–2023. Please include the text ''Public comment on proposed rulemaking R01–OAR–2004–ME–0002'' in the subject line on the first page of your comment

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

C. How Should I Submit CBI to the Agency?

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

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

II. Rulemaking Information

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

A. Background and Purpose.
B. Summary of Change.

III. Summary of SIP Revision

A. What Is Total Reduced Sulfur?
B. What Is a Brownstock Washer?
C. What Is Maine's Requested Change to Chapter 124?
D. Why Is Maine requesting This Change?
E. What Actions Did Maine Take To Satisfy the Federal Public Hearing Requirement?
F. Why Is EPA Approving This Change?

IV. Final Action

V. Statutory and Executive Order Reviews

II. Rulemaking Information

A. Background and Purpose

Section 111(d) of the CAA allows EPA to approve state plans to regulate emissions from existing sources of ''designated pollutants,'' *i.e.*, pollutants not listed as criteria pollutants under CAA section 108(a) nor as hazardous air pollutants (''HAPs'') under section 112(b)(1), but to which a standard of performance for new sources applies under section 111. TRS is a designated pollutant. EPA does not regulate emissions of TRS from existing sources.

Maine DEP originally submitted chapter 124, ''Total Reduced Sulfur Control From Kraft Pulp Mills'' (''chapter 124'' or ''TRS Rule'') to EPA on February 15, 1990. EPA approved Maine's TRS Rule under CAA section 111(d) on September 19, 1990 (55 FR 38545). On October 4, 1994, EPA approved a revision to Chapter 124 (59 FR 50506). The revision extended the compliance date for brownstock washer systems from January 1, 1994 to September 30, 1998. Maine extended the compliance date to give existing mills more time to comply with the National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry (Pulp and Paper MACT), which was in preparation at the time.

EPA published the Pulp and Paper MACT on April 15, 1998 (63 FR 18617, codified at 40 CFR Part 63 Subpart S). Although TRS compounds are not HAPs and therefore not subject to the Pulp and Paper MACT, Maine subsequently

submitted a request to revise Chapter 124 to apply certain control provisions from the MACT standard to TRS emissions. EPA approved this revision to the 111(d) plan on May 1, 2003 (68 FR 23209). The compliance date for brownstock washers in the revised TRS Rule was April 17, 2005, which is one year earlier than the compliance date for kraft pulping systems in the Pulp and Paper MACT. See 40 CFR 63.440(d)(1).

Maine's TRS Rule governs emissions of TRS from existing kraft pulp mills. New mills are subject to the New Source Performance Standards (NSPS) in 40 CFR Part 60 Subpart BB.

B. Summary of Change

Maine is requesting one change to Chapter 124. The previous version called for existing kraft pulp mills to bring their brown stock washers into compliance by April 17, 2005. This is one year before such mills must be in compliance with the HAP emission standards in 40 CFR 63 Subpart S. Maine has requested a 111(d) plan revision to extend the compliance date for brownstock washers in Chapter 124 to April 17, 2007. EPA is approving this revision.

III. Summary of SIP Revision

A. What Is Total Reduced Sulfur?

The term ''total reduced sulfur'' refers to a mixture of four compounds: hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide. These compounds are emitted when sulfur-based chemicals are used to dissolve wood chips as part of the paper making process. TRS compounds have a strong, unpleasant odor. In concentrations found near paper mills, they can cause health problems such as sore throats and nausea.

B. What Is a Brownstock Washer?

Brownstock (sometimes called brown stock) washer systems are part of the kraft pulping system. After pulp has been made from dissolved wood chips, brownstock washers rinse the pulp and remove excess chemicals from it. If emissions from these systems are not controlled, they can release TRS into the atmosphere.

C. What Is Maine's Requested Revision to Chapter 124?

On April 26, 2004, Maine revised Chapter 124 to extend the compliance date for brownstock washer controls from April 17, 2005 to April 17, 2007. On June 23, 2004, Maine submitted a request to revise its CAA 111(d) plan accordingly. EPA is approving this revision to Maine's 111(d) plan.

D. Why Is Maine Requesting This Change?

Maine last revised its 111(d) plan on February 17, 2000. At the time it appeared that all of the affected mills would be able to bring their brownstock washers into compliance with Chapter 124 by April 17, 2005. This has been more difficult than expected and three mills in Maine have requested extensions to April 2007.

The compliance date for kraft pulping systems in the Pulp and Paper MACT is April 17, 2006. 40 CFR 63.440(d)(1). EPA or a state may, however, allow an extension of up to 1 year from a MACT compliance date if a source needs additional time to install controls. 40 CFR 63.6(i)(4). Maine has determined that these mills need the additional time to obtain and install the best equipment for controlling TRS emissions.

E. What Actions Did Maine Take To Satisfy the Federal Public Hearing Requirement?

Maine certified that a public hearing on the revision to Chapter 124 was held in Augusta, ME on January 15, 2004 in accordance with the requirements of 40 CFR 60.23(d).

F. Why Is EPA Approving This Change?

The change Maine wishes to make is consistent with Section 111(d) of the Clean Air Act and with the MACT compliance date for the control of HAPs. EPA has determined that this rule will benefit air quality by providing existing kraft paper mills with additional time to properly install pollution control equipment.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This action will be effective May 2, 2005 without further notice unless EPA receives adverse comments by March 31, 2005.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 2, 2005 and no further action will be taken on the proposed rule.

IV. Final Action

EPA is approving the revised 111(d) plan controlling TRS emissions from existing kraft pulp mills as submitted by ME DEP on June 23, 2004. The revised plan, which consists of the revised regulation entitled ''Chapter 124: Total Reduced Sulfur from Kraft Pulp Mills,'' will affect three existing kraft pulp mills in the State of Maine.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective May 2, 2005 without further notice unless the Agency receives relevant adverse comments by March 31, 2005.

If EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 2, 2005 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the

Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

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

In reviewing 111(d) plan revisions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d) plan revision, to use VCS in place of a 111(d) plan revision that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 2, 2005. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Total reduced sulfur.

Dated: February 10, 2005.

Robert W. Varney,

Regional Administrator, EPA New England.

■ Part 62 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7411(d).

Subpart U—Maine

■ 2. Section 62.4845 is amended by adding paragraph (b)(6) to read as follows:

§ 62.4845 Identification of plan.

* * * * * *

(b) * * *

(6) A revision to the plan controlling TRS from existing kraft pulp mills which extends the final compliance date for brownstock washers to April 17, 2007, was submitted on June 23, 2004.

* * * * *

[FR Doc. 05–3908 Filed 2–28–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278; DA 05–342]

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for declaratory ruling, comments requested.

SUMMARY: This document seeks comment on a Petition for Declaratory Ruling filed by TSA Stores, Inc. asking the Federal Communications Commission (''Commission'') to preempt a provision of the Florida Statutes as applied to interstate telephone calls.

DATES: Comments are due on or before March 31, 2005, and reply comments are due on or before April 15, 2005.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See supplementary information for further filing instructions.

FOR FURTHER INFORMATION CONTACT: Kelli Farmer, Consumer Policy Division, Consumer & Governmental Affairs Bureau, (202) 418–2512 (voice), *Kelli.Farmer@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, CG Docket No. 02–278, DA 05–342, released February 9, 2005. On July 3, 2003, the Commission released a *Report and Order (2003 TCPA Order)*, 68 FR 44144, July 25, 2003. In the *2003 TCPA Order*, the Commission stated its belief that any state regulation of interstate telemarketing calls that differed from our rules under section 227 almost certainly would conflict with and frustrate the federal scheme and would be preempted. The Commission will consider any alleged conflicts between state and federal requirements and the need for preemption on a case-by-case basis. Accordingly, any party that believes a state law is inconsistent with section 227 or our rules may seek a *Declaratory Ruling* from the Commission. When filing comments, please reference CG Docket No. 02–278. Comments may be

filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html*. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to *ecfs@fcc.gov*, and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of each filing. Filings can be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–B204, Washington, DC 20554.

This proceeding shall be treated as a ''permit but disclose'' proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclosed proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

The full text of this document and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, (202) 418–0270. This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing (BCPI), Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: *http://www.bcpiweb.com* or by calling 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format) send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). This document can also be downloaded in Word or Portable Document Format (PDF) at *http://www.fcc.gov/cgb/policy*.

Synopsis

On February 1, 2005, TSA Stores, Inc. (TSA) filed a *Petition for Declaratory Ruling* asking the Commission to preempt a provision of the Florida Statutes as applied to interstate telephone calls. Specifically, TSA requests that the Commission preempt section 501.059 of the Florida Statutes as applied to interstate telephone calls made to residential lines using a prerecorded voice, where the call is made to a person with whom the caller has an established business relationship. TSA indicates that section 501.059 of the Florida Statutes makes it unlawful for a telephone solicitor to make a telephone sales call to a Florida resident if such call involves an automated system for the selection or dialing of telephone numbers or the playing of a recorded message when a connection is completed to a called number. TSA asserts that section 501.059, to the extent that it restricts or prohibits the use of prerecorded messages to persons with whom the caller has an established business relationship, is inconsistent with the Commission's rules, when applied to interstate calls. TSA indicates that this provision conflicts with section 64.1200(a)(2) of the Commission's rules, 47 CFR 64.1200(a)(2), which, according to TSA, permits the use of an artificial or prerecorded voice to deliver a message without the express prior consent of the called party if the call is made to a person with whom the caller has an established business relationship. Accordingly, TSA requests that the Commission issue a declaration preempting section 501.059(7)(a) of the Florida Statutes.

Federal Communications Commission.

Jay Keithley,

Deputy Bureau Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. 05–3931 Filed 2–28–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 00–167; FCC 04–221]

Broadcast Services; Children's Television; Cable Operators

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains a correction to the final regulation (FR Doc. 04–28173) which was published in the **Federal Register** of Monday, January 3, 2005 (70 FR 25). The regulation section 73.673 relates to the obligation of television broadcasters to protect and serve children in their audience.

DATES: This rule became effective on February 1, 2005.

FOR FURTHER INFORMATION CONTACT: Kim Matthews, Media Bureau, (202) 418–2120.

SUPPLEMENTARY INFORMATION: The final regulation that is subject of this correction amended section 73.673 by inadvertently removing and reserving paragraph (b). This correction revises the amendment published on January 3, 2005.

As published, the final regulations contain errors which may prove to be misleading and need to be clarified.

List of Subjects in 47 CFR Part 73

Television.

■ Accordingly, 47 CFR part 73 is corrected by making the following correcting amendment:

PART 73—RADIO BROADCAST SERVICES

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

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

■ 2. Revise § 73.673 to read as follows:

§ 73.673 Public information initiatives regarding educational and informational programming for children.

Each commercial television broadcast station licensee shall provide information identifying programming specifically designed to educate and inform children to publishers of program guides. Such information shall include an indication of the age group for which the program is intended.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–3932 Filed 2–28–05; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1540

RIN 1652–ZA04

Prohibited Items

AGENCY: Transportation Security Administration (TSA), DHS.

ACTION: Interpretive rule.

SUMMARY: This document amends the Transportation Security Administration's (TSA) interpretive rule that provides guidance to the public on the types of property that TSA considers weapons, explosives, and incendiaries prohibited in airport sterile areas, in the cabin of aircraft, or in passengers' checked baggage. This document adds all lighters to the list of prohibited items.

DATES: *Effective Date:* March 1, 2005.

FOR FURTHER INFORMATION CONTACT: Clint Fisher, TSA–9, Transportation Security Policy, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202–4220; telephone (571) 227–2621.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Availability of Rulemaking Document

You can get an electronic copy using the Internet by—

(1) Searching the Department of Transportation's (DOT's) electronic Docket Management System (DMS) Web page (*http://dms.dot.gov/search*);

(2) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html*; or

(3) Visiting TSA's Law and Policy Web page at *http://www.tsa.dot.gov/public/index.jsp*.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section, above. Make sure to identify the docket number of this rulemaking.

Statutory and Regulatory Background

TSA is an agency in the Department of Homeland Security (DHS), operating under the direction of the Assistant Secretary for Homeland Security (Transportation Security Administration). TSA is responsible for security in all modes of transportation, including aviation. *See* 49 U.S.C. 114(d). Under TSA's regulation on acceptance and screening of individuals and accessible property, 49 CFR 1540.111, an individual (other than a law enforcement or other authorized individual)—

* * * may not have a weapon, explosive, or incendiary, on or about the individual's person or accessible property—

(1) When performance has begun of the inspection of the individual's person or accessible property before entering a sterile area, or before boarding an aircraft for which screening is conducted under § 1544.201 or § 1546.201 of this chapter;

(2) When the individual is entering or in a sterile area; or

(3) When the individual is attempting to board or onboard an aircraft for which screening is conducted under § 1544.201 or § 1546.201 of this chapter.''

On February 14, 2003, TSA published an interpretive rule that provided guidance to the public on the types of property TSA considers to be weapons, explosives, and incendiaries prohibited on an individual's person or accessible property, items permitted on an individual's person or accessible property, and items prohibited in checked baggage (68 FR 7444). On March 3, 2003, TSA subsequently published technical corrections to the interpretive rule at 68 FR 9902.

On December 17, 2004, the President signed into law the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108–458). Section 4025 of IRTPA requires TSA, no later than 60 days after enactment, to add butane lighters to the prohibited items list and to make any other modifications that TSA considers appropriate. TSA has reviewed the prohibited items list and is now making a change to the list. This document amends TSA's interpretive rule to reflect this change, which is discussed below.

Prohibited Items List Change: All Lighters Prohibited

Pursuant to the February 14, 2003 interpretive rule, TSA limited the types and quantities of lighters that persons are permitted to bring on board the cabin of an aircraft to reflect limits in DOT's regulations (*see, e.g.*, 49 CFR 175.10(a)(10)) and related interpretations governing the transport of hazardous materials on aircraft. Specifically, TSA allowed persons to board an aircraft with no more than two lighters per person, as long as the lighters were fueled with either liquefied gas (Bic®- or Colibri®-type) or absorbed liquid (Zippo®-type). Under the DOT hazardous materials regulation all other types of lighters are prohibited in the aircraft cabin. *See* 49 CFR 175.10(a)(10). Further, all lighters, including those fueled with liquefied gas or absorbed liquid, are prohibited from carriage in checked baggage.

Most liquefied gas lighters, which in the past have been permitted in the aircraft cabin, are butane lighters. Thus, the effect of Section 4025 of IRTPA is to require the prohibition of most liquefied gas lighters from the cabin of an aircraft. In light of this change, TSA has reconsidered whether all lighters should be prohibited from the cabin of an aircraft.

It is very difficult, and often impossible, for TSA security screeners to distinguish between lighters that are fueled with butane and lighters that are fueled by some other flammable gas or liquid. Consequently, TSA is modifying the prohibited items list to include all lighters, consistent with the provision in section 4025 that directs TSA to make other modifications to the prohibited items list that it deems appropriate. As a result, beginning on the effective date of this rule, TSA is prohibiting passengers from carrying any type of lighter on their person or in accessible property once screening has begun, when in airport sterile areas, or onboard an aircraft for which screening is conducted. In addition, lighters remain prohibited from carriage in passengers' checked baggage under DOT's hazardous materials regulation.

Separately, TSA is considering adding all matches to the prohibited items list. Consistent with DOT's regulation governing the transport of hazardous materials, TSA presently limits the type and quantity of matches passengers may bring on board an aircraft. Specifically, passengers now may carry up to four books of strike-on-cover matches on their person or in accessible property. Under the DOT regulation, all matches are prohibited from carriage in checked baggage. Before modifying the interpretive rule with respect to matches carried on one's person or in accessible property, TSA will publish a notice in the **Federal Register** requesting public comment on such a change. If TSA determines that prohibiting the carriage

of matches on one's person or in accessible property is warranted, the agency will publish a notice in the **Federal Register** effecting a further modification to its interpretive rule.

Effective Date and Enforcement Discretion

This interpretive rule is effective on March 1, 2005. TSA understands, however, that the addition of lighters to the prohibited items list constitutes a significant change in policy and will exercise its inherent enforcement discretion accordingly during the first 45 days after the effective date.

Amendments to Interpretation

For purposes of reference to the prohibited items list published in the **Federal Register** on February 14, 2003, and corrected on March 3, 2003, TSA makes the following changes:

1. Section I.E(9) is added to read ''All lighters.''
2. Section II.A(9) is amended to read ''RESERVED''.

The following is the list of prohibited items and permitted items reprinted in its entirety, with the changes inserted.

Prohibited Items and Permitted Items Interpretation

I. *Prohibited Items.* For purposes of 49 U.S.C. 40101 *et seq.* and 49 CFR 1540.111, TSA interprets the terms ''weapons, explosives, and incendiaries'' to include the items listed below. Accordingly, passengers may not carry these items as accessible property or on their person through passenger screening checkpoints or into airport sterile areas and the cabins of a passenger aircraft.

A. Guns and Firearms

(1) BB guns.
(2) Compressed air guns.
(3) Firearms.
(4) Flare pistols.
(5) Gun lighters.
(6) Parts of guns and firearms.
(7) Pellet guns.
(8) Realistic replicas of firearms.
(9) Spear guns.
(10) Starter pistols.
(11) Stun guns/cattle prods/shocking devices.

B. Sharp Objects

(1) Axes and hatchets.
(2) Bows and arrows.
(3) Drills, including cordless portable power drills.
(4) Ice axes/Ice picks.
(5) Knives of any length, except rounded-blade butter and plastic cutlery.
(6) Meat cleavers.
(7) Razor-type blades, such as box cutters, utility knives, and razor blades not in a cartridge, but excluding safety razors.
(8) Sabers.
(9) Saws, including cordless portable power saws.
(10) Scissors, metal with pointed tips.
(11) Screwdrivers (except those in eyeglass repair kits).
(12) Swords.
(13) Throwing stars (martial arts).

C. Club-Like Items

(1) Baseball bats.
(2) Billy clubs.
(3) Blackjacks.
(4) Brass knuckles.
(5) Cricket bats.
(6) Crowbars.
(7) Golf clubs.
(8) Hammers.
(9) Hockey sticks.
(10) Lacrosse sticks.
(11) Martial arts weapons, including nunchucks, and kubatons.
(12) Night sticks.
(13) Pool cues.
(14) Ski poles.
(15) Tools including, but not limited to, wrenches and pliers.

D. All Explosives, Including

(1) Ammunition.
(2) Blasting caps.
(3) Dynamite.
(4) Fireworks.
(5) Flares in any form.
(6) Gunpowder.
(7) Hand grenades.
(8) Plastic explosives.
(9) Realistic replicas of explosives.

E. Incendiaries

(1) Aerosol, any, except for personal care or toiletries in limited quantities.
(2) Fuels, including cooking fuels and any flammable liquid fuel.
(3) Gasoline.
(4) Gas torches, including micro-torches and torch lighters.
(5) Lighter fluid.
(6) Strike-anywhere matches.
(7) Turpentine and paint thinner.
(8) Realistic replicas of incendiaries.
(9) All lighters.

F. Disabling Chemicals and Other Dangerous Items

(1) Chlorine for pools and spas.
(2) Compressed gas cylinders (including fire extinguishers).
(3) Liquid bleach.
(4) Mace.
(5) Pepper spray.
(6) Spillable batteries, except those in wheelchairs.
(7) Spray Paint.
(8) Tear gas.

II. *Permitted Items.* For purposes of 49 U.S.C. 40101 *et seq.* and 49 CFR 1540.111, TSA does not consider the items on the following lists as weapons, explosives, and incendiaries because of medical necessity or because they appear to pose little risk if, as is required, they have passed through screening. Therefore, passengers may carry these items as accessible property or on their person through passenger screening checkpoints and into airport sterile areas and the cabins of passenger aircraft.

A. Medical and Personal Items

(1) Braille note taker, slate and stylus, and augmentation devices.
(2) Cigar cutters.
(3) Corkscrews.
(4) Cuticle cutters.
(5) Diabetes-related supplies/equipment (once inspected to ensure prohibited items are not concealed), including: Insulin and insulin loaded dispensing products; vials or box of individual vials; jet injectors; pens; infusers; and preloaded syringes; and an unlimited number of unused syringes, when accompanied by insulin; lancets; blood glucose meters; blood glucose meter test strips; insulin pumps; and insulin pump supplies. Insulin in any form or dispenser must be properly marked with a professionally printed label identifying the medication or manufacturer's name or pharmaceutical label.
(6) Eyeglass repair tools, including screwdrivers.
(7) Eyelash curlers.
(8) Knives, round-bladed butter or plastic.
(9) Reserved.
(10) Matches (maximum of four books, strike on cover, book type).
(11) Nail clippers.
(12) Nail files.
(13) Nitroglycerine pills or spray for medical use, if properly marked with a professionally printed label identifying the medication or manufacturer's name or pharmaceutical label.
(14) Personal care or toiletries with aerosols, in limited quantities.
(15) Prosthetic device tools and appliances (including drill, allen wrenches, pullsleeves) used to put on or remove prosthetic devices, if carried by the individual with the prosthetic device or his or her companion.
(16) Safety razors (including disposable razors).
(17) Scissors, plastic or metal with blunt tips.
(18) Tweezers.
(19) Umbrellas (once inspected to ensure prohibited items are not concealed).
(20) Walking canes (once inspected to ensure prohibited items are not concealed).

B. Toys, Hobby Items, and Other Items Posing Little Risk

(1) Knitting and crochet needles.
(2) Toy transformer robots.
(3) Toy weapons (if not realistic replicas).

Regulatory Impact Analyses

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), directs each Federal agency to propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996) requires agencies to analyze the economic impact of regulatory changes on small entities.

Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. Fourth, the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation.)

Executive Order 12866 Assessment

This rule explains to the public, airport personnel, screeners, and airlines how TSA interprets certain terms used in an existing rule, 49 CFR 1540.111. This interpretative rule is not considered an economically significant regulatory action for purposes of Executive Order 12866. However, there has been significant public interest in aviation security issues since the terrorist attacks of September 11, 2001. Therefore, this rule is significant for purposes of the Executive Order and has been reviewed by the Office of Management and Budget (OMB).

This rule modifies the prohibited items list to all lighters consistent with Section 4025 of IRTPA. As a result, passengers will no longer be able to carry any lighters onboard an aircraft for which screening is conducted or into airport sterile areas. TSA notes that this ban may cause inconvenience to some passengers. Passengers and other persons carrying lighters who wish to enter an airport sterile area have several options, some of which include leaving the lighter at home, or returning it to their car. These persons can also choose to abandon the lighter in TSA-provided receptacles, at which point title of the property transfers to the Government.

While TSA acknowledges this added inconvenience, TSA believes that the added security this change provides outweighs the inconvenience.

Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 requires that agencies perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. For purposes of the RFA, small entities include small businesses, not-for-profit organizations, and small governmental jurisdictions. Individuals and States are not included in the definition of a small entity.

Based on the analysis discussed in the section above, this interpretative rule does not impose a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Analysis is not required.

International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. TSA has assessed the potential effect of this interpretative rule and has determined that it will impose the same costs on domestic and international entities and thus has a neutral trade impact.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This rulemaking does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply and TSA has not prepared a statement under the Act.

Executive Order 13132, Federalism

TSA has analyzed this interpretive rule under the principles and criteria of Executive Order 13132, Federalism. We have determined that this action will not have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, and therefore will not have federalism implications.

Environmental Analysis

TSA has reviewed this action for purposes of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347) and has determined that this action will not have a significant effect on the human environment.

Energy Impact

The energy impact of this action has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended (42 U.S.C. 6362).

We have determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

David M. Stone,

Assistant Secretary.

[FR Doc. 05–3977 Filed 2–25–05; 9:42 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281–0369–02; I.D. 012705B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction

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

ACTION: Inseason action.

SUMMARY: NMFS reduces the trip limit in the commercial hook-and-line fishery for king mackerel in the southern Florida west coast subzone to 500 lb (227 kg) of king mackerel per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the Gulf king mackerel resource.

DATES: This rule is effective 12:01 a.m., local time, February 25, 2005, through June 30, 2005, unless changed by further notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter; telephone: 727–570–5305; fax: 727–570–5583; e-mail: *Steve.Branstetter@noaa.gov*.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico only, dolphin and bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, on April 30, 2001 (66 FR 17368, March 30, 2001), NMFS implemented a commercial quota of 2.25 million lb (1.02 million kg) for the eastern zone (Florida) of the Gulf migratory group of king mackerel. That quota is further divided into separate quotas for the Florida east coast subzone and the northern and southern Florida west coast subzones. On April 27, 2000, NMFS implemented the final rule (65 FR 16336, March 28, 2000) that divided the Florida west coast subzone of the eastern zone into northern and southern subzones and established their separate quotas. The quota implemented for the southern Florida west coast subzone is 1,040,625 lb (472,020 kg). That quota is further divided into two equal quotas of 520,312 lb (236,010 kg) for vessels in each of two groups fishing with hook-and-line gear and run-around gillnets (50 CFR 622.42(c)(1)(i)(A)(*2*)(*i*)).

In accordance with 50 CFR 622.44(a)(2)(ii)(B)(*2*), from the date that 75 percent of the southern Florida west coast subzone's quota has been harvested until a closure of the subzone's fishery has been effected or the fishing year ends, king mackerel in or from the EEZ may be possessed on board or landed from a permitted vessel in amounts not exceeding 500 lb (227 kg) per day.

NMFS has determined that 75 percent of the quota for Gulf group king mackerel for vessels using hook-and-line gear in the southern Florida west coast subzone was reached on February 24, 2005. Accordingly, a 500–lb (227–kg) trip limit applies to vessels in the commercial hook-and-line fishery for king mackerel in or from the EEZ in the southern Florida west coast subzone effective 12:01 a.m., local time, February 25, 2005. The 500–lb (227–kg) trip limit will remain in effect until the fishery closes or until the end of the current fishing year (June 30, 2005), whichever occurs first.

The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4′ N. lat. (a line directly east from the Miami-Dade County, FL, boundary). The Florida west coast subzone is further divided into northern and southern subzones. The southern subzone is that part of the Florida west coast subzone that from November 1 through March 31, extends south and west from 25°20.4′ N. lat. to 26°19.8′ N. lat.(a line directly west from the Lee/Collier County, FL, boundary), i.e., the area off Collier and Monroe Counties. From April 1 through October 31, the southern subzone is the part of the Florida west coast subzone that is between 26°19.8′ N. lat. and 25°48′ N. lat. (a line directly west from the Monroe/Collier County, FL, boundary), i.e., the area off Collier County.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action in order to protect the fishery because the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment will require time and would potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2005.

Alan D. Risenhoover,

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

[FR Doc. 05–3941 Filed 2–24–05; 2:33 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332–5039–02; I.D. 022305E]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher/processor vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2005 A season allowance of the Pacific cod total allowable catch (TAC) of Pacific cod specified for catcher/processor vessels using hook-and-line gear in the BSAI.

DATES: Effective February 24, 2005, through 12 noon, Alaska local time, June 10, 2005.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2005 A season directed fishing allowance of Pacific cod specified for catcher/processor vessels using hook-and-line gear in the BSAI is established as 46,407 metric tons by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005). See § 679.20(c)(1)(iii), § 679.20(c)(5), and § 679.20(a)(7)(i)(A) and (a)(7)(i)(C)(*1*)(*i*).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, has determined that the 2005 A season directed fishing allowance of Pacific cod specified for catcher/processor vessels using hook-and-line gear in the BSAI has been reached.

Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher/processor vessels using hook-and-line gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the fisheries under the 2005 A season directed fishing allowance of Pacific cod specified for catcher/processor vessels using hook-and-line gear in the BSAI.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2005.

Alan D. Risenhoover

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

[FR Doc. 05–3933 Filed 2–24–05; 2:33 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126333–5040–02; I.D. 022305D]

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibiting Directed Fishing for Specified Groundfish Fisheries in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by specified sectors in the Western and Central Regulatory Areas of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2005 A season allowances of the Pacific code total allowable catch (TAC) specified for Pacific cod in the GOA.

DATES: Effective February 24, 2005, through 12 noon, Alaska local time, September 1, 2005.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that if the amount of a target species apportioned to a fishery or, with respect to Pacific cod, to an inshore or offshore component allocation, will be reached, the Regional Administrator may establish a directed fishing allowance for that species or species group.

As established by the 2005 and 2006 final harvest specifications for groundfish of the GOA (70 FR 8958, February 24, 2005), the 2005 A season allowance of the Pacific cod TAC for vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA is 8,471 metric tons (mt); for processing by the offshore component in the Western Regulatory Area of the GOA is 941 mt; and for processing by the offshore component of the Central Regulatory Area of the GOA is 1,505 mt. See § 679.20(c)(1)(iii), § 679.20(c)(4)(ii), and § 679.20(a)(11).

In accordance with 679.20(d)(1)(iii), the Regional Administrator has determined that the A season directed fishing allowances for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA, Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA, and Pacific cod by vessels catching Pacific cod for processing by the offshore component of the Central Regulatory Area of the GOA have been reached and the remaining amounts of the A season TAC allowances are necessary as bycatch to support other anticipated groundfish fisheries until the next seasonal apportionments of Pacific cod become available September 1, 2005. Consequently, NMFS is prohibiting directed fishing for these fisheries.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closures of the directed fisheries for Pacific cod for specified sectors in the Western and Central Regulatory Areas of the GOA.

The AA also finds good cause to waive the 30 day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2005.

Alan D. Risenhoover

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

[FR Doc. 05–3934 Filed 2–24–05; 2:33 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 022305B]

Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Fishing season dates.

SUMMARY: NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) program. The season will open 1200 hrs, Alaska local time (A.l.t.), February 27, 2005, and will close 1200 hrs, A.l.t., November 15, 2005. This period is the same as the 2005 IFQ and Community Development Quota season for Pacific halibut adopted by the International Pacific Halibut Commission (IPHC). The IFQ halibut season is specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

DATES: Effective 1200 hrs, A.l.t., February 27, 2005, until 1200 hrs, A.l.t., November 15, 2005.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: Beginning in 1995, fishing for Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) with fixed gear in the IFQ regulatory areas defined in § 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register** on November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish managed under the IFQ program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, chosen by the IPHC. The directed fishing season for sablefish with fixed gear managed under the IFQ program will open 1200 hrs, A.l.t., February 27, 2005, and will close 1200 hrs, A.l.t., November 15, 2005. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of the sablefish fishery thereby increasing bycatch and regulatory discards between the sablefish fishery and the halibut fishery, and preventing the accomplishment of the management objective for simultaneous opening of these two fisheries.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.23 and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2005.

Alan D. Risenhoover

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

[FR Doc. 05–3935 Filed 2–24–05; 2:33 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 39
Tuesday, March 1, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 56 and 70

[Docket No. PY–05–001]

Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to increase the fees and charges for Federal voluntary egg, poultry, and rabbit grading. These fees and charges need to be increased to cover the increase in salaries of Federal employees, salary increases of State employees cooperatively utilized in administering the programs, and other increased Agency costs.

DATES: Comments must be received on or before March 31, 2005.

ADDRESSES: Send written comments to David Bowden, Jr., Chief, Standardization Branch, Poultry Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0259, room 3944-South, 1400 Independence Avenue, SW., Washington, DC 20250–0259. Comments may be faxed to (202) 690–0941.

State that your comments refer to Docket No. PY–05–001 and note the date and page number of this issue of the **Federal Register**.

Comments received may be inspected at the above location between 8 a.m. and 4:30 p.m., Eastern Time, Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Rex A. Barnes, Chief, Grading Branch, (202) 720–3271.

SUPPLEMENTARY INFORMATION:

Background and Proposed Changes

The Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621 *et seq.*) authorizes official voluntary grading and certification on a user-fee basis of eggs, poultry, and rabbits. The AMA provides that reasonable fees be collected from users of the program services to cover, as nearly as practicable, the costs of services rendered. The AMS regularly reviews these programs to determine if fees are adequate and if costs are reasonable.

A recent review determined that the existing fee schedule, effective January 1, 2004, will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance in FY 2006. Costs in FY 2006 are projected at $31.9 million. Without a fee increase, FY 2006 revenues are projected at $30.5 million and trust fund balances would be $14.5 million. With a fee increase, FY 2006 revenues are projected at $31.9 million and trust fund balances would remain at $15.9 million.

Employee salaries and benefits account for approximately 82 percent of the total operating budget. The last general and locality salary increase for Federal employees became effective on January 1, 2004 and it materially affected program costs. Projected cost estimates for that increase were based on a salary increase of 2.0 percent, however, the increase was actually 3.89 to 5.35 percent, depending on locality. A general and locality salary increase of 3.5 percent is scheduled for January 2005, and another increase estimated at 1.5 percent is expected in January 2006. Also, from October 2004 through September 2006, salaries and fringe benefits of federally-licensed State employees will have increased by about 6.0 percent.

The impact of these cost increases was determined for resident, nonresident, and fee services. To offset projected cost increases, the hourly resident and nonresident rate would be increased by approximately 5.8 percent and the fee rate would be increased by approximately 8.3 percent. The hourly rate for resident and nonresident service covers graders' salaries and benefits. The hourly rate for fee service covers graders' salaries and benefits, plus the cost of travel and supervision.

As shown in the table below, the minimum monthly administrative volume charge for resident poultry, shell egg, and rabbit grading would not be changed.

The following table compares current fees and charges with proposed fees and charges for egg, poultry, and rabbit grading as found in 7 CFR parts 56 and 70:

Service	Current	Proposed
Resident Service (egg, poultry, and rabbit grading)		
Inauguration of service	310	310
Hourly charges:		
Regular hours	34.36	36.36
Administrative charges—Poultry grading:		
Per pound of poultry	.00037	.00039
Minimum per month	260	260
Maximum per month	2,755	2,875
Administrative charges—Shell egg grading:		
Per 30-dozen case of shell eggs	.048	.051
Minimum per month	260	260
Maximum per month	2,755	2,875
Administrative charges—Rabbit grading:		
Based on 25% of grader's salary, minimum per month	260	260

Service	Current	Proposed
Nonresident Service (egg and poultry grading)		
Hourly charges:		
Regular hours	34.36	36.36
Administrative charges:		
Based on 25% of grader's salary, minimum per month	260	260
Fee and Appeal Service (egg, poultry, and rabbit grading)		
Hourly charges:		
Regular hours	60.00	65.00
Weekend and holiday hours	69.32	75.12

Executive Order 12866

This action has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA)(5 U.S.C. 601 *et seq.*), the AMS has considered the economic impact of this action on small entities. It is determined that its provisions would not have a significant economic impact on a substantial number of small entities.

There are about 376 users of Poultry Programs' grading services. These official plants can pack eggs, poultry, and rabbits in packages bearing the USDA grade shield when AMS graders are present to certify that the products meet the grade requirements as labeled. Many of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.201). These entities are under no obligation to use grading services as authorized under the Agricultural Marketing Act of 1946.

The AMS regularly reviews its user fee financed programs to determine if fees are adequate and if costs are reasonable. A recent review determined that the existing fee schedule, effective January 1, 2004, will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance in FY 2006. Costs in FY 2006 are projected at $31.9 million. Without a fee increase, FY 2006 revenues are projected at $30.5 million and trust fund balances would be $14.5 million. With a fee increase, FY 2006 revenues are projected at $31.9 million and trust fund balances would remain at $15.9 million.

This action would raise the fees charged to users of grading services. The AMS estimates that overall, this rule would yield an additional $1,400,000 during FY 2006. The hourly rate for resident and nonresident service would increase by approximately 5.8 percent and the fee rate would increase by approximately 8.3 percent. The impact of these rate changes in a poultry plant would range from about 0.0075 to 0.10 cents per pound of poultry handled. In a shell egg plant, the range would be less than 0.037 to 0.466 cents per dozen eggs handled.

Civil Justice Reform

This action has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Paperwork Reduction

The information collection requirements that appear in the sections to be amended by this action have been previously approved by OMB and assigned OMB Control Numbers under the Paperwork Reduction Act (44 U.S.C. Chapter 35) as follows: § 56.52(a)(4)—No. 0581–0128; and § 70.77(a)(4)—No. 0581–0127.

A 30-day comment period is provided for interested persons to comment on this proposed rule. This period is appropriate in order to implement, as early as possible in FY 2006, any fee changes adopted as a result of this rulemaking action.

List of Subjects

7 CFR Part 56

Eggs and egg products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

7 CFR Part 70

Food grades and standards, Food labeling, Poultry and poultry products, Rabbits and rabbit products, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, it is proposed that Title 7, Code of Federal Regulations, parts 56 and 70 be amended as follows:

PART 56—GRADING OF SHELL EGGS

1. The authority citation for part 56 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. Section 56.46 is revised to read as follows:

§ 56.46 On a fee basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in this section.

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $65.00 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $75.12 per hour. Information on legal holidays is available from the Supervisor.

3. In § 56.52, paragraph (a)(4) is revised to read as follows:

§ 56.52 Continuous grading performed on resident basis.

* * * * *

(a) * * *

(4) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period multiplied by $0.051, except that the minimum charge per billing period shall be $260 and the maximum charge shall be $2,875. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

4. The authority citation for part 70 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

5. Section 70.71 is revised to read as follows:

§ 70.71 On a fee basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in this section.

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook rabbits, or specified poultry food products are involved. The hourly charge shall be $65.00 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $75.12 per hour. Information on legal holidays is available from the Supervisor.

6. In § 70.77, paragraph (a)(4) is revised to read as follows:

§ 70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

* * * * *

(a) * * *

(4) For poultry grading: An administrative service charge based upon the aggregate weight of the total volume of all live and ready-to-cook poultry handled in the plant per billing period computed in accordance with the following: Total pounds per billing period multiplied by $0.00039, except that the minimum charge per billing period shall be $260 and the maximum charge shall be $2,875. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

Dated: February 24, 2005.

Barry L. Carpenter,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–3929 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 413, 415, and 417

[Docket No. FAA–2000–7953; Notice No. 05–02]

RIN 2120–AG37

Licensing and Safety Requirements for Launch

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Availability of draft regulatory language; Notice of public meeting.

SUMMARY: The FAA is making available a draft of changes to the commercial space transportation regulations governing licensing and safety requirements for launch. We intend the changes to identify, codify, and maintain the successful safety measures that have been implemented at the federal launch ranges belonging to the Department of Defense and NASA. We are also establishing clear safety requirements for launches from non-federal launch sites. We will hold a public meeting on March 29–31, 2005, to give stakeholders an opportunity to get information about, and provide comments on, the draft regulatory language.

DATES: Send your comments to reach us by May 2, 2005. The FAA will host a facilitated public meeting in Washington, DC on March 29–31, 2005 from 8:30 a.m. to 4 p.m each day.

ADDRESSES: The public meeting will take place in the Discovery I Conference Room of the Holiday Inn—Capitol at 550 C Street, SW., Washington, DC. Persons who are unable to attend the meeting and who wish to file written comments may send comments identified by Docket Number FAA–2000–7953 using any of the following methods:

DOT Docket Web site: Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.

Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.

Fax: 1–202–493–2251.

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 more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: To read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Written comments to the docket will receive the same consideration as statements made at the public meeting.

FOR FURTHER INFORMATION CONTACT: For technical information: René Rey, (202) 267–7538. For legal information: Laura Montgomery, (202) 267–3150. If you would like to present a statement at the public meeting, have questions about the logistics of the meeting, or would like to arrange an accommodation, contact Brenda Parker, (202) 267–3674 before March 15, 2005.

SUPPLEMENTARY INFORMATION:

Licensing and Safety Requirements for Launch Amendments

The draft regulatory language includes changes to the commercial space transportation regulations governing licensing and safety requirements for launch. Some of the changes were originally part of a notice of proposed rulemaking published in 2000 (65 FR 63921, Oct. 25, 2000) (2000 NPRM). Other changes were part of a supplemental notice of proposed rulemaking published in 2002 (67 FR 49456, July 30, 2002) (2002 SNPRM).

The FAA revisited the issue of how much cost to attribute to the draft rule. The FAA found there would potentially be certain costs associated with FAA review of federal launch range implementation of the proposed requirements. In an attempt to be responsive to industry's concerns about costs, the FAA obtained an independent economic analysis from Science Applications International Corporation (SAIC). SAIC's analysis validated the FAA's estimates. Both reports are available in the docket.

In preparing the draft regulatory language, we have also made changes to the proposed language to clarify the FAA's position, respond to comments,

or adopt range practice, including a reorganization of part 415 and changes to various definitions. These changes are summarized below. A matrix showing the correspondences between the FAA draft regulatory language and Air Force requirements in EWR 127–1 and AFSPCMAN 91–710 can be found at *http://ast.faa.gov/um/.* This matrix should facilitate the ability of interested parties to examine the commonality of requirements among the three documents. Certain internal range requirements, particularly in the area of flight safety analysis, will not be found in either of the Air Force requirements documents, but in internal Air Force handbooks. Those handbooks are not part of this matrix.

Reorganization, Licensee Requirements Moved From Part 415 to Part 417

Part 415 contains requirements that an applicant must meet in order to obtain a license and requirements that a licensee must comply with during the term of the license. The draft regulatory language would move all licensee requirements from part 415 to part 417, subpart A, but would not change application requirements, except for the flight readiness requirements of § 415.37.

Definition of ''Equivalent Level of Safety''

The draft regulatory language defines ''equivalent level of safety'' as ''an approximately equal level of safety that may be determined by qualitative or quantitative means.'' The SNPRM proposed defining ''equivalent level of safety'' as ''an approximately equal level of safety. An equivalent level of safety may involve a change to the level of expected risk that is not statistically or mathematically significant as determined by qualitative or quantitative risk analysis.'' In light of the comments received, the FAA excluded the reference to risk. We did not want to create the impression that risk is the only measure of safety, when equivalence may be determined through quantitative or qualitative means.

Grandfathering of ''Meets Intent'' Certification and Waivers

The FAA's two proposals regarding grandfathering have been further modified in response to industry concerns that the FAA was changing current practice. With these changes, concerns over grandfathering should no longer be an issue. The draft regulatory language differs from the proposal in that a launch operator no longer has to be licensed to be eligible for grandfathering a ''meets intent'' certification or waiver in § 417.1(c). This change conforms to Federal launch range practice. The FAA also now requires that a launch operator, upon request, produce documentation of ''meets intent'' certifications or waivers to demonstrate compliance with the requirements of part 417. The proposal would have only allowed licensed launch operators to grandfather ''meets intent'' certifications or waivers and, contrary to current practice, did not require documentation.

New Performance Based Standard for Waterborne Vessel and Aircraft Risk Limit in § 417.107(b)(3) and (4)

In response to commenters' concerns, the FAA re-examined the waterborne vessel and aircraft risk limit originally proposed in § 417.107(b)(3) and (4). This re-examination focused on current range practice. Based upon this re-examination, the draft regulatory language makes the requirements more performance based and better reflects the current practices of the Western and Eastern Range. Under the draft regulatory language, a launch operator would implement waterborne vessel hazard areas and aircraft hazard areas that provide an equivalent level of safety to that provided by waterborne vessel hazard areas and aircraft hazard areas implemented for launch from a Federal range.

Addition of § 417.107(e)(iii) To Protect Habitable Orbital Objects

Section 417.107(e) of the draft regulatory language would require a launch operator to ensure that a launch vehicle, any jettisoned components, and its payload do not pass any closer than 200 kilometers to a habitable orbital object and to obtain a collision avoidance analysis for each launch. The draft regulatory language includes new subparagraph (iii) to protect habitable orbital objects during each subsequent orbital maneuver or burn from initial park orbit, or direct ascent to a higher interplanetary orbit, or until clear of all habitable objects, whichever occurs first. This captures the current practice for protection of habitable orbital objects at the Federal ranges.

Addition of § 417.111(i)(5)(iii), (iv), (v) Requiring Contact With Local Authorities

The draft regulatory language modifies proposed § 417.111 in response to comments to require a launch operator to notify not only the Coast Guard and FAA Air Traffic Control when conducting a launch, as proposed, but also notifying any equivalent local authorities.

New § 417.129, Safety at End of Launch

The draft regulatory language includes new § 417.129, which requires a launch operator to ensure no physical contact between the vehicle and payload after separation, as well as making sure that stored energy in the vehicle is depleted and thus not able to generate debris.

Addition of ''Equivalent Level of Fidelity'' in § 417.203(c)

The draft regulatory language modifies proposed § 417.203(c) to add the concept of ''equivalent level of fidelity'' for alternate methods of analysis. This would require an operator to use accurate data and scientific principles when making the case for an alternate method of flight safety analysis. Use of an ''equivalent level of fidelity'' instead of ''equivalent level of safety'' clarifies that when a launch operator seeks to use an alternative method of flight safety analysis, the launch operator would have to use accurate data and scientific principles in doing so.

Addition of § 417.218, Hold and Resume Gate Analysis

The draft regulatory language includes new § 417.218, which may permit a vehicle overflight or near overflight of a populated or otherwise protected area during some portion of a launch. A launch vehicle may perform overflight if a risk assessment is acceptable and if a flight termination system will not be used to destroy a vehicle while the vehicle is flying over the populated or protected area. A launch operator would be responsible for identifying the periods of time during vehicle flight in which use of a flight termination system would be more detrimental to a populated or protected area than not using such a system. Section 417.218 is an extension of the ''overflight gate analysis'' proposed in the 2000 NPRM and appears in the draft regulatory language as § 417.217. Section 417.217 would require a launch operator to conduct a risk analysis and ''hold'' use of a flight termination system once a vehicle passes a certain point or ''gate.'' Section 417.218 would extend this concept and define those periods of time where a flight termination system must not be used. Adopting § 417.218 may expand the number of trajectories for certain launch sites and potentially increase the number of inland launch sites.

Elimination of a Five-Sigma Cross Range Bound About the Nominal Vehicle Trajectory in § 417.223

The draft regulatory language includes § 417.223, which would require a launch operator's flight hazard area analysis to establish aircraft and ship hazard areas that encompass a three-sigma impact dispersion area for each planned debris impact, instead of a five-sigma standard as proposed in the 2000 NPRM. This change is in response to comments and to adopt current range practice.

Change to § 417.224, Probability of Failure Analysis

The draft regulatory language includes changes to § 417.224, which would require all flight safety analyses for a launch, regardless of hazard or phase of flight, to account for launch vehicle failure probability in a consistent manner. Section 417.224 also would require that a launch vehicle failure probability estimate use accurate data, scientific principles, and satisfy the principles of probability, statistics, and mathematics.

Section A417.25(b)(5) in the 2002 SNPRM (proposed § 417.227(b)(6)(i–iii) in the 2000 NPRM) would have required a launch operator's debris risk analysis account for launch vehicle failure probability using theoretical or actual launch vehicle flight data in accordance with a specific prescribed method.

The FAA recognizes that there is more than one way to establish an acceptable estimate of the probability of failure, especially for new launch vehicles. A performance standard permits a launch operator to employ these different methodologies so long as the methodologies satisfy the performance standards for expendable launch vehicle probability of failure analyses.

Addition of § 417.301(d)

The draft regulatory language would add new paragraph (d) to § 417.301 to clarify the flight safety system requirements for a licensed launch from a Federal launch range or a non-Federal launch site. For launch from a non-Federal launch site, compliance with the flight safety system requirements is demonstrated through licensing. If a Federal range oversees the safety of a licensed launch, the FAA will accept the flight safety system without any demonstration of compliance by the launch operator to the FAA with some necessary conditions, which recognize that not all Federal ranges have experience conducting all types of expendable launches. The FAA will accept a flight safety system used by a Federal launch range if a launch operator has contracted with a Federal launch range for the provision of flight safety system services and property, and the FAA has assessed the range and found that the range's systems and procedures satisfy the requirements of this subpart. Paragraph (d) also discusses the grandfathering provisions of § 417.1(b).

New Version of § 417.303(b)

The draft regulatory language modifies § 417.303(b) to require that a command control system and each subsystem, component, and part that can affect the reliability of a component have written performance specifications that demonstrate, and contain the details of, how each satisfies the requirements of this section.

Rewrite of Appendix B to Part 417

The draft regulatory language includes a new appendix B to part 417 that incorporates current practice at Federal ranges. Appendix B contains requirements that meet the public risk requirements for the protection of ships and aircraft contained in § 417.107. Appendix B captures the current practice at the Federal ranges by requiring such things as notifications, notices to airmen and mariners, and hazard analysis for a launch site, downrange areas, ship, aircraft, and land areas.

Changes to Wind Weighting Analysis of § C417.5(c)

The draft regulatory language includes substantive changes to the wind weighting analysis portion of Appendix C to part 417 from that proposed in the 2000 NPRM. The changes relate to the measurement of wind velocity and direction in § C417.5(c). The draft regulatory language would require that a launch operator measure wind velocity and direction at altitude increments such that the maximum correction between any two measurements does not exceed 5%. A launch operator would still have to measure winds four times, but the required altitudes would be different. Now, the maximum required altitude for the first measurement would be that necessary to account for 99% of the wind effect, instead of 90,000 feet. The maximum required altitude for the second measurement would be that necessary to account for 95% of the wind effect, instead of 50,000 feet. The maximum required altitude for the third and fourth measurement would be that necessary to account for 80% of the wind effect, instead of 5,000 feet. The draft regulatory language also clarifies that the last measurement would be required only to verify the third wind measurement data, not to set launcher azimuth and elevation.

Change to Definition of ''Bright Band'' in § G417.3

The draft regulatory language would define ''bright band'' in Appendix G to part 417 as an enhancement of radar reflectivity caused by frozen hydrometeors falling and beginning to melt at any altitude where the temperature is 0 degrees Celsius or warmer. This recognizes that there can be multiple altitudes where the temperature is 0 degrees Celsius. Accordingly, there may be different altitudes where a bright band may occur, and the original proposal incorrectly implied that there could be only one.

New Definition of ''Cloud'' in § G417.3

In response to comments, the draft regulatory language would define ''cloud'' as a visible mass of water droplets or ice crystals produced by condensation of water vapor in the atmosphere.

Change to Definition of ''Electric Field Measurement at the Surface of the Earth'' in § G417.3

The draft regulatory language would change the definition of ''electric field measurement at the surface of the Earth'' to no longer treat an interpolation based on electric field contours as a measurement. Electric field contours would no longer be used for electric field measurements.

Comments Invited

You may comment on the draft regulatory language by sending written data, views, or arguments. We also invite comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the draft regulatory language. Substantive comments should be accompanied by cost estimates. The most helpful comments are those that include a rationale or data. Comments must identify the regulatory docket number and be sent to one of the addresses listed above.

You may also present comments at the public meeting. The FAA will prepare an agenda of speakers, which will be available at the meeting. If we receive your request after the date specified above, your name may not appear on the written agenda. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested. Persons

requiring audiovisual equipment should notify the FAA when requesting to be placed on the agenda.

We will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this draft regulatory language. You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DOT Rules Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. We will consider all comments received on or before the closing date before taking action on the draft regulatory language. We will consider late-filed comments to the extent practicable, and consistent with statutory deadlines. We may change the draft regulatory language in light of the comments we receive.

Commenters who file comments by mail may receive an acknowledgement of receipt of their comments by including a pre-addressed, stamped postcard with those comments on which the following statement is made: ''Comments to Docket No. FAA–2000–7953.'' The postcard will be date stamped and mailed to the commenter.

Privacy Act

Using the search function of our docket web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

Proprietary or Confidential Business Information

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD ROM, mark the outside of the disk or CD ROM and also identify electronically within the disk or CD ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), when we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). We process such a request under the DOT procedures found in 49 CFR part 7.

Public Meeting Procedures

The FAA will present a description of the draft regulatory language at the public meeting. The FAA will use the following procedures to facilitate the meeting:

(1) The meeting is designed to give interested parties an overview of the contents of the draft regulatory language to facilitate the public comment process. Therefore, the meeting will be informal and non-adversarial. No individual will be subject to cross-examination by any other participant; however, FAA representatives may ask questions to clarify a statement and to ensure a complete and accurate record. Participants will also have the opportunity to ask questions about the draft regulatory language.

(2) There will be no admission fee or other charge to attend or to participate in the meeting. The meeting will be open to all persons who are scheduled to present statements or who register between 8:30 a.m. and 9 a.m. on the day of the meeting. While we will make every effort to accommodate all persons wishing to participate, admission will be subject to availability of space in the meeting room. The meeting may adjourn early if scheduled speakers complete their statements in less time than is scheduled for the meeting.

(3) Speakers may be limited to a 10-minute statement. If possible, we will notify speakers if additional time is available.

(4) We will try to accommodate all speakers. If the available time does not permit this, we will generally schedule speakers on a first-come-first-served basis. However, we reserve the right to exclude some speakers if necessary to present a balance of viewpoints and issues.

(5) Sign and oral interpretation can be available at the meeting, as well as an assistive listening device, if requested from the person listed in the **FOR FURTHER INFORMATION CONTACT** section at least 2 weeks before the meeting.

(6) Representatives of the FAA will chair the meeting. A panel of FAA personnel involved in this proposal will be present.

(7) We will make a transcript of the meeting using a court reporter. We will include in the public docket a transcript of the meeting and any material accepted by the FAA representatives during the meeting. Any person who is interested in buying a copy of the transcript should contact the court reporter directly. Additional transcript purchase information will be available at the meeting.

(8) The FAA will review and consider all material presented by participants at the meeting. Position papers or material presenting views or arguments related to the draft regulatory language may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. We request that persons participating in the meeting provide six copies of all materials presented for distribution to the FAA representatives. You may provide other copies to the audience at your discretion.

(9) Statements made by FAA representatives are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by an FAA representative is not intended to be, and should not be construed as, an official position of the FAA.

Meeting Agenda

Tuesday, March 29, 2005

Morning—Introductory Remarks and Presentation by FAA and United States Air Force representatives

Afternoon—Licensing Requirements —Grandfathering, Meets Intent Certifications, and Waivers

Wednesday, March 30, 2005

Morning—Cost Implications

Afternoon—Flight Safety Analysis/ Flight Safety Systems

Thursday, March 31, 2005

Continue discussion of technical issues and other concerns.

Availability of the Draft Regulatory Language and Other Documents

You can get an electronic copy of the draft regulatory language, the draft regulatory evaluation, a section-by-section response to comments on the 2000 NPRM and the 2002 SNPRM, and the Independent Economic Assessment performed by SAIC using the Internet through the Department of Transportation Docket Management System at *http://dms.dot.gov.* Use the search feature of the Web site by entering the docket number for this rulemaking (7953). We have also established a Web site containing a cross-referencing tool that correlates the text of the draft regulatory language with Air Force launch requirements

documents. The Web address is *http://ast.faa.gov/um/.*

You can also get a copy of the draft regulatory language by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number of this rulemaking.

Issued in Washington, DC on February 23, 2005.

George C. Nield,

Deputy Associate Administrator for Commercial Space Transportation.

[FR Doc. 05–3916 Filed 2–28–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[Docket No. DEA–254P]

RIN 1117–AA90

Control of Sodium Permanganate as a List II Chemical

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Controlled Substances Act (CSA) provides the Attorney General with the authority to specify, by regulation, additional chemicals as ''List II'' chemicals if they are used in the manufacture of a controlled substance in violation of the CSA. The Drug Enforcement Administration (DEA) is proposing the addition of sodium permanganate as a List II chemical because of its direct substitutability for potassium permanganate (a List II chemical) in the illicit production of cocaine.

As a List II chemical, handlers of sodium permanganate would be subject to CSA chemical regulatory controls including recordkeeping, reporting, and import/export requirements. DEA has determined that these controls are necessary to prevent the diversion of this chemical to cocaine laboratories.

DEA is also proposing that a cumulative threshold of 55 kilograms and 500 kilograms be established (respectively) for domestic and international transactions. As such, all transactions which meet or exceed these quantities (in a calendar month) shall be considered regulated transactions, subject to recordkeeping, reporting and/or import/export notification requirements. Additionally DEA is proposing that sodium permanganate chemical mixtures having less than or equal to 15 percent sodium permanganate shall qualify for automatic exemption from CSA chemical regulatory controls pursuant to 21 CFR part 1310.

All handlers of the List II chemical sodium permanganate would also be subject to the applicable civil and criminal penalty provisions found in 21 U.S.C. 841, 842, 843, 959 and 960.

DATES: Written comments must be postmarked, and electronic comments must be sent, on or before May 2, 2005.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–254'' 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: Christine A. Sannerud Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington DC 20537 at (202) 307–7183.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) and its implementing regulations, specifically 21 U.S.C. 802(35) and 21 CFR 1310.02(c), provide the Attorney General with the authority to specify, by regulation, additional chemicals as ''List II'' chemicals if they are used in the manufacture of a controlled substance in violation of the CSA. This authority has been delegated to the Administrator of DEA by 28 CFR 0.100 and redelegated to the Deputy Administrator under 28 CFR 0.104 (subpart R) Appendix section 12.

This Notice of Proposed Rulemaking (NPRM) proposes the addition of sodium permanganate as a List II chemical. Additionally, this NPRM proposes that a threshold of 55 kilograms and 500 kilograms be established (respectively) for domestic and international transactions.

DEA is also proposing that chemical mixtures (containing sodium permanganate) having less than or equal to 15 percent sodium permanganate shall qualify for automatic exemption from CSA chemical regulatory controls pursuant to 21 CFR part 1310. Since DEA recognizes that the concentration limit exemption criteria cannot identify all mixtures that should receive exemption status, DEA has implemented an application process to exempt additional mixtures (21 CFR 1310.13). This application process was finalized in a Final Rule published in the **Federal Register** May 1, 2003 (68 FR 23195). Under the application process, manufacturers may submit an application for exemption for those mixtures that do not qualify for automatic exemption. Exemption status can be granted if DEA determines that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and the listed chemical cannot be readily recovered (*i.e.*, it meets the conditions in 21 U.S.C. 802(39)(A)(v)). An application may be for a single or a multiple number of formulations.

Sodium Permanganate Industry and Legitimate Uses

Sodium permanganate is an inorganic oxidant that is a direct substitute for potassium permanganate. Due to its high solubility in water, sodium permanganate has distinct advantages over potassium permanganate in many industrial applications. It is becoming widely used for industrial purposes, including (1) printed circuit board production, (2) pharmaceutical and chemical synthesis, (3) soil and groundwater remediation, (4) metal cleaning formulations, (5) acid mine drainage and (6) hydrogen sulfide odor control.

DEA has identified only one domestic producer of sodium permanganate. However, sodium permanganate is also imported into the United States and there are at least three other major suppliers of sodium permanganate in the United States.

The U.S. firm that manufactures sodium permanganate distributes it through 15–20 major authorized distributors and more than 100 branch distributors. This U.S. supplier has advised DEA that it is aware of ''one

[sodium permanganate] manufacturer in Germany, more than one manufacturer in China and at least nine suppliers in other countries.''

Reason for This Control Action

Sodium permanganate is directly substitutable for potassium permanganate, an important List II chemical used illicitly in the production of cocaine. Potassium permanganate is widely used as an oxidizing agent for removing impurities from coca base in the illicit production of cocaine. Potassium permanganate is utilized because it produces an aesthetically pleasing, white, crystalline form of cocaine hydrochloride, which is easily marketed.

Because of its importance in cocaine production, potassium permanganate has been the target of international cooperative efforts to monitor potassium permanganate shipments and prevent its diversion. This effort remains an international priority involving the competent authorities of 22 countries.

Recently, the world's largest producer of potassium permanganate (a U.S. company) informed DEA of its recent conversion of production processes away from potassium permanganate and toward the increased production and distribution of sodium permanganate. Because of sodium permanganate's direct substitutability for potassium permanganate, this company has agreed with DEA concerns regarding the potential illicit use of sodium permanganate as a direct substitute for potassium permanganate in cocaine processing. This producer advised DEA that it would welcome the control of sodium permanganate as a listed chemical.

