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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1770

RIN 0572–AB77

Accounting Requirements for RUS Telecommunications Borrowers

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS), an agency delivering the U.S. Department of Agriculture's Rural Development Utilities Programs, is amending its regulations on accounting policies and procedures for RUS Telecommunications Borrowers as set forth in RUS's regulations concerning Accounting System Requirements for RUS Telecommunications Borrowers. This final rule adopts some recent accounting changes made by the Federal Communications Commission (FCC). These changes include increasing the expense limit for some assets excluding personal computers, allowing tools and test equipment located in the central office to be expensed under the new limitation. This final rule affirms the use of Class A accounts by RUS borrowers; maintains the expense matrix requirements; maintains the requirement that borrowers request prior approval to record extraordinary items, prior period adjustments, and contingent liabilities; establishes policies and procedures to permit RUS borrowers to follow Prudent Utility Practice regarding the storage and retention of business records; and eliminates certain Telecommunications Plant Under Construction accounts. This final rule also adds three new accounting interpretations on Allowance for Funds Used During Construction, Reporting Comprehensive Income, and Disclosures About Pensions and Other Postretirement Benefits.

DATES: Effective June 15, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Diana C. Alger, Chief, Technical Accounting and Auditing Staff, Program Accounting Services Division, Rural Utilities Service, Stop 1523, Room 2221—South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 720–5227.

SUPPLEMENTARY INFORMATION

Executive Order 12866

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

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted, no retroactive effort will be given to this rule, and, in accordance with Section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

Regulatory Flexibility Act Certification

RUS has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS telecommunications program provides loans to borrowers at interest rates and on terms that are more favorable than those generally available from the private sector. RUS borrowers, as a result of obtaining federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

This rule implements provisions of the loan documents between RUS and those telecommunications utilities that borrow from RUS and represents an update of existing record retention requirements. The requirements reflect due diligence standards of both pubic and private lenders for borrowers in the telecommunications industry. Moreover, the requirements reflect generally accepted telecommunications industry standards and are consistent with requirements imposed by many State and Federal utility regulatory bodies. The rule is not expected to materially change the current practices of most RUS borrowers and consequently will not have a significant impact on the affected entities.

Executive Order 13132, Federalism

The policies contained in this rule do not have any 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. Nor does this rule impose substantial direct compliance costs on state or local governments. Therefore, consultation with states is not required.

Information Collection and Recordkeeping Requirements

This rule contains no new reporting or recordkeeping burdens under OMB control number 0572–0003 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

National Environmental Policy Act Certification

The Administrator of RUS has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require a consultation with State and local officials. See the final rule related notice titled, ''Department Programs and Activities Excluded from Executive Order 12372'' (50 FR 47034).

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Program under No. 10.851, Rural Telephone Loans and Loan Guarantees; No. 10.852, Rural

Telephone Bank Loans; No. 10.857, Rural Broadband Access Loans and Loan Guarantees; and No. 10.854, Distance Learning and Telemedicine Loans and Grants. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402. Telephone: (202) 512–1800.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) (2 U.S.C. 1501 *et seq.*) for State, local, and tribal governments for the private sector. Thus, this rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Background

In order to facilitate the effective and economic operation of a business, adequate and reliable financial records must be maintained. Accounting records must provide a clear, accurate picture of current economic conditions from which management can make informed decisions in charting the company's future. The rate regulated environment in which a telecommunications carrier operates causes an even greater need for financial information that is accurate, complete, and comparable with that generated by other carriers. For this reason, the Federal Communications Commission (FCC) prescribes a Uniform System of Accounts (USoA) for the telecommunications industry.

RUS, as a Federal lender and mortgagee, and in furthering the objectives of the Rural Electrification Act (RE Act) (7 U.S.C. 901 *et seq.*) has a legitimate programmatic interest and a substantial financial interest in requiring adequate records to be maintained. In order to provide RUS with financial information that can be analyzed and compared with the operations of other borrowers in the RUS program, all RUS borrowers must maintain financial records that utilize uniform accounts and uniform accounting policies and procedures. The standard RUS security instrument, therefore, requires borrowers to maintain their books, records, and accounts in accordance with methods and principles of accounting prescribed by RUS in the RUS USoA for its telecommunications borrowers.