Even though production of sodium permanganate has historically been limited, sodium permanganate has been seized by law enforcement at illicit cocaine laboratories in Latin America. As reported in the 2001 and 2002 Statistical Summary on Drugs compiled by the Organization of American States (OAS), Inter-American Drug Abuse Control Commission (CICAD), the Government of Colombia (as reported by the Colombian Ministerio de Justicia y del Derecho, Direccion Nacional de Estupefacientes) reported the seizure of 1,400 kilograms of sodium permanganate in 1997, 236 kilograms in 1998 and 404 kilograms in 1999.

Because of its direct substitutability for potassium permanganate and increased production, DEA sees the urgent need to regulate sodium permanganate as a List II chemical to prevent its diversion to cocaine laboratories. Hence, this NPRM proposes that sodium permanganate become subject to the same CSA regulatory controls which have been put forth for potassium permanganate. As such, sodium permanganate would become subject to List II chemical controls, including recordkeeping, reporting, and import/export requirements as specified in 21 CFR parts 1310 and 1313.

Regulatory Controls That Would Apply to This Chemical

DEA is proposing that sodium permanganate become subject to the same chemical controls as apply to potassium permanganate, due to its direct substitutability in cocaine processing. As a List II chemical, sodium permanganate would be subject to the chemical regulatory control provisions and civil and criminal sanctions of the CSA. As such, recordkeeping, reporting and import/export notification requirements (as described in 21 CFR parts 1310 and 1313) shall apply. As a List II chemical, manufacturers, distributors, importers and exporters of sodium permanganate will not be required to register with DEA pursuant to the provisions of 21 CFR part 1309.

Handlers of this chemical would be required to maintain records and meet CSA import/export notification requirements for ''regulated transactions'' involving sodium permanganate. The CSA (21 U.S.C. 802(39)) defines the term ''regulated transaction'' as a ''distribution, receipt, sale, importation, or exportation of, or an international transaction involving the shipment of, a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical,'' a transaction involving a threshold amount. The CSA, therefore, provides the Attorney General with authority to establish a threshold amount for listed chemicals if the Attorney General so elects.

DEA is proposing the establishment of a threshold of 55 kilograms for domestic transactions and 500 kilograms for international transactions. Consequently, all transactions which meet or exceed these threshold quantities would be considered regulated transactions and be subject to recordkeeping, reporting and import/export notification requirements of the CSA.

Regulatory Requirements for Persons Handling Regulated Transactions of Sodium Permanganate

Records and Reports. The CSA (21 U.S.C. 830) requires certain records to be kept and reports to be made involving listed chemicals. Regulations describing recordkeeping and reporting requirements are set forth in 21 CFR part 1310. A record must be made and maintained for two years after the date of a regulated transaction involving a List II chemical. Only a distribution, receipt, sale, importation, or exportation of a regulated mixture at or above the established threshold (*e.g.* 55 kilograms for domestic transactions and 500 kilograms for international transactions) is a regulated transaction (21 CFR 1300.02(b)(28)).

Each regulated bulk manufacturer of a regulated mixture shall submit manufacturing, inventory and use data on an annual basis (21 CFR 1310.05(d)). Bulk manufacturers producing the mixture solely for internal consumption, *e.g.*, formulating a non-regulated mixture, are not required to submit this information. Existing standard industry reports containing the required information are acceptable, provided the information is readily retrievable from the report. 21 CFR 1310.05 requires that each regulated person shall report to DEA any regulated transaction involving an extraordinary quantity, an uncommon method of payment or delivery, or any other circumstance that causes the regulated person to believe that the listed chemical will be used in violation of the CSA.

Imports/Exports. All import/exports and brokered transactions of regulated mixtures shall comply with the CSA (21 U.S.C. 957 and 971). Regulations for importation and exportation of listed chemicals are described in 21 CFR part 1313.

Administrative Inspection. Places, including factories, warehouses, or other establishments and conveyances, where regulated persons may lawfully hold, manufacture, or distribute, dispense, administer, or otherwise dispose of a listed chemical or where records relating to those activities are maintained, are controlled premises as defined in 21 CFR 1316.02(c). The CSA (21 U.S.C. 880) allows for administrative inspections of these controlled premises as provided in 21 CFR part 1316 subpart A.

Specific Requirements That Will Apply to Regulated Chemical Mixtures Containing Sodium Permanganate

Upon publication of a Final Rule, a chemical mixture that is regulated because it contains greater than 15 percent sodium permanganate will be treated as a List II chemical. Transactions that meet or exceed the cumulative monthly threshold of 55 kilograms for domestic transactions and 500 kilograms for international

transactions shall be regulated transactions.

The regulatory requirements for regulated chemical mixtures containing List II chemicals are the same as for regulated chemical mixtures containing List I chemicals, except that registration requirements do not apply. Therefore, the same requirements for records and reports, imports/exports (except that pertaining to 21 U.S.C. 957), and administrative inspection, as outlined above, apply to handlers of List II regulated chemical mixtures.

Persons who submit an application for exemption (21 CFR 1310.13) and whose application is pending or subsequently denied by DEA would be required to comply with all chemical control requirements, including recordkeeping and reporting, effective 30 days from date of publication of the final rulemaking. Therefore, all transactions of the chemical mixture would be regulated, if above threshold, while an application for exemption is pending or awaiting correction. This is necessary because not regulating these transactions could result in increased diversion of chemicals desirable to cocaine traffickers.

Potential Impact of Regulation Upon Industry

In an effort to better estimate the potential impact of this proposed action, DEA conducted an analysis of various data sources relating to the manufacture, distribution, and use of the permanganates. This included an analysis of current chemical producers and marketing directories (to identify companies listing themselves as sources of these chemicals).

As previously stated in this NPRM, the DEA has identified only a limited number of companies which distribute sodium permanganate which has been either domestically produced or imported. While sodium permanganate has industrial uses, DEA has not been able to identify any ''household'' uses for this chemical. Therefore, the number of firms that are likely to be affected by this proposed regulation is relatively small.

This proposed regulation is not considered to have an impact upon a substantial number of firms, given the limited distribution of this chemical. Additionally, it is likely that the CSA recordkeeping requirements are already being met as part of normal business practice. Since sodium permanganate is being proposed as a List II chemical there is no registration requirement. Additionally, DEA is proposing a cumulative threshold of 55 kilograms for domestic transactions and 500 kilograms for international transactions. Therefore, small transactions involving research quantities of sodium permanganate will not be subject to regulatory requirements.

Invitation for Input Regarding the Legitimate Uses for These Chemicals

This NPRM solicits input regarding: (1) The nature of the legitimate sodium permanganate industry; (2) the legitimate uses of sodium permanganate at all levels of distribution (including industrial uses and use by individual end-users at the retail level of distribution); (3) the potential impact such regulatory controls may have on legitimate industry (particularly with respect to the impact on small businesses); (4) the potential number of individuals/firms which may be affected by increased regulatory requirements; and (5) any other information on the manner of manufacturing, distribution, consumption, storage, disposal, and uses of sodium permanganate by industry and others. Comments must be submitted on or before May 2, 2005.

Regulatory Certifications

Regulatory Flexibility Act

The Deputy Administrator hereby certifies that this rulemaking has been drafted in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation, and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. As noted previously, this NPRM is not considered to have an impact upon a substantial number of firms, given the limited distribution of this chemical. Further, this impact is being limited by the fact that DEA is proposing to list sodium permanganate as a List II chemical, rather than the more stringent requirements of a List I chemical. Additionally, it is likely that the CSA recordkeeping requirements are already being met as part of normal business practice. The cumulative threshold of 55 kilograms for domestic transactions and 500 kilograms for international transactions proposed here would remove from regulatory control small transactions involving research quantities of sodium permanganate.

Executive Order 12866

The Deputy Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866 Section 1(b). It has been determined that this is a ''significant regulatory action''. Therefore, this action has been reviewed by the Office of Management and Budget. DEA has identified only one United States firm which manufactures sodium permanganate. This firm supports control of sodium permanganate as a List II chemical.

Paperwork Reduction Act

This NPRM proposes the addition of sodium permanganate as a List II chemical under the Controlled Substances Act. As a List II chemical, there is no requirement of registration to handle this chemical. Further, as most persons who handle this product are end-users and, as such, are not required to maintain records or file reports, there is no impact on these persons.

Handlers of sodium permanganate that distribute above threshold quantities, are required to maintain records. Normal business records are deemed adequate if they contain the information required in 21 CFR 1310.06. As normal business records meet DEA's regulatory requirements, the maintenance of these records does not fall under the parameters of the Paperwork Reduction Act. Further, DEA is proposing that persons importing and exporting this List II chemical in quantities of greater than 500 kilograms, cumulatively, per month, must provide DEA with advance notification of these transactions. As DEA does not have any information on which to base an estimate of the impact of this new reporting requirement for persons importing or exporting sodium permanganate in quantities greater than 500 kilograms, cumulatively, per month, DEA will adjust the burden related to this information collection (OMB control number 1117–0023 ''Import/Export Declaration: Precursor and Essential Chemicals'') upon its renewal.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132

This rulemaking does not preempt or modify any provision of State law; nor does it impose enforcement responsibilities on any State; nor does it diminish the power of any State to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more

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

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $114,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 21 CFR Part 1310

Drug traffic control, List I and List II chemicals, Reporting and recordkeeping requirements.

For reasons set out above, it is proposed that 21 CFR part 1310 be amended as follows:

PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES [AMENDED]

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b), 890.

2. Section 1310.02 is proposed to be amended by adding a new paragraph (b)(12) to read as follows:

§ 1310.02 Substances covered.

* * * * *

(b) * * *

(12) Sodium Permanganate 6588

* * * * *

3. Section 1310.04 is proposed to be amended by adding new paragraphs (f)(2)(i)(H) and (f)(2)(ii)((J) to read as follows:

§ 1310.04 Maintenance of records.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(H) Sodium permanganate. N/A ... 500 kilograms.

* * * * *

(ii) * * *

(J) Sodium permanganate. N/A ... 55 kilograms.

* * * * *

4. Section 1310.12 is proposed to be amended by revising paragraph (c) introductory text and adding to the table in paragraph(c) an entry in alphabetical order for ''Sodium Permanganate'' to read as follows:

§ 1310.12 Exempt chemical mixtures.

* * * * *

(c) Mixtures containing a listed chemical in concentrations equal to or less than those specified in the ''Table of Concentration Limits'' are designated as exempt chemical mixtures for the purpose set forth in this section. The concentration is determined for liquid-liquid mixtures by using the volume or weight and for mixtures containing solids or gases by using the unit of weight.

TABLE OF CONCENTRATION LIMITS

	DEA chemical code number	Concentration (percent)	Special conditions
List I Chemicals.			
* * * *	*	*	*
List II Chemicals.			
* * * *	*	*	*
Sodium Permanganate	6588	15% by Weight.	
* * * *	*	*	*

Dated: December 30, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 05–3913 Filed 2–28–05; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[CGD13–05–001]

RIN 1625–AA01

Anacortes General Anchorage and Cap Sante and Hat Island Tug and Barge General Anchorages, Anacortes, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish three general anchorages and two tug and barge general anchorages in the vicinity of Anacortes, Washington. These anchorages would reduce the risk of collisions, provide a more orderly movement of tanker traffic in and out of near by oil refineries, and keep the approaches to Guemes Channel open to transiting traffic while providing ample room for barge operations.

DATES: Comments and related material must reach the Coast Guard on or before May 2, 2005.

ADDRESSES: You may mail comments and related material to Commanding Officer (wwm), Marine Safety Office Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134. Marine Safety Office Puget Sound maintains the public docket [CGD13–05–001] for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Marine Safety Office Puget Sound between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Alger, Operations Director, Vessel Traffic Service Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134, (206) 217–6040.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD13–05–001), indicate the specific section of this document to which each comment

applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Marine Safety Office Puget Sound at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Guemes Channel and the waters near Cap Sante and March Point are used by oil tank ships and tugs and barges and recreational vessels. In April 2000 the Captain of the Port Puget Sound (COTP), Port Angeles Pilots and representatives from the local oil industry and tug boat companies met to discuss efforts to minimize conflicts between vessels which transit Guemes Channel and vessels which anchor near Cap Sante and March Point. As a result of this meeting, the Coast Guard identified certain areas where vessels may anchor without presenting an unacceptably high risk of danger to navigation. Because these areas were not formally established as anchorage grounds, they are not included on nautical charts nor referenced in the Coast Pilot. Hence, vessels transiting the area may not know where vessels may be anchoring. This proposed rule would designate anchorage grounds for certain vessels. These anchorages would be managed by the Coast Guard Vessel Traffic Service Puget Sound (VTS) on behalf of the COTP. Management of these anchorages would reduce the risk of collisions and provide a more orderly movement of tanker traffic in and out of oil refineries at March Point.

Discussion of Proposed Rule

The Coast Guard is proposing establishing three general anchorages centered on a 600 yard (.3 nm) radius from the following positions:

Anacortes East (ANE): 48°31′27″ N, 122°33′45″ W;

Anacortes Center (ANC): 48°30′54″ N, 122°34′06″ W; and

Anacortes West (ANW): 48°31′09″ N, 122°34′55″ W [Datum: NAD 1983]

Lightering operations would only be allowed in the Anacortes West and Anacortes Center anchorages. Consistent with the regulations found at 33 CFR 110.230(b)(1) regarding general anchorages in Puget Sound, no vessel will be allowed to anchor in the Anacortes general anchorages described above without prior permission from the Captain of the Port (COTP), or his authorized representative. However, the Coast Guard proposes making an exception to the requirement to obtain permission for the Cap Sante and Hat Island tug and barge general anchorages, which the Coast Guard proposes creating and are discussed below. In other words, the Coast Guard will not require a tug and barge using the Cap Sante and Hat Island general anchorages to obtain permission from the COTP prior to using these areas.

Currently, 33 CFR 110.230(b)(1) allows vessels to occupy a general anchorage for up to 30 days. This provision will remain unchanged with respect to the general anchorages that are currently established. However, under this proposed rule, no vessel will be permitted to occupy the Anacortes East or Anacortes Center anchorages for a period of longer than ten (10) days or occupy the Anacortes West anchorage for a period longer than and six (6) days.

The VTS will apply a hierarchy for assignment of berths in the Anacortes general anchorage area which are based on risk mitigation and are similar in concept to Rule 18 of the Convention on the International Regulations for Preventing Collisions at Sea, 1972, (commonly called 72 COLREGS). The following hierarchy will be applied for assignment of Anacortes General Anchorage Areas—(1) tankers conducting lightering operations, (2) loaded tankers, (3) all other vessels. Each vessel using the Anacortes general anchorage shall be prepared to move within 24 hours upon notification by the COTP. If a vessel is required to depart the Anacortes general anchorage, the COTP will consider where the vessel fits in the assignment hierarchy. Normally, vessels in a lower category will be required to leave before a vessel in a higher category. For example, a non-tanker would be required to leave before a loaded tanker. Furthermore, the COTP will apply the rule of first in, first out (FIFO) to determine which vessel shall depart if the vessels are in the same category.

In addition, the Coast Guard proposes to establish a general anchorage for tugs and barges near Cap Sante and Hat Island. These general anchorages would serve primarily as holding areas for tugs and oil barges awaiting pier space at nearby refineries or while waiting to conduct bunkering, lightering or other transfer operations. The following are descriptions of these areas. The Cap Sante Tug and Barge General Anchorage includes all waters enclosed by a line connecting the following points: 48°31′16″ N, 122°36′00″ W, which is approximately the northeast tip of Cap Sante; then southeast to 48°30′53″ N, 122°35′28″ W; then west southwest to 48°30′45″ N, 122°35′52″ W, approximately the south tip of Cap Sante; then north along the shoreline to the point of origin. [Datum: NAD 1983]. The Hat Island Tug and Barge General Anchorage includes all waters enclosed by a line connecting the following points: 48°31′19″ N, 122°33′04″ W, near the west side of Hat Island; then southwest to 48°30′37″ N, 122°33′38″ W; then east to 48°30′37″ N, 122°32′00″ W; then northwest to the point of origin. [Datum: NAD 1983].

Tugs and barges in the Cap Sante and Hat Island General Anchorages are required to ensure their vessels and barges do not project beyond the anchorage areas' boundaries. The tug must be manned, remain in attendance with the barge and maintain a communications guard with VTS on an appropriate VTS VHF radio working frequency, which is currently channel 5A. These designated anchorage areas would assist in keeping the approaches to Guemes Channel open to transitioning traffic while providing ample room for barge operations.

In order to accommodate changes to the regulations found in paragraph (b) of this section that are necessary as a result of this proposed rule, the Coast Guard proposes splitting the current paragraph (b)(1) into 6 smaller paragraphs which incorporate changes that are required by this proposed rule. The Coast Guard proposes amending 33 CFR 110.230(b)(1) by including the COTP's designation of Vessel Traffic Service Puget Sound designation as an authorized representative. Vessel Traffic Service Puget Sound has been previously designated by the COTP as his authorized representative for managing the use of the general anchorages established in 33 CFR 110.230 and for obtaining permission to use these general anchorages. However, this designation was never incorporated into the existing regulations. Likewise, under 33 CFR 160.5(d), the Commanding Officer of Vessel Traffic Service Puget Sound is delegated authority under 33 CFR 1.01–30 to discharge the duties of the Captain of the Port that involve anchorage of vessels with in a Vessel Traffic Service area including the management of vessel

traffic within anchorages. Furthermore, to allow time for a request to use a general anchorage to be considered, all vessels should seek permission to use a general anchorage at least 48 hours prior to their arrival at the anchorage area. Splitting the current paragraph (b)(1) also makes the numerous requirements previously contained in paragraph (b)(1) easier to read and understand. Paragraphs (b)(2) through (b)(9) would be redesignated as paragraphs (b)(7)–(b)(14) and are unchanged.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit this portion of Puget Sound, The Strait of Juan de Fuca, and adjoining waters. Because the impacts of this proposal are expected to be minimal, the Coast Guard certifies under 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have significant economic impact on a substantial number of small entities.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Alger from the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination 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, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(f), of the Instruction, from further environmental documentation because this proposed rule would establish anchorage grounds.

A preliminary ''Environmental Analysis Check List'' is available in the docket where indicated under **ADDRESSES.** Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035 and 2071, 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.1.

2. In § 110.230 add new paragraphs (a)(15), (16), and (17), redesignate paragraphs (b)(1) through (b)(9) as (b)(7) through (b)(15), respectively, and add new paragraphs (b)(1) through (6) to read as follows:

§ 110.230 Puget Sound Area, Wash.

(a) * * *

(15) *Anacortes General Anchorages.*

(i) *Anacortes East (ANE) Anchorage Area.* The waters within a circular area with a radius of 600 yards, having its center at 48°31′27″ N., 122°33′45″ W. [Datum: NAD 1983].

(ii) *Anacortes Center (ANC) Anchorage Area.* The waters within a circular area with a radius of 600 yards, having its center at 48°30′54″ N., 122°34′06″ W. [Datum: NAD 1983].

(iii) *Anacortes West (ANW) Anchorage Area.* The waters within a circular area with a radius of 600 yards, having its center at 48°31′09″ N., 122°34′55″ W. [Datum: NAD 1983].

(16) *Cap Sante Tug and Barge General Anchorage.* The Cap Sante Tug and Barge General Anchorage includes all waters enclosed by a line connecting the following points: 48°31′16″ N, 122° 36′00″ W, which is approximately the northeast tip of Cap Sante; then southeast to 48°30′53″ N, 122°35′28″ W; then west southwest to 48°30′45″ N, 122°35′52″ W, approximately the south tip of Cap Sante; then north along the shoreline to the point of origin. [Datum: NAD 1983].

(17) *Hat Island Tug and Barge General Anchorage.* The Hat Island Tug and Barge General Anchorage includes all waters enclosed by a line connecting the following points: 48°31′19″ N, 122°33′04″ W, near the west side of Hat Island; then southwest to 48°30′37″ N, 122°33′38″ W; then east to 48°30′37″ N, 122°32′00″ W; then northwest to the point of origin. [Datum: NAD 1983].

(b) *The regulations.*

(1) No vessel shall anchor in any general anchorage described in paragraph (a) of this section without prior permission from the Captain of the Port (COTP), or his authorized representative. Vessel Traffic Service Puget Sound is designated as the COTP's authorized representative. All vessels should seek permission at least 48 hours prior to arrival at the anchorage area in order to avoid unnecessary delays.

(i) Except for the Anacortes General Anchorages, a berth in a general anchorage, if available, may be assigned to any vessel by the Captain of the Port or his authorized representative upon application and he may grant revocable permits for the continuous use of the same berth. For the Anacortes General Anchorages, the following hierarchy will be applied for assignment of a berth: tankers conducting lightering operations, then loaded tankers, and then all other vessels.

(ii) Tugs and oil barges using the Cap Sante and Hat Island General Anchorages are exempt from the requirement to obtain the COTP's permission.

(2) Except for the Anacortes General Anchorages, no vessel shall occupy any general anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. There is a 10 days maximum stay at the Anacortes East and Anacortes Center general anchorages, and 6 day maximum stay at the Anacortes West general anchorage.

(3) The COTP or his authorized representative may require vessels to depart from the Anacortes General Anchorage before the expiration of the authorized or maximum stay. The COTP or his authorized representative will provide at least 24-hour notice to a vessel required to depart the Anacortes General Anchorage.

(4) No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy any general anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port.

(5) Within the Anacortes General Anchorages, lightering operations shall only be conducted in the Anacortes West and Anacortes Center anchorages.

(6) Tugs and barges using the Cap Sante and Hat Island Barge General Anchorages are required to ensure their vessels and barges do not project beyond the holding area's boundaries. The tug must be manned, remain in attendance with the barge and maintain a communications guard with VTS on an appropriate VTS VHF radio working frequency, which is currently channel 5A.

* * * * *

Dated: February 16, 2005.

J.M. Garrett,

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

[FR Doc. 05–3918 Filed 2–28–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–05–001]

RIN 1625–AA09

Drawbridge Operation Regulation; Bayou La Batre, Bayou La Batre, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulation governing the operation of the State Highway 188 vertical lift span bridge, across Bayou La Batre, mile 2.3, at Bayou La Batre, Alabama. The proposed rule would allow the draw of the bridge to remain closed to navigation at specific vehicular peak rush hour time periods due to an increase in commuter traffic, Monday through Friday. This rule will allow for better coordination and facilitate movement of both vehicular and marine traffic at the bridge site.

DATES: Comments and related material must reach the Coast Guard on or before May 2, 2005.

ADDRESSES: You may mail comments and related material to Commander (obc), Eighth Coast Guard District, 500 Poydras Street, New Orleans, Louisiana 70130–3310. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Administration office between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Cindy Herrmann, Bridge Administration Branch, telephone 504–589–2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD08–05–001], indicate the specific section of this document to which each comment applies and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. You may submit a request for a meeting by writing to Commander, Eighth Coast Guard District, Bridge Administration Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The U.S. Coast Guard, at the request of the Alabama Department of Transportation and supported by the Mayor of the City of Bayou La Batre and the Mobile County Public School System, proposes to change the times of the existing drawbridge operation regulation. Currently, the bridge opens on signal except that the draw need not be opened from 8 p.m. to 4 a.m. daily, and from 6:30 to 8:30 a.m. and from 2 p.m. to 5 p.m. Monday through Saturday except holidays.

In an effort to assess and accurately determine the needs of the community, traffic counts and bridge tender logs were supplied by Alabama Department of Transportation. A review of the logs of drawbridge openings and traffic counts reveal that adjusting the marine traffic closures to coordinate with vehicular rush hour traffic should not significantly impact the flow of marine traffic. Allowing the bridge to remain closed to marine traffic during times that coincide with the heaviest vehicular traffic counts would help relieve the morning and afternoon rush hour commuter traffic congestion across the bridge while having minimal impact on vessel traffic. The Coast Guard will evaluate public comment to determine if the proposed special drawbridge operating regulation is warranted.

Navigation at the site of the bridge consists primarily of recreational pleasure craft, fishing vessels, crew boats and tugboats with barges. Alternate routes are not available to marine traffic.

Discussion of Proposed Rule

The proposed rule change to 33 CFR 117.103 would allow the bridge across Bayou La Batre, mile 2.3, in Bayou La Batre, Alabama to remain closed to navigation, from 8 p.m. to 4 a.m. daily, except for emergencies. The bridge will open on the hour daily, Monday through Sunday, between 4 a.m. and 8 p.m. except as otherwise specified. Monday through Friday, the bridge will not open on the hours of 7 a.m., 3 p.m., and 4 p.m., but will open on signal at 3:30 p.m. These changes would more closely coincide with peak rush hour traffic. The bridge will open as soon as possible for emergencies.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This proposed rule provides specific one hour closure periods in lieu of two hour closure periods at peak traffic times. The Alabama Department of Transportation and local government officials in coordination with local maritime interests agree that a specific operating schedule is warranted.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities: the owners or operators of vessels needing to transit the bridge from 4 a.m. to 8 p.m. daily and the facilities that operate above the bridge.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Eighth Coast Guard District Bridge Administration Branch at the address above. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132,

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this proposed rule is categorically excluded, under figure 2–1, paragraph (34)(e), of the Instruction, from further environmental documentation. Paragraph (34)(e) excludes the promulgation of operating regulations or procedures for drawbridges from the environmental documentation requirements of NEPA. Since this proposed rule will alter the normal operating conditions of the drawbridges, it falls within this exclusion.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. § 117.103 is revised to read as follows:

§ 117.103 Bayou La Batre

The draw of the SR 188 Bridge, mile 2.3, at Bayou La Batre, will open on signal every hour on the hour daily between 4 a.m. and 8 p.m., Monday through Sunday. The bridge need not open for the passage of vessels on the hours of 7 a.m., 3 p.m., and 4 p.m., Monday through Friday. An additional opening will be made at 3:30 p.m., Monday through Friday for the passage of vessels. The bridge will remain closed to marine traffic from 8 p.m. to 4 a.m. daily except for emergencies.

Dated: February 15, 2005.

R.F. Duncan,

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

[FR Doc. 05–3919 Filed 2–28–05; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 78, and 97

[Docket No. OAR–2004–0440; FRL–7876–2]

RIN 2060–AJ16

Stay of the Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this action, EPA is proposing to stay the effectiveness of a final rule we issued under section 110 of the Clean Air Act (CAA) related to the interstate transport of nitrogen oxides (NO_X). On April 21, 2004, EPA issued a final rule that required the State of Georgia to submit State implementation plan (SIP) revisions that prohibit specified amounts of NO_X emissions—one of the precursors to ozone (smog) pollution—for the purposes of reducing

NO_X and ozone transport across State boundaries in the eastern half of the United States. This rule became effective on June 21, 2004.

Subsequently, the Georgia Coalition for Sound Environmental Policy (GCSEP or Petitioners) filed a petition for reconsideration requesting that EPA reconsider the inclusion of the State of Georgia in the NO_X SIP Call Rule and also requested a stay of the effectiveness of the rule as it relates to the State of Georgia only.

In response to this petition, EPA is proposing to stay the effectiveness of the April 21, 2004 rule as it relates to the State of Georgia only, while EPA conducts notice-and-comment rulemaking to further address the issues raised by the Petitioners.

DATES: Comments must be received on or before March 31, 2005. A public hearing, if requested, will be held in Atlanta, Georgia on March 15, 2005, beginning at 9 a.m.

ADDRESSES: Submit your comments, identified by Docket ID No. OAR–2004–0440, 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: *A-and-R-Docket@epa.gov.*
- Fax: (202) 566–1741.
- Mail: Air Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of 2 copies.
- Hand Delivery: EPA Docket Center (Air Docket), U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. OAR–2004–0440. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.epa.gov/edocket*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through EDOCKET, regulations.gov, or e-mail. The EPA EDOCKET and the Federal regulations.gov 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.

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

FOR FURTHER INFORMATION CONTACT: General questions concerning today's action should be addressed to Jan King, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, C539–02, Research Triangle Park, NC 27711, telephone (919) 541–5665, e-mail *king.jan@epa.gov.* Legal questions should be directed to Winifred Okoye, Office of General Counsel, (2344A), 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone (202) 564–5446, e-mail *okoye.winifred@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public Hearing

A public hearing, if requested, will be held on March 15, 2005, beginning at 9 a.m in Atlanta, Georgia. The hearing will be held at the U.S. Tax Court, Courtroom 1136, Russell Federal Building and Courthouse, 75 Spring Street, SW., Atlanta, Georgia 30303. If you wish to request a hearing and present testimony or attend the hearing, you should notify, on or before March 9, 2005, Jan King, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, C539–02, Research Triangle Park, NC 27711, telephone (919) 541–5665, e-mail *king.jan@epa.gov.* Oral testimony will be limited to 5 minutes each. The hearing will be strictly limited to the subject matter of the proposal, the scope of which is discussed below. Any member of the public may file a written statement by the close of the comment period. Written statements (duplicate copies preferred) should be submitted to Docket OAR–2004–0440, at the address listed above for submitted comments. The hearing schedule, including lists of speakers will be posted on EPA's Web page at *http://www.epa.gov/ttn/naaqs/ozone/rto/rto.html.* A verbatim transcript of the hearing and written statements will be made available for copying during normal working hours at the Office of Air and Radiation Docket and Information Center at the address listed for inspection of documents.

If no requests for a public hearing are received by close of business on March 9, 2005, the hearing will be cancelled. The cancellation will be announced on the Web page at the address shown above.

Outline

I. Background
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III. Statutory and Executive Order Reviews
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C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer Advancement Act
J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

I. Background

On October 27, 1998, EPA found that emissions of NO_X from 22 States and the District of Columbia (23 States) were significantly contributing to downwind areas' nonattainment of the 1-hour ozone national ambient air quality standard (NAAQS). (Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone, 63 FR 57354, October 27, 1998 (NO_X SIP Call Rule)). More specifically, EPA found that the State of Georgia was significantly contributing to 1-hour ozone nonattainment in Birmingham, Alabama and Memphis, Tennessee. (63 FR 57394). The EPA set forth requirements for each of the affected upwind States to submit SIP revisions prohibiting those amounts of NO_X emissions which significantly contribute to downwind nonattainment. The EPA further required that each State SIP provide for NO_X reductions in amounts that any remaining emissions would not exceed the level specified in EPA's NO_X SIP Call regulations for that State in 2007.

A number of parties, including certain States as well as industry and labor groups, challenged the NO_X SIP Call Rule. More specifically, Georgia and Missouri industry petitioners citing to the Ozone Transport Assessment Group (OTAG), modeling and recommendations, maintained that EPA had record support only for the inclusion of eastern Missouri and northern Georgia, as significantly contributing to downwind nonattainment. And in *Michigan* v. *EPA*, 213 F. 3d 663 (DC Cir., 2000), cert. denied, 121 S. Ct. 1225 (2001) (*Michigan*), the DC Circuit Court vacated and remanded EPA's inclusion of the entire States of Georgia and Missouri, on grounds that OTAG had recommended NO_X controls to reduce transport for areas within the fine grid parts of its modeling but recommended no additional controls for areas within the coarse grid of its modeling. Eastern Missouri and northern Georgia lie within the fine grid. The Court, however, did not question EPA's proposition that eastern Missouri and northern Georgia should be considered as significantly contributing to downwind nonattainment.

On February 22, 2002, EPA proposed the inclusion of only the fine grid parts of Georgia and Missouri in the NO_X SIP Call. (Response to Court Decisions on the NO_X SIP Call, NO_X SIP Call Technical Amendments, and Section 126 Rules, 67 FR 8396, February 22, 2002.) The EPA also proposed revised NO_X budgets for Georgia and Missouri that included only these portions of each State.

On April 21, 2004, EPA finalized, as proposed, the inclusion of eastern Missouri and northern Georgia in the NO_X SIP Call Rule, allocated revised NO_X budgets that reflected the inclusion of sources located in only these areas and set revised SIP submittal and full compliance dates of April 1, 2005, and May 1, 2007, respectively (69 FR 21604).

On June 16, 2004, the GCSEP filed a petition for reconsideration of the inclusion of the State of Georgia in the NO_X SIP Call, under section 307(d) of the CAA. Petitioners maintained that grounds that were of central relevance had occurred after the close of notice-and-comment period for the February 22, 2002, proposal. More specifically, Petitioners cited EPA's March 12, 2004, 1-hour ozone attainment redesignation of Birmingham, Alabama (69 FR 11798). Additionally, GCSEP cited to the earlier January 17, 1995, Memphis, Tennessee, 1-hour ozone attainment redesignation (60 FR 3352), and maintained that the State of Georgia should not be subject to the NO_X SIP Call Rule because it was no longer significantly contributing to 1-hour nonattainment in any downwind areas. Petitioners also raised other issues such as the effect of EPA's approval and the State of Georgia's implementation of the Atlanta, Georgia attainment demonstration SIP since May 1, 2003. Petitioners further requested a stay of the effectiveness of the April 21, 2004, rule as it relates to the State of Georgia, under section 307(d)(7)(B). Finally, GCSEP filed a challenge in the Court of Appeals for the 11th Circuit, which has since been transferred to the DC Circuit.

II. What Is the Scope of This Proposal?

The EPA, in response to GCSEP's request, intends to initiate notice-and-comment rulemaking that will address the issues raised by GCSEP. In the upcoming proposal, EPA expects to provide notice-and-comment opportunity to the general public on the issues raised by GCSEP and several other issues as they relate to the continued applicability of the NO_X SIP Call Rule to the State of Georgia. Accordingly, in this action, EPA is proposing to stay the effectiveness of the April 21, 2004, rule with respect to the State of Georgia only, during the pendency of the notice-and-comment rulemaking proceedings that will address the petition for reconsideration.

III. 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 Office of Management and Budget (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.

OMB has exempted this regulatory action from Executive Order 12866 review. This action is proposing to stay its finding in Phase II of the NO_X SIP Call related to Georgia and does not impose any additional control requirements or costs.

B. Paperwork Reduction Act

Today's action does not add any information collection requirements or increase burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and therefore is not subject to these requirements.

C. Regulatory Flexibility Act (RFA)

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 Procedures 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 as defined in the Small Business Administration's (SBA)

regulations at 13 CFR 12.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This action neither imposes requirements on small entities nor will there be impacts on small entities beyond those, if any, required by or resulting from the NO_X SIP Call and the Section 126 Rules. We have therefore concluded that today's proposed rule will relieve regulatory burden for all small entities affected by this rule. 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), 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 any proposed or final rules with ''Federal mandates'' that may result in the expenditure to State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating a 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.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or Tribal governments or the private sector. The EPA prepared a statement for the final NO_X SIP Call that would be required by UMRA if its statutory provisions applied. Today's action does not create any additional requirements beyond those of the final NO_X SIP Call, therefore, no further UMRA analysis is needed. This proposed rule stays the portion of the NO_X SIP Call that would require the State of Georgia to implement NO_X emissions controls requirements.

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. 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. Today's action does not impose an enforceable duty on these entities. This action proposes to stay the NO_X SIP Call requirements as they relate to Georgia and therefore, imposes no additional burdens beyond those imposed by the final NO_X SIP Call. 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, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes, as specified in Executive Order 13175. Today's action does not significantly or uniquely affect the communities of Indian Tribal governments. The EPA stated in the final NO_X SIP Call Rule that Executive Order 13084 did not apply because that final rule does not significantly or uniquely affect the communities of Indian Tribal governments or call on States to regulate NO_X sources located on Tribal lands. The same is true of today's action. Thus, Executive Order 13175 does not apply to this rule.

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 Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of

the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action does not impose requirements beyond those, if any, required by or resulting from the NO_X SIP Call and Section 126 Rules.

The public is invited to submit or identify peer-reviewed studies and data, of which the Agency may not be aware, that assessed results of early life exposure to NO_X (or ground-level ozone, of which NO_X is a precursor).

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

This 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.

I. National Technology Transfer Advancement Act

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

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

This action does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). For the final NO_X SIP Call, the Agency conducted a general analysis of the potential changes in ozone and particulate matter levels that may be experienced by minority and low-income populations as a result of the requirements of that rule. These findings were presented in the RIA for the NO_X SIP Call. Today's action does not affect this analysis.

List of Subjects

40 CFR Part 51

Administrative practice and procedure, Air pollution control, Environmental protection, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

40 CFR Part 78

Air pollution control, Nitrogen oxides, Ozone, Acid Rain Program, Trading budget, Compliance supplement pool.

40 CFR Part 97

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: February 15, 2005.

Jeffrey R. Holmstead,

Assistant Administrator for Air and Radiation.

[FR Doc. 05–3450 Filed 2–28–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[R01–OAR–2004–ME–0002b; A–1–FRL–7876–7]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Total Reduced Sulfur From Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a revision to Maine's plan for controlling air pollution according to section 111(d) of the Clean Air Act (*i.e.*, a ''111(d) plan''). This revision changes state regulations controlling the emission of total reduced sulfur (''TRS'') from existing kraft paper mills by making April 17, 2007 the compliance date for brownstock washers. This action is being taken in accordance with section 111(d) of the Clean Air Act (''CAA'').

DATES: Written comments must be received on or before March 31, 2005.

ADDRESSES: Comments may be mailed to Lucy Edmondson, Unit Manager, Air Permits, Toxics and Indoor Program Unit, Office of Ecosystem Protection (mail code CAP), U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA 02114–2023. Comments may also be submitted electronically, or through hand delivery/courier, please follow the detailed instructions (Part (I)(B)(1)(i) through (iii) of the **SUPPLEMENTARY INFORMATION** section) described in the direct final rule which is located in the Rules Section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ian D. Cohen, Air Permits, Toxics, and Indoor Air Programs Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAP), Boston, MA 02114–2023, *cohen.ian@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving the State's submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

Dated: February 10, 2005.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. 05–3909 Filed 2–28–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPT–2004–0111; FRL–7692–8]

RIN 2070–AJ12

2-ethoxyethanol, 2-ethoxyethanol acetate, 2-methoxyethanol, and 2-methoxyethanol acetate; Proposed Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) which would require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of 2-ethoxyethanol (CAS No. 110–80–5) (2-EE), 2-ethoxyethanol acetate (CAS No. 111–15–9) (2-EEA), 2-methoxyethanol (CAS No. 109–86–4) (2-ME), or 2-methoxyethanol acetate (CAS No. 110–49–6) (2-MEA) for domestic use in a consumer product or the manufacture or import of 2-MEA at levels greater than 10,000 pounds per year. EPA believes that this action is necessary because these chemicals may be hazardous to human health and their use in a consumer product may result in human exposure. The required notice would provide EPA with the opportunity to evaluate intended new uses and associated activities, and if necessary, prohibit or limit those uses and activities before they occur.

DATES: Comments, identified by docket identification (ID) number OPPT–2004–0111, must be received on or before May 2, 2005.

ADDRESSES: Submit your comments, identified by docket ID number OPPT–2004–0111, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov/.* Follow the on-line instructions for submitting comments.
- *Agency Website: http://www.epa.gov/edocket/.* EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.
- *E-mail: oppt.ncic@epa.gov.*
- *Mail:* Document Control Office (DCO) (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery:* OPPT Document Control Office, EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID number OPPT–2004–0111. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number OPPT–2004–0111. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line 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 regulations.gov websites are ''anonymous access'' systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through EDOCKET or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102) (FRL–7181–7).

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 OPPT Docket, EPA Docket Center, EPA West, Rm. B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744, and the telephone number for the OPPT Docket, which is located in the EPA Docket Center, is (202) 566–0280.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Amy Breedlove, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–9823; e-mail address: *breedlove.amy@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, import, or process 2-EE (CAS No. 110–80–5), 2-EEA (CAS No. 111–15–9), 2-ME (CAS No. 109–86–4), or 2-MEA (CAS No. 110–49–6) for use in consumer products or manufacture or import 2-MEA (CAS No. 110–49–6) at levels greater than 10,000 pounds per year.

Persons who intend to import any chemical substance governed by a final SNUR are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements, and to the regulations codified at 19 CFR 12.118 through 12.127 and 127.28. Those persons must certify that they are in compliance with the SNUR requirements (see TSCA section 13 (15 U.S.C. 2612) and 19 CFR 12.118 through 12.127 and 127.28). The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after March 31, 2005 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see 40 CFR 721.20), and must comply with the

export notification requirements in 40 CFR part 707, subpart D. Potentially affected entities may include, but are not limited to:

• Manufacturers (defined by statute to include importers) and processors of 2-EE, 2-EEA, 2-ME, and 2-MEA (NAICS 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 721.5 for SNUR-related obligations. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET (*http://www.epa.gov/edocket*), you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 721 is available on E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/*.

C. 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 ID 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, avoiding the use of profanity or personal threats.

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

II. Background

A. What Action is the Agency Taking?

EPA is proposing to designate the manufacture, import, or processing of 2-EE (CAS No. 110–80–5), 2-EEA (CAS No. 111–15–9), 2-ME (CAS No. 109–86–4), and 2-MEA (CAS No. 110–49–6) for domestic use in consumer products as a significant new use, as well as the manufacture or import of 2-MEA (CAS No. 110–49–6) at levels greater than 10,000 pounds per year. ''Consumer product'' is defined at 40 CFR 721.3 as ''a chemical substance that is directly, or as part of a mixture, sold or made available to consumers for their use in or around a permanent or temporary household or residence, in or around a school, or in recreation.'' This proposed rule would require persons intending to manufacture or import 2-MEA at levels greater than 10,000 pounds per year as well as those intending to manufacture, import, or process 2-EE, 2-EEA, 2-ME, or 2-MEA for domestic use in a consumer product to submit a Significant New Use Notice (SNUN) to EPA at least 90 days before such manufacture, import, or processing.

B. What is the Agency's Authority for Taking this Action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, and promulgates a SNUR, section 5(a)(1)(B) of TSCA requires persons to submit a SNUN to EPA at least 90 days before commencement of manufacture, import, or processing of the chemical substance for that use.

C. What is the Applicability of the General Regulatory Provisions?

General regulatory provisions for SNURs appear under subpart A of 40 CFR part 721. These provisions describe persons subject to the rule, recordkeeping requirements, and exemptions to reporting requirements. Provisions relating to user fees appear at 40 CFR part 700. Persons subject to the rule, when finalized, would be required to comply with the same notice requirements and EPA regulatory procedures as submitters of premanufacture notices (PMNs) under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (2), (3), and (5), and the regulations at 40 CFR part 720. Receipt of a SNUN by EPA may trigger regulatory action under TSCA sections 5(e), 5(f), 6, or 7, if appropriate, to control the activities on which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret TSCA section 12(b) appear at 40 CFR part 707, subpart D. Persons who intend to import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR sections 12.118 through 12.127 and section 127.28. Such persons must certify that they are in compliance with TSCA requirements. The EPA policy relating to import certification appears at 40 CFR part 707, subpart B.

III. Summary of this Proposed Rule

A. Why is EPA Taking this Action?

1. *Background*. On January 24, 1984, EPA published an Advance Notice of Proposed Rulemaking (ANPRM) (49 FR 2921) which stated that EPA determined, based on animal studies, that adverse reproductive and developmental effects are associated with the subject glycol ethers, i.e., 2-EE,

2-EEA, 2-ME, and 2-MEA, at concentrations to which humans may be exposed. (Ref. 1). EPA was considering the regulatory options available under TSCA section 6 to control any unreasonable risks from these chemicals. It solicited comments on the appropriateness of imposing a partial or total ban on these chemicals. EPA had also consulted with the Occupational Safety and Health Administration (OSHA) and the Consumer Product Safety Commission (CPSC) on possible actions under their legal authorities. Later, in October 1984, the Agency concluded that these chemicals may pose a significant hazard to humans (Ref. 2). However, by 1986, EPA's investigation of risks to consumers had led the Agency to conclude that the current information would not support an unreasonable risk finding for consumer use. This conclusion was based on the fact that because of wholesale switching to substitute solvents, EPA had not been able to identify manufacturers who were currently using these glycol ethers in their consumer products. EPA stated that it would continue to consult with the CPSC pursuant to section 9(d) of TSCA to resolve outstanding issues, particularly to clarify whether these glycol ethers were being used in consumer products (Ref. 3). Additionally, EPA stated it was satisfied that any risks from the substitutes were less than those presented by 2-EE, 2-EEA, 2-ME, or 2-MEA, and that use of substitutes would reduce overall risks to humans (Ref. 4).

On May 20, 1986 (51 FR 18488), EPA issued a report to OSHA, under section 9(a) of TSCA, stating that EPA had a reasonable basis to conclude that the risk of injury to worker health from exposure to 2-EE, 2-EEA, 2-ME, and 2-MEA during their manufacturing, processing, and use is unreasonable and that this risk may be prevented or reduced sufficiently by OSHA regulatory action (Ref. 3).

2. *Initial regulatory response by OSHA*. OSHA published its response on December 11, 1986 (51 FR 44699), stating that it had preliminarily concluded that occupational exposures to 2-EE, 2-EEA, 2-ME, and 2-MEA at the current OSHA permissible exposure limits (PELs) may present significant risks to the health of workers (Ref. 5). On April 2, 1987 (52 FR 10586), OSHA published an ANPRM under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654), announcing its intention to proceed to rulemaking to reduce occupational exposure to 2-EE, 2-EEA, 2-ME, and 2-MEA (Ref. 6). On March 23, 1993 (58 FR 15526), OSHA published a proposed rule that would reduce the chemicals' PELs and provide other protective measures for the approximately 46,000 workers exposed to the substances (Ref. 7). After publishing the 1993 proposal, OSHA held informal public hearings on the proposal, and the record closed in March 1994 (Ref. 8).

3. *EPA regulatory activities in the 1990's*. In the period immediately after OSHA published its proposed rule, EPA, on July 27, 1993 (58 FR 40262) (Ref. 9), promulgated a TSCA section 4 test rule to require neurotoxicity testing of 2-EE (among other chemical substances). The required testing was based on suggestive evidence of neurotoxicity involving the alteration of motor performance and avoidance conditioning in the offspring of rats exposed to 100 and 200 parts per million (ppm) (Refs. 10 and 11), as well as substantial occupational and consumer exposure, and substantial environmental release (Ref. 12). After publication of that rule, however, the producers of 2-EE told EPA that there were no consumer uses of 2-EE (Ref. 13). Given this information, and because OSHA was continuing to work toward revising the PELs for glycol ethers, EPA believed that exposure to 2-EE was not substantial and revoked the TSCA section 4 testing requirements for 2-EE in a settlement agreement with producers in 1994 (Ref. 13). The settlement agreement required that the Chemical Manufacturers Association (now the American Chemistry Council (ACC)) and the manufacturers and processors of these chemicals perform certain neurotoxicity and pharmacokinetics testing on 7 of the 10 chemicals subject to the final neurotoxicity test rule (Ref. 14). This revocation was also reflected in the January 23, 1995 **Federal Register** (60 FR 4514) (FRL–4924–7) (Ref. 15). At the time that EPA was considering revoking the testing requirements in the section 4 rule, the Agency also believed it would be prudent to provide some mechanism to monitor the possible re-emergence of the consumer use of 2-EE. Therefore, in the same notice in which it proposed to revoke the testing requirements of 2-EE (59 FR 33187, June 27, 1994) (Ref. 14), EPA announced its intention to propose and promulgate a SNUR. The parties to the settlement agreement supported such a SNUR (Ref. 13).

4. *Final OSHA regulatory actions*. OSHA reopened the record on August 8, 2002 seeking comment on how the substances were being used in the workplace, including their level of production, and the industries and processes in which they were used (Ref. 16). Based on the information submitted during this comment period, OSHA determined that a major decline in the production of the substances was apparent and that their use in several key industry sectors has been eliminated or is in the process of being phased out. Additionally, OSHA determined that where these substances were still being manufactured, their production was virtually limited to ''closed systems'' and average exposures already were at or below the proposed PEL (Ref. 8). OSHA concluded that the proposed rule was no longer necessary and withdrew its proposed Glycol Ethers rule on December 31, 2003 (Ref. 8).

B. What are the Uses and Production Levels of these Chemicals?

The chemical substances 2-EE, 2-EEA, 2-ME, and 2-MEA, are considered members of a broad class of chemicals known as ethylene glycol ethers. As with other glycol ethers, 2-EE, 2-EEA, 2-ME, and 2-MEA are colorless, flammable liquids which are compatible with a broad range of resins and can be mixed with both organic solvents and water. They have relatively low vapor pressures, high boiling points, low evaporation rates and high flash points. Due to these physical characteristics, 2-EE, 2-EEA, 2-ME, and 2-MEA are potentially useful in a wide variety of applications, particularly as solvents (Ref. 7). They have been used in many industrial and consumer products, but concerns for their health effects have caused these uses to be severely curtailed in recent years.

U.S. production of 2-EE peaked at 200.7 million pounds in 1980 and had decreased to 118 million pounds by 1999. U.S. consumption of 2-EE (including consumption to manufacture 2-EEA) was 175 million pounds in 1980, and down to 53 million pounds in 1999, of which, 52 of the 53 million pounds was used to manufacture 2-EEA. U.S. consumption of 2-EE for uses other than acetate production was less than 1 million pounds. Production and/or imports of 2-EE were below 100 million pounds based on data collected for the 2002 TSCA section 8(a) Inventory Update Rule (IUR) (see 40 CFR part 710) (Ref. 17).

U.S. production of 2-EEA dropped from 136.7 million pounds in 1984 to 72 million pounds in 1999. In 1999, all but one million of those pounds were exported. Data collected for the 2002 IUR show production and/or import levels of less than 100 million pounds (Ref. 17).

U.S. production of 2-ME, which peaked at 97.3 million pounds in 1980, was down to 55 million pounds by 1999 (at which time most 2-ME produced was exported). U.S. consumption, still 50 to 53 million pounds in the early 1990's, had declined to approximately 3 million pounds in 1999. 2002 IUR data show that production and/or import was less than 50 million pounds (Ref. 17).

U.S. production of 2-MEA in 1991 was estimated to be 0.5 million pounds. There were no reports of 2-MEA production or import under the IUR in 1994, 1998, and 2002 (Ref. 17). Therefore, EPA is proposing that persons intending to manufacture or import 2-MEA at levels greater than 10,000 pounds per year as well as persons intending to manufacture, import, or process 2-EE, 2-EEA, 2-ME, or 2-MEA for domestic use in a consumer product to submit a SNUN to EPA at least 90 days before such manufacture, import, or processing.

Production of the E-series glycol ethers, i.e., ethanol based glycol ethers and their acetates, had been declining or has ceased and EPA believes there is no ongoing use of these chemicals in consumer products in the U.S. In response to a proposed TSCA section 4 test rule, manufacturers of 2-EE told EPA that there was no consumer use of 2-EE (Ref. 13). In 2004, a representative for the Ethylene Glycol Ethers Panel of the ACC confirmed that concerns over the toxicity of E-series glycol ethers has subsequently resulted in the elimination of E-series glycol ethers from all consumer products in the 1980's and the development of alternatives to 2-ME, 2-EE, and 2-EEA (Ref. 18).

C. What are the Potential Routes of Exposure?

Despite the diminished potential for human exposure due to the decline in production and use in industrial products and the termination of the chemicals' use in consumer products as discussed in Unit III.B., EPA believes there may still be some potential for human exposure to 2-EE, 2-EEA, 2-ME, and 2-MEA. Their physical characteristics discussed in Unit III.B. make them useful in a variety of applications, particularly as solvents. ''A major route of exposure is the skin. The ubiquity of solvents and the casual approach [of consumers] to their use almost assure skin contact with liquid solvents.'' (Ref. 19). Also, as members of the ethylene series (''E-series'' used in Unit III.B.) of glycol ethers, 2-EE, 2-EEA, 2-ME, and 2-MEA are well absorbed from the skin. They are so readily absorbed through the skin that the dermal to oral 50% lethal dose (LD_{50}) ratio is approximately one (Ref 19).

Although 2-EE, 2-EEA, 2-ME, and 2-MEA are not highly volatile, high vapor concentrations can be generated under the conditions of solvent use. When glycol ether vapors enter the lungs they can readily diffuse across respiratory membranes and enter the bloodstream (Ref. 19).

D. What are the Potential Sources of Exposure?

EPA believes that 2-EE, 2-ME, 2-MEA, and 2-EEA are currently used only in industrial products. EPA also believes that the documented decline in production volumes of 2-EE, 2-EEA, 2-ME, and 2-MEA discussed in Unit III.B. has probably already reduced the potential for occupational exposure. OSHA reported in late 2003 that production, use, and exposure to these glycol ethers has ceased or is virtually limited to closed system production where there is little opportunity for worker exposure. Exposure levels in those operations already are at or below the proposed PELs. In addition, use of these glycol ethers has largely been replaced by less-toxic substitutes, such as E-series butyl glycol ethers, other ethylene glycol ethers, propylene glycol ethers, and other types of solvents (Ref. 8). A decline in environmental release of 2-EE is reflected in Toxics Release Inventory (TRI) data from the years 1987 through 1996 which indicates a steady decline from 2,770,113 pounds in 1987 to 192,468 pounds in 1996 (Ref. 20) to 103,513 pounds in 2001 (Ref. 17).

EPA has found evidence which suggests that 2-EE, as well as 2-ME, 2-MEA, and 2-EEA, are not currently used in consumer products (Ref. 17), and the manufacturers of 2-EE which were parties to the 1994 settlement agreement told EPA that, to the best of their knowledge, there were, at that time, no consumer uses of 2-EE (Refs. 9 and 13).

The ACC also reported in 2001, citing the SRI Chemical Economics Handbook as its source, that the remaining domestic consumption of 2-EE is in non-consumer solvents for paints, coatings, and other industrial uses; the only remaining domestic use of 2-EEA is in machinery and equipment paints and coatings; and the only remaining use of 2-ME, other than as a chemical intermediate, is as a jet fuel deicer. No information on current uses of 2-MEA was identified (Ref. 17).

E. What are the Health Effects of these Chemicals?

Toxicity studies in rats, rabbits, mice, and monkeys via inhalation, dermal, and oral exposure, have shown clearly and consistently that 2-EE and 2-ME can cause adverse hematologic, reproductive, and developmental effects. These effects include decreased white and red blood cell counts, decreased hemoglobin, decreased fertility, decreased sperm count, decreased testes size and weight, increased resorptions, increased fetal malformations, and behavioral and neurochemical alterations in the neonate (Refs. 7 and 2).

Although data on workers is often compromised by confounding exposure to other solvents, studies of workers exposed to 2-ME and 2-EE have documented adverse effects on the hematologic and male reproductive systems. Blood effects observed among the exposed workers include bone marrow injury, reduced red and white blood cell counts, and anemia, while the major reproductive effect observed is reduced sperm count (Ref. 7). Thus, although the human data have their limitations, there is evidence of certain adverse effects in humans exposed to 2-EE and 2-ME and this evidence is consistent with a strong body of evidence of the same or similar effects in experimental animals.

Animal studies with 2-EEA and 2-MEA have shown that these acetates induce adverse reproductive, developmental, and hematological effects similar to those ascribed to their parent glycol ethers, 2-EE and 2-ME. These studies confirm the findings of metabolic studies which indicate that 2-ME, 2-EE, and their acetates follow similar metabolic pathways, producing the same metabolites, which are the active agents most likely responsible for the observed effects (Ref. 7).

IV. Determining a Significant New Use

Section 5(a)(2) of TSCA provides that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

EPA construes the statute to allow consideration of any other relevant factors, in addition to those enumerated

in section 5(a)(2)(A) through (D) of TSCA.

To determine what would constitute a significant new use of 2-EE, 2-EEA, 2-ME, and 2-MEA, EPA considered relevant information about the toxicity of the substances, likely exposures/releases associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA.

The latest information available to EPA indicates that there is no ongoing domestic use of 2-EE, 2-EEA, 2-ME, or 2-MEA in consumer products. EPA believes that the renewed use of 2-EE, 2-EEA, 2-ME, or 2-MEA in a consumer product would increase the magnitude and duration of exposure. Considering the health concerns for 2-EE, 2-EEA, 2-ME, and 2-MEA, EPA believes that individuals could suffer adverse effects from their use in consumer products. Thus, EPA is proposing to designate ''domestic use in a consumer product'' as well as the manufacture or import of 2-MEA at levels greater than 10,000 pounds per year as a significant new use of 2-EE, 2-EEA, 2-ME, and 2-MEA.

Based on these considerations, EPA is pursuing the following objectives with regard to the use of 2-EE, 2-EEA, 2-ME, and 2-MEA in consumer products:

- EPA wants to ensure that it would receive notice of any person's intent to manufacture or import 2-MEA at levels greater than 10,000 pounds per year or intending to manufacture, import, or process 2-EE, 2-EEA, 2-ME, and 2-MEA for domestic use in a consumer product before that activity begins.
- EPA wants to ensure that it would have the opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing, importing, or processing 2-EE, 2-EEA, 2-ME, and 2-MEA for domestic use in a consumer product or manufacturing or importing 2-MEA at levels greater than 10,000 pounds per year.
- EPA wants to ensure that it would be able to regulate prospective manufacturers, importers, or processors of 2-EE, 2-EEA, 2-ME, and 2-MEA before use of any of these chemicals in a consumer product occurs, provided that the degree of potential risk is sufficient to warrant such regulation.

As noted in Unit III.B., the production of the chemicals included in this SNUR have declined significantly over time. EPA is not aware of current domestic consumer uses for the chemicals, and substitutes are available. The Agency will use information submitted pursuant to the Inventory Update Rule (40 CFR part 710) to track the production volumes and uses of these chemicals. If needed, EPA may pursue additional regulatory actions as appropriate under TSCA sections 4, 5, 6, or 8.

V. Test Data and Other Information

EPA recognizes that section 5 of TSCA does not require the development of any particular test data before submission of a SNUN. Persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (15 U.S.C. 2604(d); 40 CFR 721.25).

However, SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on:

- Human exposure and environmental releases that may result from the significant new use of the chemical substances.
- Potential benefits of the chemical substances.
- Information on risks posed by the chemical substances relative to risks posed by potential substitutes.

Submitters should consider including with a SNUN any other available studies on the chemical substances or studies on analogous substances which may demonstrate that the significant new uses being reported are unlikely to present an unreasonable risk.

In view of the potential risks posed by these chemicals, EPA would recommend that potential SNUN submitters include data that would permit a reasoned evaluation of risks posed by these chemicals. EPA encourages persons to consult with the Agency before submitting a SNUN for these substances. As part of this optional pre-notice consultation, EPA would discuss specific data it believes are necessary to evaluate a significant new use. A SNUN submitted without sufficient data to reasonably evaluate risks posed by a significant new use of 2-EE, 2-EEA, 2-ME, and/or 2-MEA may increase the likelihood that EPA will take action under TSCA section 5(e) to prohibit or limit activities associated with these chemicals. EPA recommends that potential SNUN submitters contact the Agency early enough that they will be able to conduct any appropriate tests.

VI. Recordkeeping Requirements

In addition to the recordkeeping requirements of 40 CFR 721.40 which require persons subject to a SNUR to retain documentation of information contained in a SNUN, EPA is proposing to require the recordkeeping requirements in 40 CFR 721.125 (a), (b), and (c) in this SNUR. Section 721.125(a) requires records documenting manufacture and importation volume and dates; § 721.125(b) documents volumes purchased in the U.S. by processors, the names and addresses of suppliers, and the dates of purchase; and § 721.125(c) requires records documenting the names and addresses (including shipment destination address, if different) of all persons outside the site of manufacture, importation, or processing to whom the manufacturer, importer, or processor directly sells or transfers the substance, the date, and the quantity of each sale or transfer. EPA is also proposing to require the maintenance of records documenting the compliance with the significant new use of domestic use in a consumer product or the manufacture or import of 2-MEA at levels greater than 10,000 pounds per year. For the significant new use of 2-MEA manufacture or import at levels greater than 10,000 pounds per year, records required by § 721.125(a) would be sufficient. For the significant new use of domestic use in a consumer product, required documentation must demonstrate compliance with the significant new use, i.e.,: 1) That 2-EE, 2-EEA, 2-ME or 2-MEA were not manufactured, imported, or processed for use in a consumer product; and, 2) that, where no significant new use notice is filed, any recipients of these chemicals either (a) were notified of the SNUR and its provisions by the manufacturer, importer, or processor, (b) knew of the SNUR independently, or (c) cannot undertake the significant new use. See 40 CFR 720.5(a)(2). These records will enable EPA to determine compliance with the SNUR.

VII. SNUN Submissions

SNUNs should be mailed to the Environmental Protection Agency, OPPT Document Control Office (7407M), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. Information must be submitted in the form and manner set forth in EPA Form No. 7710–25. This form is available from the Environmental Assistance Division (7408M), OPPT, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001 (see 40 CFR 721.25(a) and 720.40(a)(2)(i)).

VIII. Alternatives

Before proposing this SNUR, EPA considered promulgating a TSCA section 8(a) reporting rule for 2-EE, 2-EEA, 2-ME, and 2-MEA. Under such a rule, EPA could generally require any person to report information to the Agency when they intend to manufacture, import, or process 2-EE, 2-EEA, 2-ME, or 2-MEA. However, in the case of these particular substances, the

use of TSCA section 8(a) rather than SNUR authority would have several drawbacks. First, EPA would not be able to take immediate follow-up regulatory action under TSCA sections 5(e) or 5(f) to prohibit or limit the activity before it begins. In addition, EPA may not receive important information from small businesses, because such firms generally are exempt from TSCA section 8(a) reporting requirements. In view of the level of health concerns for 2-EE, 2-EEA, 2-ME, and 2-MEA, EPA believes that a TSCA section 8(a) rule for these substances would not meet EPA's regulatory objectives.

Currently 2-EE, 2-EEA, 2-ME, and 2-MEA are not subject to any other Federal regulation which would notify the Federal Government of activities that might result in adverse exposures associated with the proposed significant new uses, or provide a mechanism that could protect against potentially adverse exposures associated with those uses before they occur.

IX. Applicability of Rule to Uses Occurring Before Effective Date of the Final Rule

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376), EPA believes that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of the proposed SNUR rather than as of the effective date of the final rule. If uses begun after publication of the proposed SNUR were considered to be ongoing rather than new, it would be difficult for EPA to establish SNUR notice requirements, because any person could defeat the SNUR by initiating the proposed significant new use before the rule became final.

Any person who, after publication of this proposed SNUR, begins to manufacture, import, or process 2-EE, 2-EEA, 2-ME, or 2-MEA for a proposed significant new use must stop such activity before the effective date of the final rule. Persons who cease those activities will have to meet all SNUR notice requirements and wait until the end of the notice review period, including all extensions, before engaging in any activities designated as significant new uses. If, however, persons who begin to manufacture, import, or process any of these chemicals between the proposal and the effective date of the final SNUR meet the conditions of advance compliance as codified at 40 CFR 721.45(h), those persons would be considered to have met the requirements of the final SNUR for those activities.

X. Economic Analysis

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers, importers, and processors of the chemical substances included in this proposed rule. While there is no precise way to calculate the total annual cost of compliance with the final rule, given the uncertainties related to predicting the number of SNUN's that would be submitted as a result of this SNUR, EPA estimates that the cost for preparing and submitting a SNUN is $7,174, including a $2,500 user fee required by 40 CFR part 700.45(b)(2)(iii) (Ref. 18). Small businesses with annual sales of less than $40 million when combined with those of the parent company (if any) are subject to a reduced user fee of $100 (40 CFR part 700.45(b)(1)). Based on past experience with SNURs and the low number of SNUNs which are submitted on an annual basis, EPA believes that there will be few, if any, SNUNs submitted as a result of this SNUR. The costs of submission of SNUNs will not be incurred by any company unless a company decides to pursue a significant new use as defined in this SNUR. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovations, that impact would be limited because such factors are unlikely to discourage an innovation that has high potential value. EPA's complete economic analysis is available in the public docket for this proposed rule (Ref. 18).

Under section 12(b) of TSCA, exporters must notify EPA if they export or intend to export a chemical substance or mixture for which a rule has been proposed or promulgated under section 5 or 6. Notice must be provided for the first export or intended export to a particular country in a calendar year. In an economic analysis of an amendment to the rules implementing TSCA section 12(b), EPA estimated that the one-time cost of preparing and submitting an export notification was $62.60 in 1992, or $93.02 when inflated to 2003 dollars by a factor of approximately 1.5, from the Employment Cost Index for White Collar Occupations. The total costs of export notification will vary per chemical, depending on the number of required notifications (i.e., number of countries to which the chemical is exported). EPA is unable to make any estimate of the likely number of export notifications for chemicals covered in this SNUR (Ref. 17).

XI. References

The public docket for this action, OPPT–2004–0111, currently includes the following documents:

1. USEPA. ''2-Methoxyethanol and 2-Ethoxyethanol and their Acetates; Initiation of Regulatory Investigation, Advance Notice of Proposed Rulemaking.'' 49 FR 2921. (January 24, 1984).

2. USEPA. ''Glycol Ethers Health Effects Assessment.'' Intra-agency memorandum from M.S. Ottley to Harry Teitelbaum, Existing Chemicals Assessment Division. (October 31, 1984).

3. U.S. Environmental Protection Agency (USEPA). ''Toxic and Hazardous Substances Control; 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates; Referral For Additional Action.'' TSCA section 9 referral to OSHA. 51 FR 18488. (May 20, 1986).

4. USEPA. ''Substitutes for 2-Ethoxyethanol (2-EE), 2-Methoxyethanol (2-ME) and their Acetates.'' Intra-agency memorandum from Harry Teitelbaum, Risk Management Branch to Joseph Merenda, Existing Chemicals Assessment Division. (March 15, 1984).

5. OSHA. ''Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates; Response to the Environmental Protection Agency under section 9(a) of the Toxic Substances Control Act.'' 51 FR 44699. (December 11, 1986).

6. OSHA. ''Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates; Advance Notice of Proposed Rulemaking.'' 52 FR 10586. (April 2, 1987).

7. Occupational Health and Safety Administration (OSHA). ''Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates (Glycol Ethers); Proposed Rule.'' 58 FR 15526 (March 23, 1993).

8. OSHA. ''Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates (Glycol Ethers); Withdrawal of Proposed Rule.'' 68:75475–75476. (December 31, 2003).

9. USEPA. ''Multi-substance Rule for the Testing of Neurotoxicity; Final Rule.'' 58 FR 40262. (July 27, 1993).

10. Nelson, B.K., Brightwell, W.S., Setzer, J.V., Taylor, B.J., Hornung, R.W. and O'Donohue, T.L. ''Ethoxyethanol Behavioral Teratology in Rats.'' Neurotoxicology. 2:231–249. (1981).

11. Nelson, B.K., Brightwell, W.S. and Setzer, J.V. ''Prenatal Interaction Between Ethanol and the Industrial Solvent 2-Ethoxyethanol in Rats; Maternal and Behavioral Teratogenic Effects.'' Neurobehavioral Toxicology and Teratology. 4:387–394. (1982).

12. USEPA. ''Multi-substance Rule for the Testing of Neurotoxicity; Proposed Rule.'' 56 FR 9105. (March 4, 1991).

13. United States Court of Appeals for the Fifth Circuit. Settlement Agreement between Environmental Protection Agency and petitioners (Chemical Manufacturers Association et al.), No. 93–5381. (April 28, 1994).

14. USEPA. ''Proposed Revocation of Final Multi-substance Rule for the Testing of Neurotoxicity; Proposed Rule.'' 59 FR 33187 (June 27, 1994).

15. USEPA. ''Revocation of Final Multi-substance Rule for the Testing of Neurotoxicity.'' 60 FR 4514. (January 23, 1995).

16. OSHA. ''Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates (Glycol Ethers).'' 67 FR 51524. (August 8, 2002).

17. USEPA, 2004. ''Economic Analysis of Expedited Significant New Use Rules for Four Glycol Ethers.'' Washington, DC: U.S. EPA/OPPT/EETD/EPAB, October 27, 2004.

18. ACC, 2004. Personal Communication Between American Chemistry Council, Ethylene Glycol Ethers Panel representative and Jason Sacks, Abt Associates Inc. May 10, 2004.

19. Casarett and Doull's Toxicology. Editors: Klaassen, C.D., Amdur, M.O., and Doull J. Chapter 20: Toxic Effects of Solvents and Vapors. Pages 636–638 and 656–658, 3rd Edition. (1986).

20. USEPA. Toxic Release Inventory (TRI). Total annual environmental releases of 2-ethoxyethanol for the years 1987 through 1996. TRI printouts. (April 26, 1994, May 6, 1994, May 19, 1998, and May 28, 1998).

XII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Office of Management and Budget (OMB) has determined that proposed or final SNURs are not a ''significant regulatory action'' subject to review by OMB, because they do not meet the criteria in section 3(f) of the Executive Order.

B. Paperwork Reduction Act

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0038 (EPA ICR No. 1188). This action would not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average 105 hours per submission. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of this SNUR would not have a significant adverse economic impact on a substantial number of small entities. The rationale supporting this conclusion is as follows. A SNUR applies to any person (including small or large entities) who intends to engage in any activity described in the rule as a ''significant new use.'' By definition of the word ''new,'' and based on all information currently available to EPA, it appears that no small or large entities presently engage in such activity. Since a SNUR only requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN, no economic impact would even occur until someone decides to engage in those activities. Although some small entities may decide to conduct such activities in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of over 1,000 SNURs, the Agency receives on average only 10 notices per year. Of those SNUNs submitted, none appear to be from small entities in response to any SNUR. In addition, the estimated reporting cost for submission of a SNUN (see Unit X.), are minimal regardless of the size of the firm. Therefore, EPA believes that the potential economic impact of complying with this SNUR is not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published on June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that proposed and final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government would be impacted by this rulemaking. As such, EPA has determined that this regulatory action would not impose any enforceable duty, contain any unfunded mandate, or otherwise have any affect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

E. Executive Order 13132: Federalism

This action would not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999).

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

This proposed rule would not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This proposed rule would not significantly or uniquely affect the communities of Indian Tribal governments, nor would it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000), do not apply to this proposed rule.

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

This action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

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

This proposed rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use.

I. National Technology Transfer Advancement Act

In addition, since this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

K. Executive Order 12988: Civil Justice Reform

In issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 16, 2005.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. Add new § 721.10001 to subpart E to read as follows:

§ 721.10001 2-Ethoxyethanol, 2-ethoxyethanol acetate, 2-methoxyethanol, and 2-methoxyethanol acetate.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substances identified as 2-ethoxyethanol (CAS No. 110–80–5), 2-ethoxyethanol acetate (CAS No. 111–15–9), 2-methoxyethanol (CAS No. 109–86–4), and 2-methoxyethanol acetate (CAS No. 110–49–6) are subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is domestic use in a consumer product or the manufacture or import of 2-methoxyethanol acetate at levels greater than 10,000 pounds per year.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), and (c) apply to the significant new use specified in § 721.10001. In addition, records documenting compliance with the significant new use of domestic use in a consumer product or the manufacture or import of 2-methoxyethanol acetate at levels greater than 10,000 pounds per year must be maintained.

(2) [Reserved]

[FR Doc. 05–3911 Filed 2–28–05; 8:45 am]

BILLING CODE 6560–50–S

Notices

Federal Register

Vol. 70, No. 39

Tuesday, March 1, 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

Grain Inspection, Packers and Stockyards Administration

[05–A–W]

Designation of Eastern Iowa To Provide Class X or Class Y Weighing Services

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

ACTION: Notice.

SUMMARY: GIPSA announces the designation of Eastern Iowa Grain Inspection and Weighing Service, Inc., (Eastern Iowa) to provide Class X or Class Y weighing services under the United States Grain Standards Act, as amended (Act).

DATES: *Effective Date:* January 1, 2005.

ADDRESSES: USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

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

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

In the March 1, 2004, **Federal Register** (69 FR 9572), GIPSA announced the designation of Eastern Iowa to provide official inspection services under the Act, effective April 1, 2004, and ending March 31, 2007. Subsequently, Eastern Iowa asked GIPSA to amend their designation to include official weighing services. Section 7A(c)(2) of the Act authorizes GIPSA's Administrator to designate authority to perform official weighing to an agency providing official inspection services within a specified geographic area, if such agency is qualified under section 7(f)(1)(A) of the Act. GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act, and determined that Eastern Iowa is qualified to provide official weighing services in their currently assigned geographic area.

Effective January 1, 2005, and terminating March 31, 2007 (the end of Eastern Iowa's designation to provide official inspection services), Eastern Iowa's present designation is amended to include Class X or Class Y weighing within their assigned geographic area, as specified in the September 2, 2003, **Federal Register** (68 FR 52178). Official services may be obtained by contacting Eastern Iowa at 563–322–7149.

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

David R. Shipman,

Deputy Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 05–3845 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[04–03–S]

Designation for the Owensboro (KY), Bloomington (IL), Iowa Falls (IA), Minnesota, Fargo (ND), Grand Forks (ND), and Plainview (TX) Areas

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

ACTION: Notice.

SUMMARY: Grain Inspection, Packers and Stockyards Administration (GIPSA) announces designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (Act): J. W. Barton Grain Inspection Service, Inc. (Barton); Central Illinois Grain Inspection, Inc. (Central Illinois); Central Iowa Grain Inspection Service, Inc. (Central Iowa); Minnesota Department of Agriculture (Minnesota); North Dakota Grain Inspection Service, Inc. (North Dakota); Northern Plains Grain Inspection Service, Inc. (Northern Plains); and Plainview Grain Inspection and Weighing Service, Inc. (Plainview).

EFFECTIVE DATE: April 1, 2005.

ADDRESSES: USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

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

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

In the September 1, 2004, **Federal Register** (69 FR 53404), GIPSA asked persons interested in providing official services in the geographic areas assigned to the official agencies named above to submit an application for designation. Applications were due by October 1, 2004.

Barton, Central Illinois, Central Iowa, North Dakota, Northern Plains, and Plainview were the sole applicants for designation to provide official services in the entire area currently assigned to them, so GIPSA did not ask for additional comments on them.

There were three applicants for the Minnesota area: Minnesota, and Sioux City Inspection and Weighing Service Company (Sioux City), both currently designated official agencies; and Kathleen Duea proposing to do business as Southern Minnesota Grain Inspection (Southern Minnesota). Minnesota applied for designation to provide official services in the entire area currently assigned to them. Sioux City applied for all or part of the following Minnesota Counties: Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Watonwan, and Yellow Medicine. Southern Minnesota applied for all or part of the area currently assigned to Minnesota, and specified all or part of the following Minnesota Counties: Blue Earth, Cottonwood, Faribault, Jackson, Martin, Murray, Nobles, and Watonwan.

GIPSA asked for comments on the applicants for providing service in the Minnesota area in the December 1, 2004, **Federal Register** (69 FR 69884). Comments were due by January 3, 2005. GIPSA received one favorable comment supporting Sioux City from a customer in Minnesota.

GIPSA evaluated all available information regarding the designation criteria in section 7(f)(l)(A) of the Act and, according to section 7(f)(l)(B), determined that Barton, Central Illinois, Central Iowa, North Dakota, Northern Plains, and Plainview are able to provide official services in the geographic areas specified in the September 1, 2004, **Federal Register**, for which they applied; and that Minnesota is better able to provide official services in the geographic area specified in the September 1, 2004, **Federal Register**, for which they applied. These designation actions to provide official inspection services are effective April 1, 2005, and terminate March 31, 2008, for Barton, Central Illinois, Central Iowa, North Dakota, Northern Plains, and Plainview. Minnesota is designated for 18 months only, effective April 1, 2005, and terminating September 30, 2006, to allow GIPSA to further evaluate their program. Interested persons may obtain official services by calling the telephone numbers listed below.

Official agency	Headquarters location and telephone	Designation start–end
Barton	Owensboro, KY 270–683–0616; Additional location: Jeffersonville, IN	4/1/2005–3/31/2008
Central Illinois	Bloomington, IN 309–827–7121; Additional location: Pekin, IL	4/1/2005–3/31/2008
Central Iowa	Iowa Falls, IA 641–648–3467; Additional location: Des Moines	4/1/2005–3/31/2008
Minnesota	St. Paul, MN 612–341–7190; Additional locations: Breckenridge, Duluth, Granite Falls, Mankato, Morris, Windom.	4/1/2005–9/30/2006
North Dakota	Fargo, ND 701–293–7420; Additional locations: Ayr, Cahokia, Enderlin, Hillsboro, Taylor, Teutopolis, Wayne City.	4/1/2005–3/31/2008
Northern Plains	Grand Forks, ND 701–772–2414; Additional location: Devils Lake	4/1/2005–3/31/2008
Plainview	Plainview, TX 806–293–1364	4/1/2005–3/31/2008

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. 05–3844 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[05–01–A]

Opportunity for Designation in the Aberdeen (SD), Decatur (IL), Hastings (NE), McCrea (IA), Missouri, South Carolina, and Wisconsin Areas, and Request for Comments on the Official Agencies Serving These Areas

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

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end in September 2005. Grain Inspection, Packers and Stockyards Administration (GIPSA) is asking persons interested in providing official services in the areas served by these agencies to submit an application for designation. GIPSA is also asking for comments on the quality of services provided by these currently designated agencies: Aberdeen Grain Inspection, Inc. (Aberdeen); Decatur Grain Inspection, Inc. (Decatur); Hastings Grain Inspection, Inc. (Hastings); John R. McCrea Agency, Inc. (McCrea); Missouri Department of Agriculture (Missouri); South Carolina Department of Agriculture (South Carolina); and Wisconsin Department of Agriculture, Trade and Consumer Protection (Wisconsin).

DATES: Applications and comments must be postmarked or electronically dated on or before April 1, 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 United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act.

1. Current Designations Being Announced for Renewal. For Aberdeen, main office in Aberdeen, South Dakota; Decatur, main office in Decatur, Illinois; Hastings, main office in Hastings, Nebraska; McCrea, main office in Clinton, Iowa; Missouri, main office in Jefferson City; and South Carolina, main office in Columbia; the current designations started October 1, 2002 and will end September 30, 2005. For Wisconsin, main office in Madison, the current designation started October 30, 2004 and will end September 30, 2005.

a. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of North Dakota and South Dakota, is assigned to Aberdeen.

Bounded on the North by U.S. Route 12 east to State Route 22; State Route 22 north to the Burlington-Northern (BN) line; the Burlington-Northern (BN) line east to State Route 21; State Route 21 east to State Route 49; State Route 49 south to the North Dakota-South Dakota State line; the North Dakota-South Dakota State line east to U.S. Route 83; U.S. Route 83 north to State Route 13; State Route 13 east and north to McIntosh County; the northern McIntosh County line east to Dickey County; the northern Dickey County line east to U.S. Route 281; U.S. Route 281 south to the North Dakota-South Dakota State line; the North Dakota-South Dakota State line east;

Bounded on the East by the eastern South Dakota State line (the Big Sioux River) to A54B;

Bounded on the South by A54B west to State Route 11; State Route 11 north to State Route 44 (U.S. 18); State Route 44 west to the Missouri River; the Missouri River south-southeast to the South Dakota State line; the southern South Dakota State line west; and

Bounded on the West by the western South Dakota State line north; the western North Dakota State line north to U.S. Route 12.

b. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Illinois, is assigned to Decatur.

Bounded on the North by the northern and eastern DeWitt County lines; the eastern Macon County line south to Interstate 72; Interstate 72 northeast to the eastern Piatt County line;

Bounded on the East by the eastern Piatt, Moultrie, and Shelby County lines;

Bounded on the South by the southern Shelby County line; a straight line running along the southern Montgomery County line west to State Route 16 to a point approximately one mile northeast of Irving; and

Bounded on the West by a straight line from this point northeast to Stonington on State Route 48; a straight line from Stonington northwest to Elkhart on Interstate 55; a straight line from Elkhart northeast to the west side of Beason on State Route 10; State Route 10 east to DeWitt County; the western DeWitt County line.

Decatur's assigned geographic area does not include the following grain elevators inside Decatur's area which have been and will continue to be serviced by the following official agency: Champaign-Danville Grain Inspection Departments, Inc.: Moultrie Grain Association, Cadwell, Moultrie County; Tabor Grain Company (three elevators), Farmer City, DeWitt County; and Topflight Grain Company, Monticello, Piatt County.

c. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Nebraska, is assigned to Hastings.

Bounded on the North by the northern Nebraska State line from the western Sioux County line east to the eastern Knox County line;

Bounded on the East by the eastern and southern Knox County lines; the eastern Antelope County line; the northern Madison County line east to U.S. Route 81; U.S. Route 81 south to the southern Madison County line; the southern Madison County line; the eastern Boone, Nance, and Merrick County lines; the Platte River southwest; the eastern Hamilton County line; the northern and eastern Fillmore County lines; the southern Fillmore County line west to U.S. Route 81; U.S. Route 81 south to State Highway 8; State Highway 8 west to the County Road 1 mile west of U.S. Route 81; the County Road south to southern Nebraska State line;

Bounded on the South by the southern Nebraska State line, from the County Road 1 mile west of U.S. Route 81, west to the western Dundy County line; and

Bounded on the West by the western Dundy, Chase, Perkins, and Keith County lines; the southern and western Garden County lines; the southern Morrill County line west to U.S. Route 385; U.S. Route 385 north to the southern Box Butte County line; the southern and western Sioux County lines north to the northern Nebraska State line.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Farmers Coop, and Big Springs Elevator, both in Big Springs, Deuel County (located inside Kansas Grain Inspection Service, Inc.'s area); and Huskers Cooperative Grain Company, Columbus, Platte County (located inside Fremont Grain Inspection Department, Inc.'s, area).

d. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Illinois and Iowa, is assigned to McCrea.

Carroll and Whiteside Counties, Illinois.

Clinton and Jackson Counties, Iowa.

e. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of Missouri, is assigned to Missouri.

f. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of South Carolina, except those export port locations within the State, is assigned to South Carolina.

g. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of Wisconsin, except those export port locations within the State, is assigned to Wisconsin.

2. Opportunity for Designation. Interested persons, including Aberdeen, Decatur, Hastings, McCrea, Missouri, South Carolina, and Wisconsin are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic areas is for the period beginning October 1, 2005 and ending September 30, 2008. 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*.

3. Request for Comments. GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the quality of services for the Aberdeen, Decatur, Hastings, McCrea, Missouri, South Carolina, and Wisconsin official agencies. In commenting on the quality of services, commenters are encouraged to submit pertinent data including information on the timeliness, cost, and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

Authority: Public Law 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. 05–3846 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 23, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of

Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: 7 CFR 1783, Grant Program to Establish a Revolving Fund Program (RFP) to Finance Water and Wastewater Project.

OMB Control Number: 0572–0138.

Summary of Collection: On May 13, 2002, the Farm Security and Rural Investment Act of 2002 (Farm Bill) was signed into law as Public Law 107–171. Section 6002 of the Farm Bill amended the Consolidated Farm and Rural Development Act (CONTACT), by adding a grant program to establish a revolving loan fund. The Secretary of Agriculture may make grants to qualified, private, non-profit entities. The grant recipients will use the grant funds to establish a revolving loan fund. The loans will be made to eligible entities to finance redevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems.

Need and Use of the Information: The Rural Utilities Service (RUS) will collect the following information from recipients: An application, narrative proposal, various other forms, certifications, and supplemental information. The Rural Development State Offices and the RUS National Office staff will use the information collected to determine applicant eligibility, project feasibility, and the applicant's ability to meet the grant and regulatory requirements. Failure to collect the proper information could result in improper determinations of eligibility and improper use of funds.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 313.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–3839 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 24, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: CWD in Cervids; Payment of Indemnity.

OMB Control Number: 0579–0189.

Summary of Collection: Federal regulations contained in 9 CFR Subchapter B govern cooperative programs to control and eradicate communicable diseases of livestock from the United States. Disease prevention is the most effective method for maintaining a healthy animal population and enhancing the Animal and Plant Health Inspection Service (APHIS) ability to complete in exporting animals and animal products. Chronic wasting disease (CWD) is a transmissible spongiform encephalopathy (TSE) of elk and deer typified by chronic weight loss leading to death. The presence of CWD disease in cervids causes significant economic and market losses to U.S. producers. APHIS will collect information using VS Form 1–23, Appraisal & Indemnity Claim form.

Need and Use of the Information: APHIS will collect the owner's name and address, the number of animals for which the owner is seeking payment, and the appraised value of each animal. The owner must also certify as to whether the animals are subject to a mortgage. If there is a mortgage the form must be signed by the owner and each person holding a mortgage. Failure to collect this information would make it impossible for APHIS to effectively sustain their program to accelerate the eradication of CWD from the United States.

Description of Respondents: Farms; business or other for-profit.

Number of Respondents: 20.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 20.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–3900 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting

AGENCY: Research, Education, and Economics, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5

U.S.C. App 2, the United States Department of Agriculture announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory Board.

DATES: The National Agricultural Research, Extension, Education, and Economics Advisory Board will meet March 9–11, 2005. All sessions of the meeting are open to the public.

The public may file written comments before or up to two weeks after the meeting with the contact person.

ADDRESSES: The meeting will take place at the Channel Inn Hotel, 650 Water Street, SW., Washington, DC 20024. Written comments from the public may be sent to the Contact Person identified in this notice at: The National Agricultural Research, Extension, Education, and Economics Advisory Board; Research, Education, and Economics Advisory Board Office, Room 344–A, Jamie L. Whitten Building; United States Department of Agriculture, STOP 2255; 1400 Independence Avenue, SW., Washington, DC 20250–2255.

FOR FURTHER INFORMATION CONTACT: Deborah Hanfman, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board; telephone: (202) 720–3684; fax: (202) 720–6199; or e-mail: *dhanfman@csrees.usda.gov.*

SUPPLEMENTARY INFORMATION: On Wednesday, March 9, 2005, the National Agricultural Research, Extension, Education, and Economics Advisory Board will convene its meeting at 12:30 p.m. with introductory remarks provided by the Chair of the Advisory Board, Under Secretary for Research, Education, and Economics, and the newly appointed U.S. Secretary of Agriculture. An evening reception following the meeting with a guest speaker who will present highlights on ''The Future for Food and Nutrition'' to include topics such as Nutrigenomics, Metabolomics, Bibliomics, Specialty Crops, Organics, and advances in Nutraceuticals will be held from 6:30 p.m. to 8:30 p.m.

On Thursday, March 10, 2005, from 8 a.m. to 5:30 p.m., a Focus Session, entitled ''Food and Nutrition Research, Extension, Education, and Economics: Effectiveness of the Planning and Execution Process'' will be held to hear remarks from a variety of distinguished leaders and experts, including USDA officials and/or designated experts. On Friday, March 11, 2005, the Focus Session will reconvene at 8 a.m. to recap highlights of the previous day's Focus Session and to give Advisory Board members an opportunity to discuss Focus Session issues. All meeting sessions are open to the public. A limited block of time will be allocated for public comments. The Advisory Board Meeting will adjourn by 11:30 a.m.

Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the Board meeting. All statements will become a part of the official record of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file for public review in the Research, Extension, Education, and Economics Advisory Board Office.

Due to administrative delays, less than 15 calendar days notice is provided. Facilities for the meeting have been reserved and committee members are prepared to attend. It would, therefore, be contrary to the public interest and to the interest of the committee and the Department, to postpone the meeting in order to allow for a 15 day notice.

Done at Washington, DC, this 24th day of February, 2005.

Joseph J. Jen,

Under Secretary, Research, Education, and Economics.

[FR Doc. 05–4014 Filed 2–25–05; 12:26 pm]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Forest Service

Bugtown Gulch Mountain Pine Beetle and Fuels Project, Hell Canyon Ranger District, Black Hills National Forest, Custer, SD

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Bugtown Gulch Mountain Pine Beetle and Fuels project area is approximately 16,000 acres in size, with 13,500 acres of National Forest lands and 2,500 acres of private land. The project proposes prevention, suppression and salvage strategies to reduce the beetle infestation and minimize adverse effects to resources and includes fuel treatments to lessen the potential for widespread high intensity wildfire. There are approximately 49 structures on private land within the project area and another 35 within 1 mile of the project boundary. Between 1999 and 2004, Mountain Pine Beetle (MPB) mortality in the project areas has increased 14-fold. The beetle population, based on the number of dead trees, continues to increase an average of 2–3 times per year in the project area and is spreading. Some pine stands have already suffered 50–75% mortality. The Acting Black Hills National Forest, Forest Supervisor, Brad Exton, has determined that a mountain pine beetle epidemic is occurring in the project area and that the epidemic could pose significant threats to forest resources in the project area, including wildlife habitat, forest products and watershed health. Currently, approximately 85% of the project area is ponderosa pine stands in a high risk condition for mountain pine beetles susceptibility. This includes approximately 718 acres within the Wabash timber sale which is under contract, but not yet harvested.

This project is an ''authorized project'' under Title I of the Healthy Forests Restoration Act (HERA). We will be utilizing expedited procedures authorized by this act to complete project planning and decisionmaking.

DATES: Comments concerning the scope of the analysis will be most useful if received within 30 days following publication of this notice. Comments submitted by individuals, groups or other agencies in response to previous scoping efforts for this project have been incorporated into the analysis and there is no need to resubmit comments in response to this NOI. The draft environmental impact statement is expected May 2005 and the final environmental impact statement is expected July 2005.

ADDRESSES: Send written comments to Michael D. Lloyd, District Ranger, Black Hills National Forest, Hell Canyon Ranger District, 330 Mount Rushmore Road, Custer, South Dakota 57730. Telephone number: (605) 673–4853. Fax number: (605) 673–5461. Electronic comments must be readable in Word, Rich Text or pdf formats and must contain ''Bugtown Gulch'' in the subject line. Electronic comments may be e-mailed to: *comments-rocky-mountain-black-hills-hell-canyon@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Kelly Honors, Project Leader, at (315) 668–3307 or Patricia Hudson, District NEPA Coordinator, at (605) 673–4853, Hell Canyon Ranger District, Black Hills National Forest, 330 Mount Rushmore Road, Custer, SD 57730.

SUPPLEMENTARY INFORMATION: The actions proposed are in direct response to management direction provided by the Black Hills National Forest Land and Resource Management Plan, as amended (Forest Plan). It is anticipated that a non-significant Forest Plan Amendment related to big game

HABCAP values may be part of the decision. The Project area is approximately 5 miles west of the city of Custer, SD.

Purpose and Need for Action

The Purpose and Need for Action in the Bugtown Gulch project area is to reduce the potential for an existing mountain pine beetle epidemic to cause widespread mortality on National Forest and private lands and to reduce the risk of large-scale high intensity wildfire within the project area. This project will address Goals 2 and 3 of the Forest Plan, to provide for biologically diverse ecosystems and provide for sustained commodity uses, consistent with Forest Plan Standards and Guidelines.

Proposed Action

The proposed action includes management strategies designed for prevention, suppression and salvage of the mountain pine beetle epidemic. Prevention methods include commercial thinning of ponderosa pine trees, 7″ dbh and greater, to a basal area of 40 square feet per acre to reduce stand susceptibility to beetle attack. Variable density commercial thinning is proposed in stands designated for Goshawk post-fledgling area (PFA) habitat. These prevention treatments would occur on approximately 9,500 acres. Sanitation harvesting is proposed as a suppression method to remove ponderosa pine trees, 7″ dbh or greater, which have live beetle brood in them. This action is aimed at removing as many beetles as possible from the project area, in an attempt to lessen the size and extent of the epidemic. This treatment would occur on approximately 11,700 acres, which includes the 9,500 acres of thinning discussed above. Sanitation treatments may occur over several years. Salvage harvesting will remove dead trees which no longer have beetle brood in them, but retain some commercial value. The removal of dead and dying trees, and thinning stand densities, will also decrease the potential for large scale, high density wildlife. Other actions include understory fuel treatments on approximately 5,600 acres, designed to reduce the future risk of large high intensity wildfire in the area, particularly around private land. Fuels treatments could include thinning of small diameter trees as well as reduction of ground fuels by lopping, chipping, crushing, or piling and burning the piles. All treatments will utilize existing roads.

Responsible Official

Michael D. Lloyd, Hell Canyon District Ranger, Black Hills National Forest, 330 Mount Rushmore Road, Custer, SD 57730.

Nature of Decision To Be Made

The decision to be made is whether or not to implement the proposed action or alternatives at this time and whether to amend the Forest Plan to allow for implementation of this project.

Scoping Process

The scoping process thus far has included the following efforts. A scoping letter describing the project has been sent to approximately 200 interested parties. This scoping information has also been posted to the Black Hills Web site. The project has been presented to the local National Forest Advisory Board, Tribal representatives and local congressional representatives in separate meetings. A field review has occurred in which approximately 10 individuals attended. A public open house has occurred which was attended by approximately 25–30 individuals. Several News Releases have been provided to announce the open house, field trip and consideration of the project by the National Forest Advisory Board. Local media including newspaper, radio and television, have included reports on this project. The Forest Service has listed the project in the Schedule of Proposed Actions that is posted on the Black Hills National Forest Web site. Comments submitted in response to this NOI will be most useful if received within 30 days from the date of this notice. Response to the draft EIS will be sought from the interested public beginning in May, 2005.

Preliminary Issues

From scoping efforts to date the following preliminary issues have been identified:

- Post-treatment Snag Density:
  - Potentially high fuel loadings caused by beetle killed trees which will not be merchantable and therefore, not be removed in the proposed treatment.
  - Viability of snag dependent species.
- Incorporation of hardwood restoration to increase area of more fire resistant vegetation.
- Increase acres of variable density thinning to result in a more diverse landscape.
- Proposed treatments will not meet the purpose and need to reduce beetle mortality or reduce the risk of large scale, high intensity fires.

Comment Requested

This notice of intent is part of the scoping process which will guide the development of the EIS. Comments submitted by individuals, groups or other agencies in response to previous scoping efforts for this project have been incorporated into the analysis and there is no need to resubmit comments in response to this NOI. The draft environmental impact statement is expected May 2005 and the final environmental impact statement is expected July 2005.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 802 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental

impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: February 22, 2005.

Brad Exton,

Acting Forest Supervisor.

[FR Doc. 05–3894 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Quartz Gold Project; Idaho Panhandle National Forests, Benewah and Latah Counties, ID

AGENCY: Forest Service, USDA.

ACTION: Cancellation of Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: A Notice of Intent to prepare an Environmental Impact Statement for the Quartz Gold Project was published in the **Federal Register** on May 15, 2003 (Volume 68, Number 94) on pages 26283–26284. The proposed action and the purpose and need for the proposed action have changed substantially, so the project is cancelled. A letter was sent to addresses on the mailing list explaining the changes in the project. The responsible official is Forest Supervisor, Idaho Panhandle National Forests, 3815 Schreiber Way, Coeur d'Alene, ID 83815.

FOR FURTHER INFORMATION CONTACT: Cornie Hudson, St. Joe Ranger District, 222 S 7th Street, Suite 1, St. Maries, ID 83861.

Dated: February 22, 2005.

Ranotta McNair,

Forest Supervisor, Idaho Panhandle National Forests.

[FR Doc. 05–3893 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Kamiah, Idaho, USDA, Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Wednesday, March 16, 2005 in Grangeville, Idaho for a business meeting. The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Ihor Mereszczak, Staff Officer and Designated Federal Officer, at (208) 935–2513.

SUPPLEMENTARY INFORMATION: The business meeting on March 16, at the Super 8 Motel Conference Room, 801 W. S. 1st Street, Grangeville, ID 83530, begins at 10 a.m. (P.S.T.). Agenda topics will include discussion of potential projects. A public forum will begin at 2:30 p.m. (P.S.T.).

Dated: February 14, 2005.

Ihor Mereszczak,

Acting Forest Supervisor.

[FR Doc. 05–3836 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, California. Agenda items to be covered include: (1) Introductions, (2) Approval of Minutes, (3) Public Comment, (4) Project Proposals, (6) Reno Trip Agenda, (7) General Discussion, (8) County Update, (9) Next Agenda.

DATES: The meeting will be held on March 10, 2005 from 9 a.m. and end at approximately 12 p.m.

ADDRESSES: The meeting will be held at the Lincoln Street School, Conference Room A, 1135 Lincoln Street, Red Bluff, CA. Individuals wishing to speak or propose agenda items must send their names and proposals to Jim Giachino, DFO, 825 N. Humboldt Ave., Willows, CA 95988.

FOR FURTHER INFORMATION CONTACT: Bobbin Gaddini, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, P.O. Box 164, Elk Creek, CA 95939. (530) 968–5329; e-mail *ggaddini@fs.fed.us*.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by March 8, 2005, will have the opportunity to address the committee at those sessions.

Dated: February 23, 2005.

James F. Giachino,

Designated Federal Official.

[FR Doc. 05–3897 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–11—M

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 050214038–5038–01]

Strengthening America's Communities Advisory Committee

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Notice of request for nominations.

SUMMARY: On February 9, 2005, the President's Domestic Policy Council requested the Secretary of Commerce (the ''Secretary'') to form the Strengthening America's Communities Advisory Committee (the ''Committee''). The objectives and duties of the Committee will be to provide advice and recommendations to the Secretary, and to develop a comprehensive written report of policy parameters to assist in implementing the President's Strengthening America's Communities Initiative (the ''Initiative''), including advising on its legislation, regulations and other guidance. The Committee's report will encompass all aspects of the envisioned Initiative, including policy findings and declarations, organizational structure, eligibility, program delivery, monitoring and performance measures. The Committee is expected to deliver its report to the Secretary by May 31, 2005.

This notice seeks nominations for persons to serve on the Committee. The Committee is intended to have a balanced membership from diverse backgrounds and geographical regions, including the private sector, state, local and tribal government officials, community-based organizations, academia and the research community. Nominees should possess an extensive knowledge of, and background in, the fields of rural or urban economic, social and community development. Nominees should also possess economic, social and community development policy experience, leadership and organizational skills. The **SUPPLEMENTARY INFORMATION** section of this notice provides additional Committee and membership information, as well as the evaluation criteria for selecting members and the specific instructions for submitting nominations.

DATES: Nominations must be received by the Department of Commerce at the address listed below no later than 4 p.m. (e.s.t.) on March 11, 2005.

ADDRESSES: Nominations pursuant to this Request for Nominations may be submitted by (i) postal mail, (ii) facsimile, or (iii) e-mail. Please submit nominations by postal mail to David A. Sampson, Assistant Secretary for Economic Development, Economic Development Administration, Department of Commerce, Room 7800, 1401 Constitution Avenue, NW., Washington, DC 20230. Nominations may be submitted via facsimile to (202) 273–4723; all facsimiles should be addressed to the attention of Assistant Secretary for Economic Development David A. Sampson. E-mail submissions must be addressed to *saci@eda.doc.gov* and should include all nomination materials (including attachments) in a single transmission. The Department strongly encourages applicants to submit nominations by facsimile or e-mail. Nominations sent by regular mail may be substantially delayed in delivery, since all regular mail sent to the Department is subject to extensive security screening.

FOR FURTHER INFORMATION CONTACT: The Office of Chief Counsel, Economic Development Administration, Department of Commerce, Room 7005, 1401 Constitution Avenue, NW., Washington DC 20230, telephone (202) 482–4687.

SUPPLEMENTARY INFORMATION: On February 3, 2005, the Secretary of Commerce and the Secretary of Housing and Urban Development jointly announced the Initiative. The Initiative proposes to transfer and consolidate 18 Federal economic and community development programs from the Departments of Agriculture, Commerce, Health and Human Services, Housing and Urban Development and Treasury within the Department of Commerce (the ''Department''), ultimately comprising a $3.71 billion unified grant program.

By letter dated February 9, 2005, the President's Domestic Policy Council requested the Secretary to form the Committee. The Department is forming the Committee pursuant to this letter and under the authority of the Federal Advisory Committee Act, as amended (''FACA'') (5 U.S.C. App. 2). The following provides information about the Committee, its membership and the nomination process.

Objectives and Duties

The objectives and duties of the Committee will be to provide advice and recommendations to the Secretary, and to develop a comprehensive written report of policy parameters to assist in implementing the Initiative, including advising on its legislation, regulations and other guidance. The Committee's report will encompass all aspects of the envisioned Initiative, including policy findings and declarations, organizational structure, eligibility, program delivery, monitoring and performance measures. The Committee is expected to deliver its report to the Secretary by May 31, 2005, although this time frame may change. Thereafter, the Committee may be asked to advise the Secretary on additional matters relating to the Initiative.

Membership

Members of the Committee are appointed by and serve at the discretion of the Secretary. It is expected that the committee will consist of no more than 25 members. No employee of the Federal government may serve as a member of the Committee. The Secretary will designate a member or members to serve as the Chairperson or Co-Chairpersons of the Committee. Members are expected to serve for the full tenure of the Committee, expected to last two years. The Committee intends to have a balanced membership from diverse backgrounds and geographical regions, including the private sector, State, local and tribal government officials, urban or rural community-based organizations, academia and the research community. Members should possess an extensive background in the fields of economic, social and community skills in these fields. Meeting attendance and active participation in the activities of the Committee are essential.

Administrative Provisions

Members shall serve without compensation, but shall be allowed reimbursement for reasonable, Committee-related travel expenses, including a per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703 (as amended) for persons serving intermittently in Federal government service. Members must undergo a criminal background check. Members will serve as ''special government employees'' (''SGEs'') and must comply with certain Federal ethics statutes and regulations, which include completing a confidential financial disclosure form to identify any conflicts of interest (or appearances thereof) between the individual's financial affiliations and holdings and his or her service on the Committee. Meetings shall be held at the call of the Chairperson or Co-Chairpersons (with the approval of the Designated Federal Officer (''DFO'')) until the Committee presents its comprehensive report to the Secretary; thereafter, the Committee will meet at the call of the Chair (with the approval of the DFO) at least annually. The Department and its various operating units shall provide the Committee with administrative and staff services, support and facilities to the extent necessary for the Committee to fulfill its objectives and duties and to the extent permitted by law. Once the Committee is officially formed, the full text of the Committee Charter may be viewed on the Department's Web site at *http://www.doc.gov.*

Evaluation Criteria and Application Procedure

This notice requests nominations of persons to serve on the Committee. The Secretary may also consider nominations from sources other than this Request for Nominations. Self-nominations are acceptable. Nominations submitted from sources other than this Request for Nominations will be evaluated under the same evaluation criteria as those submitted in response to this Request for Nominations. In evaluating nominations, the Secretary shall consider the nominee's (i) technical expertise, educational background, policy roles and leadership skills in the fields of rural or urban economic, social and community development, (ii) experience in working with public-private partnerships and grant-based economic development, and (iii) such other experience and backgrounds as

the Secretary deems relevant for service on the Committee.

Each nomination submission pursuant to this Request for Nominations must include: (i) The proposed Committee member's name, address, telephone and fax numbers, e-mail address (if available) and organizational affiliation (if any); (ii) a cover letter describing the nominee's qualifications and interest in serving on the Committee; (iii) the nominee's curriculum vitae or resume; and (iv) no more than three supporting letters describing the nominee's qualifications and interest in serving on the Committee. Nominations must be received no later than 4 p.m. (e.s.t.) on March 11, 2005. See **ADDRESSES** for the address, facsimile number and e-mail address where nominations may be submitted.

Privacy Act

Section 301 of Title 5 United States Code and 15 CFR part 4, subpart B authorize and govern collection of this information. The primary use of this information is to allow officials of the Department of Commerce and its operating units to review applications and to conduct vetting of applicants to make decisions concerning the nomination or renomination of candidates for membership on the Advisory Committee. Records may be disclosed under the following routine use circumstances: (1) To any Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring, or retention of an individual; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or benefit. (2) To any Federal, State, local, or foreign agency charged with the responsibility of investigating or prosecuting any violation or potential violation of law or contract; whether civil, criminal, or regulatory in nature; and whether arising by general statute or particular program statute; or contract, rule, regulation, or order, to protect the interests of the Department. (3) To any Federal, State, local, or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or any other benefit of the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decisions on the matter. (4) To a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record. (5) To the Department of Justice in connection with determining whether disclosure is of the record is required under the Freedom of Information Act.

Collection of this information, including your Social Security number is voluntary but failure to furnish it will result in your application not being considered. Collection of your Social Security number is authorized under Executive Order No. 9397. The Department will use this number to distinguish you from other members of the public who may have the same or similar name.

Dated: February 24, 2005.

Theodore W. Kassinger,

Deputy Secretary of Commerce.

[FR Doc. 05–3976 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213(2004) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than the last day of March 2005, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period
Antidumping Duty Proceeding	
BANGLADESH: Cotton Shop Towels, A–538–802	3/1/04–2/28/05
BRAZIL: Certain Hot-Rolled Carbon Steel Flat Products, A–351–828	3/1/04–2/28/05
CANADA: Iron Construction Castings, A–122–503	3/1/04–2/28/05
FRANCE: Brass Sheet & Strip, A–427–602	3/1/04–2/28/05
Stainless Steel Bar, A–427–820	3/1/04–2/28/05
GERMANY: Brass Sheet & Strip, A–428–602	3/1/04–2/28/05
Stainless Steel Bar, A–428–830	3/1/04–2/28/05
INDIA: Sulfanilic Acid, A–533–806	3/1/04–2/28/05
ITALY: Brass Sheet & Strip, A–475–601	3/1/04–2/28/05
Stainless Steel Bar, A–475–829	3/1/04–2/28/05
JAPAN: Stainless Steel Butt-Weld Pipe Fittings, A–588–702	3/1/04–2/28/05
REPUBLIC OF KOREA: Stainless Steel Bar, A–580–847	3/1/04–2/28/05
RUSSIA: Silicon Metal, A–821–817	3/1/04–2/28/05
SPAIN: Stainless Steel Bar, A–469–805	3/1/04–2/28/05
TAIWAN: Light-Walled Welded Rectangular Carbon Steel Tubing, A–583–803	3/1/04–2/28/05
THAILAND: Circular Welded Carbon Steel Pipes & Tubes, A–549–502	3/1/04–2/28/05
THE PEOPLE'S REPUBLIC OF CHINA: Chloropicrin, A–570–002	3/1/04–2/28/05
Glycine, A–570–836	3/1/04–2/28/05
UNITED KINGDOM: Stainless Steel Bar, A–412–822	3/1/04–2/28/05

	Period
Countervailing Duty Proceeding	
FRANCE: Brass Sheet and Strip, C–427–603	1/1/04–12/31/04
INDIA: Sulfanilic Acid, C–533–807	1/1/04–12/31/04
IRAN: In-Shell Pistachios Nuts, C–507–501	1/1/04–12/31/04
ITALY: Stainless Steel Bar, C–475–830	1/1/04–12/31/04
PAKISTAN: Cotton Shop Towels, C–535–001	1/1/04–12/31/04
TURKEY: Welded Carbon Steel Pipes and Tubes, C–489–502	1/1/04–12/31/04

Suspension Agreements

None.

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 69 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration Web site at *http://www.ia.ita.doc.gov*.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of March 2005. If the Department does not receive, by the last day of March 2005, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 23, 2005.

Thomas F. Futtner,

Acting Senior Office Director, Office 4 for Import Administration.

[FR Doc. E5–821 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating five-year (''sunset'') reviews of certain antidumping and countervailing duty orders. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers these same orders.

DATES: *Effective Date:* March 1, 2005.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482–5050, or Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of sunset reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Initiation of Reviews

In accordance with 19 CFR 351.218(c), we are initiating the sunset reviews of the following antidumping and countervailing duty orders:

DOC case No.	ITC case No.	Country	Product
A–588–817	731–TA–469	Japan	Electroluminescent Flat Panel Displays.
A–588–703	731–TA–377	Japan	Internal Combustion Industrial Forklift Trucks.
A–570–506	731–TA–298	China	Porcelain-on-steel Cooking Ware.

DOC case No.	ITC case No.	Country	Product
A–583–508	731–TA–299	Taiwan	Porcelain-on-steel Cooking Ware.
A–507–502	731–TA–287	Iran	Raw In-shell Pistachios.
A–580–601	731–TA–304	Korea	Top-of-the-stove Stainless Steel Cooking Ware.
C–580–602	731–TA–267	Korea	Top-of-the-stove Stainless Steel Cooking Ware.
A–583–603	731–TA–305	Taiwan	Top-of-the-stove Stainless Steel Cooking Ware.
C–583–604	731–TA–604	Taiwan	Top-of-the-stove Stainless Steel Cooking Ware.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the Department's regulations regarding sunset reviews (19 CFR 351.218) and *Sunset Policy Bulletin*, the Department's schedule of sunset reviews, case history information (*i.e.*, previous margins, duty absorption determinations, scope language, import volumes), and service lists available to the public on the Department's sunset Internet Web site at the following address: *http://ia.ita.doc.gov/sunset/*.

All submissions in these sunset reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303. Also, we suggest that parties check the Department's sunset website for any updates to the service list before filing any submissions. The Department will make additions to and/or deletions from the service list provided on the sunset website based on notifications from parties and participation in these reviews. Specifically, the Department will delete from the service list all parties that do not submit a substantive response to the notice of initiation.

Because deadlines in a sunset review can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties (defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these sunset reviews must respond not later than 15 days after the date of publication in the **Federal Register** of the notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the orders without further review. *See* 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that all parties wishing to participate in the sunset review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of the notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of sunset reviews.[1] Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: February 23, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–823 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–DS–P

[1] In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–805]

Circular Welded Non-Alloy Steel Pipe From Mexico: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to requests from Niples Del Norte S.A. de C.V. (''NDN'') and Hylsa S.A. de C.V. (''Hylsa''), two Mexican manufacturers of circular welded non-alloy steel pipe, the Department of Commerce (''the Department'') initiated an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Mexico. *See* 69 FR 77181. This administrative review covered the period of November 1, 2003, through October 31, 2004. We are now rescinding this review as a result of both respondents' withdrawal of their request for an administrative review.

DATES: Effective Date: March 1, 2005.

FOR FURTHER INFORMATION CONTACT: John Drury or Abdelali Elouaradia, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Room 7866, Washington, DC 20230; telephone (202) 482–0195 or (202) 482–1374, respectively.

Background

The Department published an antidumping duty order on circular welded non-alloy steel pipe from Mexico on November 2, 1992. *See* Notice of Antidumping Duty Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (''Korea''), Mexico, and Venezuela and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Welded Non-Alloy Steel Pipe from Korea, 57 FR 49453 (November 2, 1992). The Department published a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order for the period

of November 1, 2003, through October 31, 2004, on November 1, 2004. *See* 69 FR 63359. Respondents NDN and Hylsa both requested that the Department conduct an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Mexico on November 30, 2004. In response to these requests, the Department published the initiation of the antidumping duty administrative review on circular welded non-alloy steel pipe from Mexico on December 27, 2004. *See* Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part, 69 FR 77181 (December 27, 2004). The Department received requests for withdrawal from the administrative review from NDN on January 7, 2005, and from Hylsa on February 8, 2005. The requests for review submitted by NDN and Hylsa, respectively, were the only requests for administrative review of this order for the period November 1, 2003, through October 31, 2004.

Rescission of the Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review under this section, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. Since all of the parties who initially requested an administrative review, NDN and Hylsa, have withdrawn their requests in a timely manner, we are rescinding this review. The Department will issue appropriate assessment instructions to U.S. Border and Customs Protection within 15 days of publication of this notice.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is published in accordance with section 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 23, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E5–822 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Notice of Preliminary Results of New Shipper Review of the Antidumping Duty Order on Certain Pasta From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request by Atar, S.r.L. (''Atar''), the Department of Commerce (''the Department'') is conducting a new shipper review of the antidumping duty order on certain pasta (''pasta'') from Italy for the period of review (''POR'') July 1, 2003 through June 30, 2004. We preliminarily determine that during the POR, Atar did not sell subject merchandise at less than normal value (''NV''). Much of the information upon which we relied to analyze the *bona fides* of Atar's sales to the United States is business proprietary, therefore our full analysis is set forth in the *Memorandum to Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, Pasta from Italy: New Shipper Review of Atar S.r.L. (Atar),* dated February 22, 2005 (*Atar Memo*), which is on file in the Central Records Unit (''CRU''), room B–099 of the main Commerce Building. Interested parties are invited to comment on these preliminary results.

If these preliminary results are adopted in the final results of this new shipper review, we will instruct U.S. Customs and Border Protection (''CBP'') to liquidate without regard to antidumping duties.

DATES: *Effective Date:* March 1, 2005.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Maura Jeffords, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5973 or (202) 482–3146, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1996, the Department published in the **Federal Register** the antidumping duty order on pasta from Italy. *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy,* 61 FR 38547. On July 30, 2004, we received a request from Atar to initiate a new shipper review of Atar's U.S. sales of pasta from Italy. On September 1, 2004, the Department published the notice of initiation of this new shipper antidumping duty review covering the period July 1, 2003 through June 30, 2004. *See Certain Pasta from Italy: Notice of Initiation of New Shipper Antidumping Duty Review,* 69 FR 53413 (Sept. 1, 2004).

On September 1, 2004, we sent a questionnaire to Atar and instructed Atar to respond to Sections A–E of the questionnaire, as appropriate. On October 22, 2004, Atar submitted its response to Sections A, C, and D of the original questionnaire. On November 5, 2004, Atar submitted its cost reconciliation under Section D of the questionnaire.

On November 8 and 10, 2004, the Department issued supplemental questionnaires to Atar. On December 1, 2004, we received Atar's response to the supplemental questionnaires. On December 27, 2004, the Department received a supplemental questionnaire response relating to Atar's quantity and value reconciliation requested in Section A of the questionnaire.

On December 7, 2004, we sent Atar a verification outline. We conducted verification of Atar's sales and cost information from January 10, 2005 through January 14, 2005.

Scope of Order

Imports covered by this order are shipments of certain non-egg dry pasta in packages of five pounds four ounces or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of this order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Instituto Mediterraneo Di Certificazione, by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia, by Consorzio per il Controllo dei

Prodotti Biologici, or by Associazione Italiana per l'Agricoltura Biologica.

The merchandise subject to this order is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States (''HTSUS'')*. Although the *HTSUS* subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (''the Act''), we conducted verification of the sales and cost information provided by Atar. We used standard verification procedures, including examination of relevant sales and financial records. Our verification results are detailed in the verification reports placed in the case file in the CRU. We made certain minor revisions to certain sales and cost data based on verification findings. *See* January 25, 2005, *Memorandum to James Terpstra from Dennis McClure and Maura Jeffords, regarding Verification of the Sales and Cost Response of Atar S.r.L. (''Atar'') in the New Shipper Review of the Antidumping Duty Order of Certain Pasta from Italy (''Sales and Cost Verification Report''*).

Product Comparisons

In accordance with section 771(16) of the Act, we matched contemporaneous sales of products sold in the United States with constructed value (''CV'') based on the following characteristics: (1) Pasta shape; (2) type of wheat; (3) additives; and (4) enrichment.

Comparisons to Normal Value

Because we could not determine the NV of the subject merchandise based on a comparison market price, under section 773(a)(1) of the Act, in accordance with section 773(a)(4) of the Act, we compared the export price (''EP'') to the CV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice to determine whether sales of certain pasta from Italy were made in the United States at less than NV. *See* Atar's *Sales and Cost Verification Report and* February 22, 2005, *Memorandum to James Terpstra from Dennis McClure and Maura Jeffords, Analysis Memorandum for Atar S.r.L.,* available in the CRU.

Export Price

For the price to the United States, we used EP in accordance with section 772(a) of the Act. We calculated EP because all of Atar's U.S. sales of subject merchandise were sold directly to the first unaffiliated purchaser in the United States prior to importation. We based EP on the packed free-on-board (''FOB'') prices to the first unaffiliated customer in, or for exportation to, the United States.

In accordance with section 772(c)(2) of the Act, we made deductions, where appropriate, for movement expenses including foreign brokerage and handling. In addition, when appropriate, we increased EP by an amount equal to the countervailing duty rate attributed to export subsidies established in the countervailing duty investigation, in accordance with section 772(c)(1)(C) of the Act.

Normal Value

A. Selection of Comparison Markets

To determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared Atar's volume of home market sales of the foreign like product to the volume of its U.S. sales of the subject merchandise. Pursuant to sections 773(a)(1)(B) and 773(a)(1)(C) of the Act, we determined that Atar did not have an aggregate volume of home market sales of the foreign like product that was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise. Atar did not have any third-country market sales of the subject merchandise. As a result, we determined that Atar did not have a viable comparison market.

B. Calculation of Normal Value Based on Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on the sum of the cost of manufacturing (''COM'') of the product sold in the United States, plus amounts for SG&A expenses, profit, and U.S. packing costs. Because Atar was a producer of subject merchandise through a tolling arrangement, we based the COM on the price Atar paid for the raw materials from its unaffiliated suppliers and the price Atar paid for the processing. In accordance with section 773(e)(2)(B) (i) and (ii) of the Act, we based SG&A expenses on Atar's actual expenses incurred during its 2004 fiscal year and profit on publicly available information related to other pasta companies which sell subject merchandise in Italy.

For price-to-CV comparisons, we made adjustments to CV for circumstance-of-sale (''COS'') differences, in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made COS adjustments by adding U.S. direct selling expenses.

Currency Conversion

For purposes of these preliminary results, we made currency conversions in accordance with section 773A(a) of the Act, based on the official exchange rates published by the Federal Reserve.

Preliminary Results of New Shipper Review

As a result of our review, we preliminarily determine that the following percentage weighted-average margin exists for Atar for the period July 1, 2003 through June 30, 2004:

Producer/exporter	Margin (percent)
Produced and Exported by Atar S.r.L.	0.00

The Department will disclose the calculations performed within five days of the date of publication of this notice to the parties of this proceeding in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, ordinarily will be held 44 days after the date of publication of these preliminary results, or the first working day thereafter. Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results. *See* 19 CFR 351.309(c)(ii). Rebuttal briefs limited to issues raised in such briefs, may be filed no later than 35 days after the date of publication. *See* 19 CFR 351.309(d).

Parties who submit arguments are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. Further, parties submitting briefs are requested to provide the Department with an additional copy of the public version of any such briefs on diskette. The Department will issue the final results of this review, which will include the results of its analysis of issues raised in any such comments, or at a hearing, if requested, within 120 days of publication of these preliminary results.

Assessment Rate

Pursuant to 19 CFR 351.212(b), the Department will calculate an assessment rate for each importer of the subject merchandise produced by Atar. Upon issuance of the final results of this new shipper review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (*i.e.*, at or above 0.5 percent), the Department will issue appraisement instructions directly to CBP to assess antidumping duties on appropriate entries by applying the

assessment rate to the entered value of the merchandise. For assessment purposes, we will calculate importer-specific assessment rates for the subject merchandise produced by Atar by aggregating the dumping margins for all U.S. sales to each importer and dividing the amount by the total entered value of the sales to that importer. Where appropriate, to calculate the entered value, we will subtract international movement expenses (*e.g.*, brokerage and handling) from the gross sales value.

Cash Deposit Requirements

To calculate the cash deposit rate for Atar, we divided the total dumping margin by the total net value for that company's sales during the review period. The following deposit rate will be effective upon publication of the final results of this new shipper review for shipments of certain pasta from Italy entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: For subject merchandise produced and exported by Atar, the cash deposit rate will be the rate established in the final results of this review, except if the rate is less than 0.5 percent and, therefore, *de minimis*, the cash deposit will be zero. This cash deposit requirement, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent increase in antidumping duties by the amount of antidumping and/or countervailing duties reimbursed.

This administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 22, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

APPENDIX I

Unpublished Memorandum

[FR Doc. E5–820 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 030602141–5037–15; I.D. 012505A]

RIN 0648–ZB55

Availability of Grants Funds for Fiscal Year 2005/ Extension of Application Deadline

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

ACTION: Notice.