The RUS USoA parallels the USoA prescribed by the FCC for telecommunications utilities and, as such, is consistent with the standards of financial accounting in the telecommunications industry as a whole. As FCC amends its USoA, RUS reviews the appropriateness and applicability of each amendment and proposes revisions, as necessary, to the RUS USoA.

In Docket 95–60, published in the **Federal Register** on July 23, 1997, at 62 FR 39451, the FCC raised the expense limit on accounts 2112, 2113, 2114, 2115, 2116, 2122, 2123, and 2124 (excluding personal computers) from $500 to $2000. RUS adopts this change.

The FCC published Docket 98–81 in the **Federal Register** on September 15, 1999, at 64 FR 50002. This order entailed a number of items that RUS has incorporated into its USoA.

RUS is combining accounts 2114 through 2116 into a single new account 2114, Tools and Other Work Equipment. Because the assets recorded in these accounts are similar in nature and use similar depreciation rates, we believe that combining them would not adversely impact loan security issues or the consistent and comparable reporting of financial information to RUS. Nor would it affect reporting for ratemaking purposes.

RUS is eliminating account 5010 and requiring that all nonregulated revenues be recorded in account 5280, Nonregulated Operating Revenue. This change requires carriers to maintain subsidiary record categories for each nonregulated revenue item recorded in this account. Our interest is in ensuring that nonregulated revenues be segregated from regulated revenues.

Docket 98–81 also eliminated the requirement in 47 CFR 32.16 for filing projected future effects of an accounting change (revenue requirement study) and the requirement in 47 CFR 32.2000(b) that borrowers submit for approval, journal entries to record telecommunications plant acquisitions of more than $1 million Class A companies and more than $250,000 for Class B companies. Because the need for this level of approval no longer exists, RUS eliminates these requirements.

The FCC published Docket 99–253 in the **Federal Register** on March 28, 2000, at 65 FR 16328. This docket eliminated the 30-day notification requirement for establishment of temporary or experimental accounts found in 47 CFR 32.13(a)(3), eliminated the reclassification requirement for property held for more than 2 years in account 2002, Property Held for Future Telecommunications Use, and eliminated the reclassification requirement for projects held in account 2003, Telecommunications Plant Under Construction, and suspended for more than 6 months. RUS adopts these changes.

The FCC has also eliminated the requirement for carriers to obtain prior approval before recording extraordinary items, contingent liabilities, and prior period adjustments as previously required in 47 CFR 32.25. RUS is retaining this requirement for borrowers of the RUS Telecommunications Program.

Additionally, this docket eliminated the expense matrix requirement found in 47 CFR 32.5999. The information provided by this matrix is invaluable for RUS in its analysis of the financial condition of borrowers. RUS, therefore, is retaining the expense matrix requirement.

Because account 2004 has been eliminated from the FCC USoA, RUS is deleting accounts 2004.1, 2004.2, and 2004.3 from the accounts required under 7 CFR 1770.15 and renaming and redefining accounts 2003.1, 2003.2, and 2003.4.

In response to a change by the FCC of its revenue threshold for classification of Class A carriers, RUS is requiring that all borrowers using the Class A system of accounts as of May 10, 2004, are required to continue using this system and all new borrowers shall adopt the Class A system of accounts. RUS shall continue to require financial information that can be analyzed and compared with the operations of all other borrowers in the RUS program. For this reason, RUS borrowers must continue to maintain financial records that utilize uniform accounts and uniform accounting policies and procedures.

To ensure that borrowers consistently report their financial operations and keep pace with the changing environment in which they operate, RUS is setting forth accounting interpretations that establish the reporting and disclosure requirements for Reporting Comprehensive Income and Disclosures about Pensions and Other Postretirement Benefits.

RUS is revising 7 CFR part 1770 to change the word ''companies'' to ''borrowers'' in all instances to better reflect the current nature of the industry. RUS is also specifically identifying the organizational unit within RUS to which requests for approval and interpretations should be addressed. This revision should assist borrowers in filing requests and should expedite the review process within RUS.