SUMMARY: The NMFS publishes this notice to extend the solicitation period on the following four initiatives originally announced in the **Federal Register** on February 1, 2005: Alaska Marine Resources Educational Partnership Program; Chesapeake Bay Integrated Research Program Fisheries; Chesapeake Bay Integrated Research Program Submerged Aquatic Vegetation; and Chesapeake Bay Integrated Research Program Non-native Oyster Research. NOAA extends the solicitation period to provide the public more time to submit proposals. All other requirements for this solicitation remain the same.

DATES: Letters of intent for the three Chesapeake Bay initiatives must be submitted by 5 p.m. eastern time on March 1, 2005. Full proposals must be received by 5 p.m. eastern time on April 1, 2005. Letters of Intent for the Alaska Marine Resources Educational Partnership Program are due by 5 p.m. Alaska local time on March 1, 2005. Full proposals must be received by 5 p.m. Alaska local time on April 1, 2005. Paper applications may be submitted by applicants without Internet access and must be received (see **ADDRESSES**) by the same dates and times as electronic applications.

ADDRESSES: The address for submitting proposals electronically is: *http://www.grants.gov/*. (Electronic submission is strongly encouraged).

Paper submissions regarding the Fisheries, Submerged Aquatic Vegetation, and Non-native Oyster Research Programs should be sent to the following address: NOAA Chesapeake Bay Office, 410 Severn Avenue, Suite 107A, Annapolis, MD 21403, ATTN CBIRP - Fisheries, SAV, or Oyster, respectively.

Paper submissions regarding the Alaska Marine Resources Educational Partnership Program should be sent to the following address: MSI-Alaska Program Coordinator, National Marine Fisheries Service, Alaska Region, 709 W. 9th St., RM 420, Juneau, AK 99802 1668 ATTN: AMRSP.

Letters of intent for the three Chesapeake Bay initiatives may be sent via e-mail to *derek.orner@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Derek M. Orner, NOAA Chesapeake Bay Office, 410 Severn Avenue, Suite 107A, Annapolis, MD 21403, or by phone at 410 267 5676, or fax to 410 267 5666, or via e-mail at *derek.orner@noaa.gov*.

SUPPLEMENTARY INFORMATION: This notice extends the solicitation period of four initiatives announced in the **Federal Register** on February 1, 2005 (FO FR 5161).

Dated: February 24, 2005.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 05–3937 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022305C]

Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT); Spring Species Working Group Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee (Committee) to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) announces its spring meeting with its Species Working Group Technical Advisors on March 7–8, 2005. The Committee will meet to discuss matters relating to ICCAT, including, the results from the 2004 ICCAT meeting; the U.S. implementation of ICCAT decisions; the 2005 ICCAT and NMFS research and monitoring activities; the 2005 ICCAT activities; the Atlantic Tunas Convention Act required consultation on the identification of countries that are diminishing the effectiveness of ICCAT; the NMFS Recreational Fishery Landings Estimates Review; the results of the meetings of the Committee's Species Working Groups; and other matters relating to the international management of ICCAT species

DATES: The open sessions of the Committee meeting will be held on

March 7, 2005, from 9:45 a.m. to 3:30 p.m. and on March 8, 2005, from 8:30 a.m. to 9:15 a.m and from 11 a.m. to 3:15 p.m. Closed sessions will be held on March 7, 2005, from 3:30 p.m. to approximately 6 p.m. and on March 8, 2005, from 9:15 a.m. to 11 a.m. and from 3:15 p.m. to 4:15 p.m.

ADDRESSES: The meeting will be held at the Hilton Hotel Washington-Silver Spring, 8727 Colesville Road, Silver Spring, MD, 20910, 301–589–5200.

FOR FURTHER INFORMATION CONTACT: Erika Carlsen at (301) 713–2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in open session to receive and discuss information on (1) the 2004 ICCAT meeting results and U.S. implementation of ICCAT decisions; (2) 2005 ICCAT and NMFS research and monitoring activities; (3) 2005 ICCAT activities; (4) the Atlantic Tunas Convention Act required consultation on the identification of countries that are diminishing the effectiveness of ICCAT; (5) the NMFS Recreational Fishery Landings Estimates Review; (6) the results of the meetings of the Committee's Species Working Groups; and (7) other matters relating to the international management of ICCAT species. The public will have access to the open sessions of the meeting, but there will be no opportunity for public comment.

The Committee will meet in its Species Working Groups for a portion of the afternoon of March 7, 2005 and of the morning of March 8, 2005. These sessions are not open to the public, but the results of the species working group discussions will be reported to the full Advisory Committee during the Committee's morning and afternoon open session on March 8, 2005. The Committee may also go into executive session on the afternoon of March 8, 2005, to discuss sensitive information relating to upcoming intersessional meetings of ICCAT. This session would also be closed to the public.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Erika Carlsen at (301) 713–2276 at least five days prior to the meeting date.

Dated: February 23, 2005.

Alan D. Risenhoover

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

[FR Doc. 05–3938 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022205C]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Magnuson-Stevens Act (MSA) Reauthorization Committee; its Ecosystems Committee; its Squid, Mackerel, Butterfish Committee; its Executive Committee; its Research Set-Aside Committee; and, its Tilefish Committee will hold public meetings.

DATES: The meetings will begin on Tuesday, March 15, 2005, and continue through Thursday, March 17, 2005. See **SUPPLEMENTARY INFORMATION** for specific dates and times and meeting agendas.

ADDRESSES: This meeting will be at the Ramada Inn Outer Banks Resort and Conference Center, 1701 S. Virginia Dave Trail, Kill Devil Hills, NC 27948, telephone 252–441–2151.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION:

Tuesday, March 15, 2005

12 noon to 1 p.m., the Magnuson-Stevens Act (MSA) Reauthorization Committee will meet.

1 p.m. to 3 p.m., the Ecosystems Committee will meet.

3 p.m. to 5 p.m., the Squid, Mackerel, Butterfish Committee will meet.

Wednesday, March 16, 2005

8 a.m. to 9 a.m., the Executive Committee will meet.

9 a.m. through 12 noon, the Council will convene and approve the January Council meeting minutes and action items from the January Council meeting, hear organizational and liaison reports, and hear the Executive Director's Report and the status of the Council's Fishery Management Plans (FMP).

1 p.m., the Council will address Amendment 14/Framework 6 to the Summer Flounder, Scup, and Black Sea Bass FMP.

3 p.m. to 4 p.m., the Council will review and discuss Framework 1 to the Dogfish FMP.

4 p.m. to 5 p.m., the Council will review and discuss Amendment 2 to NMFS' Highly Migratory Species (HMS) FMP.

Thursday, March 17, 2005

8 a.m. to 9 a.m., the Research Set-Aside (RSA) Committee will meet.

9 a.m. to 10 a.m., the Tilefish Committee will meet.

10 a.m. to 11 a.m., the Council will convene and conduct a scoping meeting to address the possible need for a Controlled Access System for Atlantic Mackerel.

11 a.m., the Council will receive committee reports, and address any new and/or continuing business.

Meeting Agendas

Tuesday, March 15

The Magnuson-Stevens Act (MSA) Reauthorization Committee will review a list of committee-approved changes to be considered during MSA reauthorization and develop and adopt a motion for Council consideration and action. The Ecosystems Committee will receive an update on the tools available for implementation of ecosystem based fishery management, and will receive a presentation by the Chesapeake Bay Program Office regarding its ecosystem based approach to Chesapeake Bay restoration. The Squid, Mackerel, Butterfish Committee will review the status of Amendment 9 to the FMP, consider and adopt management measures proposed by the technical team, and discuss options for a possible mackerel controlled access system.

Wednesday, March 16

The Executive Committee will review the New England Fishery Management Council's (NEFMC) position regarding joint FMP responsibilities. Following this committee meeting, the Council will convene to approve the January Council meeting minutes and approve action items from the January Council meeting. The Council will also hear organizational and liaison reports, the Executive Director's report and a report on the status of the MAFMC's FMPs. Council will address Amendment 14/Framework 6 to the Summer Flounder, Scup, and Black Sea Bass FMP in light of actions taken by Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup, and Black Sea Bass Board (Board) regarding Addendum 17. The Council will discuss implications of the Board's actions regarding prioritization of Amendment

14 and/or Framework 6, and adopt a modified plan of action for Amendment 14, Framework 6, or both. The Council will review options regarding multi-year setting of specifications for spiny dogfish as proposed in Framework 1 to the Dogfish FMP, and review and comment on the principal measures contained in Amendment 2 to NMFS' FMP for Highly Migratory Species (HMS), i.e., Atlantic tunas, swordfish, and sharks.

Thursday, March 17

The Research Set-Aside Committee will review the 2006 request for proposal (RFP), and review and comment on changes to NOAA's grant process. The Tilefish Committee will review and discuss items to be addressed in a scoping document to be used in the development of Amendment 1. The Council will convene at 10 a.m. and conduct a scoping meeting to address the possible need for a Controlled Access System for Atlantic mackerel; hear committee reports; and, act on any new and/or continuing business.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Debbie Donnangelo (302–674–2331) at least 5 days prior to the meeting date.

Dated: February 24, 2005.

Peter H. Fricke,

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

[FR Doc. 05–3943 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022305F]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting. of the North Pacific Fishery Management Council's Non-Target Species Committee.

SUMMARY: The North Pacific Fishery Management Council's (Council) Non-Target Species Committee will meet at the Alaska Fishery Science Center (AFSC).

DATES: The meeting will be held on March 14, 2005, from 10:30 a.m. to 4:30 p.m. and March 15, 2005, from 9 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the AFSC, 7600 Sand Point Way North East, Building 4, Room 2143, Seattle, WA 98115.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Jane DiCosimo, Council staff, telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The committee will: (1) review and provide comments on a discussion paper to separate the Gulf of Alaska and Bering Sea and Aleutian Islands other species category into squid, shark, skate, sculpins, and octopus groups for total allowable catch setting; (2) draft a problem statement for (target and non-target) rockfish management; and (3) draft an outline for a discussion paper to address problem(s) in the rockfish fisheries. The committee will report to the Council at the April 2005 Council meeting.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: February 24, 2005

Peter H. Fricke,

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

[FR Doc. 05–3939 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022305G]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Gulf Rationalization Community Committee will meet in Anchorage, AK.

DATES: The meeting will be held on March 30, 2005, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hilton Hotel, Fireweed Room, 500 West Third Avenue, Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Nicole Kimball, Council staff, telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The Committee will address design elements of the Community Fisheries Quota (CFQ) Program and Community Purchase Program proposed under the North Pacific Fishery Management Council's Gulf rationalization amendment package.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been

notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: February 24, 2005.

Peter H. Fricke,

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

[FR Doc. 05–3940 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022405A]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 126th meeting to consider and take actions on fishery management issues in the Western Pacific Region.

DATES: The 126th Council meeting and public hearings will be held on March 14–17, 2005. For specific times, and the agenda, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The 126th Council meeting and public hearings will be held at the Ala Moana Hotel,410 Atkinson Drive, Honolulu, HI; telephone: 808–955–4811.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808)522–8220.

SUPPLEMENTARY INFORMATION: In addition to the agenda items listed here, the Council will hear recommendations from other Council advisory groups. Public comment periods will be provided throughout the agenda. The order in which agenda items are addressed may change. The Council will meet as late as necessary to complete scheduled business.

Schedule and Agenda for Council Standing Committee Meetings

Monday, March 14, 2005

1. *8a.m. - 10 a.m.* - Enforcement/Vessel Monitoring Systems Standing Committee
2. *8 a.m. - 10 a.m.* - Ecosystem and Habitat Standing Committee
3. *10 a.m. - Noon* - Pelagic and International Standing Committee
4. *10 a.m. - Noon* - Bottomfish Standing Committee
5. *1:30 p.m. - 3:30 p.m.* - Precious Corals/Crustaceans Standing Committee
6. *1:30 p.m. - 3:30 p.m.* - Indigenous Rights Standing Committee
7. *3:30 p.m. - 5 p.m.* - Executive/Budget and Program Standing Committee

Schedule and Agenda for Public Hearings

Tuesday, March 15, 2005

4:30 p.m. - 5 p.m. - Bigeye Overfishing Plan

The Council will consider management action on overfishing occurring on Pacific bigeye stocks.

6:30 p.m. - 9 p.m. - Council action considered on Northwestern Hawaiian Islands (NWHI) Sanctuary Fishing Regulations for NWHI bottomfish, crustacean, precious coral, pelagic and coral reef ecosystem fisheries, pursuant to the proposed designation of the NWHI Coral Reef Ecosystem Reserve as a national marine sanctuary.

Wednesday, March 16, 2005

9:45 a.m. - 10 a.m. - Council action considered on measures to manage Commonwealth of the Northern Mariana Islands (CNMI) bottomfish.

4:30 p.m. - 5 p.m. - Council action considered on NWHI Sanctuary Fishing Regulations for NWHI bottomfish, crustacean, precious coral, pelagic and coral reef ecosystem fisheries, pursuant to the proposed designation of the NWHI Coral Reef Ecosystem Reserve as a national marine sanctuary.

The agenda during the full Council meeting will include the items listed here.

For more information on public hearing items, see Background Information.

Schedule and Agenda for Council Meeting

Tuesday, March 14, 2005, 8:30 a.m – 5 p.m.

1. Introductions
2. Approval of agenda
3. Approval of 124th and 125th meeting minutes
4. Island reports

A. American Samoa

B. Guam

C. Hawaii

D. CNMI

5. Reports from fishery agencies and organizations

A. Department of Commerce

a. NMFS
i. Pacific Islands Regional Office
ii. Pacific Islands Fisheries Science Center
b. National Marine Sanctuary Program
i. Pacific Sanctuaries update
c. NOAA General Counsel Southwest Region/Pacific Islands Region

B. The Department of the Interior - The U.S. Fish and Wildlife Service (USFWS)

C. State Department

D. Report from non-governmental organizations

6. Enforcement/vessel monitoring systems

A. US Coast Guard activities

B. NOAA Office of Law Enforcement (OLE) Activities

B.1 OLE Report

C. Enforcement Activities of Local Agencies

D. Status of Violations

E. Hawaii Shallow-set Operational Plan

F. American Samoa Limited Entry Program

G. Bottomfish Fishery Permits and Reporting Requirements

H. Update on Electronic Logbooks Amendment

7. Pelagic Fisheries (Domestic and International)

A. Bigeye Overfishing Plan (ACTION ITEM)

B. Institutional Arrangements for Pelagic Management in the Western Central Pacific Ocean

C. American Samoa & Hawaii Longline Fisheries

1. 2004 Third and Fourth Quarter Reports
2. Shallow-set longline definition
3. Proposed changes to Hawaii-based longline fishery closed area

D. International Issues

1. Prepatory Conference 7/Western and Central Pacific Fishery Management Commission 1
2. FAO Technical Consultation on Turtles
3. FAO/COFI
4. Sea Turtle Mitigation

5. International Fishers Forum 3

E. Recreational Fisheries

1. Hawaii Marine Recreational Fishing Survey Workshop

F. Pelagic Ecosystem Modeling

G. Sea Turtles

1. Biological Opinions and Section 10 Permits
2. Results from First Year of Conservation Measures
3. Vision for the Future
4. Second Turtle Advisory Committee Meeting
5. Report on Loggerhead Workshop
6. Report on Baysian Belief Network Workshop
7. 25th Annual Sea Turtle Symposium

H. Marine Mammal issues

I. Petition to List Black-footed Albatrosses Under the Endangered Species Act

8. Observer programs

A. Report on the NWHI bottomfish observer program

B. Report on the native observer program

C. Report on the Hawaii longline observer program

D. Report on the American Samoa observer program

9. Insular Fisheries

A. Bottomfish Fisheries

1. CNMI Bottomfish Management (ACTION ITEM)
2. Bottomfish Final Environmental Impact Statement (EIS)
3. Status of Guam's 50/50 Measure

B. Precious Coral Fisheries

1. Update on Black Coral ResearchTony Montgomery
2. Precious Corals Draft EIS

C. Crustaceans Fisheries

1. Update on Crustaceans Research
2. Crustaceans Draft EIS

D. Ecosystems and Habitat

1. NWHI Sanctuary Fishing Regulations (ACTION ITEM)
a. Process and Alternatives
b. Impact Analyses
c. Report on Public Meetings
2. NWHI Science Symposium Report
3. Hawaiian Archipelago Research Program Update
4. Status of NWHI Reserve and Sanctuary Designation
5. Ecosystem Based Fishery Management
a. Update on Ecosystem Research
b. Update on NOAA Ecosystem Research Review Panel
c. Update on Council Ecosystem Workshop
d. Update on Mariana Archipelago FEP Pilot Project
e. Update on Programmatic EIS for FEPs
6. Shark Viewing
7. Coral Reef Plan Team Recommendations
10. Fishery Rights of Indigenous Peoples

A. Community Demonstration Projects Program

1. First Solicitation Reports
a. Paepae He'ei'a Kea Project
b. Moloka'i Aku Fishing Training Project
2. Second Solicitation Report
3. Third Solicitation Report

B. Update on Guam Community Development Program

C. FAO/Secretariat of the Pacific Community/Council Coastal Fishery Management Workshop

D. American Samoa Marine Conservation Plan

11. Program Planning and Budget

A. Update on Legislation

B. Status of Hawaii $5 Million Disaster Funds for Federal Fisheries

C. Building Community Networks

D. WPacFIN

E. National Environmental Policy Act Activities

F. Programmatic Grants Report

G. Administration Response to the Ocean Commission Report

H. Marine Debris Disposal Facility Project

12. Administrative Matters

A. Financial Reports

B. Administrative Report

C. Meetings and Workshops

D. Advisory Group Changes

1. Scientific and Statistical Committee changes
2. Advisory Panel Changes
3. Plan Team Changes
4. Working Group Changes
13. Other Business

Background Information

1. Bigeye Overfishing Plan

In December 2004, the Western Pacific and Pacific Councils were officially notified by the National Marine Fisheries Service, on behalf of the Secretary of Commerce, that overfishing is occurring on bigeye tuna in the Pacific. As required by the Magnuson-Stevens Act (16 U.S.C. 1854 (e)(3)) and the implementing regulations at 50 CFR 600.310(e)(3), the Councils must take action to address overfishing within one year of an identification by the Secretary that overfishing is occurring. The overfishing determination was made in the annual report on the status of fisheries in 2003, which was transmitted to Congress on June 15, 2004, which means that the Council has until June 14, 2005 in which to take remedial action to end overfishing.

The Council asked the Pelagics Plan Team to hold a meeting on February 10th, in order to provide the SSC with its deliberations and recommendations on possible courses of action that appropriately might reduce total fishing mortality on bigeye tuna. The Pelagics Plan Team reviewed all the relevant materials, including a summary from the third meeting of the Scientific Coordinating Group of the Western & Central Pacific Management Fishery Commission on the feasibility of scientific analysis for different management measures for Pacific bigeye tuna. The SSC will be presented with the results of these deliberations and the recommendations that were formulated by the Pelagics Plan Team. The SSC will review these recommendations and may provide the Council with its own recommendations on the alternatives for the Council to address the overfishing of Pacific bigeye tuna

2. CNMI Bottomfish Management Amendment (Final Action)

A public hearing will be held to solicit comments on alternatives to manage the bottomfish fishery around the CNMI. Based on comments received during public scoping meetings held in CNMI, the Council developed preliminary options including limiting the harvest of bottomfish, reporting requirements, establishing area closures, gear and vessel restrictions, and other control measures expressed by the public during the scoping meetings. At its 124nd meeting, the Council endorsed a recommendation to allow CNMI Division of Fish and Wildlife to take the range of alternatives to the CNMI public for additional comment. At the 126th meeting, the Council may take final action on a preferred alternative and direct staff to finalize an amendment to the Bottomfish FMP for regulatory action.

3. Final Action on NWHI Sanctuary Alternatives

A Public hearing will be held to solicit public comments on alternatives to prepare draft fishing regulations for

the proposed NWHI Sanctuary. The National Marine Sanctuaries Amendment Act of 2000 (NMSA) and Executive Orders 13178 and 13196 direct the Secretary of Commerce to initiate the process to designate the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve as a National Marine Sanctuary. Pursuant to Section 304(a)(5) of the NMSA, the Council is provided with the opportunity to prepare draft fishing regulations for the proposed sanctuary as the Council may deem necessary to implement the proposed designation. Draft fishing regulations prepared by the Council shall be accepted by the Secretary of Commerce and issued as proposed regulations if they fulfill the purpose and policies of the NMSA and the goals and objectives of the proposed designation.

On September 20, 2004, the National Marine Sanctuaries Program (NMSP) formally provided the Council the opportunity to prepare draft fishing regulations pursuant to Section 304(a)(5) of the NMSA and also provided the Council with the goals and objectives for the proposed designation.

Although not required by the NMSA, the Council held a series of public hearings on Oahu, Kauai, Maui and the Island of Hawaii to gather public input and comments on a range of fishing alternatives the Council is considering in preparing draft fishing regulations for the proposed designation. The alternatives currently being considered by the Council are: (1A) Existing FMP regulations Status Quo; (1B) Coral Reef Ecosystem Reserve Status Quo; (2) Council Recommendations to Date; (3) Precautionary Modification 1; (4) Precautionary Modification 2; (5) Sanctuary Recommendation; and (6) Prohibit All Bottomfishing in Federal waters around Hawaii A full description of the alternatives is available at *www.wpcouncil.org*.

The Council will review these alternatives and their potential impacts. Following the public hearing, the Council may take action to recommend a preferred alternative and associated regulations to the NMSP.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808)522–8220 (voice) or (808)522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: February 24, 2005.

Peter H. Fricke,

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

[FR Doc. 05–3944 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022305A]

Marine Mammals; Permits No. 782–1719–00 and 774–1714–00

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

ACTION: Receipt of application for permit amendment.

SUMMARY: Notice is hereby given that the following organizations have applied in due form for a permit amendment to take marine mammals for purposes of scientific research:

Permit No. 782–1719–00 – National Marine Fisheries Service (NMFS), National Marine Mammal Laboratory (NMML), 7600 Sand Point Way, N.E. Seattle, WA 98115; and

Permit No. 774–1714–00 – National Marine Fisheries Service (NMFS), Southwest Fisheries Science Center, 8604 La Jolla Shores Dr., La Jolla, CA 92037.

DATES: Written or telefaxed comments on the new applications and amendment request must be received on or before March 31, 2005.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment in the following office(s): See **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Carrie Hubard, 301/713–2289, or email: Ruth.Johnson@noaa.gov.

SUPPLEMENTARY INFORMATION: The subject amendment is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–227).

Permit No. 782–1719 authorizes NMML to take marine mammals during MMPA mandated stock assessment activities. NMML may conduct Level B harassment during overflights, vessel-based observations, and approaches for photography, and by Level A harassment when conducting biopsy sampling or tagging. The Permit Holder has requested an amendment to the permit to increase the number of bowhead and beluga whales to be taken and to increase the number of small cetaceans to be taken over a 5–year period.

Permit No. 774–1714 authorizes the SWFSC to take marine mammals during MMPA mandated stock assessment activities. The SWFSC may conduct Level B harassment of pinniped and cetacean species during overflights, vessel based observations, and approaches for photography, biopsy sampling and tagging. The Permit Holder has requested an amendment to the permit to increase the number of humpback whales taken over the 5–year period. The research is part of the SPLASH program and takes place in the Gulf of Alaska, Bering Sea and along the Aleutian Island chain. The Center also requests authorization to tag and track 30 each of false killer whales and short-finned pilot whales around the Hawaiian Islands.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents are available in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376;

Assistant Regional Administrator for Protected Resources, Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426;

Assistant Regional Administrator for Protected Resources, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK

99802–1668; phone (907)586–7235; fax (907)586–7012; and

Assistant Regional Administrator for Protected Resources, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4020; fax (562)980–4027.

Dated: February 23, 2005.

Patrick Opay,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–3942 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Limitations of Duty- and Quota-Free Imports of Apparel Articles Assembled in Mauritius From Third-Country Fabric

February 25, 2005.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Publishing the New 12-Month sub-Cap on Duty- and Quota-Free Benefits for Mauritius.

EFFECTIVE DATE: October 1, 2004.

FOR FURTHER INFORMATION CONTACT: Anna Flaaten, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Title I, Section 112(b)(3) of the Trade and Development Act of 2000, as amended by Section 3108 of the Trade Act of 2002 and Section 7(b)(2) of the AGOA Acceleration Act of 2004; Presidential Proclamation 7350 of October 4, 2000 (65 FR 59321); Presidential Proclamation 7626 of November 13, 2002 (67 FR 69459); Section 2004(k) of the Miscellaneous Trade and Technical Act of 2004.

Section 2004(k) of the Miscellaneous Trade and Technical Act of 2004 provides that, for the one-year period beginning on October 1, 2004, the term ''lesser developed beneficiary sub-Saharan African country'' includes Mauritius. Further, it establishes a separate limitation for Mauritius within the quantitative limitation applicable to apparel of third-country fabric.

Title I of the Trade and Development Act of 2000 (TDA 2000) provides for duty- and quota-free treatment for certain textile and apparel articles imported from designated beneficiary sub-Saharan African countries. Section 112(b)(3) of TDA 2000 provides duty- and quota-free treatment for apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary countries from yarn originating in the U.S. or one or more beneficiary countries. This preferential treatment is also available for apparel articles assembled in one or more lesser-developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric used to make such articles. This special rule for lesser-developed countries applies through September 30, 2004. TDA 2000 imposed a quantitative limitation on imports eligible for preferential treatment under these two provisions.

The Trade Act of 2002 amended TDA 2000 to extend preferential treatment to apparel assembled in a beneficiary sub-Saharan African country from components knit-to-shape in a beneficiary country from U.S. or beneficiary country yarns and to apparel formed on seamless knitting machines in a beneficiary country from U.S. or beneficiary country yarns, subject to the quantitative limitation. The Trade Act of 2002 also increased the quantitative limitation but provided that this increase would not apply to apparel imported under the special rule for lesser-developed countries. Section 7(b)(2)(B) of the AGOA Acceleration Act extended the expiration of the quantitative limitations. It also further amended the percentages to be used in calculating the quantitative limitations for each twelve-month period, beginning on October 1, 2003. Section 2004(k) of the Miscellaneous Trade and Technical Act of 2004 provides that, for the one-year period beginning on October 1, 2004, the term ''lesser developed beneficiary sub-Saharan African country'' includes Mauritius. Further, it establishes a separate limitation for Mauritius within the quantitative limitation applicable to apparel imported under the special rule for lesser-developed countries.

The AGOA Acceleration Act of 2004 provides that the quantitative limitation for the twelve-month period beginning October 1, 2004 will be an amount not to exceed 5.31025 percent of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available. See Section 112(b)(3)(A)(ii)(I) of TDA 2000, as amended by Section 7(b)(2)(B) of the AGOA Acceleration Act. Of this overall amount, apparel imported under the special rule for lesser-developed countries is limited to an amount not to exceed 2.6428 percent of apparel imported into the United States in the preceding 12-month period. See Section 112(b)(3)(B)(ii)(II) of TDA 2000, as amended by Section 7(b)(2)(B) of the AGOA Acceleration Act. The Miscellaneous Trade and Technical Act of 2004 provides that, of the amount established for apparel imported under the special rule for lesser-developed countries, the amount applicable to Mauritius is five percent. See Section 2004(k) of the Miscellaneous Trade and Technical Act of 2004. The United States Trade Representative has implemented the applicable conforming modification to the Harmonized Tariff Schedule. **See Notice of Change to U.S. Note 2(d) to Subchapter XIX of Chapter 98 of the Harmonized Tariff Schedule of the United States**, 70 Fed. Reg. 9125 (Feb. 24, 2005). For the purpose of this notice, the most recent 12-month period for which data are available is the 12-month period ending July 31, 2004.

Presidential Proclamation 7350 directed CITA to publish the aggregate quantity of imports allowed during each 12-month period in the **Federal Register**. See 65 FR 59321 (October 4, 2000). Presidential Proclamation 7626 modified the aggregate quantity of imports allowed during each 12-month period. See 67 FR 69459 (November 18, 2002).

CITA previously published the aggregate quantities of imports allowed for the period October 1, 2004 through September 30, 2005. See 69 FR 56747 (September 22, 2004). For the one-year period, beginning on October 1, 2004, and extending through September 30, 2005, the aggregate quantity of imports eligible for preferential treatment under these provisions is 1,076,876,652 square meters equivalent. Of this amount, 535,938,914 square meters equivalent is available to apparel imported under the special rule for lesser-developed countries. Of the amount available to apparel imported under the special rule for lesser-developed countries, 26,796,946 square meters equivalent is available to such apparel imported from Mauritius. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

These quantities are calculated using the aggregate square meter equivalents of all apparel articles imported into the United States, derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing (ATC), and the conversion factors for units of measure into square meter

equivalents used by the United States in implementing the ATC.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 05–4019 Filed 2–28–05; 8:45 am]

BILLING CODE 3510–DS

DEPARTMENT OF DEFENSE

Armed Forces Epidemiological Board; Meeting

AGENCY: Department of the Army; DoD.

ACTION: Notice of partially-closed meeting.

SUMMARY: In accordance with section 10(a)(2) of Public Law 92–463. The Federal Advisory Committee Act, announcement is made of the following meeting:

Name of Committee: Armed Forces Epidemiological Board (AFEB).

Dates: March 22, 2005 (Partially-closed meeting). March 23, 2005 (Open meeting).

Times: 8 a.m.–6:10 p.m. (March 22, 2005). 7:30 a.m.–4:20 p.m. (March 23, 2005).

Location: Armed Forces Medical Intelligence Center, 1607 Porter Avenue, Fort Detrick, MD (March 22, 2005, 8 a.m.–12 p.m.) and U.S. Army Medical Research Institute of Infectious Diseases, 1425 Porter Street, Fort Detrick, MD 21702–5011 (March 23, 2005, see above).

Agenda: The purpose of the meeting is to address pending and new Board issues, provide briefings for Board members on topics related to ongoing and new Board issues, conduct subcommittee meetings, and conduct an executive working session.

FOR FURTHER INFORMATION CONTACT: Colonel Roger Gibson, Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, VA 22041–3258, (703) 681–8012/3.

SUPPLEMENTARY INFORMATION: In the interest of national security, and in accordance with 5 U.S.C. Appendix 2, Section 10(d) and 5 U.S.C. 552b(c)(1), the morning session on March 22, 2005 may be closed to the public. In addition, any classified portions of the meeting minutes may be withheld from public disclosure in accordance with 5 U.S.C. Appendix 2, Section 10(b) and 5 U.S.C. 552(b)(1). The afternoon session on March 22, 2005 and the entire session on March 23, 2005 will be open to the public in accordance with 5 U.S.C. 552b(c), specifically subparagraph (1) thereof and Title 5, U.S.C., appendix 1, subsection 10(d). Open sessions of the meeting will be limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 05–3902 Filed 2–28–05; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning Multi-Purpose Self-Erecting Structure Having Advanced Insect Protection and Storage Characteristics

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent No. 6,672,323 entitled ''Multi-Purpose Self-Erecting Structure Having Advanced Insect Protection and Storage Characteristics,'' issued January 6, 2004. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, Attn: Command Judge Advocate, MCMR–ZA–J, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The self-erecting structure has resilient lower and upper support loops which provide it with shape and support. Fabric covers the support loops, and is permanently affixed to the support loops. The fabric has a lower, waterproof portion and an upper insect protection portion. The fabric is preferably treated to provide it with insect repellent and insecticide properties. The support loops are made of flexible, resilient rods made of a material, such as a vinylester and fiberglass combination having a diameter selected to enable the support loops to be folded into six loops, whereby the structure can be compactly stored in a rucksack. The method of folding the structure so that it can be stored in such a compact space is also disclosed.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 05–3903 Filed 2–28–05; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the U.S. Naval Academy Board of Visitors

AGENCY: Department of the Navy, DOD.

ACTION: Notice of partially closed meeting.

SUMMARY: The U.S. Naval Academy Board of Visitors will meet to make such inquiry, as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy. The meeting will include discussions of personnel issues at the Naval Academy, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The executive session of this meeting will be closed to the public.

DATES: The open session of the meeting will be held on Monday, March 7, 2005, from 8 a.m. to 10:30 a.m. The closed Executive Session will be held on Monday, March 7, 2005, from 10:30 a.m. to 12:15 p.m.

ADDRESSES: The meeting will be held in the Navy-Marine Corps Memorial Stadium Banquet Room in Annapolis, MD.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Marc D. Boran, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD 21402–5000, (410) 293–1503.

SUPPLEMENTARY INFORMATION: This notice of meeting is provided per the Federal Advisory Committee Act (5 U.S.C. App. 2). The executive session of the meeting will consist of discussions of personnel issues at the Naval Academy and internal Board of Visitors matters. Discussion of such information cannot be adequately segregated from other topics, which precludes opening the executive session of this meeting to the public. Accordingly, the Secretary of the Navy has determined in writing that the meeting shall be partially closed to the public because it will be concerned with matters listed in section 552b(c)(2), (5), (6), (7) and (9) of title 5, United

States Code. Due to unavoidable delay in administrative processing, the normal 15 days notice could not be provided.

Dated: February 22, 2005.

I.C. Le Moyne, Jr.,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 05–3982 Filed 2–28–05; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

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 proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 2, 2005.

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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 23, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Institute of Education Sciences

Type of Review: New.

Title: Evaluation of the Impact of Teacher Induction Programs.

Frequency: On occasion.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 8,515.

Burden Hours: 2,844.

Abstract: Data collection for impact evaluation of teacher induction programs. A sample of teachers are the primary respondents.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2689. 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 Bennie Jessup at her e-mail address *Bennie.Jessup@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. E5–809 Filed 2–28–05; 8:45 am]

BILLING CODE 4000–01–P

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 March 31, 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: February 23, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Vocational and Adult Education

Type of Review: Revision.

Title: The Smaller Learning Communities Program (SLCP).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 300.

Burden Hours: 19,500.

Abstract: The Grant Application Package includes information for grant applicants, including priorities, selection criteria and requirements, along with relevant ED forms and non-regulatory guidance for the SLCP.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2691. 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. E5–810 Filed 2–28–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Overview Information; Training and Advisory Services (Equity Assistance Center Program); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005

Catalog of Federal Domestic Assistance (CFDA) Number: 84.004D.

DATES:

Applications Available: March 1, 2005.

Deadline for Transmittal of Applications: April 29, 2005.

Deadline for Intergovernmental Review: June 29, 2005.

Eligible Applicants: A public agency (other than a State educational agency or a school board) or a private, non-profit organization.

Estimated Available Funds: $7,185,056.

Estimated Range of Awards: $300,000—$900,000.

Estimated Average Size of Awards: $718,500.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Training and Advisory program is authorized under Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c–2000c–2, 2000c–5 and regulations at 34 CFR parts 270 and 272. This program awards grants through cooperative agreements to operate regional equity assistance centers to enable them to provide technical assistance and training, at the request of school boards and other responsible governmental agencies, on the preparation, adoption, and implementation of plans for the desegregation of public schools—which in this context means plans for equity (including desegregation based on race, sex, and national origin)—and in the development of effective methods of coping with special educational problems occasioned by desegregation. The Equity Assistance Centers (formerly the Desegregation Assistance Centers) assist States, districts, and public schools to provide effective instruction to all students and specifically to those students for whom disparities in achievement persist.

Program Authority: 42 U.S.C. 2000c–2000c–2, 2000c–5, unless otherwise noted.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99, except that 34 CFR part 75.232 does not apply to grants under 34 CFR part 272; and (b) the regulations for this program in 34 CFR parts 270 and 272.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The regulations in 34 CFR part 99 apply only to an educational agency or institution.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $7,185,056.

Estimated Range of Awards: $300,000–$900,000 per year.

Estimated Average Size of Awards: $718,500.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* A public agency (other than a State educational agency or a school board) or a private, non-profit organization.

2. *Geographical Regions:* Ten regional Equity Assistance Centers will be established under this grant competition. The proposals will be read according to the region they represent, and one award will be made in each region, to the highest-scoring proposal from that region.

The geographic regions served by the EACs are:

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region II: New York, New Jersey, Puerto Rico, Virgin Islands.

Region III: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region VII: Iowa, Kansas, Missouri, Nebraska.

Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Region IX: Arizona, California, Nevada.

Region X: Alaska, American Samoa, Guam, Hawaii, Idaho, Northern Mariana

Islands, Oregon, Republic of Palau, Washington.

IV. Application and Submission Information

1. *Address to Request Application Package:* You may obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain an application via the Internet, use the following Web address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write or call the following Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.004D.

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that the reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 75 pages using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the one page abstract; Part IV, the budget section, including the narrative budget justification; or Part V, the assurances and certifications, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

3. *Submission Dates and Times:*

Applications Available: March 1, 2005.

Deadline for Transmittal of Applications: April 29, 2005.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-Grants system. For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to Section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: June 29, 2005.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically, unless you qualify for an exception to this requirement in accordance with the instructions in this section.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

a. *Electronic Submission of Applications.*

Applications for grants under the Equity Assistance Center Program—CFDA Number 84.004D, must be submitted electronically using e-Application available through the Department's e-Grants system, accessible through the e-Grants portal page at: *http://e-grants.ed.gov.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30 p.m., Washington, DC time, on the application deadline date. The e-Application system will not accept an application for this program after 4:30 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.
- The regular hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until midnight Saturday, Washington, DC time. Please note that the system is unavailable on Sundays, and between 7 p.m. on Wednesdays and 6 a.m. on Thursdays, Washington, DC time, for maintenance. Any modifications to these hours are posted on the e-Grants Web site.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- Any narrative sections of your application should be attached as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format.
- Your electronic application must comply with any page limit requirements described in this notice.
- Prior to submitting your electronic application, you may wish to print a copy of it for your records.
- After you electronically submit your application, you will receive an automatic acknowledgement that will include a PR/Award number (an

identifying number unique to your application).

• Within three working days after submitting your electronic application, fax a signed copy of the ED 424 to the Application Control Center after following these steps:

(1) Print ED 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the ED 424.

(4) Fax the signed ED 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of e-Application System Unavailability: If you are prevented from electronically submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2) (a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If the system is down and therefore the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of the Department's e-Application system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the e-Application system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Department's e-Application system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Sandra H. Brown, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E116, FB–6, Washington, DC 20202–6400. Fax: (202) 205–5870.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.004D, 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: CFDA Number 84.004D, 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.004D, 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are selection criteria from EDGAR 34 CFR part 75.210. Further information on these selection criteria is in the application package. The maximum score for all of the selection criteria is 100 points. The maximum score for

each criterion is indicated in parentheses with the criterion. The maximum number of points an application may earn based on the selection criteria is 100 points. The criteria are as follows:

(a) *Significance* (20 Points).

The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The national significance of the proposed project.

(2) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(3) The likelihood that the proposed project will result in system change or improvement.

(4) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(5) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(b) *Quality of the Project Design* (15 Points).

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(3) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(4) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives.

(5) The extent to which the proposed project encourages parental involvement.

(c) *Quality of Project Services* (20 Points).

The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(2) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards.

(3) The extent to which the technical assistance services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(4) The extent to which the services to be provided by the proposed project are focused on those with greatest needs.

(d) *Quality of Project Personnel* (10 Points).

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The qualifications, including relevant training and experience, of the project director.

(2) The qualifications, including relevant training and experience, of key project personnel.

(3) The qualifications, including relevant training and experience, of project consultants.

(e) *Adequacy of Resources* (5 Points).

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(2) The extent to which the budget is adequate to support the proposed project.

(3) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(f) *Quality of the Management Plan* (15 Points).

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(2) The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(g) *Quality of the Project Evaluation* (15 Points).

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(3) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

VI. Award Administration Information

1. *Award Notices:* If your application is successful we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in

the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in accordance with 34 CFR 75.118.

4. *Performance Measures:* In response to the Government Performance and Results Act (GPRA), the Department has established two overall performance indicators for assessing the effectiveness of the Equity Assistance Centers program. We will collect the data for these indicators from the grantees using the following measures:

Performance Indicator 1: Training and technical assistance services result in the promotion of policies and practices to ensure that all children regardless of race, sex, or national origin have equal access to quality education and equitable opportunity for high-quality instruction.

Measure One: As a result of products and services provided by the Equity Assistance Centers, an increasing percentage of customers will develop, implement, or improve their policies and practices in eliminating, reducing, or preventing harassment, conflict, and school violence.

Measure Two: As a result of products and services provided by the Equity Assistance Centers, an increasing percentage of customers will develop, implement, or improve their policies and practices ensuring that students of different race, national origin, and sex have equitable opportunity for high-quality instruction.

Performance Indicator Two: Training and technical assistance services result in products and services that are deemed to be of high usefulness to education policy or practice.

Measure: An increasing percentage of customers will report that the products and services they received from the Equity Assistance Centers are of high usefulness to their policies and practices.

We will expect all grantees to report data addressing these performance measures in the annual performance report referred to in section VI.3. of this notice.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Sandra H. Brown, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E116, FB–6, Washington, DC 20202–6400. Telephone: (202) 260–2638 or by e-mail: *sandra.brown@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister/index.html.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: February 24, 2005.

Raymond Simon,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 05–3954 Filed 2–28–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Science; DOE/NSF Nuclear Science Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Friday, March 11, 2005; 8:30 a.m. to 5 p.m.

ADDRESSES: Doubletree Hotel, 1750 Rockville Pike, Rockville, Maryland 20852–1699.

FOR FURTHER INFORMATION CONTACT: Brenda L. May, U.S. Department of Energy; SC–90/Germantown Building, 1000 Independence Avenue, SW., Washington, DC 20585–1290; Telephone: 301–903–0536.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

Tentative Agenda: Agenda will include discussions of the following:

Friday, March 11, 2005.

- Reports from Department of Energy and National Science Foundation
- Perspectives from Department of Energy and National Science Foundation
- Presentation from Office of Management and Budget
- Presentation and Discussion on new charges to NSAC
- Public Comment (10-minute rule)

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May, 301–903–0536 or *Brenda.May@science.doe.gov* (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved.

Minutes: The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room; Room 1E–190; Forrestal Building; 1000 Independence Avenue, SW.; Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 23, 2005.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 05–3921 Filed 2–28–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC05–549–000, FERC–549]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

February 23, 2005.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments on the collection of information are due by April 25, 2005.

ADDRESSES: Copies of sample filings of the proposed collection of information can be obtained from Michael Miller, Office of the Executive Director, ED–33, 888 First Street NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE. Washington, DC 20426 and refer to Docket No. IC05–549–000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's E-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the eLibrary link. For user assistance, contact *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676 or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873 and by E-mail at *michael.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Abstract: The information collected under the requirements of FERC–549, ''Gas Pipeline Rates: NGPA Title III and NGA Blanket Certificate Transactions'' (OMB No. 1902–0086) is used by the Commission to implement the statutory provisions of sections 311 and 312 of the Natural Gas Policy Act (NGPA) and section 7 of the Natural Gas Act (NGA). Under part 284 of the Commission's regulations non-interstate pipelines that perform transportation service under NGPA section 311 (intrastate pipelines) or blanket certificates issued under section 7 of the NGA are required to file an annual report of transportation transactions with the Commission. The report must provide the name of the shipper, the type of transaction, the quantity shipped and the revenues received.

In Order No. 636, the Commission required all pipelines that provide open-access transportation to offer their sales service on an unbundled basis. In administering the order, the Commission issued to pipelines holding a blanket transportation certificate under subpart G of part 284, or performing transportation under subpart B, a blanket certificate authorizing firm and interruptible sales for resale. In Order No. 547, as part of the industry restructuring begun by Order No. 636, the Commission issued blanket certificates to all persons who are not interstate pipelines, authorizing them to make jurisdictional gas sales for resale at negotiated rates with pre-granted abandonment. The Commission required that all firm and interruptible sales services be provided as unbundled services. In Order No. 664, the Commission amended its regulations regarding blanket certificates for unbundled gas sales services held by interstate natural gas pipelines and the blanket marketing certificates held by persons making sales for resale of gas at negotiated rates in interstate commerce to require that pipelines and all sellers for resale adhere to a code of conduct with respect to gas sales. The information collected in these reports is used by the Commission to monitor the jurisdictional transportation activities of intrastate and Hinshaw pipelines and the unbundled sales activities of interstate natural gas pipelines and to ensure the integrity of the gas sales market that remains within the Commission's jurisdiction. The Commission implements these mandatory filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 284.126, 284.281–288, 284.401–403.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents (1)	Annual responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
77	1	8.1	624 (Annual Report)
222	1	1	222 (Code of Conduct)
222	1	*2	444 (Code of Conduct)
Totals 222	1	11.2	1,290

* Recordkeeping.

Estimated cost burden to respondents is $544,628; (*i.e.*, 1,290 hours divided by 2,080 hours per full time employee per year multiplied by $108,558 per year equals $67,328 rounded off + $477,300 for recording keeping).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, or disclose or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than anyone particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information *technology, e.g.*, permitting electronic submission of responses.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–804 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC05–550–000; FERC–550]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

February 23, 2005.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section.3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments on the collection of information are due April 25, 2005.

ADDRESSES: Copies of the proposed collection of information can be obtained from the Commission's Web site *(http://www.ferc.gov/docs-filing/elibrary.asp)* or to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Chief Information Officer, CI–1, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filing, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and refer to Docket No. IC05–550–000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing'', and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's home page using the eLibrary link. For user assistance, contact *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676 or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at *michael.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION: Form 550 ''Oil Pipeline Rates: Tariff Filings'' (OMB No. 1902–0089) is used by the Commission to implement the statutory provisions governed by Part I, sections 1, 6 and 15 of the Interstate Commerce Act (ICA) (Pub. L. 337,34 Stat. 384). Jurisdiction over oil pipelines as it relates to the establishment of rates or charges for the transportation of oil by pipeline or the establishment of valuations for pipelines, was transferred from the Interstate Commerce Commission (ICC) to FERC, pursuant to section 306 and 402 of the Department of Energy Organization Act (DOE Act), 42 U.S.C. 7155 and 7172 and Executive Order No. 12009, 42 FR–46267 (September 17, 1977).

The filing requirements provide the basis for analysis of all rates, fares, or charges whatsoever demanded, charged or collected by any common carrier or carriers in connection with the transportation of crude oil and petroleum products and are used by the Commission to establish a basis for determining the just and reasonable rates that should be charged by the regulated pipeline company. Based on this analysis, a recommendation is made to the Commission to take action whether to suspend, accept or reject the proposed rate. The data required to be filed for pipeline rates and tariff filings are specified in 18 CFR 340–348.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
200	3	11	6600

Estimated cost burden to respondents: 6600 hours/2080 hours per year × $108,558 per year = $34,446. The cost per respondent is equal to $172.23.

The cost estimate for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead cost. Direct cost include all costs directly attributable to providing this information, such as administrative cost for information technology. Indirect or overhead costs are cost incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

The reporting burden includes the total time, effort, or financial resources expended to assemble and disseminate the information including: (1) Reviewing the instructions; (2) developing, or acquiring appropriate technological support systems necessary for the purposes of collecting, validating, processing, and disseminating the information; (3) administration; and (4) transmitting, or otherwise disclosing the information.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's burden estimate of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–805 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–66–000]

Cargill Power Markets, LLC; Connective Energy Supply, Inc.; DTE Energy Trading, Inc.; PSEG Energy Resources & Trade LLC; Transalta Energy Marketing (US) Inc.; Tenaska Power Services Co.; Ontario Power Generation Inc., Complainants v. Midwest Independent Transmission System Operator, Inc., Respondent; Notice of Complaint and Request for Fast Track Processing

February 23, 2005.

Take notice that on February 22, 2005, Cargill Power Markets, LLC, Conectiv Energy Supply, Inc., DTE Energy Trading, Inc., PSEG Energy Resources & Trade LLC, TransAlta Energy Marketing (US) Inc., Tenaska Power Services Co., and Ontario Power Generation Inc. (collectively, Coalition Members) filed a complaint pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, against the Midwest Independent Transmission System Operator, Inc. seeking to preserve the discounted rate in their transmission service contracts for transmission reservations sinking at the Michigan-Ontario Independent Electricity Market Operator Interface. The Coalition Members request fast track processing by the Commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: March 14, 2005.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–806 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–183–000]

Cheyenne Plains Gas Pipeline Company, L.L.C.; Notice of Limited Case-Specific Waiver

February 23, 2005.

Take notice that on February 14, 2005, Cheyenne Plains Gas Pipeline Company, L.LC. (Cheyenne Plains) tendered for filing a petition for limited, case-specific waiver and request for expedited consideration.

Cheyenne Plains states that it has received a request from ConocoPhillips for the assignment of its transportation service agreement to parties that are purchasing the natural gas production assets which supported the contract for transportation capacity on Cheyenne Plains. Cheyenne Plains states that in connection with that request, it is requesting a very limited waiver of the provisions of Cheyenne Plains' tariff which provide that an assignment of capacity is permissible only to a person, firm or corporation acquiring all, or substantially all of the natural gas business of the shipper (Article 15 of the General Terms and Conditions) or, alternatively, a waiver of the provisions of the tariff which require that a prearranged release of capacity must be posted for competitive bidding in an open season (section 28.6 of the General Terms and Conditions).

Cheyenne Plains states that copies of the filing are being served upon all shippers on Cheyenne Plains's system and interested state regulatory commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and

interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on March 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–815 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–188–000]

Columbia Gas Transmission Corporation; Notice of FERC Filing

February 23, 2005.

Take notice that on February 16, 2005, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Tenth Revised Sheet No. 500B, with a proposed effective date of April 1, 2005.

In addition, Columbia tendered for filing the following service agreement for consideration and approval:

FTS Service Agreement No. 81650 between Columbia Gas Transmission Corporation and Fortuna Energy, Inc., dated February 8, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–811 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–203–000]

Equitrans, L.P.; Notice of Informal Settlement Conference

February 23, 2005.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 10 a.m. (EST) on Thursday, March 10, 2005 at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or for TTY, (202) 502–1659, or send a FAX to (202) 208–2106 with the required accommodations.

For additional information, please contact Lorna Hadlock (202) 502–8737.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–803 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–65–000]

ExxonMobil Chemical Company and ExxonMobil Refining & Supply Company, Complainants v. Entergy Services, Inc., and Entergy Operating Companies, Respondents; Notice of Complaint

February 22, 2005.

Take notice that on February 17, 2005, ExxonMobil Chemical Company and ExxonMobil Refining & Supply Company (collectively ExxonMobil) filed a formal complaint against Entergy Services, Inc., and Entergy Operating Companies (collectively Entergy) pursuant to section 206 of the Federal Power Act (FPA) and Rule 206 of the Commission's Rules of Practice and Procedure 18 CFR 385.206 (2004), alleging that Entergy has violated the FPA, Commission orders and policies, and its open access tariff relative to: (1) The terms and conditions of the Interconnection & Operating Agreement covering the generation and interconnection facilities located at the ExxonMobil chemical and refining complex in Baton Rouge, Louisiana; and (2) the provision of fair and open access to the transmission grid for the purpose of sales of surplus power to third parties.

The complaint has been submitted in two separate volumes. Volume one is publicly available. Volume two has been submitted under 18 CFR 388.112 and 388.113 as critical energy infrastructure information (CEII); this information is not publicly available at this time. The procedures for requesting access to CEII are set forth in the Commission's rules, at 18 CFR 388.113. These procedures may also be found on the Commission's Web site at: *http://www.ferc.gov/help/how-to/file-ceii.asp.*

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: March 21, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–812 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–71–000]

Gulf South Pipeline Company, LP, Transcontinental Gas Pipe Line Corporation; Notice of Joint Application for Abandonment

February 23, 2005.

Take notice that on February 15, 2005, Gulf South Pipeline Company, L.P. (Gulf South), and Transcontinental Gas Pipe Line Corporation (Transco), collectively referred to as Applicants, filed a joint application in abbreviated format pursuant to section 7(b) of the Natural Gas Act (NGA), as amended, for an order permitting and approving abandonment of the transportation and exchange services provided pursuant to the following rate schedules, all as more fully set forth in the application:

Transco rate schedule	Gulf South rate schedule
X–43	X–18
X–61	X–51
X–64	X–55
X–73	N/A
X–76	X–61
X–159	N/A
X–235	N/A
X–238	X–146
X–239	X–148
X–280	X–170

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicted below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on March 15, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–818 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–181–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 23, 2005.

Take notice that on February 11, 2005, Northern Natural Gas Company (Northern), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Ninth Revised Sheet No. 66C, with an effective date of March 25, 2005.

Northern is filing the above-referenced tariff sheet to submit two rate schedule TFX service agreements and a rate schedule TF service agreement with CenterPoint Energy Minnesota Gas and for Commission acceptance as non-conforming agreements.

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–814 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–187–000]

Overthrust Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 23, 2005.

Take notice that on February 16, 2005, Overthrust Pipeline Company (Overthrust) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, the following tariff sheets, to become effective March 21, 2005:

Sixth Revised Sheet No. 68,
Sixth Revised Sheet No. 69,
Second Revised Sheet No. 78J,
Fourth Revised Sheet No. 78K.

Overthrust states it is proposing to clean-up and clarify specific aspects of its tariff language.

Overthrust states that copies of the filing have been served upon Overthrust's customers and the public service commissions of Utah and Wyoming.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–817 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–184–000]

Wyoming Interstate Company, Ltd.; Notice of Limited Case-Specific Waiver

February 23, 2005.

Take notice that on February 14, 2005, Wyoming Interstate Company, Ltd., (WIC) tendered for filing a petition for limited, case-specific waiver and request for expedited consideration.

WIC states that copies of the filing are being served upon all shippers on WIC's system and interested state regulatory commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 4, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–816 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05–52–000, et al.]

Trans-Elect, Inc., et al.; Electric Rate and Corporate Filings

February 22, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Trans-Elect, Inc. on behalf of Michigan Electric Transmission Company, LLC and Trans-Elect NTD Path 15, LLC

[Docket No. EC05–52–000]

Take notice that on February 16, 2005, Trans-Elect, Inc. (Trans-Elect), on behalf of Michigan Electric Transmission Company, LLC (METC) and Trans-Elect

NTD Path 15, LLC (NTD Path 15), (collectively, Applicants,) filed an application, pursuant to section 203 of the Federal Power Act, requesting all authorizations and approvals necessary for the indirect disposition of METC's and NTD Path 15's Federal Power Act-jurisdictional facilities in connection with the proposed acquisition of all of the capital stock of Trans-Elect by Trans-Elect Holding Company. Applicants request privileged treatment for certain documents associated with the application pursuant to 18 CFR 33.9.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

2. Investigation of Certain Enron-Affiliated QFs, OLS Energy-Camarillo, OLS Energy-Chino

[Docket Nos. EL03–47–004, QF–84–447–005, QF84–443–005]

Take notice that on February 1, 2005, Enron North America Corp., Joint Energy Development Investments II Limited partnership, and Enron Wind LLC (collectively Enron North America), filed a supplement (February 1, 2005 supplement) to Docket No. EL03–47–000 to disclose ownership interests in two additional qualifying facilities (QFs).

On May 2, 2003, in an order initiating investigation and establishing hearing proceedings, the Commission ordered Enron Corporation (Enron) to identify all qualifying facilities in which Enron, or any Enron affiliate, or their employees, holds any ownership interest and/or control over, or had held any ownership interest and/or control over at any time from the date of Enron's merger with Portland General Corporation.[1] The Commission stated that it would set for hearing the issue of whether any facility on that list, which, following submission of that list, is claimed by Commission Trial Staff or any party to these proceedings to have failed to meet the ownership criteria for QF status, has failed to meet at any time the ownership criteria for QF status.

In response, on June 3, 2003, as supplemented on July 8, 2003, Enron North America identified seventeen QFs in which it held ownership interests and or control over.

In the February 1, 2005 supplement, Enron North America states it identified two additional QFs as the result of efforts to respond to discovery in another proceeding. Enron North America determined that it had upstream indirect ownership interests in the two QFs, O.L.S. Energy—Camarillo and O.L.S. Energy—Chino.

Comment Date: March 15, 2005.

3. AG-Energy, L.P.; Power City Partners, L.P.; Seneca Power Partners, L.P.; Sterling Power Partners, L.P.; Sithe/Independent Power Partners, L.P.; Sithe Energy Marketing, L.P.

[Docket Nos. ER98–2782–008, ER03–42–008, ER02–2202–007]

Take notice that on February 14, 2005, AG-Energy, L.P. (AG-Energy), Power City Partners, L.P. (Power City), Seneca Power Partners, L.P. (Seneca), Sterling Power Partners, L.P. (Sterling), Sithe/Independent Power Partners, L.P., and Sithe Energy Marketing, L.P. (collectively, Sithe Entities) submitted an amendment to their revised triennial market power update in response to the Commission's January 5, 2005 deficiency letter. In addition, AG-Energy, Power City, Seneca and Sterling submitted amended tariffs to comply with the Commission's November 17, 2003 order in Docket No. EL01–118–000 establishing Market Behavior Rules.

Sithe Entities state that copies of the filing were served on the parties on the official service list in this proceeding.

Comment Date: 5 p.m. Eastern Time on March 7, 2005.

4. Pittsfield Generating Company, L.P.

[Docket No. ER98–4400–008]

Take notice that on February 15, 2005, Pittsfield Generating Company, L.P. (Pittsfield) tendered for filing with the Commission an updated market power analysis and request for market-based rate authority for ancillary services in the above proceeding.

Pittsfield states that copies of the filing were served upon the parties listed on the service list in this proceeding.

Comment Date: 5 p.m. Eastern Time on March 8, 2005.

5. Kansas City Power and Light Company and Great Plains Power, Inc.

[Docket Nos. ER99–1005–004, ER02–725–005]

Take notice that on February 15, 2005, Kansas City Power & Light Company, on behalf of itself and its Great Plains Power, Inc. affiliate (collectively KCPL) submitted a Delivered Price Test analysis in response to the Commission's December 17, 2004 Order in Docket No. ER99–1005–001, *et al.*, 109 FERC ¶ 61,277.

KCPL states that copies of the filing were served on the parties on the official service list in these proceedings.

Comment Date: 5 p.m. Eastern Time on March 8, 2005.

6. Northern Iowa Windpower LLC

[Docket No. ER02–257–004]

Take notice that on February 14, 2005, Northern Iowa Windpower LLC (NIW) submitted a notice of change in status and a triennial updated market analysis.

NIW states that copies of the filing were served on the parties on the official service listed in this proceeding.

Comment Date: 5 p.m. Eastern Time on March 7, 2005.

7. California Independent System Operator Corporation

[Docket No. ER03–683–007]

Take notice that on February 14, 2005, the California Independent System Operator Corporation (ISO) submitted a filing in compliance with the Commission's order issued January 6, 2005 in Docket Nos. ER03–683–004 and 004, 110 FERC ¶ 61,007.

Comment Date: 5 p.m. Eastern Time on March 7, 2005.

8. PSEG Power Connecticut, LLC

[Docket No. ER05–231–002]

Take notice that on February 14, 2005, PSEG Power Connecticut, LLC submitted a compliance filing pursuant to the Commission's order issued January 14, 2005 in Docket No. ER05–231–000, 110 FERC ¶ 61,020 (2004).

Comment Date: 5 p.m. Eastern Time on March 7, 2005.

9. Southern Company Services, Inc.

[Docket No. ER05–404–001]

Take notice that, on February 16, 2005, Southern Company Services, Inc. acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively, Southern Companies), submitted for filing additional information on Service Agreement No. 469 under the Open Access Transmission Tariff of Southern Companies, FERC Electric Tariff, Fourth Revised Volume No. 5, filed on December 30, 2004.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

10. Transmission Owners of the Midwest Independent Transmission System Operator Inc.

[Docket No. ER05–447–003]

Take notice that on February 17, 2005, the Transmission Owners of the Midwest Independent Transmission System Operator (Midwest ISO Transmission Owners) submitted for filing a change in the effective date of the proposed Schedule 23 to the Midwest Independent Transmission System Operator, Inc.'s tariff filed on

[1] Investigation of certain Enron-Affiliated QFs, Docket No. EL03–47–000, et al., 103 ¶ FERC 61,122 (2003).

January 13, 2005, as amended January 26, 2005 and February 11, 2005.

The Midwest ISO Transmission Owners state that they are serving this filing on all Midwest ISO's affected customers as well as on all applicable state commissions. The Midwest ISO also states that it will post a copy on its home page.

Comment Date: 5 p.m. Eastern Time on March 2, 2005.

11. New England Power Company

[Docket No. ER05–582–000]

Take notice that on February 16, 2005, New England Power Company (NEP) submitted for filing a Fourth Revised Service Agreement No. 20 between NEP and its affiliates, Massachusetts Electric Company (MECO) and Nantucket Electric Company (Nantucket) under NEP's FERC Electric Tariff, Original Volume No. 1.

NEP states that copies of this filing have been served on MECO, Nantucket, and regulators in the Commonwealth of Massachusetts.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

12. San Diego Gas & Electric Company

[Docket No. ER05–583–000]

Take notice that on February 16, 2005, San Diego Gas & Electric Company (SDG&E) tendered for filing Service Agreements Numbers 20 and 21 to its FERC Electric Tariff, First Revised Volume No. 6. SDG&E states that these agreements provide for SDG&E to construct, operate and maintain the proposed interconnection facilities required for a wind generation project being constructed and owned by Kumeyaay Wind, LLC in San Diego County. SDG&E requests an effective date of February 16, 2005.

SDG&E states that copies of the filing have been served on the Kumeyaay Wind, LLC, the California Independent System Operator Corporation and the California Public Utilities Commission.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

13. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER05–584–000]

Take notice that on February 16, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted a Large Generator Interconnection Agreement among Northern States Power Company d/b/a Xcel Energy-Generation, Northern States Power Company d/b/a Xcel Energy-Transmission and the Midwest ISO.

Midwest ISO states that a copy of this filing was served on the parties to this Interconnection Agreement.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

14. Portland General Electric Company

[Docket No. ER05–585–000]

Take notice that on February 16, 2005, Portland General Electric Company (PGE) tendered for filing new and revised tariff sheets to its Open Access Transmission Tariff. PGE states that the new and revised sheets are intended to incorporate the changes to the Pro Forma Large Generator Interconnection Procedures and Large Generator Interconnection Agreement issued by the Commission in FERC Order No. 2003-B on December 20, 2004. PGE requests an effective date of April 15, 2005 for the changes.

PGE states that a copy of this filing was supplied to the Public Utility Commission of Oregon.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

15. Kentucky Utilities Company

[Docket No. ER05–586–000]

Take notice that on February 16, 2005, Kentucky Utilities (KU), a subsidiary of LG&E Energy LLC, tendered for filing two fully executed amendments to the contract between KU and the City of Owensboro Kentucky dealing with the pricing of power received from the Southeastern Power Administration.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

16. Virginia Electric and Power Company

[Docket No. ER05–587–000]

Take notice that on February 16, 2005, Virginia Electric and Power Company (Virginia Electric), tendered for filing revised sheets to its Rate Schedule FERC No. 109, a power sales agreement with Virginia Municipal Electric Association Number 1 (VMEA). Virginia Electric states that the revised sheets incorporate changes to reflect their commencement of operations as a member of the PJM Interconnection, L.L.C. and to make effective rate changes to which the parties have previously agreed.

Virginia Electric states that copies of the filing were served on VMEA and the Virginia State Corporation Commission.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

17. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER05–590–000]

Take notice that on February 16, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted Amendment No. 1 to a Generation-Transmission Interconnection Agreement (Port Washington Generating Facility) among Wisconsin Electric Power Company, the Midwest ISO and American Transmission Company LLC.

Midwest ISO states that a copy of this filing was served on the parties to this Interconnection Agreement.

Comment Date: 5 p.m. Eastern Time on March 9, 2005.

18. Westar Energy, Inc.

[Docket No. ER05–601–000]

Take notice that on February 4, 2005, Westar Energy, Inc. (Westar) submitted for filing a Notice of Cancellation for Rate Schedule FERC No. 276, the Coal Participation Power Agreement between Westar and the City of Burlington, Kansas.

Westar states that copies of the filing were served upon the City of Burlington, Kansas and the Kansas Corporation Commission.

Comment Date: 5 p.m. Eastern Time on March 4, 2005.

Standard Paragraph

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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(866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–802 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2710–035]

PPL Maine, LLC; Notice of Application Ready for Environmental Analysis, Waiving Standard Three-Stage Consultation, Establishing an Expedited Schedule for Relicensing, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

February 23, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New major license.

b. *Project No.:* P–2710–035.

c. *Date Filed:* June 25, 2004.

d. *Applicant:* PPL Maine, LLC.

e. *Name of Project:* Orono Hydroelectric Project.

f. *Location:* On the Stillwater Branch of the Penobscot River, near the town of Buxton, Penobscot County, Maine. This project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Mr. Scott Hall, PPL Maine, LLC, Davenport Street, PO Box 276, Milford, Maine 04461, (207) 827–5364.

i. *FERC Contact:* Patrick Murphy, (202) 502–8755, *patrick.murphy@ferc.gov*.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments and recommendations may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''eFiling'' link.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. *Project Description:* The Orono Hydroelectric Project consists of the following facilities: (1) The existing 1,174-foot-long by 15-foot-high dam with 2.4-foot-high flashboards; (2) a 2.3-mile-long reservoir, which has a surface area of 175 acres at the normal full pond elevation of 72.4 feet above mean sea level; (3) three new 10-foot-diameter penstocks; (4) a new restored powerhouse containing four generating units with total installed generating capacity of 2.3 megawatts (MW); and (4) appurtenant facilities. The restored project would have an average annual generation of 17,821 megawatt-hours. The dam and existing project facilities are owned by the applicant.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''elibrary link''. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

All filings must: (1) Bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS'', ''TERMS AND CONDITIONS'', or ''PRESCRIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions, or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/esubscribenow.htm* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Pre-Filing Consultation and Scoping:* The standard 3-stage consultation process required by the Commission's regulations at 18 CFR 16.8, is hereby waived as requested in comments filed in accordance with the ''Lower Penobscot River Multiparty Settlement Agreement''. We are also substituting the pre-filing consultation process that has occurred on this project for our standard National Environmental Policy Act scoping process.

o. *Procedural Schedule:* Commission staff propose to issue an Environmental Assessment (EA) rather than issuing a draft and final EA. Staff intends to allow 30 days for comments on the EA, and will take into consideration all comments received before final action is taken on the license application. The application will be processed according to the following schedule, but revisions to the schedule may be made as appropriate:

Issue Notice of availability of EA: June 30, 2005.

Ready for Commission decision on the application: August 1, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–813 Filed 2–28–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting; Notice of Vote, Explanation of Action Closing Meeting and List of Persons To Attend

February 23, 2005.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

Agency Holding the Meeting: Federal Energy Regulatory Commission.

Date and Time: March 2, 2005. (Within a relatively short time after the Commission's open meeting on March 2, 2005).

Place: Room 3M 4A/B, 888 First Street, NE., Washington, DC 20426.

Status: Closed.

Matters to be Considered: Non-Public Investigations and Inquiries, Enforcement

Related Matters, and Security of Regulated Facilities.

Contact Person for More Information: Magalie R. Salas, Secretary, Telephone (202) 502–8400.

Chairman Wood and Commissioners Brownell, Kelliher, and Kelly voted to hold a closed meeting on March 2, 2005. The certification of the General Counsel explaining the action closing the meeting is available for public inspection in the Commission's Public reference Room at 888 First Street, NW., Washington, DC 20426.

The Chairman and the Commissioners, their assistants, the Commission's Secretary and her assistant, the General Counsel and members of her staff, and a stenographer are expected to attend the meeting. Other staff members from the Commission's program offices who will advise the Commissioners in the matters discussed will also be present.

Magalie R. Salas,

Secretary.

[FR Doc. 05–4049 Filed 2–25–05; 4:05 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

February 23, 2005.

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C 552b:

Agency Holding Meeting: Federal Energy Regulatory Commission.

Date and Time: March 2, 2005, 10 a.m. Room 2C 888 First Street NE.

Place: Room 2C, 888 First Street NE., Washington DC 20426.

Status: Open.

Matters to be Considered: Agenda * Note.—Items listed on the agenda may be deleted without further notice.

Contact person for more Information: Magalie R. Salas, Secretary, Telephone (202) 502–8400.

For a recorded listing items stricken from or added to the meeting, call (202) 502–8627

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

882nd—Meeting

Administrative Agenda

A–1
AD02–1–000; Agency Administrative Matters
A–2
AD02–7–000; Customer Matters, Reliability, Security and Market Operations
A–3
PL04–3–000; Natural Gas Quality Standards and Natural Gas Interchangeability
A–4
AD05–2–000; Information Assessment
A–5
RM02–14–000; Regulation of Cash Management Practices
RM02–14–001

Markets, Tariffs, and Rates—Electric

E–1
ER05–508–000; ISO New England, Inc. and New England Power Pool
E–2
ER05–428–000; New York Independent System Operator, Inc.
E–3
ER05–408–000; Otter Tail Power Company
E–4
OMITTED
E–5
ER05–18–000, ER05–18–001, ER05–20–000, ER05–20–001, ES05–6–000, ES05–7–000; New Dominion Energy Cooperative
ER05–309–000, ER05–309–001, ES05–5–000; Old Dominion Electric Cooperative
E–6
OMITTED
E–7
ER05–454–000; Bear Swamp Power Company, LLC
E–8
ER05–455–000; Bellows Falls Power Company, LLC
E–9
ER05–463–000; Mendota Hills LLC
E–10
OMITTED
E–11
ER05–481–000; Trimont Wind I LLC
E–12
ER04–1248–000; Union Light, Heat and Power Company and Cincinnati Gas & Electric Company
ER04–1248–001 and ER04–1247–000; Cincinnati Gas & Electric Company
E–13
ER05–419–000
ER05–419–001, and ER05–419–002; Telemagine, Inc.
E–14
ER99–1435–003, ER99–1435–004, ER99–1435–006, ER99–1435–008, and ER99–1435–009; Avista Corporation
ER96–2408–018, ER96–2408–019, ER96–2408–020, and ER96–2409–021; Avista Energy, Inc.
ER98–4336–007, ER98–4336–008, ER98–4336–009, and ER98–4336–010; Spokane Energy, LLC
ER00–1814–001, ER00–1814–002, ER00–1814–003, and ER00–1814–004; Avista Turbine Power, Inc.
E–15
ER97–1481–003, ER97–1481–004, and ER97–1481–007; Idaho Power Company
E–16
ER98–830–006, and ER98–830–010; Millennium Partners, L.P.
E–17
OMITTED
E–18
OMITTED
E–19
ER02–237–002; J. Aron & Company
ER03–1151–002; Power Receivable Finance, LLC
ER95–1739–022; Cogentrix Energy Power Marketing, Inc.
ER01–1819–003; Cogentrix Lawrence County, LLC
ER99–2984–004; Green Country Energy, LLC
ER02–2026–002; Quachita Power, LLC
ER99–3320–002; Rathdrum Power, LLC
ER03–922–003; Southaven Power, LLC
E–20
ER02–1420–002; Midwest Independent Transmission System Operator, Inc.
ER02–1420–005
E–21
OMITTED
E–35
OMITTED
E–36
OMITTED
E–37
EL04–112–000; The Governors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont
ER05–134–002; ISO New England Inc.
E–38
EL05–38–000; Oklahoma Municipal Power Authority v. American Electric Power Service Corp.
E–39
EL05–57–000; Williams Power Company, Inc. v. California Independent System Operator Corporation
E–40
OMITTED
E–41
OMITTED
E–42
OMITTED
E–43
OMITTED
E–44
EL01–19–002; and EL01–19–003; H.Q. Energy Services (U.S.), Inc. v. New York Independent System Operator, Inc.
EL02–16–002; PSEG; Energy Resources & Trade LLC v. New York Independent System Operator, Inc.
EL02–16–003
E–45
ER00–1969–019; New York Independent System Operator
EL00–57–003; Niagara Mohawk Power Corporation v. New York Independent System Operator
EL00–60–003; Orion Power New York GP, Inc. v New York Independent System Operator
EL00–63–003; New York State Electric & Gas Corporation v. New York Independent System Operator
EL00–64–003; Rochester Gas and Electric Corporation v. New York Independent System Operator
E–46
AC05–7–000; FirstEnergy Service Company
E–47
ER04–1098–000, and ER04–1098–001; Rolling Hills Generating, L.L.C.
E–48
ER04–414–000; Pacific Gas and Electric Company
E–49
ER04–375–019 and ER04–521–013; PJM Interconnection, L.L.C., Midwest Independent Transmission System Operator, Inc.

ER04–1072–003; PJM Interconnection, L.L.C., American Electric Power Service Corporation
ER04–364–001, ER04–364–008, and EL04–138–003; Commonwealth Edison Company and American Electric Power Service Corporation, PJM Interconnection, L.L.C., American Electric Power Services Corporation
E–50
ER03–563–032, ER03–563–033, ER03–563–036, ER03–563–037, ER03–563–040 and ER03–563–042; Devon Power, LLC, Middletown Power LLC, Montville Power LLC, Norwalk Power Marketing and NRG Power Marketing, Inc.
E–51
EL04–15–000, EL04–15–001, ER04–768–000; Texas New Mexico Power Company v. El Paso Electric Company
E–52
ER04–1075–000; Holland Energy, LLC
E–53
RT01–74–008; GridSouth Transco, L.L.C., Carolina Power & Light Company, Duke Energy Corporation and South Carolina Electric & Gas Company
E–54
ER04–961–001; Midwest Independent Transmission System Operator, Inc.
E–55
ER04–897–002; Commonwealth Edison Company
E–56
OMITTED
E–57
ER05–26–001; Mirant Kendall LLC and Mirant Americas Energy Marketing, L.P.
E–58
OMITTED
E–59
ER04–843–001; PPL Electric Utilities Corporation
E–60
OMITTED
E–61
OMITTED
E–62
ER03–407–005 and ER03–407–006; California Independent System Operator Corporation
E–63
EL01–93–010 and EL01–93–011; Mirant Americas Energy Marketing, L.P., Mirant New England, LLC, Mirant Kendall, LLC and Mirant Canal, LLC v. ISO New England Inc.
E–64
EL02–77–001; Puget Sound Energy, Inc.
E–65
EL04–63–001; East Texas Electric Cooperative, Inc.
E–66
OMITTED
E–67
OMITTED
E–68
ER04–727–003; Jersey Central Power & Light Company
E–69
ER04–829–002; PJM Interconnection, L.L.C. and Virginia Electric and Power Company
E–70
OMITTED
E–71
ER03–631–002; ISO New England Inc.
E–72
OMITTED
E–73
ER04–694–003 and ER04–694–004; Vermont Electric Cooperative, Inc.
E–74
EL03–37–001; Town of Norwood, Massachusetts v. National Grid USA, New England Electric System, Massachusetts Electric Company, and Narragansett Electric Light Company
E–75
ER04–717–000 and ER04–717–001; Orion Power Midwest, L.P.
E–76
EL02–123–006; Boston Edison Company
E–77
EL02–123–005 and ER02–170–005; Boston Edison Company
E–78
ER05–439–000; ISO New England Inc.
E–79
ER02–2397–002; Great Lakes Hydro America, LLC
E–80
ER05–294–000 and ER05–294–001; Westbank Energy Capital, LLC

Miscellaneous Agenda

M–1
RM02–4–003 and PL02–1–003; Critical Energy Infrastructure Information
M–2
OMITTED

Markets, Tariffs, and Rates—Gas

G–1
OR05–1–000; Enbridge Energy Company, Inc.
G–2
RP00–463–006; Williston Basin Interstate Pipeline Co.
G–3
RP05–172–000; CenterPoint Energy—Mississippi River Transmission Corporation
G–4
PR05–1–000; Nicor Gas
G–5
RP05–146–000; Northern Border Pipeline Company
G–6
RP05–106–001; Algonquin Gas Transmission, LLC
G–7
PR00–9–000; GulfTerra Texas Pipeline, L.P.
G–8
RP02–334–004; Northern Natural Gas Company
G–9
RP00–336–030, RP04–110–003 and RP04–251–002; El Paso Natural Gas Company
G–10
OMITTED
G–11
RP97–13–014; East Tennessee Natural Gas, LLC
G–12
AC04–30–001; Chevron Pipe Line Company

Energy Projects—Hydro

H–1
P–2574–032; Merimil Limited Partnership
H–2
P–2009–030; Virginia Electric Power Company d/b/a Dominion Virginia Power/Dominion North Carolina Power
H–3
P–2146–107; Alabama Power Company
H–4
P–1975–019, P–2055–014, P–2061–010, P–2777–013 and P–2778–014; Idaho Power Company
H–5
P–11925–003; Symbiotics, LLC
H–6
P–362–006; Ford Motor Company
H–7
P–460–032; City of Tacoma, Washington
H–8
P–9042–036 and P–9042–062; Gallia Hydro Partners and Rathgar Development Associates, LLC

Energy Projects—Certificates

C–1
OMITTED
C–2
OMITTED
C–3
CP04–424–000; Petal Gas Storage, L.L.C.
C–4
CP04–385–000; Transcontinental Gas Pipe Line Corporation and Crosstex CCNG Transmission, Ltd.
C–5
CP04–334–001; CenterPoint Energy—Mississippi River Transmission Corporation

Magalie R. Salas

Secretary.

The Capitol Connection offers the opportunity for remote listening and viewing of the meeting. It is available for a fee, live over the Internet, via C-Band Satellite. Persons interested in receiving the broadcast, or who need information on making arrangements should contact David Reininger or Julia Morelli at the Capitol Connection (703–993–3100) as soon as possible or visit the Capitol Connection website at *http://www.capitolconnection.gmu.edu* and click on ''FERC''.

[FR Doc. 05–4050 Filed 2–25–05; 4:05 pm]

BILLING CODE 6717–01–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7879–2]

Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations

AGENCY: Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between March 1, 1999, and November 30, 2004, the Region 2 Office of the U.S. Environmental Protection Agency

(EPA), issued 9 final determinations, the New Jersey Department of Environmental Protection (NJDEP) issued 12 final determinations and the New York State Department of Environmental Conservation (NYSDEC) issued 13 final determinations pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21.

DATES: The effective dates for the above determinations are delineated in the chart at the end of this notice (*see* **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Mr. Frank Jon, Environmental Engineer of the Permitting Section, Air Programs Branch, Division of Environmental Planning and Protection, U.S. Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York, 10007–1866, at (212) 637–4085.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the Region 2 Office of the USEPA, the NJDEP, and the NYSDEC have made final PSD determinations relative to the facilities listed below:

Name	Location	Project	Agency	Final action	Date
Athens Generating Plant.	Athens, NY	3 Westinghouse 501G turbines, 3 heat recovery steam generators, 3 steam turbines, and associated facilities. The facility is rated at 1080 MW.	NYSDEC	New PSD Permit	June 12, 2000.
Virgin Islands Water and Power Authority—Units 16, 17, 19 and 20.	St. Croix, VI	Consolidation of permits for Units 10, 11, 12, 14, 16, 17, 19 and 20. Various permit revisions for PSD-affected units 16, 17, 19, and 20.	EPA	PSD Permit Modification.	November 27, 2000.
Virgin Islands Water and Power Authority—Unit 22 at the Krum Bay Facility.	St. Thomas, VI	A new 24 MW simple cycle oil-fired gas turbine. This United Technologies FT8–1 Power PAC gas turbine will burn No. 2 fuel oil with a maximum sulfur content of 0.2% sulfur by weight.	EPA	New PSD Permit	January 3, 2001.
Cogen Technologies—Linden Generating Plant.	Linden, NJ	Allow VOC emission increases and add power augmentation mode.	NJDEP	PSD Permit Modification.	May 6, 2001.
East River Repowering Project.	New York, NY	Two combustion turbine GE 7FA generators, two heat recovery steam generators. The facility is rated at 360 MW.	NYSDEC	New PSD Permit	July 18, 2001.
Ravenswood Cogeneration Project.	Long Island City, NY.	A 250 MW cogeneration facility	NYSDEC	New PSD Permit	August 31, 2001.
Consolidated Edison Development—Ocean Peaking Power.	Lakewood, NJ	Addition of three new simple-cycle turbines. Each GE 7FA turbine has a 174.2 MW capacity.	NJDEP	PSD Permit Modification.	September 10, 2001.
NYC Department of Sanitation—Fresh Kills Landfill Flares.	Staten Island, NY	Installation of flares at the Fresh Kills Landfill.	NYSDEC	New PSD Permit	September 17, 2001.
AES Red Oak LLC	Sayreville, NJ	Addition of one 120 MMBTU/hr boiler, one 16 MMBTU/hr fuel gas heater, and one 49 MMBTU/hr emergency generator.	NJDEP	PSD Permit Modification.	October 24, 2001.
AES Puerto Rico, L.P..	Guayama, PR	The existing PSD permit was modified to correct the ppm values in the permit. The worst case ppm values did not occur simultaneously with the worst-case lb/hour values, as previously thought. There would be no increases in the lb/hr, lb/MMBTU, permitted values.	EPA	PSD Permit Administrative Change.	October 29, 2001.
Astoria Energy, LLC	Astoria, NY	Two GE Frame 7F series combustion turbines, two heat recovery steam generators and one steam turbine. The facility is rated at 1000 MW.	NYSDEC	New PSD Permit	October 31, 2001.
NYC Department of Sanitation—Fresh Kills Landfill Flares.	Staten Island, NY	Six landfill gas flares with a design capacity of 5,000 standard cubic feet/min per flare.	NYSDEC	PSD Permit Modification.	November 2, 2001.
Mantua Creek Generating Project.	West Dept Ford Township, NJ.	Permit was modified to include three GE 7FB turbines instead of ABB. This facility can produce a maximum power of 911 MW with the duct burners on.	NJDEP	PSD Permit Modification.	November 15, 2001.
Bethlehem Energy Center.	Glenmont, NY	Three combined-cycle units with a nominal rating of 750 MW.	NYSDEC	New PSD Permit	February 13, 2002.
Poletti Station	Astoria, NY	Two GE Frame 7FA combustion turbines, two unfired heat recovery steam generators, and one steam turbine. The facility is rated at 500 MW.	NYSDEC	New PSD Permit	April 29, 2002.

Name	Location	Project	Agency	Final action	Date
Liberty Generating Project.	Union County, NJ ...	Three Mitsubishi Heavy Industries MHI501G combustion turbines, three duct-fired heat recovery steam generators. Total power output is 1100 MW.	NJDEP	New PSD Permit	June 5, 2002.
Wawayanda Energy Center.	Wawayanda, NY	Two GE 7251-FB combustion turbines, two heat recovery steam generators, and one steam turbine generator. The facility is rated at 540 MW.	NYSDEC	New PSD Permit	July 31, 2002.
PSEG Fossil LLC, Linden.	Linden, NJ	Three GE 7FA combustion turbines, three duct-fired heat recovery steam generators. Total power output is 1186 MW.	NJDEP	New PSD Permit	August 24, 2002.
Brookhaven Energy Project.	Brookhaven, NY	Two Alstom Power GT–24 combustion turbine generators, a heat recovery steam generator and one steam electric generator. The facility is rated at 580 MW.	NYSDEC	New PSD Permit	August 26, 2002.
Consolidated Edison Development.	Ocean County, NJ ..	Original PSD permit issued on April 1, 1991 for three simple-cycle turbines each rated at 174.2 MW capacity. This modification entailed the addition of three new natural gas-fired fuel heaters each with a maximum heat input rating of 4.62 MMBTU/hr.	NJDEP	PSD Permit Modification.	September 4, 2002.
Astoria (Reliant) Generating Station (formerly Orion L.P.).	Astoria, NY	The applicant will repower the existing Astoria Generating Station (AGS). The repowering will include the installation of six combustion turbines, retirement of four existing boilers and reuse of existing equipment and infrastructure including two steam turbine generators. The repowering will increase AGS's electric generating capacity from 1,254 MW to 1,816 MW.	NYSDEC	New PSD Permit	May 7, 2003.
Wheelabrator Gloucester Company RRF.	Westville, NJ	To remove the carbon monoxide (CO) emission limits of 400 ppmdv @ 7% O_2 and 45.5 lb/hr from the current PSD permit and add a CO limit of 11.3 lb/hr.	NJDEP	PSD Permit Modification.	June 26, 2003.
Merck & Co., Inc	Rahway, NJ	Boiler and Industrial Furnace modification project. Boilers No. 3, 5 and 9 each has a maximum rated gross heat input capacity of 99.5 MMBTU/hr. Existing boilers 3 and 9 will now be allowed to burn natural gas, fuel oil or waste solvent. These two boilers will be equipped with selective catalytic reduction (SCR). Boiler No. 5 will have low NO_X burners to control NO_X. Boilers No. 7 and 8 will be retired.	NJDEP	PSD Permit Modification.	September 19, 2003.
Valero Refining Company.	Paulsboro, NJ	Modification of an existing major stationary source that triggered PSD for CO, PM and PM_{10}. Petroleum refining facility with 75,000 barrels/day capacity.	NJDEP	New PSD Permit	September 24, 2002.
Coastal Eagle Point Oil Co..	Westville, NJ	The facility increased the maximum oil feed rate to the fluid catalytic cracking unit from 55,000 barrels per day to 67,650 barrels per day. The facility also upgraded its existing Belco scrubber from EDV–5000 to EDV–6000 to improve control efficiency of PM_{10} and SO_3/H_2SO_4.	NJDEP	PSD Permit Modification.	October 11, 2003.
Cogen Technologies	Linden, NJ	Modification to allow for an increase in sulfuric acid mist emission rate from 9.0 lb/hr to 24.89 lb/hr during distillate oil combustion on the No. 6 turbine (181 MW). Annual sulfuric acid mist emission rates will increase from 3.53 tons/year to 6.44 tons/year.	NJDEP	PSD Permit Modification.	December 30, 2003.

Name	Location	Project	Agency	Final action	Date
HOVENSA	Saint Croix, VI	The existing PSD permit for GT No. 10 was modified to allow for an increase in utilization of the combustion turbine during natural gas firing while decreasing the quantity of oil combusted in the unit. HOVENSA is also reducing the amount of oil fired in the Vacuum Unit heaters. This project does not result in a significant net emission increase for any pollutant.	EPA	PSD Permit Modification.	January 22, 2004.
Corning Glass	Canton, NY	New and modified glass furnaces. The facility is subject to PSD for SO_2 and NO_X.	NYSDEC	PSD Permit Modification.	February 23, 2004.
Puerto Rico Electric and Power Authority—San Juan Combined Cycle Project.	San Juan, PR	Two new Westinghouse 501 combustion turbines with a combined output of 476 MW combined cycle.	EPA	New PSD Permit	April 1, 2004.
Nucor Steel Auburn, Inc.	Auburn, NY	The existing PSD permit was modified to allow the melt shop production limit to increase from 600,000 tons/year to 665,000 tons/year of steel. In addition, a new 179 MMBTU/hour heat input reheat furnace will replace the existing one which is used with the rolling mill. This facility is subject to PSD for CO, NO_X and SO_2.	EPA	PSD Permit Modification.	June 22, 2004.
AES Puerto Rico, L.P.	Guayama, PR	The existing PSD permit was modified to update the PM_{10} condensible emissions based on stack test results; to increase the size of the emergency boiler feedwater pump diesel engine from 400 hp to 430 hp; to increase AES's annual usage limit of lime from 6,736 tons/year to 8,950 tons/year; to add the option of using trucks to haul ash offsite for on-island beneficial uses; to add a new category of start-up that applies to startup following outages; to increase the number of turnovers in the startup fuel tank from 4 to 7 per year; and to change the cover of the inactive coal yard from grass to manufactured aggregate. As a result of these changes, there is only a trivial increase of 42 lb/year of PM_{10} emissions.	EPA	PSD Administrative Permit Modification.	August 10, 2004.
Virgin Islands Water and Power Authority—Unit 23.	St. Thomas, VI	A new 39 MW simple-cycle GE Frame 6 combustion turbine.	EPA	New PSD Permit	September 8, 2004.
Bessicorp—Empire Development Co., LLC.	Rensselaer, NY	A recycled newsprint manufacturing plant and a nominal 505 MW combined-cycle cogeneration plant. Two GE Frame 7FA combustion turbines, two heat recovery steam generators, a steam turbine, and an auxiliary boiler. 55 MW will be offered to the manufacturing plant, the remainder electricity will be offered on the merchant market.	NYSDEC	New PSD Permit	September 23, 2004.
American Re-Fuel Company of Hempstead.	Westbury, NY	PSD permit modification to increase the annual throughput of municipal waste at the facility from 914,325 tons/year to 975,000 tons/12-month rolling average.	EPA	Revised PSD Permit.	November 15, 2004.

This notice lists only the facilities that have received final PSD determinations. Anyone who wishes to review these determinations and related materials should contact the following offices:

EPA Actions: U.S. Environmental Protection Agency, Region 2 Office, Air Programs Branch—25th Floor, 290 Broadway, New York, New York 10007–1866.

NJDEP Actions: New Jersey Department of Environmental Protection, Division of Environmental Quality, Bureau of Engineering and

Technology, 401 East State Street, Trenton, New Jersey 08625.

NYSDEC Actions: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Stationary Sources, 625 Broadway, Albany, New York 12233–3251.

If available pursuant to the Consolidated Permit Regulations (40 CFR part 124), judicial review of these determinations under section 307(b)(1) of the Clean Air Act (the Act) may be sought only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which these determinations are published in the **Federal Register**. Under section 307(b)(2) of the Act, these determinations shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: February 11, 2005.

George Pavlou,

Acting Deputy Regional Administrator, Region 2.

[FR Doc. 05–3907 Filed 2–28–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7879–5]

Science Advisory Board Staff Office; Cancellation of Public Meetings of the Science Advisory Board Environmental Engineering Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA), Science Advisory Board (SAB) Staff Office is canceling two public meetings of the SAB's Environmental Engineering Committee (EEC) announced earlier (70 FR 7934, February 16, 2005).

DATES: March 10, 2005. The public conference call from 3 p.m. to 5 p.m. Eastern Time has been cancelled. March 15–17, 2005. The public meeting scheduled for March 15–17, 2005 has been cancelled.

Dated: February 23, 2005.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 05–4000 Filed 2–28–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Network Reliability and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), this notice advises interested persons of the fourth meeting of the Network Reliability and Interoperability Council (Council) under its charter renewed as of December 29, 2003. The meeting will be held at the Federal Communications Commission in Washington, DC.

DATES: Tuesday, March 29, 2005, beginning at 10 a.m. and concluding at 1 p.m.

ADDRESSES: Federal Communications Commission, 445 12th St, SW., Room TW–305, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, the Designated Federal Officer (DFO) at (202) 418–1096 or *Jeffery.Goldthorp@fcc.gov*. The TTY number is: (202) 418–2989.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to provide recommendations to the FCC and to the communications industry that, if implemented, shall under all reasonably foreseeable circumstances assure optimal reliability and interoperability of wireless, wireline, satellite, cable, and public data networks. At this fourth meeting under the Council's new charter, the Council will discuss a number of the items that will relate to emergency services and E911.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. Admittance, however, will be limited to the seating available. The public may submit written comments before the meeting to Jeffery Goldthorp, the Commission's Designated Federal Officer for the Network Reliability and Interoperability Council, by e-mail (*Jeffery.Goldthorp@fcc.gov*) or U.S. Postal Service mail (7–A325, 445 12th St, SW., Washington, DC 20554). Real Audio and streaming video access to the meeting will be available at *http://www.fcc.gov/realaudio/*.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–3936 Filed 2–28–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 25, 2005.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Southern National Bancorp of Virginia, Inc., Charlottesville, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Sonabank, N.A., Charlottesville, Virginia, an organizing national bank.

B. Federal Reserve Bank of Kansas City (James Hunter, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Sundance State Bank Profit Sharing and Employee Stock Ownership Plan and Trust, Sundance, Wyoming; to acquire an additional .41 percent for a total of 26.06 percent, of the voting shares of Sundance Bankshares, Inc.,

parent of Sundance State Bank, all located in Sundance, Wyoming.

Board of Governors of the Federal Reserve System, February 23, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–3842 Filed 2–28–05; 8:45 am]

BILLING CODE 6210–01–S

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 March 25, 2005.

A. Federal Reserve Bank of Atlanta (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. The Colonial BancGroup, Inc., Montgomery, Alabama; to acquire 100 percent of the voting shares of FFLC Bancorp, Inc., and thereby indirectly acquire First Federal Savings Bank of Lake County, both of Leesburg, Florida, and engage in operating a savings association pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, February 23, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.05–3843 Filed 2–28–05; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institute for Occupational Safety and Health, Technology Transfer Office, Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the United States Government and are available for licensing in the United States (U.S.) in accordance with 35 U.S.C. 207, to achieve expeditious commercialization of results of federally funded research and development U.S. and foreign patent applications have been filed or are expected to be filed in the near future, to extend market coverage for companies, and may also be available for Licensing.

ADDRESSES: Licensing information may be obtained by contacting Suzanne Seavello Shope, J.D., Technology Licensing and Marketing Scientist, Technology Transfer Office, Centers for Disease Control and Prevention (CDC), Mailstop K–79, 4770 Buford Highway, Atlanta, GA 30341, telephone (770) 488–8613; facsimile (770) 488–8615; e-mail *sshope@cdc.gov*. Information related to the technologies listed below, may be obtained by contacting Kathleen Goedel, Technology Development Coordinator, Office of Research and Technology Transfer, National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), 4676 Columbia Parkway, MS C–03, Cincinnati, OH 45226, telephone (513) 533–8686; facsimile (513) 533–8660; or e-mail *kgoedel@cdc.gov*. A signed Confidential Disclosure Agreement (available under Forms at *http://www.cdc.gov/tto*) will be required to receive copies of unpublished patent applications and other confidential information.

Method, Apparatus and System for Assessing Conditions (Local Positioning System)

Larry Alan Lee et al.

U.S. Patent Application No. 10/815,111 filed March 31, 2004

CDC Reference No. I–017–03/0—Research Tool

Workers in many outdoor occupations move about frequently during a typical day of work. Certain workers, such as agricultural and construction workers are particularly mobile. The National Institute for Occupational Safety and Health (NIOSH) designed and developed a prototype exposure monitoring system which combines geographical location with up to four real-time sensors and outputs the information to a user-friendly interface. By linking worker location throughout the workday to exposure levels from real-time monitors, Local Positioning System (LPS) units with software processing of data identify and document where to focus exposure analysis and control efforts. Post-processing of LPS data enables researchers, regulatory inspectors, and industry safety and health personnel to map exposure intensity and location, reveal hot spots to identify sources, and provide exposure intensity distributions.

Method and Apparatus for Cough Sound Analysis

William Travis Goldsmith et al.

U.S. Patent No. 6,436,057, Canadian Patent Application No. 2,269,992 filed April 23, 1999

CDC Reference No. I–020–99/0—Research Tool

A fast, simple, and reliable method and apparatus for recording cough sounds for diagnosing pulmonary disorders and diseases. This method uses signal analysis techniques to extract quantitative information from recorded cough sound pressure waves. The generated data can be used to diagnose pulmonary disorders and diseases as well as track the effectiveness of treatment regimes over time. The method can also be used to quickly and reliably screen individuals at risk of pulmonary disorders and diseases. A system according to one embodiment includes a mouthpiece connected to the proximal end of a tube. The distal end of the tube is connected to a flexible tube. A microphone is attached to the tube between the distal and proximal ends thereof for recording sound pressure waves. A calculated

cough sound index (CSI) can be used in diagnostic applications.

Auscultatory Training System

Walter McKinney, et al.

U.S. Patent Application No. 10/135,964 filed April 29, 2002, Canadian Application No. 2,382,786 filed April 22, 2002

CDC Reference No. I–037–00/0—Research Tool

This auscultatory training apparatus includes a database of prerecorded physiological sounds (*e.g.*, lung, bowel, or heart sounds) stored on a computer for playback. A user friendly, graphical interface software program is stored on the computer for use with a conventional computer mouse. The program allows a user to select prerecorded sounds for playback. In addition, the program is operable to generate an inverse model of the playback system in the form of a digital filter. The inverse model processes the selected sound to cancel the distortions of the playback system so that the sound is accurately reproduced. The program also permits the extraction of a specific sound component from a prerecorded sound so that only the extracted sound component is audible during playback. As well as a teaching tool to instruct the user on various body sounds, this invention could have applications as a diagnostic screening tool and as a telemedicine tool.

Imaging/Motorized Nail Press: Automated Instrumentation for the Assessment of Peripheral Vascular Function

Anne M. Brumfield, et al.

U.S. Patent Application No. 60/578,174 filed on June 8, 2004, Australia Patent Application No. 2004203059 filed on July 6, 2004, Canada Patent Application No. 2,474,841

CDC Reference No. I–028–02—Research Tool

The nail press test has been used by clinicians to assess peripheral circulatory function. Following a ten second press of the fingernail, a visual determination of the rate of blood flow return is made, as evidenced by the return of color to the fingernail. Far from being standardized, the results of the test are qualitative and subjective. New instrumentation representing an automated version of the nail press has been built which utilizes a computer-controlled linear stepper motor to apply the desired force level. Blood volume and force measurements are acquired before, during and after the press. This non-invasive and painless test provides physiologically relevant data while standardizing the force application, press duration, and the criteria for determining the precise time of blood flow return.

Dated: February 18, 2005.

James D. Seligman,

Associate Director for Program Services, Centers for Disease Control and Prevention.

[FR Doc. 05–3891 Filed 2–28–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The Board of Scientific Counselors, National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Board of Scientific Counselors (BSC), NIOSH.

Time and Date: 9 a.m.–3 p.m., March 23, 2005.

Place: Washington Court Hotel on Capital Hill, 525 New Jersey Avenue, NW., Washington, DC 20001, telephone (202) 628–2100, fax (202) 879–7918.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: The Secretary, the Assistant Secretary for Health, and by delegation the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health. The Board of Scientific Counselors, NIOSH shall provide guidance to the Director, NIOSH on research and preventions programs. Specifically, the Board shall provide guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings and disseminating results. The Board shall evaluate the degree to which the activities of the NIOSH: (1) Conform to appropriate scientific standards, (2) address current, relevant needs, and (3) produce intended results.

Matters to be Discussed: Agenda items include a report from the Director of NIOSH; proposed revisions to the National Occupational Research Agenda; collaborations with the Occupational Safety and Health Administration; occupational safety and health surveillance; the health hazard evaluation program; and closing remarks.

Agenda items are subject to change as priorities dictate.

For Further Information Contact: Roger Rosa, Executive Secretary, BSC, NIOSH, CDC, 200 Independence Avenue, SW., Room 715H, Washington, DC 20201, telephone (202) 205–7856, fax (202) 260–4464.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 25, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–3889 Filed 2–28–05; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; 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 Complementary and Alternative Medicine Special Emphasis Panel; RFA AIDS.

Date: March 28, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Jeanette M. Hosseini, Scientific Review Administrator, National Center for Complementary and Alternative Medicine, 6707 Democracy Blvd, Suite 401, Bethesda, MD 20892, (301) 594–9096.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel, Improving Measurement Tools for Sternal Skin Conductance and Hot Flashes SEP.

Date: April 22, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Laurie Friedman Donze, PhD, Scientific Review Administrator, National Center for Complement & Alt. Medicine, National Institutes of Health, 6707 Democracy Blvd. Suite 401, Bethesda, MD 20892, 301–402–1030, *donzel2@mail.nih.gov*.

Dated: February 18, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3869 Filed 2–28–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(a) 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, NIDCD.

The meetings 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.

Name of Committee: Board of Scientific Counselors, NIDCD.

Date: March 25, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: Reports from Institute Staff.

Place: National Institutes of Health, 5 Research Court, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Robert J. Wenthold, PhD, Director, Division of Intramural Research, National Institute on Deafness, and Other Communication Disorders, 5 Research Court, Room 2B28, Rockville, MD 20852, 301–402–2829.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 18, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3868 Filed 2–28–05; 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, Services Conflicts 1.

Date: March 15, 2005.

Time: 3 p.m. to 5:30 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: Aileen Schulte, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd, Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@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 Institute of Mental Health Special Emphasis Panel, Diversity Training Programs in Mental Health.

Date: March 22, 2005.

Time: 3:30 p.m. to 6 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: Bettina D. Acuna, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd, Room 6154, MSC 9609, Bethesda, MD 20892–9609, 301–443–1178, *acunab@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clincians, and Research Scientist Award; 93.282, Mental health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3872 Filed 2–28–05; 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, Services Conflicts II.

Date: March 14, 2005.

Time: 3 p.m. to 5:30 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: Aileen Schulte, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd, Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225; *aschulte@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 Institute of Mental Health Special Emphasis Panel, Intervention Fellowship Review.

Date: March 15, 2005.

Time: 11:30 a.m. to 3:30 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: Aileen Schulte, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd, Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225; *aschulte@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, NCDDGTMD/NA.

Date: March 18, 2005.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate cooperative agreement 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 9608, Bethesda, MD 20892–9606, 301–443–1513; *psherida@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist 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: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3873 Filed 2–28–05; 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 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 Institute of Allergy and Infectious Diseases Special Emphasis Panel, Tularemia Vaccine Development Team.

Date: March 18, 2005.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Alec Ritchie, PhD., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700 B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–435–1614; *aritchie@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: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3874 Filed 2–28–05; 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, Non-Human Primate Heart/Lung Transplantation Tolerance.

Date: March 17, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Paul A. Amstad, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–402–7098, *pamstad@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)

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3875 Filed 2–28–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Efficacy of Interventions to Promote Research Careers.

Date: March 22–23, 2005.

Time: 8 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Laura K. Moen, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN–12, Bethesda, MD 20892, 301–594–3998, *moenl@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3876 Filed 2–28–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Liver and GI Immunology.

Date: March 23, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Maxine A. Lesniak, MPH, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–7792. *lesniakm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Mouse Genetics and IBD.

Date: March 24, 2005.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Maxine A. Lesniak, MPH, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–7792. *lesniakm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research, 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS.)

Dated: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3879 Filed 2–28–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel, Large-Scale Collaborative Project Awards.

Date: March 22, 2005.

Time: 10 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: Arthur L Zachary, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN–12, Bethesda, MD 20892. (301) 594–2886. *zacharya@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Centers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3880 Filed 2–28–05; 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 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 Institute of Mental Health Special Emphasis Panel, SBIR Topic 55A.

Date: March 24, 2005.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone conference call.)

Contact Person: Michael J. Moody, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6156, MSC 9608, Bethesda, MD 20892–9608. 301–443–5160. *mmoody@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist 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: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3882 Filed 2–28–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health, Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Recombinant DNA Advisory Committee, March 15, 2005, 8

a.m. to March 17, 2005, 6 p.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814 which was published in the **Federal Register** on February 8, 2005, 70FRN6720.

The meeting has been changed to a two day meeting, to be held on March 15–16, 2005. The meeting agenda can be viewed at *http://www4.od.nih.gov/oba/RAC/meeting.html*. The meeting is open to the public.

Dated: February 18, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3870 Filed 2–28–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Meeting; Chairpersons, Boards of Scientific Counselors for Institutes and Centers at the National Institutes of Health

Notice is hereby given of a meeting scheduled by the Deputy Director for Intramural Research at the National Institutes of Health (NIH) with the Chairpersons of the Boards of Scientific Counselors. The Boards of Scientific Counselors are advisory groups to the Scientific Directors of the Intramural Research Programs at the NIH. This meeting will take place on March 14, 2005, from 10 a.m. to 3 p.m., at the NIH, 9000 Rockville Pike, Bethesda, MD, Building 1, Room 151. The meeting will include a discussion of policies and procedures that apply to the regular review of NIH intramural scientists and their work, with special emphasis on clinical research.

The meeting will be open to the public, 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 contact Ms. Colleen Crone at the Office of Intramural Research, NIH, Building 1, Room 160, Telephone (301) 496–1921 or FAX (301) 402–4273 in advance of the meeting.

This meeting is being published less than 15 days prior to the meeting due to scheduling conflicts.

Dated: February 11, 2005.

Raynard Kington,

Deputy Director, NIH.

[FR Doc. 05–3871 Filed 2–28–05; 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, Psychiatric Genetics Collaborative R01s.

Date: February 25, 2005.

Time: 8 a.m. to 9 a.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Cheryl M. Corsaro, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Planning and Implementing Stress Reduction.

Date: March 2, 2005.

Time: 11:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elisabeth Koss, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028C, MSC 7759, Bethesda, MD 20892, (301) 435–1235, *kosse@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neural-Engineering

Date: March 14, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sofitel Lafayette Square Washington Hotel, 806 15th Street NW., Washington, DC 20005.

Contact Person: Mary Custer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, DNA Repair.

Date: March 14, 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: Hungyi Shau, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–1720, *shauhung@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Learning and Cognition.

Date: March 16, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Christine L. Melchoir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, (301) 435–1713, *melchioc@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS-associated Opportunistic Infections and Cancer Study Section.

Date: March 21–22, 2005.

Time: 8 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Visual Systems.

Date: March 21–22, 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: Jerome R. Wujek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 435–2507, *wujekjer@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Minority/Disability Predoctoral Fellowships.

Date: March 21–22, 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: John C. Pugh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowship: Oncological Sciences.
Date: March 21–23, 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: Manzoor Zarger, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, MDCN Fellowship Review Meeting.
Date: March 21–22, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.
Contact Person: Mary Custer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bioinformatics Tools and Systems.
Date: March 21–21, 2005.
Time: 8:30 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: Sally Ann Amero, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7849, Bethesda, MD 20892, (301) 435–1159, *ameros@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, AIP Member Conflicts and AIP Overflow Applications.
Date: March 21, 2005.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mary Clare Walker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Addictions: Prevalence, Risk and Risk Reduction.
Date: March 21–22, 2005.
Time: 8:30 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: Gayle M. Boyd, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028–D MSC 7759, Bethesda, MD 20892, (301) 451–9956, *gboyd@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 BDCN–A (05) M Anterior Eye Disease Member Conflict Special Emphasis Panel.
Date: March 21, 2005.
Time: 4 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814, (Telephone Conference Call).
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, Systemic Lupus Erythematosus.
Date: March 22, 2005.
Time: 11 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Patrick K. Lai, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, (301) 435–1052, *laip@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Tumor Immunology and MHC.
Date: March 22, 2005.
Time: 11:30 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223, *haydenb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 ONC–J(03)M: Genetics of Head and Neck Center.
Date: March 22, 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: Martin L. Padarathsingh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6212, MSC 7804, Bethesda, MD 20892, (301) 435–1717, *padaratm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Serotonin and Vascular Tone.
Date: March 22, 2005.
Time: 3 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: Joyce C. Gibson, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–4522, *gibsonj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skeletal and Craniofacial Development Special Emphasis Panel.
Date: March 22, 2005.
Time: 12 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications and/or proposals.
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.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Physiology, Pharmacology and Molecular Structure.
Date: March 23–24, 2005.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.
Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator and Chief, MDCN Scientific Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Biology and Development of Aging.
Date: March 23, 2005.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Dan D. Gerendasy, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20892, (301) 594–6830, *gerendad@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cell Death and Injury in Chronic Neurodegeneration.
Date: March 23–25, 2005.

Time: 6 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Monaco, 700 F Street, NW., Washington, DC 20004.
Contact Person: David L. Simpson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892, (301) 435–1278, *simpsond@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 F08 (29): Molecular and Cellular Mechanisms Fellowships.
Date: March 24–25, 2005.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate Hotel, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Mary P. McCormick, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892, (301) 435–1047, *mccormim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hematopoiesis.
Date: March 24, 2005.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Delia Tang, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, (301) 435–2506, *tangd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Signaling and Tumor Microenvironment.
Date: March 24, 2005.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Joanna M. Watson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046–G, MSC 7804, Bethesda, MD 20892, (301) 435–1048. *@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Olfactory.
Date: March 24, 2005.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, (301) 435–1242, *driscolb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genetic Diversity.
Date: March 24–25, 2005.
Time: 5 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.
Contact Person: Michael A. Marino, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2216, MSC 7890, Bethesda, MD 20892, (301) 435–0601, *marinomi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Special Topics in Cognition, Perception, Language and Communication.
Date: March 25, 2005.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Dana Jeffrey Plude, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7848, Bethesda, MD 20892, (301) 435–2309, *pluded@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cardiac Outflow Tract Remodeling.
Date: March 25, 2005.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Ai-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, (301) 435–1777, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ZRG1 ONC–J(04)M: Tumor Suppressor Genes.
Date: March 25, 2005.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rocklege Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Martin L. Padarathsingh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6212, MSC 7804, Bethesda, MD 20892, (301) 435–1717, *padaratm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Renin-Angiotensin Gene Expression.
Date: March 25, 2005.
Time: 12 p.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Rajiv Kumar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7802, Bethesda, MD 20892, (301) 435–1212, *kumarra@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 18, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3867 Filed 2–28–05; 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 Clinical Oncology Study Section, February 27, 2005, 8 a.m. to March 1, 2005, 5 p.m., Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD, 20814 which was published in the **Federal Register** on February 1, 2005, 70 FR 5196–5198.

The starting time of the meeting on February 27, 2005 has been changed to 5 p.m. until adjournment. The meeting dates and location remain the same. The meeting is closed to the public.

Dated: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3877 Filed 2–28–05; 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, Psychosocial Interventions for Chronic Pain.
Date: March 2, 2005.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Elisabeth Koss, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028C, MSC 7759, Bethesda, MD 20892, (301) 435–1235. *kosse@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts for NSAA.
Date: March 18, 2005.
Time: 1:30 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Karin F. Helmers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, (301) 435–1017, *helmersk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: Neurotransmission.
Date: March 21, 2005.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Christine L. Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, (301) 435–1713, *melchioc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Biological Chemistry Special Review Panel.
Date: March 22, 2005.
Time: 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: John L. Bowers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4178, MSC 7806, Bethesda, MD 20892, (301) 435–1725, *bowersj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fungai Pathogenesis.
Date: March 22, 2005.
Time: 1:30 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Melody Mills, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, (301) 435–0903, *millsm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Baroreflex Control.
Date: March 23, 2005.
Time: 2 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: Olga A. Tjurmina, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4030B, MSC 7814, Bethesda, MD 20892, (301) 451–1375, *ot3d@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Social Psychology, Risk and Psychosocial Development.
Date: March 28–29, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Michael Micklin, PhD, Chief, RPHB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3136, MSC 7759, Bethesda, MD 20892, (301) 435–1258, *micklinm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Grant Applications: Microbial Vaccines.
Date: March 28–29, 2005.
Time: 8:30 a.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: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, (301) 435–1222, *nigidas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Review of P01 on Potassium Channel Structures.
Date: March 28, 2005.
Time: 9 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: Sergei Ruvinov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, (301) 435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bioengineering-Digestive Sciences.
Date: March 28, 2005.
Time: 10 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Patricia Greenwel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2174, MSC 7818, Bethesda, MD 20892, (301) 435–1169, *greenwep@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Myeloid Development.
Date: March 28, 2005.
Time: 11:30 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223, *haydenb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Pain.
Date: March 28, 2005.
Time: 2 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, (301) 435–1242, *driscolb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bioengineering-2–DIG.
Date: March 28, 2005.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Patricia Greenwel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2174, MSC 7818, Bethesda, MD 20892, (301) 435–1169, *greenwep@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bone Marrow Toxicity.
Date: March 28, 2005.
Time: 4 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Joyce C. Gibson, DSC, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–4522, *gibsonj@csr,nih,gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Social Development in Children and Adolescents.
Date: March 29, 2005.
Time: 2 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Karen Lechter, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3128, MSC 7759, Bethesda, MD 20892, (301) 496–0726 *lechterk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Microbial Vaccine Development.
Date: March 29, 2005.
Time: 12 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.
Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, (301) 435–1222, *nigidas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Nutrient Transport in Mycobacteria.
Date: March 30, 2005.
Time: 2 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: Richard G. Kostriken, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7808, Bethesda, MD 20892, (301) 402–4454, *kostrikr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Epidemiology Member Conflicts.
Date: March 31, 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: Sandra L. Melnick, AB, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028D, MSC 7770, Bethesda, MD 20892, (301) 435–1251, *meinicks@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 BST–S: Conflicts in Microscopic Imaging.
Date: March 31, 2005.
Time: 1:30 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: David L. Schneider, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4172, MSC 7806, Bethesda, MD 20892, 301–435–1727, *schneidd@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: February 22, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3878 Filed 2–28–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[ALJ–04–0001–CIV]

In the Matter of Union Oil Company of California

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard gives notice of the assessment, by consent order, of a Class II administrative penalty against Union Oil Company of California (UNOCAL) for an unlawful oil discharge at UNOCAL's King Salmon oil production platform, in Cook Inlet, Alaska. The consent order was issued without prior public hearing. Interested persons may petition the Coast Guard to set aside the consent order and provide a hearing.

DATES: All petitions must reach the Coast Guard not later than March 31, 2005.

ADDRESSES: Petitions may be mailed, faxed, or delivered to: Commandant, c/o Hearing Docket Clerk, Administrative Law Judge Docketing Center, United States Coast Guard, 40 South Gay Street, Room 412, Baltimore, Maryland 21202–4022. The fax number is (410) 962–1746. Delivery is accepted between 8 a.m. and 3 p.m. Eastern time, Monday through Friday, except Federal holidays. The Office of Administrative Law Judge Docketing Center maintains the public docket for this matter. Any petition will become part of this docket and will be available for inspection or copying in Room 412 at the address listed above.

FOR FURTHER INFORMATION CONTACT: Allison Megan, Esq., Hearing Docket Clerk, U.S. Coast Guard, 40 South Gay Street, Room 412, Baltimore, Maryland 21202–4022. The telephone number is (410) 962–7434.

SUPPLEMENTARY INFORMATION: This Class II civil penalty proceeding (ALJ–04–0001–CIV) involves the discovery of an oil sheen, on or about September 12, 2001, near the UNOCAL King Salmon oil production platform in Cook Inlet, Alaska. UNOCAL reported the sheen. Upon investigation it was determined that the oil sheen was caused by leakage from the annulus section of Well K–19 located on the ocean floor. This well contains waste by-products, including diesel oil that was created during the drilling process and is permanently stored in the well. It is estimated that 29,047 barrels (bbls) of waste by-products were re-injected into Well K–19 between July 8, 2001 and September 21, 2001. Based on the percentage of diesel oil used during the drilling process, it is estimated that Well K–19 contains 556 bbls of re-injected diesel oil.

A scientific study conducted by a third party contractor for UNOCAL concluded ''the most probable cause of the leak is a shallow sub-surface breach in the cement surface casing [of the well] at the point of the re-injection.'' It was concluded that any attempt to stop the leakage ''would likely exacerbate the problem and potentially cause further damage.'' The well is expected to continuously discharge an indeterminate amount of oil, not to exceed 556 bbls of diesel oil into the navigable waters of Cook Inlet until the oil is either exhausted or ceases to migrate to the surface. UNOCAL has instituted a monitoring program and regularly documents the appearance of any oil sheens at this location.

The Coast Guard brought this complaint against UNOCAL under section 311(j) of the Federal Water Pollution Control Act (FWPCA; 33 U.S.C. 1251 *et. seq.*), as amended by the Oil Pollution Act of 1990 (OPA 90; 33 U.S.C. 2701 *et. seq.*). Procedures governing such complaints appear in 33 CFR Part 20. The complaint sought a civil penalty of $137,500, was served in Juneau, Alaska on April 14, 2004, and filed at the Administrative Law Judge (ALJ) Docketing Center in Baltimore, Maryland on April 28, 2004. The parties submitted a proposed civil penalty assessment and settlement agreement, which an ALJ approved in a consent order issued without prior public hearing on February 17, 2005. The ALJ ordered the Coast Guard to publish notice of the consent order in the **Federal Register**, in accordance with the requirements of 33 U.S.C. 1321(b)(6)(C)(i) and (iii) and 33 CFR 20.1102(a). A copy of the consent order may be obtained by contacting the Hearing Docket Clerk.

Any interested person may petition the Commandant of the Coast Guard to set aside the consent order and provide a hearing. Petitions must be filed within 30 days of publication of this notice. If you submit a petition (*see* **ADDRESSES**), please include your name, address, the docket number (ALJ–04–0001–CIV), and a reason why the consent order should be set aside and a hearing provided. Please submit all comments and attachments in an unbound format on white paper no longer than 8 ½ by 11 inches, suitable for copying and electronic filing. Enclose a self-addressed, stamped postcard or envelope if you want the Hearing Docket Clerk to acknowledge receipt. The Commandant will either grant the petition and announce a public hearing, or deny it and publish the reason for denial.

Dated: February 17, 2005.

George J. Jordan,

Director of Judicial Administration, Office of Administrative Law Judge, United States Coast Guard.

[FR Doc. 05–3917 Filed 2–28–05; 8:45 am]

BILLING CODE 4910–15–P

INTER-AMERICAN FOUNDATION

Agenda for Meeting of the Presidential Search Committee of the Boards of Directors

DATE: March 12, 2005.

TIME: 10 a.m.–1:30 p.m.

The meeting will be held at the Club Quarters Hotel 839 17th St. NW., Washington, DC 2006.

The meeting will be closed as provided in 22 CFR Part 1004.4(f) to discuss matters related to the search for candidates for the position of President of the Inter-American Foundation.

10 a.m. Call to order. Begin executive session

1:30 Adjourn.

Jocelyn Nieva,

Acting General Counsel.

[FR Doc. 05–4008 Filed 2–25–05; 1:08 pm]

BILLING CODE 7025–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service (''we'') solicits review and comment from local, State, and Federal agencies, and the public on the following permit requests.

DATES: Comments on these permit applications must be received on or before March 31, 2005.

ADDRESSES: Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Chief, Endangered Species, Ecological Services, 911 NE 11th Avenue, Portland, Oregon 97232–4181 (fax: 503–231–6243). Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to the address above (telephone: 503–231–2063). Please refer to the respective permit number for each application when requesting copies of documents.

SUPPLEMENTARY INFORMATION:

Permit No. TE–095896

Applicant: Phillip Richards, Ladera Ranch, California.

The applicant requests a permit to take (capture and mark) the San Bernardino kangaroo rat (*Dipodomys merriami parvus*), the Stephens' kangaroo rat (*Dipodomys stephensi*), and the Pacific pocket mouse (*Perognathus longimembris pacificus*) in conjunction with surveys throughout the range of the species for the purpose of enhancing their survival.

Permit No. TE–098999

Applicant: California Department of Fish and Game, Redding, California.

The applicant requests a permit to take (capture and collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*) and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with scientific research in northern California for the purpose of enhancing their survival.

Permit No. TE–098997

Applicant: Gregory Warrick, Bakersfield, California.

The applicant requests a permit to take (capture and mark) the Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) and the Giant kangaroo rat (*Dipodomys ingens*) in conjunction with ecological research and surveys throughout the range of each species for the purpose of enhancing their survival.

Permit No. TE–821962

Applicant: Mark Angelos, Torrence, California.

The permittee requests an amendment to take (capture and release) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the vernal pool tadpole shrimp (*Lepidurus packardi*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–821967

Applicant: Paul Galvin, Irvine, California.

The permittee requests an amendment to take (survey and collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the vernal pool tadpole shrimp (*Lepidurus packardi*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–098706

Applicant: Bureau of Land Management, El Centro, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys in San Diego County, California, for the purpose of enhancing its survival.