On November 5, 2001, the FCC released its' ''Report and Order in CC Docket NOS. 00–199, 97–212, and 80–286 Further Notice of Proposed

Rulemaking in CC Docket NOS. 00–199, 99–301, and 80–286'' addressing: (1) The 2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and Automated Reporting Management Information System (ARMIS) Reporting Requirements for Incumbent Local Exchange Carriers: Phase 2, (2) Amendments to the Uniform System of Accounts for Interconnection, (3) Jurisdictional Separations Reform and Referral to the Federal-State Joint Board, and (4) Local Competition and Broadband reporting. This order contains a number of items that RUS is incorporating into its USoA.

The FCC created new subaccounts for accounts 2212, 2232, 6212, 6232, and 6620. Account 2212, Digital Electronic Switching, will have subaccounts 2212.1, Circuit, and 2212.2, Packet. Account 2232, Circuit Equipment, will have subaccounts 2232.1, Electronic, and 2232.2, Optical. Account 6212, Digital Electronic Switching Expense, will have subaccounts 6212.1, Circuit, and 6212.2, Packet. Account 6232, Circuit Equipment Expense, will have subaccounts 6232.1, Electronic, and 6232.2, Optical. Account 6620, Services, will have subaccounts 6620.1, Wholesale, and 6620.2, Retail. RUS adopts these changes.

The FCC revised Sections 32.1220(h) and 32.2311(f) of 47 CFR part 32 and eliminated the annual inventory requirement for materials and supplies, and station apparatus in stock. Borrowers would be allowed the latitude to determine the appropriate inventory validation methodology based on risk assessment and existing controls. RUS adopts this change.

Additionally, under 7 CFR part 32, Section 32.4999(L) the FCC eliminated the ''treated traditionally'' requirement from incidental activities. Revenues from minor nontariffed activities that are an outgrowth of the borrower's regulated activities may be recorded as regulated revenues under certain conditions. However, the FCC maintained the other three requirements to provide safeguards to prevent misuse of the incidental activities exception. RUS adopts this change.

The FCC addressed the affiliate transaction rules under Section 32.27 in five distinct areas by: (1) Eliminating the requirement that carriers make a fair market value comparison for asset transfers when the total annual value of that asset is less than $500,000; (2) giving carriers flexibility in valuing certain transactions by allowing the higher or lower of cost or market valuation to operate as either a floor or ceiling, depending on the direction of the transaction; (3) lowering the percent of sales of assets or services to third parties, from greater than 50 percent to 25 percent, in order to qualify for prevailing price treatment in valuing affiliate transactions; (4) maintaining the narrowly defined exception that provides when an incumbent carrier purchases services from an affiliate that exists solely to provide services to members of the carrier's corporate family, the carrier may record the services at fully distributed cost rather than applying the cost or market rule; and (5) maintaining the affiliate transaction rules and not exempting nonregulated to nonregulated transactions from the affiliate transaction rules. RUS shall not adopt these changes.

The FCC modified § 32.5280(c) so that incumbent local exchange carriers (ILEC's) may group their nonregulated revenues into two groups: One subsidiary record for all the revenues from regulated services treated as nonregulated for federal accounting purposes pursuant to the FCC order, and the second for all other nonregulated revenues. RUS shall not adopt these changes.

Additionally, the FCC streamlined many of its accounting rules and reporting requirements by reducing the number of Class A accounts from 296 to 164, and the number of Class B accounts from 113 to 82 accounts. RUS shall not adopt this change.

On November 12, 2002, the FCC released an Order that suspended implementation of four accounting and recordkeeping rule modifications they previously adopted: (1) The consolidation of Accounts 6621 through 6623 into Account 6620, with subaccounts for wholesale and retail; (2) the consolidation of Account 5230, Directory Revenue into Account 5200, Miscellaneous Revenue; (3) the consolidation of the depreciation and amortization expense accounts (Accounts 6561 through 6565) into Account 6562, Depreciation and Amortization Expense; and (4) the revised ''Loop Sheath Kilometers'' data collection in Table II of ARMIS Report 43–07. RUS agrees with this suspension.

The suspension will allow the recently established Federal-State Joint Conference on Accounting Issues to review these rules before carriers are required to implement them. However, those reforms included in the FCC's November 5, 2001, Report and Order and Further Notice of Proposed Rulemaking, took effect January 1, 2003.

Comments

A proposed rule entitled Accounting Requirements for RUS Telecommunications Borrowers, published in the **Federal Register**, May 10, 2004, at 69 FR 25848, invited interested parties to submit comments on or before July 9, 2004. No comments were received.