Permit No. TE–099709

Applicant: William Gendron, Pomona, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–099005

Applicant: Martha Heath, San Diego, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–098994

Applicant: Kelly Goocher, Oceanside, California.

The applicant requests a permit to take (survey by pursuit) the Laguna Mountains skipper (*Pyrgus ruralis lagunae*) and take (locate and video monitor nests) the least Bell's vireo (*Vireo bellii pustillus*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–099265

Applicant: Russell Smith, Woodland Hills, California.

The applicant requests a permit to take (survey by pursuit, capture, handle, take, mark, translocate, hold in captivity, breed in captivity, and release to the wild) the mountain yellow-legged frog (*Rana muscosa*) in conjunction with recovery efforts throughout the range of the species in California for the purpose of enhancing its survival.

We solicit public review and comment on each of these recovery permit applications.

Dated: February 22, 2005.

Michael Fris,

Acting Manager, California/Nevada Operations Office, U.S. Fish and Wildlife Service.

[FR Doc. 05–3887 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Sport Fishing and Boating Partnership Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Fish and Wildlife Service announces a meeting designed to foster partnerships to enhance public awareness of the importance of aquatic resources and the social and economic benefits of recreational fishing and boating in the United States. This meeting, sponsored by the Sport Fishing and Boating Partnership Council (Council), is open to the public, and interested persons may make oral statements to the Council or may file written statements for consideration.

DATES: The meeting will be held on Thursday, March 10, 2005, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Department of the Interior, Secretary's Conference Room 5160, 1849 C Street, NW., Washington, DC 20240; telephone (703) 358–2336.

Summary minutes of the conference will be maintained by the Council Coordinator at 4401 N. Fairfax Drive, MS–3101–AEA, Arlington, VA 22203, and will be available for public inspection during regular business hours within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

FOR FURTHER INFORMATION CONTACT: Douglas Hobbs, Council Coordinator, at (703) 358–2336.

SUPPLEMENTARY INFORMATION: The Sport Fishing and Boating Partnership Council was formed in January 1993 to advise the Secretary of the Interior, through the Director, U.S. Fish and Wildlife Service, about sport fishing and boating issues. The Council represents the interests of the public and private sectors of the sport fishing and boating communities and is organized to enhance partnerships among industry, constituency groups, and government. The 18-member Council includes the Director of the Service and the president of the International Association of Fish and Wildlife Agencies, who both serve in ex officio capacities. Other Council members are Directors from State agencies responsible for managing recreational fish and wildlife resources and individuals who represent the interests of saltwater and freshwater recreational fishing, recreational boating, the recreational fishing and boating industries, recreational fisheries resource conservation, aquatic resource outreach and education, and tourism. The Council will convene to discuss: (1) The Council's continuing role in providing input to the Fish and Wildlife Service on the Service's strategic vision for its Fisheries Program; (2) the Council's work in its role as a facilitator of discussions with Federal and State agencies and other sportfishing and boating interests concerning a variety of national boating and fisheries management issues; and (3) the Council's role in providing the Interior Secretary with information about the implementation of the Strategic Plan for the National Outreach and Communications Program. The Interior Secretary approved the Strategic Plan in February 1999, as well as the five-year, $36-million federally funded outreach campaign authorized by the 1998 Sportfishing and Boating Safety Act that is now being implemented by the Recreational Boating and Fishing Foundation, a private, nonprofit organization.

Dated: February 23, 2005.

Matt Hogan,

Deputy Director.

[FR Doc. 05–3906 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for the Pueblo of Jemez's Proposed Trust Acquisition and Casino Project, Dona Ana County, NM

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), in cooperation with the Pueblo of Jemez (Pueblo), intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for a proposed 78.431 acre trust acquisition and casino project to be located within Dona Ana County, New Mexico. The purpose of the proposed action is to improve the economy of the Pueblo and help its members attain economic self-sufficiency. This notice also announces a public scoping meeting to identify potential issues and alternatives to be considered in the EIS.

DATES: Written comments on the scope of the EIS or implementation of the proposal must arrive by April 18, 2005. The public scoping meeting will be held March 16, 2005, from 7 p.m. to 9 p.m., or until the last public comment is received.

ADDRESSES: You may mail or hand carry written comments to Mr. Larry Morrin, Regional Director, Southwest Regional Office, Bureau of Indian Affairs, P.O. Box 26567, Albuquerque, NM 87125. Please include your name, return address, and the caption, ''DEIS Scoping Comments, Pueblo of Jemez Trust Acquisition and Casino Project,'' on the first page of your written comments.

The location of the public scoping meeting is the VFW Hall, Anthony, New Mexico.

FOR FURTHER INFORMATION CONTACT: Dawn Selwyn, (505) 563–3106.

SUPPLEMENTARY INFORMATION: The Pueblo proposes that 78.431 acres of land be taken into trust so that the Pueblo may use the property for the development of gaming and related entertainment facilities. The 78.431 acres proposed for trust acquisition are part of a 111.7 acre tract located on the southwest corner of Interstate 10 and New Mexico State Road 404 (O'Hara Road) in Dona Ana County, New Mexico.

Although the eventual size and scope of the facilities may be altered based on information obtained through the EIS process, the Pueblo's current proposal is to build and then operate for 2 years a 24,000 square foot temporary casino on acquired trust land, while building a permanent gaming facility. The permanent facility, also on acquired trust land, would have a 48,000 square feet gaming floor and would be connected to an 80 to 100 room hotel located on adjacent, non-trust land. The temporary casino would have asphalt parking for 500 vehicles that would be retained after operations begin in the permanent casino. Approximately 260 additional asphalt parking spaces, including spaces for oversized vehicles, will be added at the time the permanent casino begins operations.

The proposed action encompasses the various federal approvals required to implement the Pueblo's fee-to-trust application.

Areas of environmental concern identified so far for analysis in the EIS include land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, traffic and transportation, land use, public utilities and services, noise, lighting, hazardous materials, environmental justice, and visual resources/aesthetics. The range of issues and alternatives to be addressed in the EIS may be expanded based on comments received in response to this notice and at the public scoping meeting.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by the law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Authority: This notice is published in accordance with section 1503.1 of the Council of Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.l.

Dated: February 23, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–4028 Filed 2–28–05; 8:45 am]

BILLING CODE 3410–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–100–05–1310–DB]

Notice of Meeting of the Pinedale Anticline Working Group

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (1976) and the Federal Advisory Committee Act (1972), the U.S. Department of the Interior, Bureau of Land Management (BLM) Pinedale Anticline Working Group (PAWG) will meet in Pinedale, Wyoming, for a business meeting. Group meetings are open to the public.

DATES: The PAWG will hold meetings on April 21 and May 19, 2005, with both meetings being held from 9 a.m. until 5 p.m.

ADDRESSES: These meetings of the PAWG will be held in the Lovatt room of the Pinedale Library, 155 S. Tyler Ave., Pinedale, WY.

FOR FURTHER INFORMATION CONTACT: Carol Kruse, BLM/PAWG Liaison, Bureau of Land Management, Pinedale Field Office, 432 E. Mills St., PO Box 738, Pinedale, WY 82941; 307–367–5352.

SUPPLEMENTARY INFORMATION: The Pinedale Anticline Working Group (PAWG) was authorized and established with release of the Record of Decision (ROD) for the Pinedale Anticline Oil and Gas Exploration and Development Project on July 27, 2000. The PAWG advises the BLM on the development and implementation of monitoring plans and adaptive management decisions as development of the Pinedale Anticline Natural Gas Field (PAPA) proceeds for the life of the field.

The agenda for these meetings will include follow-up discussions and recommendations on proposed monitoring plans submitted by individual task groups. At a minimum, public comments will be heard prior to lunch and adjournment of the meeting each day.

Dated: February 14, 2005.

Priscilla E. Mecham,

Field Office Manager.

[FR Doc. 05–3837 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–912–05–1990–PO–241A–006F]

Sierra Front-Northwestern Great Basin Resource Advisory Council; Notice of Meeting Locations and Times

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting locations and times for the Sierra Front-Northwestern Great Basin Resource Advisory Council (Nevada).

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), two meetings of the U.S. Department of the Interior, Bureau of Land Management (BLM) Sierra Front-Northwestern Great Basin Resource Advisory Council (RAC), Nevada, will be held as indicated below. Topics for discussion at the meetings will include, but are not limited to: Manager's reports of current field office activities; RAC subcommittee reports on guidelines for wild horse management; Carson City Field Office Energy RMP Amendment/DEIS; Churchill County RMP Amendment/EA; Pine Nut Mountain RMP Amendment/DEIS; Granite-Fox Power Plant Project; Coer-Rochester Mine Plan/DEIS; BLM–Nevada Draft OHV Route Inventory & Designation Strategy; Winnemucca RMP/DEIS; Winnemucca Field Office Wildfire Support Group; Sierra Front Recreation Coalition Map; and additional topics the council may raise during the meetings.

DATES & TIMES: The RAC will meet on Wednesday-Thursday, April 27–28, 2005, at the BLM-Winnemucca Field Office, 5100 East Winnemucca Blvd., Winnemucca, Nevada; and on Thursday-Friday, July 28–29, 2005, at the BLM–Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada. All meetings are open to the public. A general public comment period, where the public may submit oral or written comments to the RAC, will be held on the first day of each two-day meeting at 4 p.m. (April 27 & July 28).

A final detailed agenda, with any additions/corrections to agenda topics and the starting and ending times of each meeting, will be determined/posted at least two weeks before each two-day meeting on the BLM–Nevada State Office Web site at *http://www.nv.blm.gov/rac*; hard copies of the agendas can also be mailed or sent via FAX. Individuals who need special assistance such as sign language interpretation or other reasonable accommodations, or who wish a hard copy of the agenda, should contact Mark Struble, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701, telephone (775) 885–6107, no later than two weeks before each two-day meeting.

FOR FURTHER INFORMATION CONTACT: Mark Struble, Public Affairs Officer, BLM Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701. Telephone: (775) 885–6107. E-mail: *mstruble@nv.blm.gov*

Dated: February 22, 2005.

Don Hicks,

Field Office Manager, BLM–Carson City Field Office.

[FR Doc. 05–3888 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–180]

Cancellation of Scheduled Meeting of the Central California Resource Advisory Council

ACTION: Cancellation of public meeting .

SUMMARY: The meeting of the Central California Advisory Council scheduled for March 11 and 12, 2005, as announced in the **Federal Register** on February 15, 2005 (Volume 70, Number 30, Page 7757) is cancelled for logistical reasons, and will be rescheduled for July.

FOR FURTHER INFORMATION CONTACT: Deane Swickard, Field Manager, 63 Natoma Street, Folsom, CA 95630, telephone (916) 985–4474.

SUPPLEMENTARY INFORMATION: The twelve-member Central California Resource Advisory Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues associated with public land management in Central California. The meeting will be rescheduled for July in the Sacramento region on a date yet unspecified. The rescheduled meeting will be announced in the **Federal Register**.

Charge Code: CA 180–1430–HN.

Dated: February 23, 2005.

D.K. Swickard,

Folsom Field Office Manager.

[FR Doc. 05–3890 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Programmatic Environmental Assessment of Structure-Removal Operations on the Gulf of Mexico Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of availability of an environmental assessment.

SUMMARY: The Minerals Management Service has prepared an environmental assessment (EA) to evaluate the potential environmental impacts of structure-removal activities on the Gulf of Mexico (GOM) Outer Continental Shelf (OCS). The activities analyzed in the EA include vessel and equipment mobilization, structure preparation, nonexplosive- and explosive-severance activities, post-severance lifting and salvage, and site-clearance verification. The impact-producing factors of structure removals considered in the EA include seafloor disturbances, air emissions and water discharges, pressure and acoustic energy from explosive detonations, and space-use conflicts with other OCS users.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Mr. Dennis Chew, (504) 736–2793.

SUPPLEMENTARY INFORMATION: The MMS requires operators engaged in activities on the OCS, including structure-removal or decommissioning activities, to comply with the OCS Lands Act of 1953, as amended, and its implementing regulations for operations at 30 CFR part 250, and with a number of lease stipulations, Notices to Lessees, and other mitigation measures designed to reduce or eliminate impacts to sensitive environmental resources from impact-producing factors such as vessel or aircraft traffic, anchoring, and trash and debris. As part of the impact analyses completed in the Structure-Removal Operations EA, current (the status quo) and additional feasible mitigation measures were considered and evaluated to reduce further the potential for impacts to marine mammals, sea turtles, archaeological artifacts, and sensitive biological features. Based on established significance criteria, the results of the impact analyses are that structure-removal activities are not expected to result in significant adverse impacts to any of the potentially affected resources. Potentially adverse but not significant impacts were identified for marine mammals, and negligible to potentially adverse but not significant impacts were identified for sea turtles. No potentially significant impacts were identified for air and water quality; fish, benthic, and archaeological resources; or other OCS pipeline, navigation, and military uses. The EA has resulted in a Finding of No Significant Impact (FONSI). Based on this EA, we have concluded that the structure-removal activities evaluated in the EA will not significantly affect the quality of the human environment. Preparation of an environmental impact statement is not required. The EA will be included as part of the information package used to petition the National Oceanic and Atmospheric Administration (NOAA) for small ''takes'' incidental to explosive-severance activities in the GOM, under the enabling regulations of the Marine Mammal Protection Act. Information from the EA will also be used in documentation for a formal consultation with NOAA under Section 7 of the Endangered Species Act (50 CFR 402.14).

Public Comments: Interested parties may submit comments on this EA/FONSI within 30 days of this Notice's publication to the Regional Supervisor, Leasing and Environment (MS 5410), Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Comments may be submitted in one of the following three ways:

1. Comments may be submitted using MMS's new Public Connect on-line commenting system at *https://ocsconnect.mms.gov.* This is the preferred method for commenting. From the Public Connect ''Welcome'' screen,

search for ''Programmatic Environmental Assessment of Structure-Removal Operations on the Gulf of Mexico Outer Continental Shelf'' or select it from the ''Projects Open for Comment'' menu.

2. Written comments may be enclosed in an envelope labeled ''Comments on Structure-Removal Operations EA/FONSI'' and mailed to the above address.

3. Comments may be sent to the MMS e-mail address: *environment@mms.gov.* All comments received will be considered in the decisionmaking process for structure-removal operations.

EA Availability: To obtain a copy of the EA, you may contact the Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394 (1–800–200–GULF). You my also view the EA on the MMS Web site at *http://www.gomr.mms.gov.*

Dated: November 22, 2004.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 05–3914 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Availability of Environmental Documents. Prepared for OCS Mineral Proposals on the Gulf of Mexico OCS.

SUMMARY: Minerals Management Service (MMS), in accordance with Federal Regulations that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Site-Specific Environmental Assessments (SEA) and Findings of No Significant Impact (FONSI), prepared by MMS for the following oil and gas activities proposed on the Gulf of Mexico OCS.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section at the number below. Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394, or by calling 1–800–200–GULF.

SUPPLEMENTARY INFORMATION: MMS prepares SEAs and FONSIs for proposals that relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. These SEAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the SEA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

This listing includes all proposals for which the Gulf of Mexico OCS Region prepared a FONSI in the period subsequent to publication of the preceding notice.

Activity/operator	Location	Date
Chevron U.S.A., Inc., Supplemental Exploration Plan SEA S–6495.	Viosca Knoll, Block 204, Lease OCS–G 04921 & Block 248, Lease OCS–G 25054, located 31 miles from the nearest Alabama shoreline.	10/4/2004
Stone Energy Corporation, Structure Removal SEA ES/SR 04–141.	East Cameron, Block 220, Lease OCS–G 03323, located 64 miles from the nearest Louisiana shoreline.	10/6/2004
BP Exploration & Production, Inc., Geological & Geophysical Exploration Plan, SEA L04–63.	Located in the central Gulf of Mexico	10/6/2004
Comstock Offshore, LLC, Structure Removal SEA ES/SR 04–138, 04–139, 04–140.	Ship Shoal; Blocks 113, 119, 120; Leases OCS 00067, 00069, 00038; located 13 to 17 miles south of Terrebonne Parish, Louisiana.	10/6/2004
NCX Company, LLC, Structure Removal SEA 04–116, 04–117	High Island East (South), Block A270, Lease OCS–G 02724, located 85 miles from the nearest Texas shoreline..	10/12/2004
Shell Exploration & Production Company, Geological & Geophysical Exploration Plan for Western Geco, SEA L04–64.	Located in the central Gulf of Mexico east of Galveston, Texas	10/14/2004
Fugro Multi-Client Services, Inc., Geological & Geophysical Exploration Plan for Fugro GeoTeam AS, SEA T04–20.	Located in the central Gulf of Mexico	10/20/2004
Comstock Offshore, LLC, Structure Removal SEA ES/SR 04–145.	Ship Shoal, Block 118, Lease OCS–00068, located 18 miles from the nearest Louisiana shoreline.	10/28/2004
J.M. Huber Corporation, Structure Removal SEA ES/SR 04–142.	West Cameron, Block 249, OCS–G 03499, located 42 miles from the nearest Louisiana shoreline.	10/28/2004
Shell Offshore, Inc., Structure Removal SEA ES/SR 04–144	Brazos, Block A19, Lease OCS–G 03936, located 38 miles from the nearest Louisiana shoreline.	11/1/2004
Southern Natural Gas Company, Structure Removal SEA ES/SR 04–147.	Main Pass (South and East Addition), Block 293, Lease ROW OCS–G 01906, located 26 miles from the nearest Louisiana shoreline.	11/9/2004
Remington Oil & Gas Corporation, Structure Removal SEA ES/SR 04–146.	Vermilion, Block 117, Lease OCS–G 22618, located 30 miles from the nearest Louisiana shoreline.	11/9/2004
TDC Energy, LLC, Structure Removal SEA ES/SR 04–152	South Timbalier, Block 99, Lease OCS–G 10825, located 25 miles from the nearest Louisiana shoreline.	12/1/2004
CGG Americas, Inc., Geological & Geophysical Exploration Plan SEA L04–68.	Located in the central Gulf of Mexico	12/6/2004
Veritas DGC Corporation, Geological & Geophysical Exploration Plan SEA T04–26.	Located in the western Gulf of Mexico	12/6/2004
Marlin Energy Offshore, LLC, Structure Removal SEA ES/SR 04–148, 04–149.	South Timbalier, Block 21, Lease OCS–00263, located 5 miles from the nearest Louisiana shoreline.	12/6/2004

Activity/operator	Location	Date
Marlin Energy Offshore, LLC, Structure Removal SEA ES/SR 04–150, 04–151.	South Timbalier, Block 28, Lease OCS–G 01362, located 5 miles from the nearest Louisiana shoreline.	12/6/2004
Anadarko Petroleum Corporation, Initial Exploration Plan, SEA N–8236.	Lloyd Ridge, Blocks 94 & 95, OCS–G 23462 & 23463, located in the eastern Gulf of Mexico.	12/7/2004
Chevron U.S.A., Inc., Initial Exploration Plan SEA N–8241	Main Pass, Block 221, Lease OCS–G 26163, located 62 miles from the nearest Alabama shoreline.	12/8/2004
TDC Energy, Structure Removal SEA ES/SR 04–153	South Timbalier, Block 112, Lease OCS–G 10828, located 25 miles from the nearest Louisiana shoreline.	12/8/2004
SPN Resources, Structure Removal SEA ES/SR 04–143	West Cameron, Block 280, Lease OCS–G 00911, located 60 miles from the nearest Louisiana shoreline.	12/8/2004
Forest Oil Corporation, Structure Removal SEA ES/SR 99–027A.	Main Pass, Block 98, Lease OCS–G 05694, located 38 miles from the nearest Louisiana shoreline.	12/9/2004
WesternGeco, Geological & Geophysical Exploration Plan for Total SEA L04–70.	Located in the central Gulf of Mexico	12/10/2004
Chevron U.S.A., Inc., Initial Exploration Plan SEA N–8251	Viosca Knoll, Block 248, Lease OCS–G 25054, located 31 miles from the nearest Alabama shoreline.	12/14/2004
Fugro GeoServices, Inc., Geological & Geophysical Exploration Plan SEA L04–72.	Located in the central Gulf of Mexico south of Patterson, LA ...	12/28/2004
Veritas DGC Corporation, Geological & Geophysical Exploration Plan SEA T04–28.	Located in the western Gulf of Mexico east of Galveston, TX ..	12/28/2004

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about SEAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact MMS at the address or telephone listed in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: January 14, 2005.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 05–3915 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Battle Creek Salmon and Steelhead Restoration Project (Restoration Project) Tehama and Shasta Counties, CA

AGENCY: Bureau of Reclamation, U.S. Department of the Interior.

ACTION: Notice of availability of draft supplemental environmental impact statement/revised environmental impact report (Draft SEIS/REIR).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), CEQ NEPA Regulations (40 CFR 1502.9[c][1]), and Public Resources Code, sections 21000–21177 of the California Environmental Quality Act (CEQA) and the California Code of Regulations, title 14, section 15088.5 of the CEQA Guidelines, the Bureau of Reclamation the lead Federal agency, the Federal Energy Regulatory Commission (FERC), a cooperating Federal agency, and the State Water Resources Control Board (SWRCB), the lead State agency, have made available for public review and comment a Draft SEIS/REIR for the Battle Creek Salmon and Steelhead Restoration Project (Restoration Project).

The notice of availability of the original joint Draft Environmental Impact Statement/Environmental Impact Report) (Draft EIS/EIR) and notice of public workshop and notice of public hearing was published in the **Federal Register** on Friday July 18, 2003 (68 FR 42758). Numerous comments addressing a wide range of issues were received on the Draft EIS/EIR, with some warranting circulation of supplemental/revised information to the original joint environmental document.

The Draft SEIS/REIR will disclose a new environmental analysis and propose mitigation regarding the increased risk of fish disease infection at private aquaculture facilities through the increase of naturally-spawning Battle Creek salmon and steelhead species under the Restoration Project. In addition, the Draft SEIS/REIR will disclose the potentially significant environmental effects of spreading certain harmful fish diseases from Battle Creek via private trout aquaculture operations that transfer trout from facilities in the Project Area to other State waters. The Draft SEIS/REIR will also disclose information regarding the 8 Dam Removal alternative and its dismissal from further consideration.

DATES: Public comments on the Draft SEIS/REIR should be submitted on or before April 29, 2005, to both Ms. Mary Marshall and Mr. Jim Canaday at the addresses below.

ADDRESSES: Written comments on the Draft SEIS/REIR should be addressed to Ms. Mary Marshall, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825 (e-mail: *mmarshall@mp.usbr.gov*); and Mr. Jim Canaday, State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814 (e-mail: *jcanaday@waterrights.swrcb.ca.gov*).

Requests for a compact disk or a bound copy of the Draft SEIS/REIR should be addressed to Dr. Rosemary Stefani, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825, telephone: (916) 978–5309, or e-mail: *rstefani@mp.usbr.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Mary Marshall at (916) 978–5248, TDD (916) 978–5608, e-mail: *mmarshall@mp.usbr.gov* or Mr. Jim Canaday at (916) 341–5308, e-mail: *jcanaday@waterrights.swrcb.ca.gov.*

SUPPLMENTARY INFORMATION: Copies of the Draft SEIS/REIR are available for public review at the following locations:

- Tehama County Library, 645 Madison, Red Bluff, CA 96080, (530) 527–0604
- Shasta County Library, 1855 Shasta Street, Redding, CA 96001, (530) 225–5769
- Susanville Library, Lassen County, 1618 Main Street, Susanville, CA 96130, (530) 251–8127
- Bureau of Reclamation, Red Bluff Field Office, 22500 Altube Avenue, Red Bluff, CA 96080, (530) 529–3890
- Bureau of Reclamation, Office of Public Affairs, 2800 Cottage Way, Sacramento, CA 95825–1898, (916) 978–5100
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225, (303) 445–2072
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001

- State Water Resources Control Board, Division of Water Rights, 1001 I Street, 14th Floor, Sacramento, CA 95814, (916) 341–5300

Public Disclosure Statement

Comments, including names and home addresses of respondents, will be made available for public review. Individual respondents may request that their home address be withheld from public disclosure, which will be honored to the extent allowable by law. There may be circumstances in which a respondent's identity may also be withheld from public disclosure, as allowable by law. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Dated: January 7, 2005.

Kirk C. Rodgers,

Regional Director, Mid-Pacific Region.

[FR Doc. 05–3930 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Supplemental Environmental Impact Statement on the AB Lateral Hydropower Project in Montrose County, CO

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of cancellation.

SUMMARY: The Bureau of Reclamation is canceling plans to prepare a supplemental environmental impact statement (EIS) on the AB Lateral Hydropower Project. The hydropower project planned to use existing facilities of the Uncompahgre Valley Reclamation Project and would have been located in Montrose County, Colorado. The reason for canceling is that the project proponents, including the Uncompahgre Valley Water User's Association, have elected not to pursue approval of the project at this time.

FOR FURTHER INFORMATION CONTACT: Mr. Steve McCall, Chief, Environmental Staff, Bureau of Reclamation, Western Colorado Area Office, 2764 Compass Drive, Suite 106, Grand Junction, Colorado 81506, telephone, (970) 248–0638.

SUPPLEMENTARY INFORMATION: Reclamation filed a final EIS on the project in 1990 and the supplemental EIS was planned to address changes in the project plan and changes in resource evaluations. The primary federal actions on this project would have been execution of a lease of power privilege (a type of contract) with Reclamation and the granting of a Section 404 permit under the Clean Water Act from the U.S. Army Corps of Engineers.

Dated: February 9, 2005.

Connie L. Rupp,

Assistant Regional Director—UC Region, Bureau of Reclamation.

[FR Doc. 05–3896 Filed 2–28–05; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–486 Enforcement Proceedings]

Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Finding Two Respondents in Default

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) of the presiding administrative law judge (ALJ) in the above-captioned investigation finding two respondents, Beiqi Foton Motor Co., Ltd. and Shandong Worldbest Shantou Co., Ltd., in default, and to have waived their respective rights to appear, to be served with documents, and to contest the allegations at issue in the investigation.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Esq., telephone 202–205–3041, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server *(http://www.usitc.gov)*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: On August, 2, 2004, the complainant, CNH America LLC, filed a complaint seeking enforcement proceedings of the limited exclusion order issued in Certain Agricultural Tractors, Inv. No. 337–TA–486. The complainant asserted that the recipient of the limited order, now known as Beiqi Foton Motor Co., Ltd., continues to export infringing tractors to the United States. Complainant also requested that the Commission modify the limited exclusion order by replacing it with a general exclusion order and various cease and desist orders in order to prevent alleged circumvention of the limited exclusion order.

On November 19, 2004, the Commission instituted formal enforcement proceedings to determine whether Beiqi Foton Motor Co. Ltd. and Shandong Worldbest Shantou Co., Ltd., an allegedly related company, are in violation of the Commission's limited exclusion order issued in the investigation, and what if any enforcement measures are appropriate. The Commission set a seven-month deadline for issuance of the enforcement initial determination by the ALJ and named the following entities as parties to the enforcement proceeding: (1) Complainant CNH America LLC; (2) respondent Beiqi Foton Motor Co., Ltd.; (3) respondent Shandong Worldbest Shantou Co., Ltd.; and (4) a Commission investigative attorney (IA) to be designated by OUII. 69 FR 67757 (Nov. 19, 2004). The Commission subsequently set a target date of November 21, 2005 for completion of the investigation.

The complaint was mailed to the two respondents on November 17, 2004, and they were notified in the letter accompanying the complaint that they could be found in default if they failed to respond. When they did not respond, the ALJ issued a show cause order (Order 1E) on December 29, 2004, which required the two respondents to show cause why they should not be found in default. A deadline of January 18, 2005, was set for the respondents to respond to that order. While respondents did not respond to the show cause order, complainant and the IA responded on January 18, 2005, and urged the ALJ to find the two respondents in default.

The ALJ issued the subject ID (Order 2E) on February 4, 2005. The ALJ found in the ID that the two respondents did

not respond to the complaint, notice of investigation, or the order to show cause. Consequently, the ALJ found the respondents in default, and pursuant to Commission Rule 210.16(b)(3), to have waived their right to appear, be served with documents, or contest the allegations in the enforcement complaint. The ALJ also ordered the complainant to file a brief by February 23, 2005, addressing the appropriate enforcement remedy. The ALJ indicated that the IA should file a response to complainant's brief by March 4, 2005. No petitions for review of the subject ID were filed.

This action is taken under the authority of § 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and § 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Issued: February 23, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3905 Filed 2–28–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–1074 and 1075 (Final)]

Certain Circular Welded Carbon Quality Line Pipe From Korea and Mexico

AGENCY: International Trade Commission.

ACTION: Termination of investigations.

SUMMARY: On February 17, 2005, the U.S. Department of Commerce published notice of the termination of its antidumping duty investigations on certain circular welded carbon quality line pipe from Korea and Mexico (70 FR 8071). Accordingly, the Commission gives notice that its antidumping duty investigations concerning such line pipe from Korea and Mexico (Investigations Nos. 731–TA–1074 and 1075 (Final)) are terminated.

DATES: *Effective Date:* February 17, 2005.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187 or via e-mail *fred.ruggles@usitc.gov*), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. 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 *(http://www.usitc.gov)*. The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

Authority: These investigations are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.40 of the Commission's rules (19 CFR 207.40).

Issued: February 24, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3904 Filed 2–28–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–469 (Second Review)]

Electroluminescent Flat Panel Displays From Japan

AGENCY: International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on electroluminescent flat panel displays from Japan.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on electroluminescent flat panel displays from Japan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is April 20, 2005. Comments on the adequacy of responses may be filed with the Commission by May 16, 2005. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: March 1, 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 this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. On September 4, 1991, the Department of Commerce issued an antidumping duty order on imports of electroluminescent flat panel displays from Japan (56 FR 43741). Following five-year reviews by Commerce and the Commission, effective April 11, 2000, Commerce issued a continuation of the antidumping duty order on imports of electroluminescent flat panel displays from Japan (65 FR 19360). The Commission is now conducting a second review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions. The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Japan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 05–5–113, expiration date June 30, 2005. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

determination, the Commission defined the *Domestic Like Product* as high-information content flat panel displays and display glass therefor. Certain Commissioners defined the *Domestic Like Product* differently. In its expedited five-year review determination, the Commission defined the *Domestic Like Product* as electroluminescent flat panel displays, co-extensive with Commerce's scope. Certain Commissioners defined the *Domestic Like Product* differently.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as producers of high-information content flat panel displays and display glass therefor. The Commission also found that the *Domestic Industry* does not include In Focus, the integrators, or the assemblers. Certain Commissioners defined the *Domestic Industry* differently. In its expedited five-year review determination, the Commission defined the *Domestic Industry* as all domestic producers of electroluminescent flat panel displays. Certain Commissioners defined the *Domestic Industry* differently.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the review and public service list. Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission is seeking guidance as to whether a second transition five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list. Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification. Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions. Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is April 20, 2005. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is May 16, 2005. All written submissions must conform with the provisions of §§ 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by § 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability to provide requested information. Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information to be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate

in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 1990.

(7) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2004 (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s); and

(c) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in units and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production; and

(b) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 1990, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(11) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

Issued: February 23, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3947 Filed 2–28–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–377 (Second Review)]

Internal Combustion Industrial Forklift Trucks From Japan

AGENCY: International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on internal combustion industrial forklift trucks from Japan.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on internal combustion industrial forklift trucks from Japan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is April 20, 2005. Comments on the adequacy of responses may be filed with the Commission by May 16, 2005. For further information concerning the conduct of this review and rules of general application, consult

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 05–5–114, expiration date June 30, 2005. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

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: March 1, 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 this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On June 7, 1988, the Department of Commerce issued an antidumping duty order on imports of internal combustion industrial forklift trucks from Japan (53 FR 20882). Following five-year reviews by Commerce and the Commission, effective April 17, 2000, Commerce issued a continuation of the antidumping duty order on imports of internal combustion industrial forklift trucks from Japan (65 FR 35323, June 2, 2000). The Commission is now conducting a second review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Japan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determination and its full five-year review determination, the Commission found a single Domestic Like Product: industrial, operator-riding internal combustion engine forklift trucks with a weight-lift capacity of between 2,000 and 15,000 pounds (inclusive), with a U.S.-produced frame.

(4) The *Domestic Industry* is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determination and its full five-year review determination, the Commission defined the Domestic Industry as U.S. producers of industrial, operator-riding internal combustion engine forklift trucks with a weight-lift capacity of between 2,000 and 15,000 pounds (inclusive), with a U.S.-produced frame. However, in its full five-year review determination, the Commission excluded from the Domestic Industry Mitsubishi Caterpillar, Toyota Industrial, Nissan Forklift, Komatsu USA, and TCM USA under the related parties provision. Certain Commissioners defined the Domestic Industry differently in the full five-year review determination.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the review and public service list.—Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission is seeking guidance as to whether a second transition five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at (202) 205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is April 20, 2005. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is May 16,

2005. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information to be Provided in Response to this Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and e-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Country that currently export or have exported Subject Merchandise to the United States or other countries after 1998.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2004 (report quantity data in number of trucks and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/ which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in number of trucks and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Country accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of Subject Merchandise imported from the Subject Country; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from the Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in number of trucks and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/ business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Country accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country after 1998, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product

produced in the United States, Subject Merchandise produced in the Subject Country, and such merchandise from other countries.

(11) (*Optional*) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 23, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3949 Filed 2–28–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Porcelain-on-Steel Cooking Ware From China and Taiwan (Investigations Nos. 731–TA–298 and 299 (Second Review)); Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan (Investigations Nos. 701–TA–267 and 268 and 731–TA–304 and 305 (Second Review))

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the antidumping duty orders on porcelain-on-steel cooking ware from China and Taiwan and the countervailing and antidumping duty orders on top-of-the-stove stainless steel cooking ware from Korea and Taiwan.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty orders on porcelain-on-steel cooking ware from China and Taiwan and the countervailing and antidumping duty orders on top-of-the-stove stainless steel cooking ware from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is April 20, 2005. Comments on the adequacy of responses may be filed with the Commission by May 16, 2005. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* March 1, 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:

Background. On December 2, 1986, the Department of Commerce issued antidumping duty orders on imports of porcelain-on-steel cooking ware from China and Taiwan (51 FR 43414). On January 20, 1987, Commerce issued antidumping and countervailing duty orders on imports of top-of-the-stove stainless steel cooking ware from Korea and Taiwan (52 FR 2138). Following five-year reviews by Commerce and the Commission, effective April 14, 2000, Commerce issued a continuation of the antidumping duty orders on porcelain-on-steel cooking ware from China and Taiwan (65 FR 20136 and 21504) and, effective April 18, 2000, Commerce issued a continuation of the countervailing and antidumping duty orders on top-of-the-stove stainless steel cooking ware from Korea and Taiwan (65 FR 20801). The Commission is now conducting second reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions. The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Countries* in these reviews are China, Korea, and Taiwan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determinations and its full five-year review determinations concerning porcelain-on-steel cooking ware from China and Taiwan, the Commission defined the Domestic Like Product as all porcelain-on-steel cooking ware, including teakettles. One Commissioner defined the Domestic Like Product differently in the original determinations concerning porcelain-on-steel cooking ware from China and Taiwan. In the original antidumping and countervailing duty determinations and the full five-year review determinations concerning top-of-the-stove stainless steel cooking ware from Korea and Taiwan, the Commission defined the Domestic Like Product to correspond with the Subject Merchandise, that is, all top-of-the-stove stainless steel cooking ware, excluding teakettles, ovenware, and kitchen ware.

(4) The *Domestic Industry* is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determinations and its full five-year review determinations concerning porcelain-on-steel cooking ware from China and Taiwan, the Commission defined the Domestic Industry as producers of porcelain-on-steel cooking ware, including teakettles. One Commissioner defined the Domestic Industry differently in the original determinations concerning porcelain-on-steel cooking ware from China and Taiwan. In the original antidumping and countervailing duty determinations and full five-year review determinations concerning top-of-the-stove stainless steel cooking ware from Korea and Taiwan, the Commission defined the

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 05–5–115, expiration date June 30, 2005. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Domestic Industry as producers of top-of-the-stove stainless steel cooking ware.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the reviews and public service list. Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission is seeking guidance as to whether a second transition five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at (202) 205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification. Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions. Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is April 20, 2005. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is May 16, 2005. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information. Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information to be Provided in Response to this Notice of Institution: Please provide the requested information separately for each Domestic Like Product, as defined by the Commission in its original determinations and its full five-year review determinations, and for each of the products identified by Commerce as Subject Merchandise. If you are a domestic producer, union/worker group, or trade/business association; import/export Subject Merchandise from more than one Subject Country; or produce Subject Merchandise in more than one Subject Country, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent Subject Country. As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and e-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing and/or antidumping duty orders on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and

likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in each Subject Country that currently export or have exported Subject Merchandise to the United States or other countries after 1998.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2004 (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Country(ies), provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from each Subject Country accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from each Subject Country; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from each Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country(ies), provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in units and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in each Subject Country accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from each Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in each Subject Country after 1998, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in each Subject Country, and such merchandise from other countries.

(11) (*Optional*) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: February 23, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3952 Filed 2–28–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–287 (Review)]

Raw In-Shell Pistachios From Iran

AGENCY: United States International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on raw in-shell pistachios from Iran.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on raw in-shell pistachios from Iran would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is April 20, 2005. Comments on the adequacy of responses may be filed with the Commission by May 16, 2005. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: March 1, 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-

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 05–5–116, expiration date June 30, 2005. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background. On July 17, 1986, the Department of Commerce issued an antidumping duty order on imports of raw in-shell pistachios from Iran (51 FR 25922). The Commission is conducting a review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions. The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Iran.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determination, the Commission defined the Domestic Like Product as raw in-shell pistachio nuts that have been harvested, hulled, dried to a moisture content of 4–6 percent, and graded.

(4) The *Domestic Industry* is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the Domestic Industry as growers of pistachio nuts and processors of pistachio nuts from hulling through grading.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the Order Date is July 17, 1986.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the review and public service list. Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission's designated agency ethics official has advised that a five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification. Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions. Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is April 20, 2005. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is May 16, 2005. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability to provide requested information. Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative

forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information to be Provided in Response to this Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and e-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Country that currently export or have exported Subject Merchandise to the United States or other countries since the Order Date.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2004 (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Country accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from the Subject Country; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from the Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2004 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Country accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country since the Order Date, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Country, and such merchandise from other countries.

(11) (*Optional*) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: February 23, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3948 Filed 2–28–05; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Investigator Integrity Questionnaire.

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. This proposed information collection was previously published in the **Federal Register** Volume 69, Number 238, page 72219 on December 13, 2004, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 31, 2005. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Investigator Integrity Questionnaire.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: ATF F 8620.7. 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: Individuals or households. Other: None. ATF utilizes the services of contract investigators to conduct security/suitability investigations on prospective or current employees, as well as those contractors and consultants doing business with ATF. Persons interviewed by contract investigators will be randomly selected to voluntarily complete a questionnaire regarding the investigator's degree of professionalism.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 2,500 respondents will complete a 5 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 208 annual total burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: Feburary 24, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–3920 Filed 2–28–05; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—American Lumber Standards Committee

Notice is hereby given that, on September 20, 2004, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), American Lumber Standards Committee (''ALSC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: American Lumber Standards Committee, Germantown, MD. The nature and scope of ALSC's standards development activities are: maintenance of Department of Commerce P.S. 20–99—American Softwood Lumber Standard (under revision), including standards making activities of the National Grading Rule Committee and Board of Review, thereunder, and development of standards and policies for the Committee's Untreated Wood Program, Treated Wood Program and Wood Packaging Program.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05–3922 Filed 2–28–05; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ControlNet International, Ltd.

Notice is hereby given that, on February 3, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ControlNet International, Ltd. (''ControlNet'') has filed written notifications simultaneously with the

Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Advanced Micro Controls, Inc., Terryville, CT; Balogh T.A.G. Corporation, Brighton, MI; Belden Wire & Cable Company, Richmond, IN; CommScope, Inc. of North Carolina, Claremont, NC; Eaton Electrical, Inc., Westerville, OH; Cyberlogic Technologies, Inc., Clawson, MI; Detector Electronics Corporation, Minneapolis, MN; Escort Memory Systems, Scotts Valley, CA; Festo AG & Co., Esslingen, Germany; Fife Corporation, Oklahoma City, OK; FLS Automation A/S, Valby, Denmark; Fujikura, Ltd., Tokyo, JAPAN; Hilscher Gesellschaft fur Systemautomation GmbH, Hattersheim, Germany; Hirschmann Electronics, Inc., Riverdale, NJ; HMS Fieldbus System AB, Halmstad, Germany; Honeywell International, Inc., Minneapolis, MN; I.D.C. Corporation, Dimondale, MI; IXXAT Automation GmbH, Weingarten, Germany; Kawasaki Robotics (USA), Inc., Wixom, MI; Kendall Electric, Inc., Battle Creek, MI; McNaughton-McKay Electric Company, Madison Heights, MI; Nordson Corporation, Westlake, OH; Numatics, Incorporated, Highland, MI; Phoenix Digital Corporation, Scottsdale, AZ; Prosoft Technology, Inc., Bakersfield, CA; Pyramid Solutions, Inc., Troy, MI; Real Time Automation, LLC, Wauwatosa, WI; Rockwell Automation/Allen-Bradley, Mayfield Heights, OH; Rockwell Automation/ Reliance Electric, Cleveland, OH; SMC Corporation of America, Tustin, CA; Unico, Inc., Franksville, WI; and Yaskawa Electric Corporation, Kitakyushu-city, Japan.

The general area of ControlNet's planned activity is to serve as an independent organization for users and vendors of ControlNet products. ControlNet manages the ControlNet Specificiation and supports the worldwide growth of the ControlNet network protocol and related networking technologies by developing test software, providing independent compliance testing, publishing the ControlNet product catalog, and sponsoring training in design and implementation of ControlNet. ControlNet also supports continuing technology enhancement by organizing Special Interest Groups to develop Device Profiles for specific classes of products.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05–3923 Filed 2–28–05; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Commission on Correctional Health Care

Notice is hereby given that, on January 21, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Commission on Correctional Health Care (''NCCHC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were failed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: National Commission on Correctional Health Care, Chicago, IL. The nature and scope of NCCHC's standards development activities are: to develop, plan, establish, coordinate, and publish voluntary consensus standards applicable to the field of correctional health care. Specifically, NCCHC develops, plans establishes, coordinates, and publishes voluntary consensus standards for prisons, jails and juvenile confinement facilities in the form of: Standards for the provision of health services; position statements concerning the provision of health services; and clinical guidelines concerning the provision of health services. Through its standard development activities, NCCHC seeks to help correctional health care systems provide efficient, high quality care. NCCHC's standards development activities are ongoing in nature, and existing standards, policy statements, and guidelines may be updated or amended from time to time.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05–3925 Filed 2–28–05; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Environmental Research Forum (''PERF'') Project No. 2003–01, ''Mercury Cooperative''

Notice is hereby given that, on February 9, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Petroleum Environmental Research Forum (''PERF'') Project No. 2003–01, ''Mercury Cooperative'' has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identifies of the parties to the venture are: ExxonMobil Research and Engineering Company, Fairfax, VA; ChevronTexaco Energy Technology Company, Richmond, CA; ConocoPhillips Company, Bartlesville, OK; Natco Group, Houston, TX; and Unocal, Sugerland, TX. The general area of this project's planned activity is, through cooperative research efforts, to crate a forum for sharing information related to the management of mercury contained in crude oils and condensates, focusing on both upstream and downstream issues. The goal will be accomplished in a multi-day interdisciplinary workshop designed to address the operational, environmental, analytical, removal, and other various aspects related to mercury. Focus areas for additional leveraged research may also be identified.

Participation in this joint venture will remain open to qualified persons and organizations, and the participants intend to file additional written notifications disclosing all changes in membership or planned activities. Information regarding participation in this group research project may be obtained from Ms. Meredith Gustafsson,

ExxonMobil Research and Engineering Company, 3225 Gallows Road, Fairfax, VA 22037, at (703) 846–4062.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05–3924 Filed 2–28–05; 8:45 am]

BILLING CODE 4410–11–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–032]

NASA Advisory Council, Financial Audit Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council (NAC), Financial Audit Committee (NFAC).

DATES: Friday, March 11, 2005, 11 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW., Room 9H40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Ermerdene Lee, Office of the Chief Financial Officer, National Aeronautics and Space Administration, Washington, DC 20546. 202/358–4529, email *elee1@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—NASA 2004 Financial Audit Summary
—NASA Financial Management Improvement Plan
—Operation Clean Opinion
—Budget Process Enhancements
—Reporting Metrics

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide the following information no less than 3 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, phone); title/position of attendee. To expedite admittance, attendees with U.S. citizenship can provide identifying information in advance by contacting Ermerdene Lee via email at *elee1@hq.nasa.gov* or by telephone at (202) 358–4529.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Michael F. O'Brien,

Assistant Administrator for External Relations.

[FR Doc. 05–3899 Filed 2–28–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Continue an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewal of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing an opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by May 2, 2005, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone 703–292–75567; or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: National Science Foundation Science Honorary Awards.

OMB Approval Number: 3145–0035.

Expiration Date of Approval: July 31, 2005.

Type of Request: Intent to seek approval to continue an information collection for three years.

Abstract: The National Science Foundation (NSF) administers several honorary awards, among them the President's National Medal of Science, the Alan T. Waterman Award, the NSB Vannevar Bush Award, and the NSB Public Service Award.

In 2003, to comply with E-government requirements, the nomination processes were converted to electronic submission through the National Science Foundation's (NSF) FastLane system. Individuals can now prepare nominations and references through *http://www.fastlane.nsf.gov/honawards/.* First-time users must register on the Fastlane Web site using the link found in the upper right-hand corner above the ''Log In'' box before accessing any of the honorary award categories.

Use of the Information: The Foundation has the following honorary award programs:

• *President's National Medal of Science.* Statutory authority for the President's National Medal of Science is contained in 42 U.S.C. 1881 (Pub. L. 86–209), which established the award and stated that ''(t)he President shall * * * award the Medal on the recommendations received from the National Academy of Sciences or on the basis of such other information and evidence as * * * appropriate.''

Subsequently, Executive Order 10961 specified procedures for the Award by establishing a National Medal of Science Committee which would ''receive recommendations made by any other nationally representative scientific or engineering organization.'' On the basis of these recommendations, the Committee was directed to select its candidates and to forward its recommendations to the President.

In 1962, to comply with these directives, the Committee initiated a solicitation form letter to invite these nominations. In 1979, the Committee initiated a nomination form as an attachment to the solicitation letter. A slightly modified version of the nomination form was used in 1980.

The Committee established the following guidelines for selection of candidates:

1. The total impact of an individual's work on the present state of physical, biological, mathematical, engineering, or social and behavioral sciences is to be the principal criterion.

2. Achievements of an unusually significant nature in relation to the potential effects of such achievements on the development of scientific thought.

3. Unusually distinguished service in the general advancement of science and engineering, when accompanied by substantial contributions to the content of science at some time.

4. Recognition by peers within the scientific community.

5. Contributions to innovation and industry.

6. Influence on education through publications, students.

7. Must be a U.S. citizen or permanent resident who has applied for citizenship.

In 2003, the Committee changed the active period of eligibility to three years, including the year of nomination. After that time, candidates must be renominated with a new nomination package for them to be considered by the Committee.

Narratives are now restricted to two pages of text, as stipulated in the guidelines at *http://www.fastlane.nsf.gov/honawards/nms.*

• *Alan T. Waterman Award.* Congress established the Alan T. Waterman Award in August 1975 (42 U.S.C. 1881a (Pub. L. 94–86) and authorized NSF to ''establish the Alan T. Waterman Award for research or advanced study in any of the sciences or engineering'' to mark the 25th anniversary of the National Science Foundation and to honor its first Director. The annual award recognizes an outstanding young researcher in any field of science or engineering supported by NSF. In addition to a medal, the awardee receives a grant of $500,000 over a three-year period for scientific research or advanced study in the mathematical, physical, medical biological, engineering, social, or other sciences at the institution of the recipient's choice.

The Alan T. Waterman Award Committee was established by NSF to comply with the directive contained in Pub. L. 94–86. The Committee solicits nominations from members of the National Academy of Sciences, National Academy of Engineering, scientific and technical organizations, and any other source, public or private, as appropriate.

In 1976, the Committee initiated a form letter to solicit these nominations. In 1980, a nomination form was used which standardized the nomination procedures, allowed for more effective Committee review, and permitted better staff work in a short period of time. On the basis of its review, the committee forwards its recommendation to the Director, NSF, and the National Science Board (NSB).

Candidates must be U.S. citizens or permanent residents and must be 35 years of age or younger or not more than seven years beyond receipt of the Ph.D. degree by December 31 of the year in which they are nominated. Candidates should have demonstrated exceptional individual achievements in scientific or engineering research of sufficient quality to place them at the forefront of their peers. Criteria include originality, innovation, and significant impact on the field.

• *Vannevar Bush Award.* The NSB established the Vannevar Bush Award in 1980 to honor Dr. Bush's unique contributions to public service. The award recognizes an individual who, through public service activities in science and technology, has made an outstanding ''contribution toward the welfare of mankind and the Nation.''

The NSB ad hoc Vannevar Bush Award Committee annually solicits nominations from selected scientific engineering and educational societies. Candidates must be a senior stateperson who is an American citizen and meets two or more of the following criteria:

1. Distinguished him/herself through public service activities in science and technology.

2. Pioneered the exploration, charting and settlement of new frontiers in science, technology, education and public service.

3. Demonstrated leadership and creativity that have inspired others to distinguished careers in science and technology.

4. Contributed to the welfare of the Nation and mankind through activities in science and technology.

5. Demonstrated leadership and creativity that have helped mold the history of advancements in the Nation's science, technology, and education.

Nominations must include a narrative description about the nominee, a curriculum vitae (without publications), and a brief citation summarizing the nominees scientific or technological contributions to our national welfare in promotion of the progress of science. Nominations must also include two reference letters, submitted separate from the nomination through *http://www.fastlane.nsf.gov/honawards/.* Nominations remain active for three years, including the year of nomination. After that time, candidates must be renominated with a new nomination for them to be considered by the selection committee.

• *NSB Public Service Award.* The NSB Public Service Award Committee was established in November 1996. This annual award recognizes people and organizations that have increased the pubic understanding of science or engineering. The award is given to an individual and to a group (company, corporation, or organization), but not to members of the U.S. Government.

Eligibility includes any individual or group (company, corporation or organization) that has increased the public understanding of science or engineering. Members of the U.S. Government are not eligible for consideration.

Candidates for the individual and group (company, corporation or organization) award must have made contributions to public service in areas other than research, and should meet one or more of the following criteria:

1. Increased the public's understanding of the processes of science and engineering through scientific discovery, innovation and its communication to the public.

2. Encouraged others to help raise the public understanding of science and technology.

3. Promoted the engagement of scientists and engineers in public outreach and scientific literacy.

4. Contributed to the development of broad science and engineering policy and its support.

5. Influenced and encouraged the next generation of scientist and engineers.

6. Achieved broad recognition outside the nominee's area of specialization.

7. Fostered awareness of science and technology among broad segments of the population.

Nominations must include a summary of the candidate's activities as they relate to the selection criteria; the nominator's name, address and telephone number; the name, address, and telephone number of the nominee; and the candidate's vita, if appropriate (no more than three pages).

The selection committee recommends the most outstanding candidate(s) for each category of the NSB, which approves the awardees.

Nominations remain active for a period of three years, including the year of nomination. After that time, candidates must be renominated with a new nomination for them to be considered by the selection committee.

Estimate of Burden: These are annual award programs with application deadlines varying according to the program. Public burden also may vary according to program; however, it is

estimated that each submission is averaged to be 15 hours per respondent for each program. If the nominator is thoroughly familiar with the scientific background of the nominees, time spent to complete the nomination may be considerably reduced.

Respondents: Individuals, businesses or other for-profit organizations, universities, non-profit institutions, and Federal and State governments.

Estimated Number of Responses per Award: 137 responses, broken down as follows: For the President's National Medal of Science, 55; for the Alan T. Waterman Award, 50; for the Vannevar Bush Award, 12; for the Public Service Award, 20.

Estimated Total Annual Burden on Respondents: 2,280 hours, broken down by 900 hours for the President's National Medal of Science (20 hours per 45 respondents); 900 hours for the Alan T. Waterman Award (20 hours per 60 respondents); 180 hours for the Vannevar Bush Award (15 hours per 12 respondents); and 300 hours for the Public Service Award (15 hours per 20 respondents).

Frequency of Responses: Annually.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; or (d) ways to 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.

Dated: February 24, 2005.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 05–3927 Filed 2–28–05; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Agenda

TIME AND PLACE: 9:30 a.m., Tuesday, March 8, 2005.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The item is open to the public.

MATTERS TO BE CONSIDERED:

7628A Marine Accident Report—Allision of Staten Island Ferry Andrew J. Barberi, St. George, Staten Island, New York, October 15, 2003.

News Media Contact: Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Ms. Carolyn Dargan at (202) 314–6305 by Friday, February 25, 2005.

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6410.

Dated: February 25, 2005.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 05–4023 Filed 2–25–05; 1:34 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Dominion Nuclear Connecticut; Establishment of Atomic Safety and Licensing Board

[Docket No. 50–336 and 50–423; ASLBP No. 05–837–01–LR]

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Dominion Nuclear Connecticut

(Millstone Nuclear Power Station, Units 2 and 3)

Pursuant to a March 8, 2004 notice of opportunity for hearing published in the **Federal Register** (69 FR 11,897 (Mar. 12, 2004)), a Licensing Board is being established to conduct a proceeding on the February 1, 2005 petition for late intervention of Suffolk County, New York, regarding the January 22, 2004 Dominion Nuclear Connecticut applications for renewal of the Millstone Units 2 and 3 operating licenses.

The Board is comprised of the following administrative judges:

Michael C. Farrar, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Alan S. Rosenthal, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued at Rockville, Maryland, this 23rd day of February 2005.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 05–3864 Filed 2–28–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311]

PSEG Nuclear LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–70 and DPR–75 issued to the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem) for operation in Salem County, New Jersey.

The proposed revision would modify the Technical Specification (TS) definition of OPERABILITY with respect to requirements for availability of normal and emergency power. Additionally, the proposed revision would modify the required actions for shutdown power TSs.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Pursuant to the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 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; (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. 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 likelihood of an event is not significantly increased since the proposed changes do not alter the types of equipment required to be OPERABLE to supply the minimum required diversity of AC [alternating current] power. Also, the probability of occurrence or the consequences for an accident is not significantly increased by the proposed changes since the minimum configuration of equipment required by [an] individual TS will remain available. Further, the proposed changes do not alter the way any structure, system or component (SSC) functions, do not significantly modify the manner in which the plant is operated, and do not significantly alter equipment out-of-service time. The change to the difference between 1 hour under LCO [limiting condition for operation] 3.0.3 and 4 hours under LCO 3.8.1.1 Action b is not significant since the likelihood of a Design Basis Event (DBE) combined with a Loss of Offsite Power (LOOP) during the additional 3 hours is so low as to be not significant. The allowance for one EDG [emergency diesel generator] to supply all required features in Modes 5 & 6 is not operationally or safety significant since all required features will continue to have required backup power. Further, no changes to the design of structures, systems, or components (SSC) are made and there are no effects on accident mitigation.

Therefore, the proposed changes do 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 possibility of a new or different kind of accident from any accident or malfunction in the Salem Updated Final Safety Analysis Report (UFSAR) is not created. The allowable outage time is consistent with requirements of Improved Standard Technical Specifications and does not introduce any new of different failure from any previously evaluated or change the manner in which safety systems are operated. The associated system and equipment configurations are no different from those previously evaluated. Therefore a different accident is not created. In addition, the proposed changes cannot initiate an accident. Further, the proposed changes do not change the design function or operation of any SSCs.

Therefore, the proposed changes do 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 continue to provide assurance that an event coincident with failure of an associated diesel generator or offsite power circuit will not result in complete loss of safety function of critical required redundant systems or equipment. In addition, the proposed changes do not change the margin of safety since no SSCs are changed. The results of accident analysis remain unchanged by the proposed [changes].

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.

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.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing 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. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for 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 Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1–800–397–4209, (301) 415–4737, or by e-mail to *pdr@nrc.gov*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of 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 factors: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the petitioner's right under the Act to be made party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any order which may be entered in the proceeding on the 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 shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner 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 to relief. A petitioner who fails to file such a supplement which satisfies 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, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, 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; or (2) courier, express mail, or expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff; or (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: Rulemaking and Adjudications Staff at (301) 415–1101, the verification number is (301) 415–1966. A copy of the request for hearing 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 Jeffrie J. Keenan, Esquire, PO Box 236, Hancocks Bridge, NJ 08038, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

For further details with respect to this action, see the application for amendment dated July 23, 2004, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, (301) 415–4737, or by e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 23rd day of February 2005.

For the Nuclear Regulatory Commission.

Daniel S. Collins,

Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 05–3865 Filed 2–28–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Weeks of February 28, March 7, 14, 21, 28, April 4, 2005.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of February 28, 2005

There are no meetings scheduled for the week of February 28, 2005.

Week of March 7, 2005—Tentative

Monday, March 7, 2005

9:55 a.m. Affirmation Session (Tentative) (Public Meeting) a. Final Rule: Medical Use of Byproduct Material—Recognition of Specialty Boards (Tentative).

10 a.m. Briefing on Office of Nuclear Material Safety and Safeguards Programs, Performance, and Plans—Materials Safety (Public Meeting) (Contact: Shamica Walker, (301) 415–5142).

This meeting will be webcast live at the Web address *http://www.nrc.gov.*

Week of March 14, 2005—Tentative

Wednesday, March 16, 2005

9:30 a.m. Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, (301) 415–7360).

This meeting will be webcast live at the Web address *http://www.nrc.gov.*

Week of March 21, 2005—Tentative

There are no meetings scheduled for the week of March 21, 2005.

Week of March 28, 2005—Tentative

Tuesday, March 29, 2005

9:30 a.m. Briefing on Office of Nuclear Security and Incident Response (NSIR) Programs, Performance, and Plans (Public Meeting) (Contact: Robert Caldwell, (301) 415–1243).

This meeting will be webcast live at the Web address *http://www.nrc.gov.*

1 p.m. Discussion of Security Issues (Closed—Ex. 1).

Week of April 4, 2005—Tentative

Tuesday, April 5, 2005

9:30 a.m. Briefing on Office of Research (RES) Programs, Performance, and Plans (Public Meeting) (Contact: Alix Dvorak, (301) 415–6601).

This meeting will be webcast live at the Web address *http://www.nrc.gov.*

Wednesday, April 6, 2005

9:30 a.m. Briefing on Status of New Site and Reactor Licensing (Public Meeting) (Contact: Steven Bloom, (301) 415–1313).

This meeting will be webcast live at the Web address *http://www.nrc.gov.*

Thursday, April 7, 2005

1:30 p.m. Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, (301) 415–7360).

This meeting will be webcast live at the Web address *http://www.nrc.gov.*

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Dave Gamberoni, (301) 415–1651.

* * * * *

ADDITIONAL INFORMATION: The Commission meeting, ''Briefing on Nuclear Fuel Performance,'' originally scheduled at 1 p.m. on Thursday, February 24, 2005, was rescheduled at 10:30 a.m. on the same day due to inclement weather. An archived webcast of this meeting will be available at the Web address *http://www.nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at (301) 415–7080, TDD: (301) 415–2100, or by e-mail at *aks@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 ((301) 415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: February 24, 2005.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 05–3978 Filed 2–25–05; 10:19 am]

BILLING CODE 7590–01–M

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 February 4, 2005, through February 17, 2005. The last biweekly notice was published on February 15, 2005 (70 FR 7762).