The following is supplemental information for use by broadband providers, and in particular, the recipients of loans made under the Rural Broadband Access Loans and Loan Guarantees Program (Pub. L. 101–171). This information will be included in RUS Bulletin 1770B–1, ''Part 32, Uniform System of Accounts, and Supplementary Accounts Required of REA Telephone Borrowers,'' as an appendix. This appendix provides an overview of the Uniform System of Accounts required for all RUS Telecommunications and Broadband Borrowers, along with items listed for pertinent plant, revenue, and expense accounts.

List of Subjects in 7 CFR Part 1770

Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telecommunications, Uniform System of Accounts.

■ For the reasons set out in the preamble, Chapter XVII of Title 7 of the Code of Federal Regulations, part 1770, is amended to read as follows:

■ 1. The authority citation for part 1770 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PART 1770—ACCOUNTING REQUIREMENTS FOR RUS TELECOMMUNICATIONS BORROWERS

■ 2. The heading for part 1770 is revised to read as set out above.

■ 3. Subpart A (§§1770.1–1770.9) is added to read as follows:

Subpart A—Preservation of Records

Sec.
1770.1 General.
1770.2 Designation of a supervisory official.
1770.3 Index of records.
1770.4 Record storage media.
1770.5 Periods of retention.
1770.6–1770.9 [Reserved]

Subpart A—Preservation of Records

§ 1770.1 General.

(a) This subpart establishes RUS polices and procedures for the preservation of records of telecommunications borrowers.

(b) The regulations prescribed in this part apply to all books of account, contracts, records, memoranda, documents, papers, and correspondence prepared by or on behalf of the borrower as well as those which come into its possession in connection with the acquisition of property by purchase, consolidation, merger, etc.

(c) The regulations prescribed in this part shall not be construed as excusing compliance with any other lawful requirements for the preservation of records.

§ 1770.2 Designation of a supervisory official.

Each borrower shall designate one or more officials to supervise the preservation of its records.

§ 1770.3 Index of records.

(a) Each borrower shall maintain a master index of records. The master index shall identify the records retained, the related retention period, and the locations where the records are maintained. The master index shall be subject to review by RUS and RUS shall reserve the right to add records, or lengthen retention periods upon finding that retention periods may be insufficient for its purposes.

(b) At each office where records are kept or stored the borrower shall arrange, file, and index the records currently at that site so that they may be readily identified and made available to representatives of RUS.

§ 1770.4 Record storage media.

Each RUS borrower has the flexibility to select its own storage media subject to the following conditions:

(a) The storage media must have a life expectancy at least equal to the applicable retention period provided for in the master index of records, unless there is quality transfer from one media to another with no loss of data. Each transfer of data from one media to another must be verified for accuracy and documented.

(b) Each borrower is required to implement internal control procedures that assure the reliability of, and ready access to, data stored on machine-readable media. Internal control procedures must be documented by a responsible supervisory official.

(c) The records shall be indexed and retained in such a manner that they are easily accessible.

(d) The borrower shall have the hardware and software available to locate, identify, and reproduce the records in readable form without loss of clarity.

(e) At the expiration of the retention period, the borrower may use any appropriate method to destroy records.

(f) When any records are lost or destroyed before the expiration of the retention period set forth in the master index, a certified statement shall be added to the master index listing, as far as may be determined, the records lost or destroyed and describing the circumstances of the premature loss or destruction.

§ 1770.5 Periods of retention.

(a) Except as provided for in paragraphs (b), (c), and (d) of this section, record retention shall be consistent with Prudent Utility Practice. Prudent Utility Practice shall mean any of the practices, methods, and acts which, in the exercise of reasonable judgment, in light of the facts, including but not limited to, the practices, methods, and acts engaged in or approved by a significant portion of the telecommunications industry prior thereto, known at the time the decision was made, would have been expected to accomplish the desired result consistent with cost effectiveness, reliability, safety, and expeditiousness. It is recognized that Prudent Utility Practice is not intended to be limited to optimum practice, method, or act to the exclusion of all others, but rather is a spectrum of possible practices, methods, or acts which could have been expected to accomplish the desired result at the lowest reasonable cost consistent with cost effectiveness, reliability, safety, and expedition.