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 01F21, 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.*

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1 (TMI–1), Dauphin County, Pennsylvania

Date of amendment request: June 24, 2004.

Description of amendment request: The proposed amendment would revise Surveillance Requirement (SR) 4.0.2 to extend the delay period, before entering a Limiting Condition for Operation, following a missed surveillance. The delay period would be extended from the current limit of '' * * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to '' * * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement would be added to SR 4.0.2: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.'' In addition, a Technical Specifications (TSs) Bases Control Program would be adopted as new TS 6.18.

Basis for proposed no significant hazards consideration determination: The NRC staff issued a notice of

opportunity for comment in the **Federal Register** on June 14, 2001 (66 FR 32400), on possible amendments concerning missed surveillances, 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 September 28, 2001 (66 FR 49714). The licensee affirmed the applicability of the following NSHC determination in its application dated June 24, 2004.

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 relaxes the time allowed to perform a missed surveillance and adds a Bases Control Program. The time between surveillances is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected. Any reduction in confidence that a standby system might fail to perform its safety function due to a missed surveillance is small and would not, in the absence of other unrelated failures, lead to an increase in consequences beyond those estimated by existing analyses. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. The addition of a new Section 6.18 to add a Bases Control Program has no effect on the operation or testing of any plant equipment and would not affect any accident initiator. The addition of a Bases Control Program is administrative in nature, and would not affect the probability or consequences of an accident. 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) or a change in the methods governing normal plant operation. A missed surveillance will not, in and of itself, introduce new failure modes or effects and any increased chance that a standby system might fail to perform its safety function due to a missed surveillance would not, in the absence of other unrelated failures, lead to an accident beyond those previously evaluated. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. The addition of a Bases Control Program is administrative in nature, and will not create any new accident initiators. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The extended time allowed to perform a missed surveillance does not result in a significant reduction in the margin of safety. As supported by the historical data, the likely outcome of any surveillance is verification that the LCO [Limiting Condition for Operation] is met. Failure to perform a surveillance within the prescribed frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed surveillance on the margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed surveillance, a missed surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function. The addition of a Bases Control Program is administrative in nature, serves to ensure that changes to the Bases are made in accordance with approved criteria, and will not have a significant affect on the margin of safety.

Therefore, this change does not involve a significant reduction in a margin of safety. 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: Thomas S. O'Neill, Associate General Counsel, AmerGen Energy Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Section Chief: Richard J. Laufer.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: October 15, 2004.

Description of amendment request: The proposed amendment revises surveillance requirements related to the reactor coolant pump flywheel inspections to extend the allowable inspection interval to 20 years.

The NRC staff issued a notice of availability of a model safety evaluation and model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on October 22, 2003 (68 FR 60422). The licensee affirmed the applicability of the model NSHC determination in its application dated October 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:

(1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the RCP flywheel examination frequency does not change the response of the plant to any accidents. The RCP will remain highly reliable and the proposed change will not result in a significant increase in the risk of plant operation. Given the extremely low failure probabilities for the RCP motor flywheel during normal and accident conditions, the extremely low probability of a loss-of-coolant accident (LOCA) with loss of offsite power (LOOP), and assuming a conditional core damage probability (CCDP) of 1.0 (complete failure of safety systems), the core damage frequency (CDF) and change in risk would still not exceed the NRC's acceptance guidelines contained in Regulatory Guide (RG) 1.174 (<1.0E–6 per year). Moreover, considering the uncertainties involved in this evaluation, the risk associated with the postulated failure of an RCP motor flywheel is significantly low. Even if all four RCP motor flywheels are considered in the bounding plant configuration case, the risk is still acceptably low.

The proposed change does 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; alter or prevent the ability of structures, systems, components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits; or affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the type or amount of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposure. The proposed change is consistent with the safety analysis assumptions and resultant consequences. Therefore, the proposed change does 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 kind of

accident from any accident previously evaluated.

The proposed change in flywheel inspection frequency does not involve any change in the design or operation of the RCP. Nor does the change to examination frequency affect any existing accident scenarios, or create any new or different accident scenarios. Further, the change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or alter the methods governing normal plant operation. In addition, the change does not impose any new or different requirements or eliminate any existing requirements, and does not alter any assumptions made in the safety analysis. The proposed change is consistent with the safety analysis assumptions and current plant operating practice. Therefore, the proposed change does 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 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 this change. The proposed change will not result in plant operation in a configuration outside of the design basis. The calculated impact on risk is insignificant and meets the acceptance criteria contained in RG 1.174. There are no significant mechanisms for inservice degradation of the RCP flywheel. Therefore, the proposed 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: David T. Conley, Associate General Counsel II—Legal Department, Progress Energy Service Company, LLC, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Michael L. Marshall, Jr.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: December 1, 2004.

Description of amendment requests: The Haddam Neck Plant (HNP) is currently undergoing active decommissioning. The proposed amendment would revise the License Termination Plan (LTP) to revise the buried debris dose model and surface contamination release limits for various piping sizes. Specifically CYAPCO proposes to:

1. Modify the dose model for volumetrically contaminated concrete, rebar (hereafter referred to as simply ''concrete''), the containment liner and embedded piping in basements that are to remain in place at the HNP site. The revised approach results in the offsite disposal of a larger percentage of the concrete structures (approximately 75% of that which would remain under the current approach). The overall effect results in a smaller amount of radioactivity contained in concrete to remain on-site than is allowed by the current LTP. The method of calculating the future groundwater pathway dose using the concrete debris model is being revised to an inventory based approach which will include activity inventories from the containment liner, embedded piping inside surfaces and radioactivity released from volumetrically contaminated concrete (which is controlled by diffusion rate through basement walls and flowable fill). The concrete that will remain is in the containment lower walls and floor mat, the in-core instrumentation sump, and the lower walls and floor of the spent fuel pool in the fuel building. The Basement Fill Model will also be used for other basements and footings that will remain on site using the results of future characterization surveys.

2. Additionally, CYAPCO proposes to include surface contamination release levels for other pipe diameters that may be encountered during the decommissioning beyond that currently included in the LTP for 4 inch piping.

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:

In accordance with 10 CFR 50.92, CYAPCO has reviewed the amendment request and concluded that the amendment request does not involve a Significant Hazards Consideration (SHC). The basis for this conclusion is that the three criteria of 10 CFR 50.92(c) are not compromised. The amendment request does not involve an SHC because the amendment request would not:

A. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The activities included in the amendment request are within the bounds of those contained in the HNP Updated Final Safety Analysis Report (UFSAR). The HNP UFSAR Chapter 15 provides a discussion of the radiological events postulated to occur as a result of decommissioning activities with bounding consequences resulting from a resin container accident. This accident is expected to contain more potential airborne activity than can be released from other decommissioning events. The radionuclide distribution assumed for the resin container has a greater inventory of transuranics radionuclides (major dose contributor) than the distribution of plant derived radionuclides in the components involved in other decommissioning activities. The HNP UFSAR also discusses a fuel handling accident in the fuel building, involving the drop of a spent fuel assembly onto the fuel racks. The postulated drop assumes the rupture of all fuel rods in the associated assembly. The probability or consequences of this accident would not be increased during any future fuel operations in the spent fuel building related to decommissioning. Transfer of the spent fuel to canisters for dry cask storage involves additional restrictions contained in the cask certificate of compliance in order to maintain decommissioning activities within the assumptions of and consequences of the fuel handling accident. No systems, structures, or components that could initiate or be required to mitigate consequences of an accident are affected by the amendment request in any way not previously evaluated in the HNP UFSAR. Therefore, the amendment request does not involve any increase in the probability or consequences of any accident previously evaluated.

B. Create the possibility of a new or different kind of accident from any accident previously evaluated.

Accident analyses related to decommissioning activities are addressed in the HNP UFSAR. The activities included in the amendment request are within the bounds of those considered in the HNP UFSAR. Thus, the amendment request does not affect plant systems, structures, or components in any way previously evaluated in the HNP UFSAR. The amendment request does not introduce any new failure modes. Therefore, the amendment request will not create the possibility of a new or different kind of accident from any previously evaluated.

C. Involve a significant reduction in a margin of safety.

The HNP LTP is a plan for demonstrating compliance with radiological criteria for license termination as provided in 10 CFR 20.1402. The margin of safety defined in the statements of consideration for the final rule on the Radiological Criteria for License Termination is described as the margin between 100 mrem/yr public dose limit established in 10 CFR 20.1301 for licensed operation and the 25 mrem/yr dose limit to the average member of the critical group at a site considered acceptable for unrestricted use (one of the criteria of 10 CFR 20.1402). This margin of safety accounts for the potential effects of multiple sources of radiation exposure to the critical group. Since the HNP LTP was designed to comply with the radiological criteria for license termination for unrestricted use, this license amendment request supports this margin of safety. Also, as previously discussed, the bounding accident for decommissioning is the resin container accident. Since the bounding decommissioning accident results in more airborne radioactivity than can be released from the other decommissioning events, the margin of safety associated with consequences of decommissioning accidents is not reduced by this amendment request. Thus, the amendment request does 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.

NRC Section Chief: Claudia Craig.

Duke Power Corporation (DPC), Docket Nos. 50–369 and 50–370, McGuire Nuclear Station (McGuire), Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: January 19, 2005.

Description of amendment request: The proposed amendments would revise the McGuire, Units 1 and 2, Technical Specification (TS) 5.6.5.b to add an NRC-approved Topical Report to the list of analytical methods used to determine core operating limits.

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:

Criterion 1—Does this LAR Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated?

No. This LAR makes an administrative change to Technical Specification (TS) 5.6.5.b, ''Core Operating Limits Report (COLR).'' This TS contains a listing of documents (analytical methods) that are used to determine core operating limits. These documents are separately and individually reviewed and approved by the NRC. The current LAR adds a new document, DPC–NE–1005P–A, ''Duke Power Nuclear Design Methodology Using CASMO–4/SIMULATE–3 MOX,'' (DPC Proprietary), to the list in TS 5.6.5.b. Topical Report ''DPC–NE–1005P–A'' has been previously reviewed by the NRC and determined to be appropriate for use at McGuire. The NRC's determination was documented in a safety evaluation report dated August 20, 2004. Based on these considerations, it has been determined that the proposed administrative change has no impact on any accident probabilities or consequences.

Criterion 2—Does This LAR Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated?

No. This LAR is solely administrative in nature since it only adds an NRC-approved licensing basis document to the TS. No new accident causal mechanisms will be created as a result of the NRC approval of this LAR.

Criterion 3—Does This LAR Involve a Significant Reduction in a Margin of Safety?

No. This LAR is solely administrative in nature. The analytical methodologies used to generate the core operating limits are separately and individually reviewed and approved by the NRC, and are unchanged by this LAR. The change contained in this LAR merely revises the McGuire TS in an administrative manner in order to conform with a Duke licensing action that has been previously approved by the NRC. Therefore the change proposed in this amendment request has no impact on 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: Ms. Lisa F. Vaughn, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: John A. Nakoski.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: December 20, 2004.

Description of amendment request: The requested change will delete Technical Specification (TS) 5.5.1, ''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 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.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005.

NRC Section Chief: Allen G. Howe.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: December 14, 2004.

Description of amendment request: The proposed amendment would eliminate certain administrative requirements for safety limit violations that are adequately addressed in 10 CFR 50.36(c)(1)(i)(A), 10 CFR 50.72, 10 CFR 50.73, and by procedures; replace plant-specific titles with generic titles; remove the remaining responsibilities of the Operations Review Committee; replace descriptive details specified in Technical Specification (TS) 3.13.A.1 associated with 10 CFR 50.55a(f), ''Inservice Testing Requirements,'' with reference to the ''Inservice Code Testing Program''; make administrative changes to TS 5.5.4, ''Radioactive Effluent Controls Program''; and make editorial corrections and clarifications.

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:

Entergy has evaluated whether or not a significant hazards consideration is involved with the proposed amendment(s) by focusing

on the three standards set forth in 10 CFR 50.92, ''Issuance of amendment,'' as discussed 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 is administrative in nature and does not involve the modification of any plant equipment or affect basic plant operation. There is no impact to any accident previously evaluated.

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 any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions.

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. The proposed change represents the relocation of specific Technical Specification requirements, based on regulatory guidance and previously approved changes for other stations or deletion of detail redundant to regulations or no longer applicable (*i.e.*, expired one-time exceptions). The proposed change is administrative in nature, does not negate or revise any existing requirement, and does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by requirements that are retained, but relocated from the Technical Specifications. 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J.M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599.

NRC Section Chief: Darrell Roberts.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: December 14, 2004.

Description of amendment request: The proposed amendment would remove the additional requirement to perform functional testing of the Average Power Range Monitor (APRM) and Anticipated Transient Without Scram Recirculation Pump Trip Alternate Rod Insertion instrumentation on each startup, even when the nominally required quarterly testing is current. Additionally, performance of the APRM High Flux heat balance calibration is modified to apply only after 12 hours at >25% power. Additional editorial clarifications related to Table 4.2.A through 4.2.G, Note 2 and associated Table references are also proposed.

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 changes to eliminate startup-related functional testing, even when the nominally required quarterly testing is current, will not result in a significant increase in the probability or consequences of an accident previously evaluated because there is no change to the requirement that the instrument channels remain operable and are periodically tested throughout the time that the associated function is required. The surveillance continues to be performed at the normal frequency and the normal surveillance frequency has been shown, based on operating experience, to be adequate for assuring that required conditions are established and maintained.

Delaying the APRM [Average Power Range Monitor] heat balance calibration until conditions allow for accurate results will not result in a significant increase in the probability or consequences of an accident previously evaluated because there is no change to the requirement that the instrument channels remain operable. The ability of the APRMs to adequately respond to power excursions from < 25% that assume an APRM trip at 120% is not significantly impacted by deferring the APRM-to-heat balance calibration from the currently required 15% power, until the proposed 12 hours after ≥ 25% power. Additional editorial changes have no technical or operational impact.

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 any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions.

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. The proposed changes do not negate any existing equipment or system performance requirements, and do not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change.

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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599.

NRC Section Chief: Darrell Roberts.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: December 14, 2004.

Description of amendment request: The proposed amendment would relocate various requirements from the Technical Specification (TS) to the Final Safety Analysis Report (FSAR) or TS Bases.

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 relocations are administrative in nature and do not involve the modification of any plant equipment or affect basic plant operation. The associated instrumentation and inspections are not assumed to be an initiator of any analyzed event, nor are these limits assumed in the mitigation of consequences of accidents.

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 any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions. 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. The proposed changes to relocate current TS requirements to the FSAR, consistent with regulatory guidance and previously approved changes for other stations, are administrative in nature. These changes do not negate any existing requirement, and do not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by requirements that are retained, but relocated from the Technical Specifications to the FSAR. 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J.M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599.

NRC Section Chief: Darrell Roberts.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: December 17, 2004.

Description of amendment request: The proposed amendment would delete the Technical Specification (TS) requirements to submit monthly operating reports and occupational radiation exposure reports.

The NRC staff issued a notice of availability of a model no significant hazards consideration (NSHC) determination for referencing in licensing 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 17, 2004.

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 NSHC, 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 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.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., 12th Floor, Washington, DC 20005–3502

NRC Section Chief: Allen G. Howe.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: October 15, 2004.

Description of amendment request: The proposed amendment revises surveillance requirements related to the reactor coolant pump (RCP) flywheel inspections to extend the allowable inspection interval to 20 years.

The NRC staff issued a model safety evaluation and model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on June 24, 2003 (68 FR 37590). The notice of availability of the model application was issued on October 22, 2003 (68 FR 60422). The licensee affirmed the applicability of the model NSHC determination in its application dated October 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 to the RCP flywheel examination frequency does not change the response of the plant to any accidents. The RCP will remain highly reliable and the proposed change will not result in a significant increase in the risk of plant operation. Given the extremely low failure probabilities for the RCP motor flywheel during normal and accident conditions, the extremely low probability of a loss-of-coolant accident (LOCA) with loss of offsite power (LOOP), and assuming a conditional core damage probability (CCDP) of 1.0 (complete failure of safety systems), the core damage frequency (CDF) and change in risk would still not exceed the NRC's acceptance guidelines [contained] in RG [Regulatory Guide] 1.174 (<1.0E–6 per year). Moreover, considering the uncertainties involved in this evaluation, the risk associated with the postulated failure of an RCP motor flywheel

is significantly low. Even if all four RCP motor flywheels are considered in the bounding plant configuration case, the risk is still acceptably low.

The proposed change does 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; alter or prevent the ability of structures, systems, components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits; or affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the type or amount of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposure. The proposed change is consistent with the safety analysis assumptions and resultant consequences. Therefore, the proposed 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 Accident Previously Evaluated.

The proposed change in flywheel inspection frequency does not involve any change in the design or operation of the RCP. Nor does the change to examination frequency affect any existing accident scenarios, or create any new or different accident scenarios. Further, the change does not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or alter the methods governing normal plant operation. In addition, the change does not impose any new or different requirements or eliminate any existing requirements, and does not alter any assumptions made in the safety analysis. The proposed change is consistent with the safety analysis assumptions and current plant operating practice. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety.

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 this change. The proposed change will not result in plant operation in a configuration outside of the design basis. The calculated impact on risk is insignificant and meets the acceptance criteria contained in RG 1.174. There are no significant mechanisms for inservice degradation of the RCP flywheel. Therefore, the proposed 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: David T. Conley, Associate General Counsel II—Legal Department, Progress Energy Service Company, LLC, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Michael L. Marshall, Jr.

Florida Power and Light Company, Docket No. 50–389, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: December 20, 2004.

Description of amendment request: The proposed license amendment would extend the effectiveness of the current Technical Specification pressure/temperature (P/T) limit curves, also called the heatup and cooldown curves, from 23.6 to 35 effective full power years (EFPY). The low temperature overpressure protection requirements, which are based on the P/T limits, would also be extended to 35 EFPY. The proposed amendment would revise Technical Specification Figures 3.1–1b, 3.4–2a, 3.4–2b, and 3.4–3.

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) 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 evaluated.

The pressure/temperature (P/T) limit curves in the Technical Specifications are conservatively generated in accordance with the fracture toughness requirements of 10 CFR 50, Appendix G, as supplemented by the ASME [American Society of Mechanical Engineers] Code [Boiler and Pressure Vessel Code], Section Xl, Appendix G recommendations. The adjusted reference temperature (ART) values are based on the Regulatory Guide 1.99, Revision 2, shift prediction and attenuation formula and have been validated by a credible reactor vessel surveillance program. There are no changes to the limit curve, only a change in the period of applicability based on more recent fluence predictions and new best estimate chemistry information. Based on the current fluence projections, analysis has demonstrated that the current P/T limit curves will remain conservative for up to 35 EFPY.

In conjunction with extending the effectiveness of the existing P/T limit curves, the low temperature overpressure protection (LTOP) analysis for 23.6 EFPY is also extended to 35 EFPY. The LTOP analysis confirms that the current setpoints for the power operated relief valves (PORVs) will provide the appropriate overpressure protection at low reactor coolant system (RCS) temperatures. Because the P/T limit curves have not changed, the existing LTOP values have not changed, which include the PORV setpoints.

The P/T limit curves and LTOP analysis have not changed; therefore, the proposed amendment does not represent a change in the configuration or operation of the plant. The results of the existing LTOP analysis have not changed, and the limiting pressures for given temperatures will not be exceeded for the postulated transients. Therefore, assurance is provided that reactor vessel integrity will be maintained. Thus, the proposed amendment does not involve an increase in the probability or consequences of accidents previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any previously evaluated.

The requirements for P/T limit curves and LTOP have been in place since the beginning of plant operation. The only changes in these curves are the extension of the period of applicability (EFPY), which is based on new fluence data and the operating time (EFPY) required to reach the same limiting adjusted reference temperature projection used for the current 23.6 EFPY P/T limit curves. Since there is no change in the configuration or operation of the facility as a result of the proposed amendment, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

Analysis has demonstrated that the fracture toughness requirements of 10 CFR 50, Appendix G, are satisfied and that conservative operating restrictions are maintained for the purpose of low temperature overpressure protection. The P/T limit curves will provide assurance that the RCS pressure boundary will behave in ductile manner and that the probability of a rapidly propagating fracture is acceptably low. Therefore, operation 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Michael L. Marshall, Jr.

Florida Power and Light Company, Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: January 6, 2005.

Description of amendment request: The proposed amendment revises

Technical Specification Section 3/4.4.5, Steam Generators, to allow repair of steam generator tubes by installing Westinghouse Electric LLC Alloy 800 leak limiting sleeves.

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 leak limiting Alloy 800 tube sleeves are designed using the applicable ASME [American Society of Mechanical Engineers] Boiler and Pressure Vessel Code and meet the design objectives of the original steam generator tubing. The applied stresses and fatigue usage factors for the sleeves are bounded by the limits established in the ASME Code. Mechanical testing has shown that the structural strength of leak limiting sleeves under normal, upset, emergency, and faulted conditions provides margin to the acceptance limits. These acceptance limits bound the most limiting burst margin of three times the normal operating pressure differential as recommended by NRC [U.S. Nuclear Regulatory Commission] Regulatory Guide 1.121. Burst testing of sleeved-tube assemblies has confirmed the analytical results and demonstrated that levels of primary-to-secondary leakage are not expected to exceed acceptable levels during any anticipated plant operating condition.

The leak limiting Alloy 800 sleeve depth-based structural limit is determined using NRC guidance and the pressure-stress equation of the ASME Code, Section III with margin added to account for the configuration of long axial cracks. An Alloy 800 sleeved tube will be plugged on detection of an imperfection in the sleeve or in the pressure boundary portion of the original tube wall.

An evaluation of repaired steam generator tubes, plus testing, and analysis indicates that unacceptable detrimental effects on the leak limiting Alloy 800 sleeve or of a sleeved tube are not expected from the reactor coolant system flow, primary or secondary coolant chemistries, thermal conditions or transients, or pressure conditions as may be experienced at St. Lucie Unit 2. Corrosion testing and historical performance of sleeved steam generator tubes indicates no evidence of sleeve or tube corrosion considered detrimental under anticipated service conditions. The implementation of the proposed tube sleeving has no significant effect on either the configuration of the plant or the manner in which it is operated.

The consequences of a hypothetical failure of a leak limiting Alloy 800 sleeved tube is bounded by the current steam generator tube rupture analysis described in the St. Lucie Unit 2 Updated Final Safety Analysis Report. Due to the slight reduction in the inside diameter caused by the sleeve wall thickness, primary coolant release rates through the parent tube during a tube rupture event would be slightly less than that assumed for the steam generator tube rupture analysis and therefore, would result in lower total primary fluid mass release to the secondary system. A main steam line break or feedwater line break will not cause a steam generator tube rupture since the sleeves are analyzed for a maximum accident differential pressure greater than that predicted in the St. Lucie Unit 2 safety analysis.

Fluid leakage from a sleeved tube during plant operation would be minimal and is well within the allowable Technical Specification leakage limits. Therefore, the proposed tube sleeving 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 leak limiting Alloy 800 sleeves are designed using the applicable ASME Code as guidance, and therefore, meet the objectives of the original steam generator tubing. As a result, the function of the steam generator will not be significantly affected by the installation of the proposed sleeves. The proposed sleeves do not interact with any other plant systems. Any accident that would result from potential tube or sleeve degradation in the repaired portion of the tube is bounded by the existing steam generator tube rupture accident analysis, thus the potential for a new type of accident is not created. The continued integrity of the sleeved tube is periodically verified by surveillance inspections performed in compliance with Technical Specification requirements. A sleeved tube will be plugged on detection of any service induced imperfection, degradation, or defect in the sleeve and/or pressure boundary portion of the original tube wall in the sleeve/tube assembly (*i.e.*, the sleeve-to-tube joint).

Implementation of the proposed change has no significant effect on either the configuration of the plant or the manner in which it is operated. Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

(3) Does the proposed change involve a significant reduction in a margin of safety?

No, the repair of degraded steam generator tubes with leak limiting Alloy 800 sleeves restores the structural integrity of the degraded tube under normal operating and postulated accident conditions. The reduction in core cooling margin due to the addition of Alloy 800 sleeves is not significant because the cumulative effect of all sleeved and plugged tubes will continue to be less than the currently-allowed core cooling margin threshold established by the total steam generator tube plugging level. Design safety factors utilized for the sleeves are consistent with the safety factors in the ASME Boiler and Pressure Vessel Code used in the original steam generator design. Each tube and portions of the tube with an installed sleeve that constitute the reactor coolant pressure boundary will be monitored; a sleeved tube will be plugged on detection of any service induced imperfection, degradation, or defect in the sleeve and/or pressure boundary portion of the original tube wall in the sleeve/tube assembly (*i.e.*, the sleeve-to-tube joint). Use of the previously-identified design criteria and design verification testing assures that the margin to safety is not significantly different from that of the original steam generator tubes. Therefore, the proposed repairs employing leak limiting Alloy 800 tube sleeves 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Michael L. Marshall, Jr.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2 (SSES 1 and 2), Luzerne County, Pennsylvania

Date of amendment request: September 8, 2004.

Description of amendment request: The proposed amendments would change SSES 1 and 2 Technical Specifications 3.6.4.1, ''Secondary Containment,'' and 3.6.4.3, ''Standby Gas Treatment System (SGTS),'' to extend, on a one-time basis, the allowable completion time for required actions for secondary containment inoperable and two SGTS subsystems inoperable, in mode 1, 2, or 3, from 4 hours to 48 hours.

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 change does not involve a significant increase in the probability of an accident previously evaluated because neither Secondary Containment nor the Standby Gas Treatment System is an initiator of an accident. Both mitigate accident consequences.

The consequences of a Design Basis Analysis-Loss of Coolant Accident (DBA–LOCA) have been evaluated in the FSAR [Final Safety Analysis Report]. Increasing the completion time for Secondary Containment and two SGTS subsystems inoperable from 4

hours to 48 does not result in a significant increase in the consequences of a DBA–LOCA event nor change the evaluation of DBA–LOCA events as stated in the FSAR evaluation. The radiological evaluation of DBA–LOCA doses, including doses offsite, Control Room habitability, and exposures for personnel access demonstrates that there would be no significant impact. Movement of irradiated fuel within Secondary Containment will be prohibited during the extended LCO period, to preclude a fuel handling accident, which might lead to a radiological consequence.

Therefore, this 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 do not involve a physical alteration of the plant. No new or different type of equipment will be installed (damper motors will be replaced) nor will there be changes in methods governing normal plant operation.

The accident analyses affected by this extension are the radiological events that are discussed in the FSAR. The potential for the loss of other plant systems or equipment to mitigate the effects of an accident is not altered.

The proposed changes do not require any new operator response or introduce any new opportunities for operator error not previously considered.

Thus, this 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.

The increase in completion time for Standby Gas Treatment does not result in any effect on the margin of safety. There is no increase in Core Damage Frequency (CDF) or Large Early Release Frequency (LERF). A recovery plan will be in place to restore the SGTS and Secondary Containment to functional, if a DBA–LOCA accident should occur. Implementation of the compensatory measures minimizes the probability that an accident will be initiated, maximizes the probability that accident mitigation equipment will be available and ensures that SGTS and Secondary Containment will be able to be restored in a timely manner. Thus the potential impact of extending the Completion Time is small. Therefore, this one-time extension will not involve a significant reduction in safety margin.

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: 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.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2 (SSES 1 and 2), Luzerne County, Pennsylvania

Date of amendment request: September 8, 2004.

Description of amendment request: The proposed amendment would revise the SSES 1 and 2 Technical Specifications Surveillance Requirement 3.6.1.3.6 to reduce the frequency of performing leakage rate testing for each primary containment purge valve with resilient seals from 184 days to 24 months.

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 proposal would change the Technical Specification Surveillance Requirement for containment purge valves with resilient seals. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the extensive industry operating experience derived from test results has demonstrated that the resilient seal material does not degrade and cause containment isolation valves to leak. Further, these valves are not accident initiators. Thus, the valves will perform as assumed in the accident analyses. Therefore, this 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 proposal would change the Technical Specifications Surveillance Requirement for containment purge valves with resilient seals. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed nor changes in methods governing normal plant operation). In particular, it does not require the valves to function in any manner other than that which is currently required. Thus, this 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.

The proposal would change the Technical Specifications Surveillance Requirement for containment purge valves with resilient seals. The proposed change does not involve a significant reduction in margin of safety because it has no effect on any safety analysis bases or assumptions. It does not change the leakage acceptance criteria. Sufficient data has been collected to demonstrate that resilient seals do not degrade. Testing at the same frequency as other containment isolation valves will not reduce the margin of safety provide by Technical Specifications.

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: 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.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: May 21, 2004.

Description of amendment request: The proposed amendment revises the Reactor Coolant Pump (RCP) Flywheel Inspection Program to extend the allowable inspection interval to 20 years.

The NRC staff issued a notice of availability of a model safety evaluation and model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on October 22, 2003 (68 FR 60422). The licensee affirmed the applicability of the model NSHC determination in its application dated May 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:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The proposed change to the RCP flywheel examination frequency does not change the response of the plant to any accidents. The RCP will remain highly reliable and the proposed change will not result in a significant increase in the risk of plant operation. Given the extremely low failure probabilities for the RCP motor flywheel during normal and accident conditions, the extremely low probability of a loss-of-coolant accident (LOCA) with loss of offsite power (LOOP), and assuming a conditional core damage probability (CCDP) of 1.0 (complete

failure of safety systems), the core damage frequency (CDF) and change in risk would still not exceed the NRC's acceptance guidelines contained in Regulatory Guide (RG) 1.174 (<1.0E–6 per year). Moreover, considering the uncertainties involved in this evaluation, the risk associated with the postulated failure of an RCP motor flywheel is significantly low. Even if all four RCP motor flywheels are considered in the bounding plant configuration case, the risk is still acceptably low.

The proposed change does 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; alter or prevent the ability of structures, systems, components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits; or affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the type or amount of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposure. The proposed change is consistent with the safety analysis assumptions and resultant consequences. Therefore, the proposed 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 Accident Previously Evaluated

The proposed change in flywheel inspection frequency does not involve any change in the design or operation of the RCP. Nor does the change to examination frequency affect any existing accident scenarios, or create any new or different accident scenarios. Further, the change does not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or alter the methods governing normal plant operation. In addition, the change does not impose any new or different requirements or eliminate any existing requirements, and does not alter any assumptions made in the safety analysis. The proposed change is consistent with the safety analysis assumptions and current plant operating practice. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

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 this change. The proposed change will not result in plant operation in a configuration outside of the design basis. The calculated impact on risk is insignificant and meets the acceptance criteria contained in RG 1.174. There are no significant mechanisms for inservice degradation of the RCP flywheel. Therefore, the proposed 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: Thomas G. Eppink, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Section Chief: John A. Nakoski.

Southern California Edison Company (SCE), et al., Docket Nos. 50–361, San Onofre Nuclear Generating Station, Unit 2, San Diego County, California

Date of amendment requests: January 28, 2005.

Description of amendment requests: The proposed change would revise Technical Specifications (TSs) 1.1 ''Definitions,'' 3.4 ''Reactor Coolant System [RCS],'' and 5.7 ''Reporting Requirements'' to relocate the RCS pressure-temperature curves and limits from the TSs to a licensee-controlled document identified as the Pressure and Temperature Limit Report.

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.

This proposed change revises the Technical Specifications by relocating the reactor coolant system (RCS) Pressure and Temperature Limits, Heatup and Cooldown Curves and Low Temperature Overpressure Protection (LTOP) enable temperatures from the Technical Specifications to a RCS Pressure and Temperature Limits Report (PTLR). Relocation of this information will not impact the activity to update the RCS pressure and temperature curves and limits in accordance with the requirements of 10 CFR 50 Appendix G and H to ensure the reactor coolant system's pressure boundary integrity will be protected until end of life (EOL). Consequently, this proposed change is determined to not contribute to the probability of or the initiation of accidents. There is no change to the safety analysis.

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.

This proposed change revises the Technical Specifications by relocating the RCS Pressure and Temperature Limits, Heatup and Cooldown Curves and LTOP enable temperatures from the Technical Specifications to a RCS PTLR to document removal, testing and analyzing the surveillance capsule. This document will be updated by SCE to reflect the testing and analysis of specimens. Removal, testing and analyzing the surveillance capsule resulted in changes to the RCS pressure and temperature limits. These changes are required to maintain the RCS pressure boundary integrity until EOL. Changes to the RCS pressure and temperature curves and limits will not create a new or different kind of accident. There is no change to the safety analysis.

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.

Pressure and temperature curves and limits are provided as limits to plant operation for ensuring RCS pressure boundary integrity and maintained until EOL. Changes to the RCS pressure and temperature curves and limits, resulting from the removal, testing and analyzing of a surveillance capsule, are only made within the acceptable margin limits maintaining the required margin of safety. There is no change to the safety analysis.

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 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 California Edison Company (SCE), et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Unit 2 and Unit 3, San Diego County, California

Date of amendment requests: February 3, 2005.

Description of amendment requests: The proposed change would revise Technical Specification 3.6.3, ''Containment Isolation Valves,'' Surveillance Requirements 3.6.3.3 and 3.6.3.4 for Containment Isolation Valves and Blind Flanges (ClVs) by adding a provision to exempt CIVs that are locked, sealed, or otherwise secured from the position verification surveillance requirements.

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. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not affect the CIV design or function. In addition, mis-positioned or failed ClVs are not the initiator of any event. The position of a locked, sealed, or otherwise secured valve and blind flange is verified at the time it is locked, sealed, or secured, and these ClVs are administratively controlled to remain in the required position. Further, since the change impacts only the re-verification of the blind flange and valve position as a Technical Specification Surveillance, it does not result in any change in the response of the equipment to an accident.

Based on the above, SCE concludes that deleting the re-verification of the position of a locked, sealed, or secured CIV as a Technical Specification Surveillance does not affect the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new kind of accident from any accident previously evaluated?

This change does not add any new equipment or result in any changes to equipment design or capabilities. This change also does not result in any changes to the operation of the plant. The position of a locked, sealed, or otherwise secured blind flange and valve is verified at the time it is locked, sealed, or secured, and these ClVs are administratively controlled to remain in the required position. Further, since the change impacts only the re-verification of the blind flange and valve position as a Technical Specification Surveillance, it does not result in any change in the response of the equipment to an accident.

Based on the above, SCE concludes that deleting the re-verification of the position of a locked, sealed, or secured CIV as a Technical Specification Surveillance does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The CIVs are administratively controlled and their operation is a nonroutine event. The position of a locked, sealed, or otherwise secured blind flange and valve is verified at the time it is locked, sealed, or secured. Also, no CIVs were found to be out of position from a review of all the San Onofre Units 2 and 3 surveillance data from January 2000 through December 2004. Since the change only deletes the re-verification of the blind flange and valve position as a Technical Specification Surveillance and the administrative controls are in place, the proposed change will provide a similar level of assurance of correct CIV position as the current verifications.

Based on the above, SCE concludes that deleting the re-verification of the position of a locked, sealed, or secured CIV as a Technical Specification Surveillance 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 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.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: January 20, 2005.

Description of amendment request: The proposed amendments would change Technical Specification (TS) 3/4.8.2.1, ''DC Sources—Operating,'' and TS 3/4.8.2.2, ''DC Sources—Shutdown,'' with addition of a new TS 3/4.8.2.3, ''Battery Parameters'', to incorporate actions for responding to ''out-of-limit'' conditions, and surveillances for verification of battery parameters. The proposed changes would revise allowed outage times for battery chargers as well as battery charger testing criteria. The proposed changes would also relocate a number of battery surveillance requirements to a licensee-controlled Battery Monitoring and Maintenance Program.

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 change rearranges the Technical Specifications for the direct current [DC] electrical power system, and adds new Conditions and required actions with revised completion times to allow for battery charger inoperability. Neither the direct current electrical power subsystem nor associated battery chargers are initiators of an accident sequence previously evaluated. Performance of plant operational activities in accordance with the proposed Technical Specification changes ensures that the direct current electrical power subsystem is capable of performing its function as previously described. Therefore, the mitigating functions supported by the subject subsystem will continue to provide the protection assumed by the safety analysis.

Relocation of preventive maintenance surveillances and certain operating limits and actions to a ''Battery Monitoring and Maintenance Program'' will not challenge the ability of the subject subsystem to perform its design function. Maintenance and monitoring currently required will continue to be performed. In addition, the direct current electrical power subsystem is within the scope of 10 CFR 50.65, ''Requirements for monitoring the effectiveness of maintenance at nuclear power plants,'' which will ensure continued control of maintenance activities associated with the subject subsystem.

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 accident from any accident previously evaluated?

Response: No.

The proposed change does not involve any physical alteration of the units. No new equipment is introduced, and installed equipment is not operated in a new or different manner. The proposed changes do not affect setpoints for initiation of protective or mitigating actions.

Operability of the DC electrical power subsystems in accordance with the proposed technical specifications is consistent with the initial assumptions of the accident analyses and is based upon meeting the design basis of the plant.

The proposed changes will not alter the manner in which equipment operation is initiated, nor will the functional demands on credited equipment be changed. No alteration in the operating procedures is proposed, and no change is being made to procedures relied upon in response to an off-normal event. No new failure modes are being introduced, and the proposed change does not alter assumptions made in the safety analyses.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change will not adversely affect operation of plant equipment and will not result in a change to the setpoints at which protective actions are initiated. Sufficient DC capacity to support operation of mitigation equipment is ensured. The provisions of the Battery Monitoring and Maintenance Program will ensure that the station batteries are maintained in a highly reliable manner. The equipment fed by the DC electrical system will continue to provide adequate power to safety-related loads in accordance with analysis assumptions.

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 standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: A. H. Gutterman, Esq., Morgan, Lewis & Bockius, 1111 Pennsylvania Avenue, NW., Washington, DC 20004.

NRC Section Chief: Allen G. Howe.

TXU Generation Company LP, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Units 1 and 2, Somervell County, Texas

Date of amendment request: September 30, 2004.

Brief description of amendments: The proposed amendment revises TS 5.5.7, ''Reactor Coolant Pump [RCP] Flywheel Inspection Program,'' to extend the allowable inspection interval to 20 years.

The NRC staff issued a notice of availability of a model safety evaluation and model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on October 22, 2003 (68 FR 60422). The licensee affirmed the applicability of the model NSHC determination in its application dated September 30, 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 to the RCP flywheel examination frequency does not change the response of the plant to any accidents. The RCP will remain highly reliable and the proposed change will not result in a significant increase in the risk of plant operation. Given the extremely low failure probabilities for the RCP motor flywheel during normal and accident conditions, the extremely low probability of a loss-of-coolant accident (LOCA) with loss of offsite power (LOOP), and assuming a conditional core damage probability (CCDP) of 1.0 (complete failure of safety systems), the core damage frequency (CDF) and change in risk would still not exceed the NRC's acceptance guidelines contained in Regulatory Guide (RG) 1.174 (<1.0E–6 per year). Moreover, considering the uncertainties involved in this evaluation, the risk associated with the postulated failure of an RCP motor flywheel is significantly low. Even if all four RCP motor flywheels are considered in the bounding plant configuration case, the risk is still acceptably low.

The proposed change does 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; alter or prevent the ability of structures, systems, components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits; or affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the type or amount of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposure. The proposed change is consistent with the safety analysis assumptions and resultant consequences. Therefore, the proposed 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 Accident Previously Evaluated

The proposed change in flywheel inspection frequency does not involve any change in the design or operation of the RCP. Nor does the change to examination frequency affect any existing accident scenarios, or create any new or different accident scenarios. Further, the change does not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or alter the methods governing normal plant operation. In addition, the change does not impose any new or different requirements or eliminate any existing requirements, and does not alter any assumptions made in the safety analysis. The proposed change is consistent with the safety analysis assumptions and current plant operating practice. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

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 this change. The proposed change will not result in plant operation in a configuration outside of the design basis. The calculated impact on risk is insignificant and meets the acceptance criteria contained in RG 1.174. There are no significant mechanisms for inservice degradation of the RCP flywheel. Therefore, the proposed 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: George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036.

NRC Section Chief: Allen G. Howe.

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

Date of amendment request: December 17, 2004.

Description of amendment request: The proposed changes to the Technical Specifications would increase the completion times from 72 hours to 7 days for the following systems: Low-Head Safety Injection (LHSI) Emergency Core Cooling System (ECCS), Auxiliary Feedwater (AFW) System, Quench Spray (QS) System, and Chemical Addition System (CAS).

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 license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes do not alter any plant equipment or operating practices in such a manner that the probability of an accident is increased. The proposed changes will not alter assumptions relative to the mitigation of an accident or transient event.

The CDF [core damage frequency] impact and the LERF [large early release frequency] impact, as well as the ICCDP [incremental conditional core damage probability] and ICLERP [incremental conditional large early release probability], associated with the proposed completion time changes meet the acceptance criteria in RG [Regulatory Guide] 1.174 and RG 1.177 for the proposed changes. The cumulative CDF and LERF impact for the proposed completion time changes also meet the acceptance criteria in RG 1.174 for the proposed changes.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

The overall margin of safety is not decreased due to the increased completion times for the LHSI ECCS, QS including the CAS, and AFW since the systems design and operation are not altered by the proposed increase in completion times. The risk impacts of the changes are also consistent with the acceptance criteria in RG 1.174 and RG 1.177.

For the Chemical Addition System, which is not modeled in the PRA [probabilistic risk assessment] due to its limited capability to mitigate severe accidents, the proposed completion time change takes into account the ability of the spray systems to remove iodine at a reduced capability and the low probability of the worst case DBA [design-basis accident] occurring during this period.

The codes and standards or their alternatives approved for use by the NRC continue to be met. In addition, the safety analysis acceptance criteria in the licensing basis (*e.g.*, FSAR [final safety analysis report], supporting analyses) continue to be met.

Therefore, the proposed change does 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves 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. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: December 17, 2004.

Description of amendment request: The proposed Technical Specifications (TS) change would revise the reactor coolant system (RCS) pressure temperature (P/T) operating limits, the Low-Temperature Overpressure Protection System (LTOPS) setpoint, and the LTOPS enable temperature (Tenable) basis for cumulative core burnups up to 47.6 effective full-power years (EFPY) and 48.1 EFPY for Surry Power Station, Units 1 and 2, respectively.

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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change modifies the Surry Units 1 and 2 RCS P/T limit curves, LTOPS setpoint, and LTOPS Tenable value and extends the cumulative core burnup applicability limits for these parameters. The allowable operating pressures and temperatures under the proposed RCS P/T limit curves are not significantly different from those allowed under the existing Technical Specification P/T limits. The revisions in the values for the LTOPS setpoint and LTOPS Tenable do not significantly change the plant operating space. No changes to plant systems, structures or components are proposed, and no new operating modes are established. The P/T limits, LTOPS setpoint, and Tenable value do not contribute to the probability of occurrence or consequences of accidents previously analyzed. The revised licensing basis analyses utilize acceptable analytical methods, and continue to demonstrate that established accident analysis acceptance criteria are met. Therefore, there is no increase in the probability or consequences of any accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change modifies the Surry Units 1 and 2 RCS P/T limit curves, LTOPS setpoint, and LTOPS Tenable value and extends the cumulative core burnup applicability limits for these parameters. The allowable operating pressures and temperatures under the proposed RCS P/T limit curves are not significantly different from those allowed under the existing Technical Specification P/T limits. No changes to plant systems, structures or components are proposed, and no new operating modes are established. Therefore, the proposed changes do not create the possibility of any accident or malfunction of a different type previously evaluated.

3. Does the change involve a significant reduction in the margin of safety?

The proposed revised RCS P/T limit curves, LTOPS setpoint, and LTOPS Tenable value analysis bases do not involve a significant reduction in the margin of safety for these parameters. The proposed revised RCS P/T limit curves are valid to cumulative core burnups of 47.6 EFPY and 48.1 EFPY for Surry Units 1 and 2, respectively. The proposed revised LTOPS setpoint and Tenable analyses support these same cumulative core burnup limits. The proposed revised RCS P/T limit curves utilize ASME [American Society of Mechanical Engineers] Code Section XI, which supports use of a conservative but less restrictive stress intensity formulation (K1c). The proposed extension of the cumulative core burnup applicability limits along with a small increase in the LTOPS PORV [power-operated relief valve] setpoint is accommodated by the margin provided by ASME Code Section XI. The analyses demonstrate that established analysis acceptance criteria continue to be met. Specifically, the proposed P/T limit curves, LTOPS setpoint and LTOPS Tenable value provide acceptable margin to vessel fracture under both normal operation and LTOPS design basis (mass addition and heat addition) accident conditions. Therefore, the proposed change does not result in a significant reduction in 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: 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.

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: July 15, 2004.

Brief description of amendment: The amendment added references to the list of approved core operating limits analytical methods in Technical Specification 5.6.5.b for Calvert Cliffs, Unit Nos. 1 and 2.

Date of publication of individual notice in ***Federal Register:*** December 29, 2004 (69 FR 78056).

Expiration date of individual notice: February 28, 2005.

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 amendment request: November 5, 2003, as supplemented by letter dated April 22, 2004.

Brief description of amendment request: The proposed amendment would revise the Point Beach Nuclear Plant (PBNP), Units 1 and 2, Updated Final Safety Analysis Report to reflect the Commission staff's approval of the WCAP–14439–P, Revision 2 analysis entitled, ''Technical Justification for Eliminating Large Primary Loop Pipe Rupture as the Structural Design Basis for the Point Beach Nuclear Plant Units 1 and 2 for the Power Uprate and License Renewal Program.''

*Date of publication of individual notice in **Federal Register:*** February 7, 2005 (70 FR 6466).

Expiration date of individual notice: April 8, 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*.

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of application for amendment: June 22, 2004.

Brief description of amendment: The proposed amendment revises Technical Specification 3.1.8, ''Scram Discharge Volume (SDV) Vent and Drain Valves,'' to allow a vent or drain line with one inoperable valve to be isolated instead of requiring the valve to be restored to operable status within 7 days.

Date of issuance: February 10, 2005.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 162.

Facility Operating License No. NPF–62: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** August 31, 2004 (68 FR 53099).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 2005.

No significant hazards consideration comments received: No.

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 amendments: December 9, 2003, as supplemented May 19 and August 3, 2004.

Brief description of amendments: The amendments revise Technical Specification 3.7.1, ''Main Steam Safety Valves (MSSVs),'' to increase the maximum allowable lift setting on two MSSVs on each unit. In addition, the amendments increase the completion time for reducing the Power Level-High Trip setpoint.

Date of issuance: February 10, 2005.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 270 and 247.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** October 26, 2004 (69 FR 62470).

The supplemental letters dated May 19 and August 3, 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.

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated February 10, 2005.

No significant hazards consideration comments received: No.

Carolina Power & Light Company, Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: August 19, 2004, as supplemented December 2, 2004.

Brief description of amendment: The amendment revises the reactor coolant system pressure and temperature limits by replacing Technical Specification Section 3.4.3, ''RCS Pressure and Temperature (P/T) Limits,'' Figures 3.4.3–1 and 3.4.3–2, with figures that are applicable up to 35 effective full-power years.

Date of issuance: February 7, 2005.

Effective date: February 7, 2005.

Amendment No.: 202.

Renewed Facility Operating License No. DPR–23: Amendment revises the Technical Specifications.

*Date of initial notice in **Federal Register:*** September 28, 2004 (69 FR 57981). The December 2, 2004, supplement contained clarifying information only that did not change the initial proposed no significant hazards consideration determination or expand the scope of the initial application.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 7, 2005.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: June 4, 2004, as supplemented on July 27, September 27, and December 14, 2004.

Brief description of amendment: The amendment revises the safety limit values in Technical Specifications 2.1.1.2 for the minimum critical power ratio for both single and two recirculation loop operation.

Date of issuance: February 3, 2005.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 281.

Facility Operating License No. DPR–59: Amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** July 20, 2004 (69 FR 43459).

The July 27, September 27, and December 14, 2004, letters provided 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 February 3, 2005.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: September 1, 2004.

Brief description of amendment: The amendment eliminates the Technical Specification requirements to submit monthly operating reports and annual occupational radiation exposure reports.

Date of issuance: February 3, 2005.

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment No.: 282.

Facility Operating License No. DPR–59: Amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** September 28, 2004 (69 FR 57984).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 3, 2005.

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: August 19, 2003, as supplemented on March 12, 2004.

Brief description of amendment: The amendment revised Pilgrim Nuclear Power Station (Pilgrim) Technical Specification (TS) Table 3.2.C–1 by changing the rod block monitor (RBM) low power setpoint (LPSP) allowable value from 29% to 25.9%. The amendment corrected the RBM LPSP (currently ≤29%) that was incorrectly inserted into Note 5 for TS Table 3.2.C–1 under License Amendment No. 138, dated July 1, 1991. Pilgrim plant procedures and the Core Operating Limits Report have enforced the correct setpoint value of ≤25.9% since issuance of License Amendment No. 138.

Date of issuance: February 2, 2005.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 210.

Facility Operating License No. DPR–35: The amendment revised the TSs.

*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 February 2, 2005.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of application for amendment: April 5, 2004, as supplemented by letters dated June 22 and December 6, 2004.

Brief description of amendment: This amendment modifies the existing minimum critical power ratio (MCPR) safety limit contained in Technical Specification 2.1.1.2. Specifically, the change modifies the MCPR safety limit values, as calculated by Global Nuclear Fuel (GNF), by decreasing the limit for two recirculation loop operation from 1.10 to 1.08, and decreasing the limit for single recirculation loop operation from 1.11 to 1.10.

Date of issuance: February 3, 2005.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 132.

Facility Operating License No. NPF–58: This amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** May 11, 2004 (69 FR 26189).

The supplements dated June 22 and December 6, 2004, provided clarifying information that did not change the scope of the April 5, 2004, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 3, 2005.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of application for amendment: March 31, 2004.

Brief description of amendment: This amendment modified the technical specification (TS) surveillance requirements (SRs) for manual actuation of certain main steam safety/relief valves (S/RVs), including those valves that provide an automatic depressurization system (ADS) and low-low set (LLS) valve function. The specific TS changes revised SR 3.4.4.3 for S/RVs, SR 3.5.1.7 for ADS valves, and SR 3.6.1.6.1 for LLS valves. The changes removed the requirement for the S/RV disks to be lifted from their seats when manually actuated.

The revised SRs specify that the actuator is to stroke when manually actuated, without physically lifting the disks off their seats at power.

Date of issuance: February 10, 2005.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 133.

Facility Operating License No. NPF–58: This amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** May 11, 2004 (69 FR 26188).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 2005.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: October 14, 2004.

Brief description of amendment: The amendment corrects errors in Technical Specifications 3.10.i and 6.9.a.4.A.

Date of issuance: February 15, 2005.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 180.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** December 7, 2004 (69 FR 70720).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 15, 2005.

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: October 5, 2004.

Brief description of amendments: The amendments deleted technical specification (TS) 5.6.1, ''Occupational Radiation Exposure Reports,'' and TS 5.6.3, ''Monthly Operating Reports,'' as described in the Notice of Availability

published in the **Federal Register** on June 23, 2004 (69 FR 35067).

Date of issuance: February 7, 2005.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment Nos.: 216, 221.

Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** November 9, 2004 (69 FR 64989).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 7, 2005.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: May 21, 2004.

Brief description of amendment: This amendment deletes the Technical Specification requirements associated with hydrogen recombiners and hydrogen monitors.

Date of issuance: February 3, 2005.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 170.

Renewed Facility Operating License No. NPF–12: Amendment revises the Technical Specifications.

*Date of initial notice in **Federal Register:*** September 28, 2004 (69 FR 57990).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 3, 2005.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of application for amendments: July 2, 2004.

Description of amendment request: The amendments eliminated the requirements for the licensee to submit monthly operating reports and occupational radiation exposure reports.

Date of issuance: January 25, 2005.

Effective date: Date of issuance, to be implemented within 60 days.

Amendment Nos.: 252, 291 and 250.

Facility Operating License Nos. DPR–33, DPR–52, and DPR–68. Amendments revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** October 12, 2004 (69 FR 60687).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 25, 2005.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of application for amendments: July 8, 2004.

Description of amendment request: The amendments revised Technical Specifications by eliminating the requirements associated with hydrogen monitors.

Date of issuance: February 14, 2005.

Effective date: Date of issuance, to be implemented within 60 days.

Amendment Nos.: 253, 292 and 251.

Facility Operating License Nos. DPR–33, DPR–52, and DPR–68. Amendments revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** September 14, 2004 (69 FR 55473).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 14, 2005.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: March 3, 2004.

Brief description of amendments: The amendments revised the Updated Final Safety Analysis Report (UFSAR) by modifying the licensing basis for the seismic qualification of round flexible ducting, triangular ducting, and associated air bars installed as part of the suspended ceiling air delivery system in the main control room.

Date of issuance: January 31, 2005.

Effective date: As of the date of issuance and shall be implemented as part of the next UFSAR update made in accordance with 10 CFR 50.71(e).

Amendment Nos.: 298 and 287.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revised the UFSAR.

*Date of initial notice in **Federal Register:*** April 27, 2004 (69 FR 22883).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2005.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of application for amendment: July 8, 2004.

Brief description of amendment: The amendment revises Technical Specification (TS) Section 3.8.4, ''DC Sources-Operating.'' Specifically, the amendment removes the term ''inter-rack'' and associated wording from TS Surveillance Requirements 3.8.4.6 and 3.8.4.10 for the 125 Volt Direct Current electrical power subsystems of the emergency diesel generators.

Date of issuance: February 7, 2005.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 54.

Facility Operating License No. NPF–90: Amendment revises the Technical Specifications.

*Date of initial notice in **Federal Register:*** August 3, 2004 (69 FR 46593).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 7, 2005.

No significant hazards consideration comments received: No.

TXU Generation Company LP, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: January 21, 2004, as supplemented by letters dated November 18 and December 3, 2004.

Brief description of amendments: The amendments revise Technical Specifications (TSs) 3.3.1, ''Reactor Trip System (RTS) Instrumentation,'' 3.3.2, ''Engineered Safety Feature Actuation System (ESFAS) Instrumentation,'' and 3.3.6, ''Containment Ventilation Isolation Instrumentation,'' to adopt the completion time, test bypass time, and surveillance frequency time changes approved by the NRC in Topical Reports WCAP–14333–P–A, ''Probabilistic Risk Analysis of the RPS [reactor protection system] and ESFAS Test Times and Completion Times,'' and WCAP–15376–P–A, ''Risk-Informed Assessment of the RTS and ESFAS Surveillance Test Intervals and Reactor Trip Breaker Test and Completion Times.'' The amendments revise the required actions for certain action conditions; increase the completion times for several required actions (including some notes); delete notes in certain required actions; and increase frequency time intervals (including certain notes) in several surveillance requirements.

Date of issuance: January 31, 2005.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 114, 114.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 2, 2004 (69 FR 9866).

The supplemental letters dated November 18 and December 3, 2004, provided clarifying information that did not change the scope of the original application as noticed or 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 January 31, 2005.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: July 23, 2004.

Brief description of amendment: The amendment eliminates the requirements in the technical specifications associated with hydrogen recombiners and hydrogen monitors.

Date of issuance: January 31, 2005.

Effective date: January 31, 2005, and shall be implemented within 90 days from the date of issuance.

Amendment No.: 157.

Facility Operating License No. NPF–42. The amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 31, 2004 (69 FR 53115).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 2005.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: July 23, 2004.

Brief description of amendment: The amendment revises the technical specifications by eliminating the requirements to provide the NRC monthly operating reports and annual occupational radiation exposure reports.

Date of issuance: January 31, 2005.

Effective date: January 31, 2005, and shall be implemented within 90 days from the date of issuance.

Amendment No.: 158.

Facility Operating License No. NPF–42. The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 31, 2004 (69 FR 53116).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 2005.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

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 for the amendment 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.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective 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 application for amendment, (2) the amendment to Facility Operating License, 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 System's (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.*

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. 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, and electronically on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If there are problems in accessing the document, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737, or by e-mail to *pdr@nrc.gov.* If a request for a hearing or petition for leave to intervene is filed by the above date, 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 identify 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 intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner 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.[1] 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 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.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. *Technical*—primarily concerns/issues relating to technical and/or health and safety matters discussed or referenced in the applications.

2. *Environmental*—primarily concerns/issues relating to matters discussed or referenced in the environmental analysis for the applications.

3. *Miscellaneous*—does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more petitioners/requestors seek to co-sponsor a contention, the petitioners/requestors shall jointly designate a representative who shall have the authority to act for the petitioners/requestors with respect to that contention. If a petitioner/requestor seeks to adopt the contention of another sponsoring petitioner/requestor, the petitioner/requestor who seeks to adopt the contention must either agree that the sponsoring petitioner/requestor shall act as the representative with respect to that contention, or jointly designate with the sponsoring petitioner/requestor a representative who shall have the authority to act for the petitioners/requestors with respect to that contention.

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. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

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 or 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).

[1] To the extent that the applications contain attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel and discuss the need for a protective order.

Duke Energy Corporation, et al., Docket No. 50–414, Catawba Nuclear Station Unit 2, York County, South Carolina

Date of amendment request: February 5, 2005, as supplemented by letter dated February 7, 2005.

Description of amendment request: The amendment revises the system bypass leakage acceptance criterion for the charcoal adsorber in the 2B Auxiliary Building Filtered Ventilation Exhaust System train as listed in Technical Specification 5.5.11, ''Ventilation Filter Testing Program.''

Date of issuance: February 7, 2005.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 213.

Renewed Facility Operating License No. NPF–52: Amendments revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated February 7, 2005.

Attorney for licensee: Ms. Anne Cottingham, Esquire.

NRC Section Chief: John A. Nakoski.

Dated in Rockville, Maryland, this 17th day of February 2005.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 05–3627 Filed 2–28–05; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Revision of an Expiring Information Collection: Mail Reinterview Form (OFI 10), OMB No. 3206–0106

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget (OMB) a request for revision of an expiring information collection (Mail Reinterview Form OFI 10; OMB No. 3206–0106). OPM sends the OFI 10 questionnaire to a random sampling of record and personal sources contacted during background investigations when investigators have performed fieldwork. The OFI 10 is used as a quality control instrument designed to ensure the accuracy and integrity of the investigative product, as it inquires of the sources about the investigative procedure employed by the investigator, the investigator's professionalism, and the information discussed and reported.

It is estimated that 9,600 OFI 10 forms are sent to individual sources annually. Of those, it is estimated that 5,600 individuals respond.

We anticipate sending and receiving a similar number of OFI 10 forms in the years ahead. Each form takes approximately six minutes to complete. The estimated annual burden is 560 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, Fax (202) 418–3251 or e-mail to *mbtoomey@opm.gov.* Please be sure to include a mailing address with your request.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to:

Kathy Dillaman, Deputy Associate Director, Center for Federal Investigative Services, U.S. Office of Personnel Management, 1900 E. Street, Room 5416, Washington, DC 20415; and,

Joseph Lackey, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Doug Steele—Program Analyst, Program Services Group, Center for Federal Investigative Services, U.S. Office of Personnel Management. (202) 606–2325.

Office of Personnel Management.

Dan G. Blair,

Acting Director.

[FR Doc. 05–3838 Filed 2–28–05; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 28, 2005:

A Closed Meeting will be held on Wednesday, March 2, 2005 at 10 a.m., and an Open Meeting will be held on Thursday, March 3, 2005 at 10 a.m. in Room 1C30, William O. Douglas Meeting Room.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Campos, as duty officer, voted to consider the items listed for the closed meeting in closed session and that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for Wednesday, March 2, 2005, will be:

Formal orders of investigations;

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

The subject matters of the Open Meeting scheduled for Thursday, March 3, 2005, will be:

1. The Commission will consider whether to adopt new rule 22c–2 under the Investment Company Act of 1940. The rule would allow registered open-end investment companies (''funds'') to impose a redemption fee, not to exceed two percent of the amount redeemed, to be retained by the fund. The new rule also would require funds to enter into written agreements with intermediaries (such as broker-dealers and retirement plan administrators) that hold fund shares on behalf of other investors, under which the intermediaries must agree to (i) provide funds with certain shareholder identity and transaction information at the request of the fund, and (ii) implement fund instructions to implement trading restrictions against traders the fund has identified as violating the fund's market timing policies. The Commission is also seeking additional comment on whether it should establish uniform standards for redemption fees charged under the rule.