(b) Records supporting construction financed by RUS shall be retained until audited and approved by RUS.

(c) Records related to plant in service must be retained until the facilities are permanently removed from utility service, all removal and restoration activities are completed, and all costs are retired from the accounting records unless accounting adjustments resulting from reclassification and original costs studies have been approved by RUS or other regulatory body having jurisdiction.

(d) Life and mortality study data for depreciation purposes must be retained for 25 years or for 10 years after plant is retired whichever is longer.

§§ 1770.6—1770.9 [Reserved]

Subpart B—Uniform System of Accounts

■ 4. Amend § 1770.11 by revising paragraphs (b)(1) and (b)(2) to read as follows:

§ 1770.11 Accounting system requirements.

* * * * *

(b) * * *

(1) RUS borrowers maintaining the accounts prescribed in 47 CFR part 32 for Class A companies as of June 15, 2005, shall continue to do so. RUS suspends implementation of the reduced number of Class A and B accounts, until the Federal-State Joint Conference has reviewed them.

(2) New borrowers under the RUS telecommunications program shall maintain the accounts prescribed in 47 CFR part 32 for Class A companies.

* * * * *

■ 5. Amend § 1770.13 by revising paragraph (d) to read as follows:

§ 1770.13 Accounting requirements.

* * * * *

(d) Interpretations of RUS accounting requirements shall be referred to the Assistant Administrator, Program Accounting and Regulatory Analysis, Rural Utilities Service.

■ 6. Section 1770.15 is amended by:

■ A. Removing account entries 2004.1, 2004.2, and 2004.3;

■ B. Revising account entries 2003.1, 2003.2, and 2003.3; and

■ C. Adding new subaccount entries 2212, 2232, 6212, 6232, and 6620.

This revision and addition are to read as follows:

§ 1770.15 Supplementary accounts required of all borrowers.

Class of company		
Account No.		Account title
A	B	
*	*	* * * * * *
2003.1	2003.1	*Telecommunications Plant Under Construction—Contract* This account shall include all costs incurred in the construction of telecommunications plant performed under contract and the cost of software development projects that are not yet ready for their intended use. Included among these costs are contractor payments and charges for engineering, supervision, taxes, insurance, transportation, and other costs incurred in contract construction. This account shall be maintained such that the various items of cost are readily identifiable.
2003.2	2003.2	*Telecommunications Plant Under Construction—Force Account* This account shall include all costs incurred in the construction of telecommunications plant performed by the borrowers' own employees and the cost of software development projects performed by the borrowers' own employees that are not yet ready for their intended use. Included among these costs are charges for material, labor, engineering, supervision, taxes, insurance, transportation, supply expense, and other costs incurred in the construction. This account shall be maintained such that the various items of cost are readily identified. Specific subaccounts should be maintained to distinguish individual projects.
2003.3	2003.3	*Telecommunications Plant Under Construction—Work Orders* This account shall include all costs incurred in the construction of telecommunication plant performed under a work order system or line extension contract. This type of construction generally includes service installations, subscriber extensions, and minor plant improvements after the completion of the initial system. Included among these costs are charges for labor, material and supplies, transportation, payroll taxes, insurance, supervision, and other costs incurred in the construction. Subsidiary records shall be maintained to reflect the cost of the individual jobs. These records shall be reconciled periodically with the general ledger control account. Specific subaccounts should be maintained to accumulate costs incurred under line extension contracts.
*	*	* * * * * *
2212.1	2212.1	Digital Electronic Switching—Circuit.
2212.2	2212.2	Digital Electronic Switching—Packet.
*	*	* * * * * *
2232.1	2232.1	Circuit Equipment—Electronic.
2232.2	2232.2	Circuit Equipment—Optical.
*	*	* * * * * *
6212.1	6212.1	Digital Electronic Switching Expense—Circuit.
6212.2	6212.2	Digital Electronic Switching Expense—Packet.
*	*	* * * * * *
6232.1	6232.1	Circuit Equipment Expense—Electronic.
6232.2	6232.2	Circuit Equipment Expense—Optical.
*	*	* * * * * *
6620.1	6620.1	Services—Wholesale.
6620.2	6620.2	Services—Retail.
*	*	* * * * * *

■ 7. Section 1770.17 is added to read as follows:

§ 1770.17 Expense matrix.