2. The Commission will consider whether to propose a new rule, under the Securities Exchange Act of 1934, that would define the term ''nationally recognized statistical rating organization'' (or ''NRSRO'').

3. The Commission will consider whether to approve the budget of the Public Company Accounting Oversight Board and will consider the annual accounting support fees under section 109 of the Sarbanes-Oxley Act of 2002.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: February 24, 2005.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 05–3995 Filed 2–25–05; 11:34 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51234; File No. SR–CBOE–2004–58]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendments No. 1 and 2 Thereto by the Chicago Board Options Exchange, Incorporated Relating to Market-Maker Quoting and Market-Maker Appointments

February 22, 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 August 19, 2004, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in items I, II, and III below, which items have been prepared by CBOE. On February 2, 2005, CBOE filed Amendment No. 1 to the proposed rule change.[3] On February 17, 2005, CBOE filed Amendment No. 2 to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend existing rules and adopt new rules governing quoting by Market-Makers (''Market-Makers'' or ''MM'').

The text of the proposed rule change, as amended, is available on the CBOE's Web site (*http://www.cboe.com*), 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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 12, 2004, the Commission approved a CBOE proposal to add a new category of market-making participant called ''e-DPMs,'' who function as remote competing specialists in their allocated securities. By contrast, regular Designated Primary Market-Makers (''DPMs'') and Market Makers (''MMs'') on CBOE are required to operate from within their appointed trading station. The ability to stream quotes electronically from remote locations (*i.e.*, outside of the individual's appointed trading station) is an option the Exchange believes would enhance the competitiveness of its MMs.[5] Accordingly, the Exchange proposes to grant its MMs the ability to stream quotes from locations other than their appointed trading stations.[6] As such, the Exchange proposes to amend its rules governing the MM appointment process (CBOE Rule 8.3), and MM obligations (CBOE Rule 8.7), and to adopt new CBOE Rule 8.3A to establish an upper limit on the number of members that may quote electronically in a given product.

CBOE Rule 8.1 Market-Maker Defined

The Exchange proposes to amend the definition of MM to remove the requirement that transactions be effected on the floor of the Exchange. As amended, transactions effected in accordance with CBOE Rule 8.7.03 would count as MM transactions.

CBOE Rule 8.3 Appointment of Market-Makers

Currently, a MM's appointment consists of all classes traded at a particular station, regardless of the number of classes actually trading at that station and regardless of whether the MM owns or leases a membership. In addition, CBOE Rule 8.3(c) currently provides that MMs may have appointments in up to ten trading stations on the floor. The Exchange proposes to amend these requirements in several respects.

First, as proposed, a MM's appointment would confer the right to quote electronically in all classes traded on the Hybrid Trading System that are located in one designated trading station (''appointed trading station'') and it would confer the right to quote in open outcry all classes traded on the Exchange, regardless of the trading station at which they are located. With respect to Hybrid 2.0 Classes (as defined in proposed CBOE Rule 1.1(aaa)), a MM would only be eligible to submit electronic quotations in up to 40 classes for each Exchange membership it owns or up to 30 classes for each Exchange membership it leases, all of which must be located in the MM's appointed trading station.[7]

This means that a MM would only be eligible to submit electronic quotations into classes located at one appointed trading station. A MM also would be eligible to trade in open outcry in any classes on the Exchange, irrespective of the trading station in which such classes are located.[8] A MM that trades in open outcry away from his/her appointed trading station would be restricted to open outcry trading only and would not be eligible to quote electronically in those classes until such time that the MM notifies the Exchange of his/her intent to change his/her appointment. On any day a MM trades in open outcry outside of his/her appointed trading station, that MM may be required to undertake market-making obligations in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaces and supercedes CBOE's original 19b–4 filing in its entirety.

[4] Amendment No. 2 replaces and supercedes CBOE's original 19b–4 filing and Amendment No. 1 in their entirety.

[5] For example, rather than ''calling in sick'' to work and thereby relinquishing the ability to quote altogether, a MM would be able to stream quotes from his/her home office. CBOE believes that allowing the MM to continue to quote increases liquidity available in the class, thereby enhancing the competitiveness of the Exchange.

[6] This rule filing only allows current MMs to quote remotely (*i.e.*, from outside of their appointed trading stations). File No. SR–CBOE–2004–75 establishes rules for Remote Market-Makers. *See* Securities Exchange Act Release No. 51107 (January 31, 2005), 70 FR 6051 (February 4, 2005) (''RMM filing'').

[7] If a trading station consists of less than 40 (30) Hybrid 2.0 classes, each MM that owns (leases) a membership would be eligible to submit electronic quotations in each of the Hybrid 2.0 classes at that trading station, in accordance with the requirements of CBOE Rule 8.3A.

[8] For margin purposes, these transactions would qualify as MM transactions.

those classes in which the MM trades in open outcry at the request of the Order Book Official.[9]

The proposal limits a MM's appointments to the classes located at no more than one trading station. In Hybrid, MMs currently may only stream quotes where they are physically present in the trading crowd, which in essence already creates a ''one trading station'' appointment.[10] As is the case today, MMs would continue to be able to leave one trading station and trade in another appointed trading station; however, they would be required to notify the Exchange prior to switching trading stations and request an appointment in the classes located at a new trading station, which would be granted on a space-available basis (as described in more detail in proposed CBOE Rule 8.3A). A MM's ability to trade in non-appointed classes would be limited to submitting orders for automatic execution pursuant to CBOE Rules 6.8 or 6.13.[11]

Proposed changes to CBOE Rule 8.3(c) also allow a MM to quote remotely. In this regard, with respect to Hybrid classes located at his/her appointed trading station, a MM may submit electronic quotations in the classes in his/her appointed trading station from a location other than the appointed trading station.[12] The one proposed restriction on this ability would prohibit a MM affiliated with an e-DPM from submitting electronic quotations from outside of the appointed trading station in any class in which the affiliated e-DPM has an appointment.[13]

Finally, proposed CBOE Rule 8.3(c) provides that a MM would be presumed to have an appointment in all non-Hybrid 2.0 classes located at his/her appointed trading station unless the MM specifically indicates to the Exchange that he/she does not want to include a particular class(es) as part of his/her appointment (''excluded classes'').[14] CBOE represents that the purpose in allowing MMs to exclude classes from their appointments is to allow the Exchange to improve the amount of liquidity provided in these classes. When a MM excludes a class, the Exchange would be able to provide an appointment in that excluded class to a MM that does not currently trade that class but who has an interest in doing so. This situation is much more favorable and beneficial than one of the likely alternatives: Allowing a MM that does not want to trade that class but is required to do so because it is located in his/her appointed trading station to stream wider and less competitive quotes. A MM is not eligible to submit electronic quotations into any class it designates as an excluded class. Any request by a MM to receive a subsequent appointment in a previously excluded class would be handled in accordance with proposed CBOE Rule 8.3A.

CBOE Rule 8.7 Obligations of Market-Makers

The Exchange proposes several changes to CBOE Rule 8.7 to allow MMs to quote from outside of their appointed trading stations. The Exchange proposes to revise CBOE Rule 8.7(b)(i) to remove the exclusive physical presence requirement. Accordingly, as revised, MMs would have an obligation to compete with other MMs to improve markets in all series of options classes comprising the MM's appointment, whether trading electronically or in person. The proposed revision to (b)(ii) clarifies that a MM's firm quote obligation applies to all series in which the MM quotes.

The Exchange proposes to amend CBOE Rule 8.7(b)(iii) in two primary respects. The first change proposes to remove the exclusive physical presence requirement and states that a MM has an obligation to update quotes in his/her appointed classes at the trading station where the MM quotes (whether in-person or electronically). The second change is designed to clarify the permissible methods by which a MM may submit quotes and orders in both appointed and non-appointed classes. Proposed new paragraph (iii)(A) provides that with respect to trading in appointed classes:

(1) MMs who are physically present in their appointed trading station may enter quotes and orders in their appointed classes by public outcry in response to a request for a quote or, in classes in which Hybrid or Hybrid 2.0 is implemented, through an Exchange-approved electronic interface via an Exchange-approved quote generation device.

(2) MMs may also enter quotes and orders in their appointed Hybrid and Hybrid 2.0 classes from outside of their appointed trading stations (pursuant to CBOE Rule 8.3) through an Exchange-approved electronic interface via an Exchange-approved quote generation device.

(3) MMs, whether in their appointed trading stations or not, may also submit orders for automatic execution in accordance with the requirements of CBOE Rules 6.8 or 6.13. Proposed paragraph (b)(iii) provides that with respect to trading in non-appointed classes,

MMs may submit orders for automatic execution in accordance with the requirements of CBOE Rules 6.8 or 6.13.[15] In this regard, CBOE Rule 8.3 also would prohibit a MM from quoting electronically into a non-appointed class.

The Exchange proposes changes to paragraph (c) to ensure that a MM who trades in classes located outside of his appointed trading station would be required to fulfill all obligations imposed by CBOE Rule 8.7(b) and, for the rest of the trading day, the MM may be called back to that station to make markets in open outcry in the classes in which they traded.

Current CBOE Rule 8.7(d) governs market-making obligations in Hybrid classes. Generally, the extent of a MM's obligations is dictated by the amount of volume a MM transacts electronically. The Exchange intends to retain paragraph (d)(i)[16] and amend paragraph (d)(ii). As amended, MMs that transact more than 20% of their volume electronically would be obligated to comply with the bid-ask width requirements of CBOE Rule 8.7(b)(iv),[17] maintain continuous quotes for at least ten contracts in 60% of the series of his/her appointed classes,[18] and respond to all open outcry requests for quotes with

[9] *See* CBOE Rule 8.7(c), discussed *infra.*

[10] The Exchange represents that it is gradually transferring all equity classes to the Hybrid Trading System and anticipates having all such classes on Hybrid within the first quarter of 2005.

[11] As part of its appointment, a MM may trade in open outcry all classes located on the Exchange. *See* proposed CBOE Rule 8.7(b)(iii) for the permissible methods by which MMs may submit quotes and orders in appointed and non-appointed classes. CBOE Rule 6.8 applies to non-Hybrid classes, while CBOE Rule 6.13 applies to Hybrid classes.

[12] With respect to Hybrid 2.0 classes, a MM would only be permitted to quote electronically into those classes to which it is appointed and no more than 40 (30) for each membership it owns (leases).

[13] *See* CBOE Rule 8.93(vii). *See also* proposed CBOE Rule 8.4(c)(i) in the Exchange's proposed RMM filing. The same prohibition would apply to MMs affiliated with RMMs and is contingent upon SEC approval of the Exchange's RMM filing (*see supra* note 6).

[14] Because MMs must specifically designate which Hybrid 2.0 classes they would trade as part of their appointment, there is no need to have them designate which Hybrid 2.0 classes they would not trade.

[15] CBOE Rule 6.8 applies to non-Hybrid classes, while CBOE Rule 6.13 applies to Hybrid classes.

[16] Paragraph (d)(i) applies to MMs that transact less than 20% of their contract volume electronically.

[17] Currently $5 except during the opening rotation.

[18] A MM's undecremented quote must be for ten contracts unless the underlying market disseminates a 1-up market, in which case MMs who have automated the process may similarly quote 1-up. This ''1-up'' pilot program is scheduled to expire on August 17, 2005. *See* CBOE Rules 8.7(d)(i)(B) and (d)(ii)(B).

a ten-up, legal width market.[19] Proposed for elimination is the tiered continuous quoting requirement that is dependent upon the amount of volume transacted electronically on the Exchange. CBOE believes an across-the-board 60% quoting requirement is simpler and more effective.

The Exchange also proposes changes to Interpretations and Policies .03 to CBOE Rule 8.7. All MMs would still be required to comply with CBOE Rule 8.7.03(A), which requires 75% of a MM's volume to be in his/her appointed classes. The Exchange intends to retain the in-person requirement contained in current paragraph (B) yet limit its application to non-Hybrid classes. Because MMs would have the ability to quote from outside of their appointed trading stations, CBOE believes that an in-person requirement no longer makes sense.[20]

Finally, the Exchange proposes to amend CBOE Rule 8.8.01's definition of ''station'' to remove the requirement that an appointment must at least include all of the classes of options traded at one station.[21] As proposed in CBOE Rule 8.3, a MM would be presumed to have an appointment in all non-Hybrid 2.0 classes located at his/her appointed trading station unless the MM specifically excludes specific classes. The ability of MMs to exclude classes from their appointments renders necessary the change to CBOE Rule 8.8.01.

CBOE Rule 8.3A Maximum Number of Market Participants Quoting Electronically Per Product

The Exchange does not have unlimited systems bandwidth capacity to support an unlimited number of electronic quoters in every class. For this reason, the Exchange would limit the number of members quoting electronically in each product (''Class Quoting Limit'' or ''CQL'') traded on Hybrid or Hybrid 2.0.[22] By limiting the number of quoters in all Hybrid and Hybrid 2.0 classes/products, the Exchange ensures it would have the ability to effectively handle all quotes generated by members. The number of members permitted to quote in each product is specified in proposed CBOE Rule 8.3A.01. The methodology for determining which members would be able to quote electronically in a product is governed by proposed CBOE Rule 8.3A(a)–(c).

When a CQL is established for each product, the following criteria govern which members are entitled to quote electronically in that subject product. A MM (excluding the e-DPM) that is not eligible to quote electronically in a product still may quote in open outcry in that product.

Products Trading on the Hybrid 2.0 Platform as of January 6, 2005 and Products Trading on the Hybrid Trading System as of January 6, 2005

The DPM and e-DPMs (if applicable[23]) assigned to the product on January 6, 2005, and MMs who: (1) Are in good standing with the Exchange; and (2) (i) have transacted at least 80% of their MM contracts and transactions in-person in each of the three immediately preceding calendar months prior to January 6, 2005 in option products traded in the trading station; or (ii) were physically present in the trading station acting in the capacity of a MM on January 6, 2005, are entitled to quote electronically in those products for as long as they maintain an appointment those products.[24]

All other MMs and approved e-DPMs that request the ability to submit quotes electronically in the subject product would be entitled to quote electronically in that product in the order in which they so request provided the number of members quoting electronically in the product does not exceed the CQL. When the number of members in the product quoting electronically equals the CQL, all other members requesting the ability to quote electronically in that product would be wait-listed in the order in which they submitted the request.

The waiting list operates based on time priority. When the product can accommodate another electronic quoter (whether due to attrition or an increase in the CQL), the member at the ''top'' of the list (*i.e.*, the member that has been on the waiting list the longest amount of time) has priority. Once a member is wait-listed, the Exchange may not alter his/her position on the wait-list other than to improve such position (*i.e.*, the Exchange may not place other members ahead of a previously wait-listed member). If a wait-listed member is offered, yet refuses, the ability to quote electronically in the subject product, the member would be removed from that waiting list.

Products Added to the Hybrid 2.0 Platform After January 6, 2005

With respect to a product that is added to the Hybrid 2.0 Platform after January 6, 2005, the DPM and e-DPMs appointed to the product would be entitled to quote electronically. All MMs quoting in the product prior to its addition to the Hybrid 2.0 Platform would be entitled to quote electronically provided that: (i) They have transacted at least 80% of their MM contracts and transactions in-person in each of the three immediately preceding calendar months prior to the product being added to the Hybrid 2.0 Platform in option products traded in the trading station; or (ii) they were physically present in the trading station acting in the capacity of a MM on the day prior to the product being added to the Hybrid 2.0 Platform. These standards, which also are contained in paragraph (a) of this rule, would ensure that MMs that maintained a presence in the class prior to its conversion to the Hybrid 2.0 Platform would be guaranteed the ability to quote electronically upon conversion to Hybrid 2.0. If at the time a product is added to the Hybrid 2.0 Platform the aggregate number of DPMs, e-DPMs, and MMs entitled to quote electronically in the product exceeds the CQL, then the product would have an ''increased CQL,'' as described in Interpretations and Policies .01(a). Reduction of any ''increased CQL'' would be in accordance with the procedures described in Interpretations and Policies .01(a).

All other members would be entitled to quote electronically in that product in the order in which they so request provided the number of members quoting electronically in the product does not exceed the CQL. When the number of members quoting electronically in the product equals the CQL, all other members would be wait-listed in the order in which they request the ability to quote electronically. The wait-list would operate as described in CBOE Rule 8.3A(a).

Products Added to the Hybrid Trading System After January 6, 2005

With respect to a new product that commences trading on the Hybrid Trading System after January 6, 2005, the assigned DPM would be entitled to quote electronically. Thereafter, all other members would be entitled to

[19] Only MMs physically present in a trading station would have the ability to provide markets in open outcry.

[20] A MM's ability to quote electronically from outside of its appointed trading station is limited to appointed Hybrid and Hybrid 2.0 classes, as described and proposed in CBOE Rule 8.3(c).

[21] This same proposed amendment appears in File No. SR–CBOE–2004–75.

[22] For purposes of this rule, the term ''product'' refers to all options of the same single underlying security/value.

[23] Non-Hybrid 2.0 classes do not have e-DPMs.

[24] CBOE represents that the practical effect of this rule is to ensure that the DPM, all MMs, and all e-DPMs would be guaranteed the ability to quote electronically in products trading at their primary trading stations as of January 6, 2005. There were no products as of this date for which the number of members quoting electronically exceeded the CQL for that product.

quote electronically in that product in the order in which they so request provided the number of members quoting electronically does not exceed the CQL. When the number of members quoting electronically in the product equals the CQL, all other members would be wait-listed in the order in which they request the ability to quote electronically. The wait-list would operate as described in CBOE Rule 8.3A(a).

Establishing the Class Quoting Limits

There would not be a uniform CQL for each class traded on the Exchange, rather the CQL would vary by product. This section describes the process for affixing CQLs for all products.

Products Trading on the Exchange as of January 6, 2005

The proposed CQL for all products trading on the Hybrid Trading System would be twenty-five (25). The twenty-sixth member to request the ability to quote electronically in a Hybrid class would be first on the wait-list for that product.

The proposed CQLs for products trading on the Hybrid 2.0 Platform would vary based on trading volume over the preceding calendar quarter. The proposed CQL would be as follows: 40 for the 20% most actively-traded products over the preceding quarter; 35 for the next 20% most actively-traded products; 30 for the next 20% most actively-traded products; and 25 for all other Hybrid 2.0 Platform products.[25] The Exchange selected these levels because they strike the optimum balance between the Exchange's need to not exceed its internal quote capacity by allowing an unlimited number of quoters in every class and the need to provide greater liquidity in the more actively-traded classes.

At the end of each calendar quarter, products would be assigned a different CQL based on the revised trading volume statistics (''new CQL''). For example, if a product with 25 electronic quoters then qualifies (based on increased trading volume) for 35 electronic quoters, the CQL increases immediately and those on the wait-list would be added (if applicable). Otherwise, time priority governs who would be entitled to quote electronically in that class.

If the number of members quoting electronically in the product on the last day of the quarter equals or is less than the new CQL, then the previous CQL is reduced immediately to the new CQL.[26] If the number of members quoting electronically in the product on the last day of the quarter is greater than the new CQL, then that product would have an ''increased'' CQL. The reason for the ''increased'' CQL is to avoid having to prevent members from quoting electronically in a product in which they are already quoting. In this regard, the ''increased'' CQL would equal the number of members quoting electronically in the product on the last day of the quarter. If a member changes his/her appointment and ceases quoting electronically in that product, the ''increased'' CQL would decrease by one until such time that the number of remaining members quoting electronically in the product equals the new CQL.[27] From that point forward, the number of members quoting electronically in the product may not exceed the new CQL.

As an example, assume product ABC's existing CQL is 40, the new CQL on rebalancing date should be 30, and that 33 members are quoting electronically in the product on the last day of the quarter. Rather than prevent three members from quoting, the CQL would be increased to 33. If one of those 33 members ''drops'' the product from his/her appointment and thus no longer quotes electronically, the ''increased'' CQL would drop to 32. When two others leave, the CQL becomes 30 and the first member on the wait-list would be entitled to quote electronically when one other member leaves the product.

Products Not Traded on the Exchange as of January 6, 2005

The proposed CQL for all products newly-listed on the Exchange after January 6, 2005 would be 25 until such time that the CQL increases in accordance with this Interpretations and Policies .01. In this regard, when the product's trading volume increases such that the product then qualifies for a higher CQL, it would receive a higher CQL.

Increasing the Class Quoting Limit in Exceptional Circumstances

CBOE believes that having an established upper limit on the number of members that may quote electronically in any given product works effectively for the overwhelming vast majority of products traded on CBOE. Nevertheless, there are bound to be instances in which the demand to quote in a new or existing product greatly exceeds the CQL for that product. For example, more than 150 members trade options on the S&P 500 (''SPX'') index. If the Exchange were to trade SPX options on Hybrid, a CQL of 25 would be low. It is for these rare instances that the Exchange proposes to adopt a rule to allow for a higher CQL.

In this regard, when exceptional circumstances warrant, the President of the Exchange (or in his absence his designee, who must be a Senior Vice President of the Exchange or higher) may increase the CQL for an existing or new product. ''Exceptional circumstances'' refers to substantial trading volume, whether actual or expected (*e.g.*, in the case of a new product or a major news announcement). The Exchange does not intend for this discretion (*i.e.*, to increase the CQL) to be exercised on an intra-day basis. Rather, the primary instance for which the Exchange anticipates this discretion being exercised is for the addition of new products to Hybrid or Hybrid 2.0 for where the standard CQL is not high enough to accommodate the anticipated trading volume and member demand. When the CQL increases pursuant to the President exercising his authority in accordance with this paragraph, members on the wait-list (if applicable, with respect to a product already trading on Hybrid), have first priority and remaining capacity would be filled on a time priority basis.[28]

Upon cessation of the exceptional circumstances, the President (or his designee), in his discretion, may determine to reduce the CQL. Any reduction in the CQL must be undertaken in accordance with the procedure established in paragraph .01(a)(ii) above with respect to lowering the ''increased CQL.'' This means that if the new CQL is less than the number of members quoting electronically in that product, there would be an ''increased'' CQL. Any actions taken by the President of the Exchange pursuant to this paragraph (to increase or decrease the CQL) would be submitted to the SEC in a rule filing pursuant to Section 19(b)(3)(A) of the Act.

The Exchange would announce all changes regarding CQLs to the membership via Information Circular. The Exchange may increase the CQL levels established in paragraphs .01(a) and (b) by submitting to the SEC a rule filing pursuant to Section 19(b)(3)(A) of the Act. The Exchange may decrease the CQL levels established above upon SEC approval of a rule filing submitted pursuant to Section 19(b)(2) of the Act.

[25] *See* proposed CBOE Rule 8.3A.01.

[26] *See* proposed CBOE Rule 8.3A.01(i).

[27] *See* proposed CBOE Rule 8.3A.01(ii).

[28] For new products, proposed CBOE Rule 8.3A(a)–(c) governs.

Other Minor Rule Changes

The Exchange proposes to amend the definition of ''market participant'' in CBOE Rule 6.45A to remove the in-person requirement from MMs. The Exchange proposes definitions in CBOE Rule 1.1(aaa) for the terms ''Hybrid Trading System'' and ''Hybrid 2.0 Program.''

2. Statutory Basis

The Exchange believes that the proposal, as amended, would enhance liquidity on the Exchange. For this reason, the Exchange believes the proposed rule change, as amended, 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.[29] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[30] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, 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 comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2004–58 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–CBOE–2004–58. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2004–58 and should be submitted on or before March 22, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[31]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–801 Filed 2–28–05; 8:45 am]

BILLING CODE 8010–01–P

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51244; File No. SR–CBOE–2003–30]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change and Amendment Nos. 1, 2, 3, and 4 Thereto Relating to Position Limits and Exercise Limits

February 23, 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 July 9, 2003, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. On January 8, 2004, the CBOE filed Amendment No. 1 to the proposed rule change.[3] On October 29, 2004, the CBOE filed Amendment No. 2 to the proposed rule change.[4] On February 10, 2005, the CBOE filed Amendment No. 3 to the proposed rule change.[5] On February 15, 2005, the CBOE filed Amendment No. 4 to the proposed rule change.[6] The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from James M. Flynn, Attorney II, Legal Division, CBOE, to Sharon Lawson, Senior Special Counsel, Division of Market Regulation (''Division''), Commission, dated January 7, 2004 (''Amendment No. 1'').

[4] *See* letter from Edward J. Joyce, President and Chief Operating Officer, CBOE, to Nancy Sanow, Assistant Director, Division, Commission, dated October 28, 2004 (''Amendment No. 2'').

[5] Amendment No. 3, which replaced and superseded the original filing and the first and second amendments in their entireties, eliminated, among other things, certain hedge exemptions that were proposed in the original filing, requested that the increases to the standard position and exercise limits proposed in the filing be adopted as a six-month pilot program, and requested accelerated approval of the proposed rule change.

[6] Amendment No. 4, which replaced and superseded the original filing and the previous amendments in their entireties, retained the changes made by Amendment No. 3 and made technical corrections to the filing.

comments on the proposed rule change, as amended, from interested persons and is accelerating approval of the proposed rule change, as amended, on a pilot basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Exchange Rule 4.11 and Exchange Rule 4.12 to increase the standard position limits and exercise limits for equity option contracts and options on the Nasdaq-100 Index Tracking Stock (''QQQQ''). The text of the proposed rule change is available on the CBOE's Web site (*http://www.cboe.com*), 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 CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The CBOE is proposing several changes to Exchange Rule 4.11 (Position Limits) and, accordingly, to Exchange Rule 4.12 (Exercise Limits). Exchange Rule 4.11 subjects equity options to one of five different position limits depending on the trading volume and outstanding shares of the underlying security. Exchange Rule 4.12 establishes exercise limits for the corresponding options at the same levels as the corresponding security's position limits.[7]

Standard Position and Exercise Limits

The Exchange is proposing to adopt a pilot program for a period of six months during which the standard position and exercise limits for options on the QQQQ and for equity option classes traded on the Exchange would be increased to the following levels:

Current equity option contract limit	Proposed equity option contract limit
13,500	25,000
22,500	50,000
31,500	75,000
60,000	200,000
75,000	250,000
Current QQQQ option contract limit	**Proposed QQQQ option contract limit**
300,000	900,000

The standard position limits were last increased on December 31, 1998.[8] Since that time there has been a steady increase in the number of accounts that, (a) approach the position limit; (b) exceed the position limit; and (c) are granted an exemption to the standard limit. Several member firms have petitioned the Exchange to either eliminate position limits, or in lieu of total elimination, increase the current levels and expand the available hedge exemptions. A review of available data indicates that the majority of accounts that maintain sizable positions are in those option classes subject to the 60,000 and 75,000 tier limits. There also has been an increase in the number of accounts that maintain sizable positions in the lower three tiers. In addition, overall volume in the options market has continually increased over the past five years. The Exchange believes that the increase in options volume and lack of evidence of market manipulation occurrences over the past twenty years justifies the proposed increases in the position and exercise limits.

The Exchange also proposes the adoption of a new equity hedge exemption to the existing exemptions currently provided under Interpretation and Policy .04 to Exchange Rule 4.11. Specifically, new Interpretation and Policy .04(a)(5) to Exchange Rule 4.11 would allow for a ''reverse collar'' hedge exemption to apply when a long call position is accompanied by a short put position, and the long call expires with the short put. In addition, the strike price of the long call must equal or exceed the short put, and each long call and short put position must be hedged with 100 shares of the underlying security (or other adjusted number of shares). Neither side of the long call short put can be in-the-money at the time the position is established. The Exchange believes this is consistent with the existing Interpretation and Policy .04(a)(4) to Exchange Rule 4.11, which provides for an exemption for a ''collar,'' and Interpretation and Policy .04(a)(2) and (3) to Exchange Rule 4.11, which provide for a hedge exemption for reverse conversions and conversions, respectively.

Manipulation

The CBOE believes that position and exercise limits, at their current levels, no longer serve their stated purpose. The Commission has previously stated that:

> Since the inception of standardized options trading, the options exchanges have had rules imposing limits on the aggregate number of options contracts that a member or customer could hold or exercise. These rules are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position. In particular, position and exercise limits are designed to minimize the potential for mini-manipulations and for corners or squeezes of the underlying market. In addition such limits serve to reduce the possibility for disruption of the options market itself, especially in illiquid options classes.[9]

As the anniversary of listed options trading approaches its thirty-second year, the Exchange believes that the existing surveillance procedures and reporting requirements at the CBOE, other options exchanges, and at the several clearing firms are capable of properly identifying unusual and/or illegal trading activity. In addition, routine oversight inspections of CBOE's regulatory programs by the Commission have not uncovered any material inconsistencies or shortcomings in the manner in which the Exchange's market surveillance is conducted. These procedures utilize daily monitoring of market movements via automated surveillance techniques to identify unusual activity in both options and in underlying stocks. Furthermore, the significant increases in unhedged options capital charges resulting from the September 1997 adoption of risk-based haircuts in combination with the Exchange margin requirements applicable to these products under Exchange rules, serve as a more effective protection than do position limits.[10]

[7] Exchange Rule 4.12 states ''* * * no member shall exercise, for any account in which it has an interest or for the account of any customer, a long position in any options contract where such member or customer, acting alone or in concert with others, directly or indirectly * * * has or will have exercised within any five consecutive business days aggregate long positions in any class of options dealt in on the Exchange in excess of [the established limits set by the Exchange]. * * *''

[8] *See* Securities Exchange Act Release No. 40875 (December 31, 1998), 64 FR 1842 (January 12, 1999) (SR–CBOE–98–25) (approval of increase in position limits and exercise limits).

[9] *See* Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR–CBOE–97–11) (approval of increase in position limits and exercise limits for OEX index options).

[10] *See* Securities Exchange Act Release No. 38248 (February 6, 1997), 62 FR 6474 (February 12, 1997)

Continued

Furthermore, large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G.[11] Options positions are part of any reportable positions and, thus, cannot be legally hidden. In addition, Exchange Rule 4.13, which requires members to file reports with the Exchange for any customer or member who held aggregate long or short positions of 200 or more option contracts of any single class for the previous day, will remain unchanged and will continue to serve as an important part of the Exchange's surveillance efforts.

The Exchange believes that restrictive equity position limits prevent large customers, such as mutual funds and pension funds, from using options to gain meaningful exposure to individual stocks. This can result in lost liquidity in both the options market and the stock market. In addition, the Exchange has found that restrictive limits and narrow hedge exemption relief restrict member firms from adequately facilitating customer order flow and offsetting the risks of such facilitations in the listed options market. The fact that position limits are calculated on a gross rather than a delta basis also is an impediment.

Financial Requirements

The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns that a member or its customer may try to maintain an inordinately large unhedged position in an equity option. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a member must maintain for a large position held by itself or by its customer. It also should be noted that the Exchange has the authority under Exchange Rule 12.3(h) and Exchange Rule 12.10 to impose higher margin requirements upon a member or member organization when the Exchange determines that higher requirements are warranted. Also, the Commission's net capital rule, Rule 15c3–1 under the Act,[12] imposes a capital charge on members to the extent of any margin deficiency resulting from the higher margin requirement.

Finally, equity position limits have been gradually expanded from 1,000 contracts in 1973 to the current level of 75,000 contracts for options on the largest and most active underlying securities. To date, the Exchange believes that there have been no adverse affects on the market as a result of these past increases in the limits for equity option contracts.

Housekeeping Changes

The Exchange is proposing to amend Exchange Rule 4.11 by deleting the requirement that notice of position limit information be manually posted on the Exchange Bulletin Board. With the advance of technologies, position limits are now communicated to the membership largely through electronic media. Currently, applicable position limits are posted on the CBOE Internet site and on the Options Clearing Corporation Internet site and are sent electronically via e-mail to those member firms that have requested this type of notification. Paper copies of the position limits also are available to the trading floor community upon request. Posting a paper list, which is quite long and consumes a large amount of space, on the Exchange Bulletin Board is an outdated requirement that no longer serves a purpose. Therefore, the Exchange proposes to amend the language to state that position limit information must be posted publicly.

The Exchange also proposes a minor change to Interpretation and Policy .06 to Exchange Rule 4.11 to correct the ''Example'' pertaining to the equity hedge exemption. The current Example inaccurately refers to the equity hedge exemption being limited to two times the standard limit. This limitation was removed in a previous rule filing,[13] and is thus no longer relevant. Currently, there is no position limit restriction for qualified hedge strategies under the equity hedge exemption policy.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act,[14] in that it is designed to perfect the mechanisms of a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2003–30 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–2003–30. 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 publicly available. All submissions should refer to File Number SR–CBOE–2003–30 and should be submitted on or before March 22, 2005.

(File No. S7–7–94) (adopting risk-based haircuts); and CBOE Rule 12.3 (Margins).

[11] 17 CFR 240.13d–1.

[12] 17 CFR 240.15c3–1.

[13] *See* Securities Exchange Act Release No. 40875 (December 31, 1998), 64 FR 1842 (January 12, 1999) (SR–CBOE–98–25) (approval of increase in position limits and exercise limits).

[14] 15 U.S.C. 78f(b)(5).

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder, applicable to a national securities exchange.[15] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[16] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and to protect investors and the public interest.

The Commission notes that standard position and exercise limits have not been increased in six years, during which time overall options market volume has continually increased, and the number of accounts that approach the current limits, exceed them, and are granted exemptions from the limits has also increased. The CBOE believes, among other things, that restrictive position limits result in lost liquidity by preventing large customers from using options to gain meaningful exposure to individual stocks. In view of the Exchange's representations concerning its surveillance procedures and capabilities of identifying unusual or illegal trading activity, as well as other protections against market manipulation noted in the proposal, the Commission believes that it is appropriate at this time to approve the proposed increases in position and exercise limits for a pilot program of six months.

The Commission also believes that the proposal to implement the ''reverse collar'' hedge exemption is consistent with the existing hedge exemption relating to the ''collar'' strategy, which has already been approved by the Commission. The additional amendments appropriately adjust the requirement that the Exchange post reasonable notice of new position limits to reflect current technology, and eliminate an inaccuracy in the Exchange rules.

The CBOE has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after publication of notice thereof in the **Federal Register**. The Commission believes that it is appropriate to accelerate approval of the proposed rule change so that the pilot program, intended to ease restrictions that inhibit liquidity in the options market, consistent with the protection of investors, may begin without delay. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[17] for approving the proposed rule change, as amended, prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[18] that the proposed rule change (SR–CBOE–2003–30), as amended, is hereby approved on an accelerated basis for a pilot period to expire on August 23, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–807 Filed 2–28–05; 8:45 am]

BILLING CODE 8010–01–P

[15] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78f(b)(4).

[17] 15 U.S.C. 78s(b)(2).

[18] 15 U.S.C. 78s(b)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51243; File No. SR–PCX–2004–130]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Fees for Late FOCD Forms

February 23, 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 December 23, 2004, the Pacific Exchange, Inc. (''PCX'' or ''Exchange''), through its wholly owned subsidiary PCX Equities, Inc. (''PCXE''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The PCX has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the PCX under Section 19(b)(3)(A)(ii) of the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to amend the PCXE rules to adopt new fees for late Financial and Operational Compliance Department (''FOCD'') required forms. The text of the proposed rule change is below. Proposed new language is in italics. Proposed deletions are in brackets.

Rules of the Pacific Exchange, Inc.

Rule 11

Business Conduct

* * * * *

Prevention of the Misuse of Material, Nonpublic Information

Rule 11.3(*a*) Every OTP Holder or OTP Firm must establish, maintain and enforce written policies and procedures reasonably designed, taking into consideration the nature of such OTP Holder or OTP Firm's business, to prevent the misuse of material, non-public information by such OTP Holder or OTP Firm or persons associated with such OTP Holder or OTP Firm. OTP Holders or OTP Firms for whom the Exchange is the Designated Examining Authority (''DEA'') that are required, pursuant to Rule 4.5, to file SEC form X–17A–5, with the Exchange on an annual or more frequent basis must file contemporaneously with the submission for the calendar year end ITSFEA compliance acknowledgments stating that the procedures mandated by this Rule have been established, enforced and maintained. Any OTP Holder or OTP Firm or Associated Person who becomes aware of a possible misuse of material, non-public information must promptly notify the Exchange's Options Surveillance Department.

(b) Any OTP Holder or OTP Firm who fails to file a compliance acknowledgment form in a timely manner shall be subject to a late filing charge of $500.00 for each occurrence. Repeated or aggravated failure to file may be referred to the Enforcement Department for appropriate disciplinary action.

Commentary .01–.03—No change.

* * * * *

Disclosure of Financial Arrangements of OTP Holders

Rule 11.11(a)—No change.

(b) OTP Holders and OTP Firms with financial arrangements must submit to the Exchange notification of the initiation, modification or termination of such financial arrangements in a form, time and manner approved by the Exchange within ten business days of the effective date of such arrangements or within such shorter period of time as the Exchange may require. *Any OTP Holder or OTP Firm who fails to file as such in a timely manner shall be subject to a late filing charge of $500.00 for each occurrence. Repeated or aggravated failure to file may be referred to the Enforcement Department for appropriate disciplinary action.* [Failure to disclose the terms of such financial arrangements to the Exchange may result in disciplinary action.]

* * * * *

Rules of PCX Equities, Inc.

Rule 6

Business Conduct

* * * * *

Prevention of the Misuse of Material, Nonpublic Information

Rule 6.3*(a)* Every ETP Holder must establish, maintain and enforce written policies and procedures reasonably designed, taking into consideration the nature of such ETP Holder's business, to prevent the misuse of material, non-public information by such ETP Holder or persons associated with such ETP Holder. ETP Holders for whom the Corporation is the Designated Examining Authority (''DEA'') that are required, pursuant to Rule 4.5, to file SEC form X–17A–5, with the Corporation on an annual or more frequent basis must file contemporaneously with the submission for the calendar year end ITSFEA compliance acknowledgments stating that the procedures mandated by this Rule have been established, enforced and maintained. Any ETP Holder or Associated Persons who becomes aware of a possible misuse of material, non-public information must promptly notify the Corporation's Surveillance Department.

(b) Any ETP Holder who fails to file a compliance acknowledgment form in a timely manner shall be subject to a late filing charge of $500.00 for each occurrence. Repeated or aggravated failure to file may be referred to the Enforcement Department for appropriate disciplinary action.

Commentary .01–.03—No change.

* * * * *

Disclosure of Financial Arrangements

Rule 6.11(a)—No change.

(b) ETP Holders with financial arrangements must submit to the Corporation notification of the initiation, modification or termination of such financial arrangements in a form, time and manner approved by the Corporation within ten business days of the effective date of such arrangements or within such shorter period of time as the Corporation may require. *Any ETP Holder who fails to file as such in a timely manner shall be subject to a late filing charge of $500.00 for each occurrence. Repeated or aggravated failure to file may be referred to the Enforcement Department for appropriate disciplinary action.* [Failure to disclose the terms of such financial arrangements to the Corporation may result in disciplinary action.]

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 self-regulatory organization 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 self-regulatory organization 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

Purpose

The Exchange proposes to adopt fees for late filings of certain required FOCD forms. Options Trading Permit (''OTP'') Holders and OTP Firms and Equities Trading Permit (''ETP'') Holders (collectively, ''Holders'') are required to file a number of FOCD related forms in a timely manner. The Exchange believes that timely submission of FOCD forms is a serious matter and believes it is necessary to assess late fees to encourage Holders to file such forms in a timely manner.

The Exchange proposes to adopt late fees for the FOCD related forms described below.

1. Annual Compliance Acknowledgement Form

Under PCX Rule 11.3 and PCXE Rule 6.3, every Holder must establish, maintain, and enforce written policies and procedures to prevent the misuse of material, non-public information by the respective Holder or persons associated with such Holder. Holders for whom the Exchange is the Designated Examining Authority that are required, under PCX and PCXE Rule 4.5, to file SEC Form X–17A–5 with the Exchange on an annual basis must file contemporaneously with the submission for the calendar year end ITSFEA compliance acknowledgments stating that the procedures mandated by PCX Rule 11.3 or PCXE 6.3 have been established, enforced and maintained. The Exchange proposes to assess a late filing fee of $500 for each occurrence to any Holder who fails to file the Annual Compliance Acknowledgement Form in a timely manner. Repeated or aggravated failure to file may be referred to the Enforcement Department for appropriate disciplinary action.

2. Financial Arrangement Disclosure Form

Under PCX Rule 11.11 and PCXE 6.11, Holders with financial arrangements are required to submit to the Exchange notification of the initiation, modification or termination of such financial arrangements in a form, time and manner approved by the Exchange within ten business days of the effective date of such arrangements. The Exchange proposes to assess a $500 late fee to those Holders who fail to file the Financial Arrangement Disclosure Form in a timely manner. Repeated or aggravated failure to file may be referred to the Enforcement Department for appropriate disciplinary action.

Basis

The Exchange believes that the proposal is consistent with Section 6(b) [4] of the Act, in general, and Section 6(b)(4) [5] of the Act, in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its OTP Holders, OTP Firms, ETP Holders, issuers, 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.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii)[6] of the Act and subparagraph (f)(2) of Act Rule 19b–4 thereunder,[7] because it is concerned solely with the administration of the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission could have summarily abrogated such rule change if it appeared to the Commission that such action was necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance 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–PCX–2004–130 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–PCX–2004–130. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PCX–2004–130 and should be submitted on or before March 22, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–808 Filed 2–28–05; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51239; File No. SR–Phlx–2005–13]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to SIG Indices, LLLP

February 22, 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 February 16, 2005, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in items I and II below, which items have been prepared by the Phlx. The Exchange has filed the proposal as a ''non-controversial'' rule change pursuant to section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Phlx Rule 1104A, SIG Indices, LLLP Indexes, to add five new SIG indices licensed by Susquehanna Indices, LLLP (''SI'') to the Exchange. Phlx Rule 1104A provides generally that SI makes no express or implied warranty as to results to be obtained by any person or entity from the use of any of the SIG indexes, and makes no express or implied warranties of merchantability or fitness for a particular purpose with respect to any of the named indexes.

The text of the proposed rule change is below. Proposed new language is in *italics;* proposed deletions are in [brackets].

* * * * *

Rule 1104A. SIG Indices, LLLP [Indexes]

SIG Indices, LLLP makes no warranty, express or implied, as to results to be obtained by any person or any entity from the use of the SIG Investment Managers Index™, the SIG Cable, Media & Entertainment Index™, the SIG Casino Gaming Index™, the SIG Semiconductor Equipment Index™, [and]the SIG Semiconductor Device Index™*, the SIG Specialty Retail Index™, the SIG Steel Producers Index™, the SIG Footwear & Athletic Index™, the SIG Education Index™, and the SIG Restaurant Index™* or any data included therein in connection with the trading of option contracts thereon, or for any other use. SIG Indices, LLLP makes no express or implied warranties of merchantability or fitness for a particular purpose for use with respect to the SIG Investment Managers Index™, the SIG Cable, Media & Entertainment Index™, the SIG Casino Gaming Index™, the SIG Semiconductor Equipment Index™, [and]the SIG Semiconductor Device Index™*, the SIG Specialty Retail Index™, the SIG Steel Producers Index™, the SIG Footwear & Athletic Index™, the SIG Education Index™, and the SIG Restaurant Index™* or any data included therein.

* * * * *

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 Phlx 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 purpose of the proposed rule change is to amend Phlx Rule 1104A, which applies to indexes maintained by SIG Indices, LLLP, to include five indexes recently licensed by SI to the Exchange.[5]

The rule currently provides generally that SI makes no warranty, express or implied, as to results to be obtained by any person or entity from the use of the SIG Investment Managers Index™, the SIG Cable, Media & Entertainment Index™, the SIG Casino Gaming Index™, the SIG Semiconductor Equipment Index™, and the SIG Semiconductor Device Index™, and that SI makes no express or implied warranties of merchantability or fitness for a particular purpose for use with respect to any of the named indexes or any data included therein.[6] The Exchange is now proposing to amend Phlx Rule 1104A to expand the coverage of the rule to include the five newly-licensed and listed indexes—the SIG Specialty Retail Index™, the SIG Steel Producers Index™, the SIG Footwear & Athletic Index™, the SIG Education Index™, and the SIG Restaurant Index™—as required by the license agreement issued to the Exchange.[7]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of section 6(b)(5) of the Act[9] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule should encourage SI to continue to maintain the SIG Indices so that options on them may be traded on the Exchange, thereby providing investors with enhanced investment opportunities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has been designated by the Phlx as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act[10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

The foregoing rule change: (1) Does not significantly affect the protection of investors or the public interest, (2) does not impose any significant burden on competition, and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest. As required under Rule 19b–4(f)(6)(iii), the Phlx provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to filing the proposal with the Commission or such shorter period as designated by the Commission.[12] Consequently, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

Pursuant to Rule 19b-4(f)(6)(iii),[15] a proposed ''non-controversial'' rule change does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Phlx has requested that the Commission waive the 30-day operative delay. The Commission has determined that it would be consistent with the protection of investors and the public interest to waive the 30-day period so that all SIG indices are treated uniformly.[16]

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–Phlx–2005–13 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 No. SR–Phlx–2005–13. This file number

[5] The Exchange currently lists options on the SIG Investment Managers Index™, the SIG Cable, Media & Entertainment Index™, the SIG Casino Gaming Index™, the SIG Semiconductor Equipment Index™, the SIG Semiconductor Device Index™, and on newly-licensed indexes—the SIG Steel Producers Index™, the SIG Specialty Retail Index™, the SIG Footwear & Athletic Index™, the SIG Education Index™, and the SIG Restaurant Index™, pursuant to a license agreement with Susquehanna Indices, LLLP and Exchange Rule 1009A(b). The indexes are trademarks of SIG Indices, LLLP.

[6] The Exchange noted in its filing to adopt Phlx Rule 1104A that the proposed disclaimer was appropriate given that it was similar to disclaimer provisions of American Stock Exchange Rule 902C relating to indexes underlying options listed on that exchange. *See* Securities Exchange Act Release No. 48135 (July 7, 2003), 68 FR 42154 (July 16, 2003)(approving SR–Phlx–2003–21). The Exchange recently amended Phlx Rule 1104A to include the SIG Casino Gaming Index™, the SIG Semiconductor Equipment Index™, and the SIG Semiconductor Device Index™, as required by the license agreement between SI and the Exchange. *See* Securities Exchange Act Release No. 50333 (September 9, 2004), 69 FR 55860 (September 16, 2004)(SR–Phlx–2004–48).

[7] The SIG Specialty Retail Index™, the SIG Footwear & Athletic Index™, the SIG Education Index™, and the SIG Restaurant Index™ were listed pursuant to Rule 19b–4(e) under the Act on January 5, 2005, and the SIG Steel Producers Index™ was listed on December 21, 2004 (amended January 13, 2005).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For the purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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 Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. 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 No. SR–Phlx–2005–13 and should be submitted on or before March 21, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–800 Filed 2–28–05; 8:45 am]

BILLING CODE 8010–01–P

[17] 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 a copy of the collection instrument by calling the SSA Reports Clearance Officer at (410) 965–0454 or by writing to the address listed above.

State Agency Ticket Assignment Form—Ticket to Work and Self Sufficiency Program—0960–0641. SSA uses the information collected on form SSA–1365 to determine proper assignment under the Ticket to Work program and payment option. This will be done through the contracted Program Manager. The State Vocational Rehabilitation Agency (VRA) completes the form and the beneficiary reviews the data. The beneficiary will sign the form to acknowledge the assignment of their ticket to that agency. Respondents are the State VRAs.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 82.

Frequency of Response: 50.

Average Burden Per Response: 3 minutes.

Estimated Annual Burden: 205 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 packages by calling the SSA Reports Clearance Officer at (410) 965–0454, or by writing to the address listed above.

1. Application for Survivors Benefits—20 CFR 404.611 (a) and (c)—0960–0062. The information collected by form SSA–24 is needed to satisfy the ''Joint Prescribed Application'' of Title 38 U.S.C. 5105. That provision requires that survivors who file with either SSA or the Department of Veterans Affairs (VA) shall be deemed to have filed with both agencies, and that each agency's forms must request sufficient information to constitute an application for both SSA and VA benefits. The respondents are survivors of members or former members of the armed services. When form SSA–24 is received by SSA from the VA, an earnings record is requested to determine if insured status exists so that the claimant will complete the appropriate SSA survivor application. If entitlement does not exist, SSA may disallow the claim. If an SSA survivor application has already been filed, form SSA–24 is treated as a duplicate application.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 3,200.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 800 hours.

2. Continuing Disability Review Report—20 CFR 404.1589, 20 CFR 416.989—0960–0072. We use form SSA–454–BK to collect information from individuals receiving disability benefits or their representatives. We evaluate the information to determine whether the individuals remain eligible for benefit payments. Adults are considered eligible for payment if they continue to be unable to do substantial gainful activity (SGA) by reason of their impairments. Title XVI children are considered eligible for payment if they still have marked and severe functional limitations by reason of their impairments. We obtain information concerning sources of medical treatment, participation in vocational rehabilitation programs (if any), attempts to work (if any), and the opinions of individuals regarding whether their conditions have improved.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 792,020.

Frequency of Response: 1.

Average Burden Per Response: 45 minutes.

Estimated Annual Burden: 594,015 hours.

Quarterly Statistical Report on Recipients and Payments Under State-Administered Assistance Programs for Aged, Blind and Disabled (Individuals and Couples) Recipients—20 CFR 416.2010, 20 CFR 416.2098—0960–0130. The purpose of the statistical report is to obtain State data on expenditures and caseloads of State-administered supplementation under the Supplemental Security Income (SSI)

program. The statistics are needed to complement information available for the federally administered programs and to more fully explain the impact of the public income support programs on the needy, aged, blind, and disabled. In addition, the expenditure data are used to monitor State compliance with the mandatory pass-along provision.

States use our publications, which are prepared from data submitted on this statistical report, for administrative purposes to compare their expenditures and caseloads with those of other States, to determine the feasibility of program change, and to keep abreast of program developments in other States. Federal personnel request data about State-administered supplementation programs to compare various State programs, to examine the relationship of State supplementation expenditures and caseloads to federally financed programs such as Medicaid, and to determine the effect of changes in SSI and other Federal programs on State supplementation programs. In addition, Federal and State personnel have used data obtained from this report in developing legislative proposals and budget estimates.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 31.

Frequency of Response: 4.

Average Burden per Response: 60 minutes.

Estimated Annual Burden: 124 hours.

Dated: February 23, 2005.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 05–3892 Filed 2–28–05; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA 2004–19348]

Notice of Request for Comments on Renewing Approval of an Information Collection: OMB Control No. 2126–0015 (Designation of Agents, Motor Carriers, Brokers and Freight Forwarders)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for comments.

SUMMARY: The FMCSA announces that the Information Collection Request (ICR) described in this notice is being sent to the Office of Management and Budget (OMB) for review and approval. This information collection allows registered motor carriers, property brokers and freight forwarders a means of meeting process agent requirements. On September 14, 2004, the agency published a **Federal Register** notice announcing a 60-day comment period on this information collection (69 FR 55490). We are required to send ICRs to OMB under the Paperwork Reduction Act.

DATES: Please submit comments by March 31, 2005.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, *Attention:* DOT Desk Officer. We particularly request your comments on whether the collection of information is necessary for the FMCSA to meet its goal of reducing truck crashes, including: Whether the information is useful to this goal; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility and clarity of the information collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. OMB wants to receive comments within 30 days of publication of this notice in order to act on the ICR quickly.

FOR FURTHER INFORMATION CONTACT: Mr. James Keenan (202–385–2400), Commercial Enforcement (MC–ECC), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.s.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Designation of Agents, Motor Carriers, Brokers and Freight Forwarders.

OMB Control Number: 2126–0015.

Background: The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902; freight forwarders under the provisions of 49 U.S.C. 13903; and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registration requirements to the FMCSA.

Registered motor carriers (including private carriers) and freight forwarders must designate: (1) An agent upon whom service of notices in proceedings before the Secretary may be made (49 U.S.C. 13303); and (2) for every State in which they operate and traverse in the United States during such operations, agents upon whom process issued by a court may be served in actions brought against the registered transportation entity (49 U.S.C. 13304). Every broker shall make a designation for each State in which its offices are located or in which contracts are written. Regulations governing the designation of process agents are found at 49 CFR part 366. This designation is filed with the FMCSA on Form BOC–3, ''Designation of Agent for Service of Process.''

Respondents: Motor carriers, freight forwarders and brokers.

Average Burden Per Response: 10 minutes.

Estimated Total Annual Burden: 5,000 hours (30,000 filings × 10 minutes/60 minutes = 5,000 hours).

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 U.S.C. 13303, 13304, 13901, 13902, 13903 and 13904; and 49 CFR 1.73 and 366.

Issued on: February 24, 2005.

Annette M. Sandberg,

Administrator.

[FR Doc. 05–3953 Filed 2–28–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34417 (Sub-No. 3)]

Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company [1]

AGENCY: Surface Transportation Board, DOT.

ACTION: Partial revocation of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, revokes the class exemption as it pertains to the modified trackage rights described in STB Finance Docket No. 34417 (Sub-No. 2) [2] to permit the

[1] Effective January 20, 2005, The Burlington Northern and Santa Fe Railway Company has changed its name to BNSF Railway Company (BNSF).

[2] On December 17, 2004, the Union Pacific Railroad Company (UP) concurrently filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by BNSF to grant additional local trackage rights to UP over a BNSF line of railroad between BNSF milepost 113.0 and BNSF milepost 117.0 near Endicott, NE, a distance of approximately 4.0 miles. UP submits that the trackage rights are only temporary rights, but, because they are ''local'' rather than ''overhead'' rights, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR

trackage rights to expire on or about May 16, 2005, in accordance with the agreement of the parties,[3] subject to the employee protective conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

DATES: This exemption will be effective on March 31, 2005. Petitions to stay must be filed by March 11, 2005. Petitions to reopen must be filed by March 21, 2005.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 34417 (Sub-No. 3) must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of all pleadings must be served on petitioner's representative: Robert T. Opal, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1609. [Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706. Telephone: (202) 306–4004. [Assistance for the hearing impaired is available through FIRS at 1–800–877–8339.]

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 23, 2005.

By the Board, Chairman Nober, Vice Chairman Buttrey, Commissioner Mulvey.

Vernon A. Williams,

Secretary.

[FR Doc. 05–3884 Filed 2–28–05; 8:45 am]

BILLING CODE 4915–01–P

1180.2(d)(8). *See Union Pacific Railroad Company-Temporary Trackage Rights Exemption-The Burlington Northern and Santa Fe Railway Company,* STB Finance Docket No. 34417 (Sub-No. 2) (STB served Jan. 6, 2005).

[3] The original trackage rights granted in *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company,* STB Finance Docket No. 34417 (STB served Nov. 3, 2003), extended between BNSF milepost 114.5 and BNSF milepost 117.0 near Endicott, NE, a distance of approximately 2.5 miles. By decision served December 8, 2003, in STB Finance Docket No. 34417 (Sub-No. 1), the Board granted an exemption to permit the trackage rights granted in STB Finance Docket No. 34417 to expire. At that time, it was anticipated by the parties that the rights would expire on or about October 15, 2004. However, this authority had not been exercised at the time of filing of the notice of exemption in STB Finance Docket No. 34417 (Sub-No. 2) for the additional local trackage rights.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34664]

Keokuk Junction Railway Co.—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP), pursuant to a written trackage rights agreement entered into between UP and Keokuk Junction Railway Co. (KJRY), has agreed to grant overhead trackage rights to KJRY between Hollis, Peoria County, IL (milepost 118.5), and Iowa Junction, Peoria County, IL (milepost 113.6), a total distance of approximately 5.0 miles. KJRY will operate its own trains with its own crews over the UP line under the trackage rights. The purpose of this transaction will be to allow KJRY to interchange traffic with the Tazewell & Peoria Railroad, Inc. (TZPR), by bridging KJRY trains from Hollis to the TZPR at Iowa Junction.

KJRY indicated that consummation of this transaction was scheduled to occur on February 16, 2005, and that operations would commence thereafter.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34664, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Daniel A. LaKemper, 1318 S. Johanson Road, Peoria, IL 61607.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 22, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–3885 Filed 2–28–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–218–78]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–218–78 (TD 8096), Product Liability Losses and Accumulations for Product Liability Losses (Section 1.172–13).

DATES: Written comments should be received on or before May 2, 2005 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Product Liability Losses and Accumulations for Product Liability Losses.

OMB Number: 1545–0863.

Regulation Project Number: LR–218–78.

Abstract: Generally, a taxpayer who sustains a product liability loss must carry the loss back 10 years. However, a taxpayer may elect to have such loss treated as a regular net operating loss under section 172. The election is made by attaching a statement to the tax return. This statement will enable the IRS to monitor compliance with the statutory requirements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Average Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 2,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2005.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 05–3946 Filed 2–28–05; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

Agency: United States Institute of Peace.

Date/Time: Thursday, March 17, 2005, 9 a.m.–3 p.m.

Location: 1200 17th Street, NW., Suite 200—Conference Room, Washington, DC 20036.

Status: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

Agenda: March 2005 Board Meeting; Approval of Minutes of the One Hundred Seventeenth Meeting (November 18, 2004) of the Board of Directors; Chairman's Report; President's Report; Program Reports; Grant Review and Approval; Consideration of Fellowship Applications; Other General Issues.

Contact: Tessie Higgs, Executive Office, Telephone: (202) 429–3836.

Dated: February 23, 2005.

Michael Graham,

Executive Vice President, United States Institute of Peace.

[FR Doc. 05–4003 Filed 2–25–05; 12:54 pm]

BILLING CODE 6820–AR–M

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Tuesday, March 1, 2005

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CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT MARCH 1, 2005

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Atlantic deep-sea red crab; published 2-11-05

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Assessments; certified statements; published 11-23-04

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Paiute cutthroat trout; Open for comments until further notice; published 9-10-04 [FR 04-20517]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

The text of laws is not published in the **Federal**

Register but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

S. 5/P.L. 109–2

Class Action Fairness Act of 2005 (Feb. 18, 2005; 119 Stat. 4)

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TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 2005

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Date of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
March 1	March 16	March 31	April 15	May 2	May 31
March 2	March 17	April 1	April 18	May 2	May 31
March 3	March 18	April 4	April 18	May 2	June 1
March 4	March 21	April 4	April 18	May 3	June 2
March 7	March 22	April 6	April 21	May 6	June 6
March 8	March 23	April 7	April 22	May 9	June 6
March 9	March 24	April 8	April 25	May 9	June 7
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March 11	March 28	April 11	April 25	May 10	June 9
March 14	March 29	April 13	April 28	May 13	June 13
March 15	March 30	April 14	April 29	May 16	June 13
March 16	March 31	April 15	May 2	May 16	June 14
March 17	April 1	April 18	May 2	May 16	June 15
March 18	April 4	April 18	May 2	May 17	June 16
March 21	April 5	April 20	May 5	May 20	June 20
March 22	April 6	April 21	May 6	May 23	June 20
March 23	April 7	April 22	May 9	May 23	June 21
March 24	April 8	April 25	May 9	May 23	June 22
March 25	April 11	April 25	May 9	May 24	June 23
March 28	April 12	April 27	May 12	May 27	June 27
March 29	April 13	April 28	May 13	May 31	June 27
March 30	April 14	April 29	May 16	May 31	June 28
March 31	April 15	May 2	May 16	May 31	June 29