The expense accounts shall be maintained by the following subsidiary record categories, as appropriate to each account. Such subsidiary record categories shall be reported as required by 47 CFR part 43.

(a) *Salaries and wages.* This subsidiary record category shall include compensation to employees, such as wages, salaries, commissions, bonuses, incentive awards, and termination payments.

(b) *Benefits.* This subsidiary record category shall include payroll related benefits on behalf of employees such as the following:

(1) Pensions;

(2) Savings plan contributions (company portion);

(3) Worker's compensation required by law;

(4) Life, hospital, medical, dental, and vision plan insurance, and

(5) Social Security and other payroll taxes.

(c) *Rents.* (1) This subsidiary record category shall include amounts paid for the use of real and personal operating property. Amounts paid for real property shall be included in Account 6121, Land and Buildings Expense. This category includes payments for operating leases but does not include payments for capital leases.

(2) This subsidiary record category is applicable only to the Plant Specific Operations Expense accounts. Incidental rents, *e.g.*, short-term rental car expense, shall be categorized as Other Expenses (see paragraph (d) of this section) under the account which reflects the function for which the incidental rent was incurred.

(d) *Other expenses.* This subsidiary record category shall include costs which cannot be classified to the other subsidiary record categories. Included are material and supplies, including provisioning (*note also* Account 6512, Provisioning Expense); contracted services; accident and damage

payments, insurance premiums; traveling expenses and other miscellaneous costs.

(e) *Clearances.* This subsidiary record category shall include amounts transferred to Construction accounts (*see* 47 CFR 32.2000(c)(2)(iii)), other Plant Specific Operations Expense accounts and/or Account 3100, Accumulated Depreciation (cost of removal; *see* 47 CFR 32.2000(g)(1)(iii)), as appropriate, from Accounts 6112, Motor Vehicles Expense, 6114, Tools and Other Work Equipment Expense, 6534, Plant Operations and Administration Expense, and 6535, Engineering Expense. There shall also be transfers to Construction or other Plant Specific Operations Expense accounts, as appropriate, from Account 6512, Provisioning Expense. With respect to these expenses, companies may establish such clearing accounts as they deem necessary to accomplish substantially the same results, provided that within thirty (30) days of the opening of such accounts, companies shall notify the FCC of the nature and purpose thereof. Additional clearing accounts affecting other expense areas may be established with prior approval of the FCC. Should companies elect, the initial incurred subsidiary record category identification may be carried through to the final accounts without FCC approval.

■ 8. Section 1770.25 is added to read as follows:

§ 1770.25 Unusual items and contingent liabilities.

Extraordinary items, prior period adjustments and contingent liabilities shall be submitted to RUS for review before being recorded in the company's books of account. The materiality of corrections of errors in prior periods shall be measured in relation to the summary account level used for reporting purposes for Class A companies, or in relation to total operating revenues or total operating expenses for Class B companies. For Class A companies, no correction in excess of one percent of the aggregate summary account dollars or one million dollars, whichever is higher, may be recorded in current operating accounts without prior approval. For Class B companies, no correction which exceeds one percent of total operating revenues or one percent of total operating expenses, depending on the nature of the item, may be recorded in current operating accounts without prior approval.

Subpart C—Accounting Interpretations

■ 9. The Appendix to Subpart C is amended by:

■ A. Adding under ''Numerical Index'' and ''Number and Title'', in numerical order, the new numbers and their respective titles;

■ B. Adding under ''Subject Matter Index'', in alphabetic order, new subjects and their respective number, and

■ C. Add at the end of this Appendix, the new numbers and descriptions.

These additions are to read as follows:

Appendix to Subpart C to Part 1770—Accounting Methods and Procedures Required of All Borrowers

* * * * *

Numerical Index

Number and Title

* * * * *

107 Allowance for Funds Used During Construction

108 Reporting Comprehensive Income

109 Disclosures About Pensions and Other Postretirement Benefits

Subject Matter Index

A

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* * * * *

107 Allowance for Funds Used During Construction

A. Statement of Financial Accounting Standard No. 34, Capitalization of Interest Cost, established the standards for capitalizing interest cost as a part of the historical cost of acquiring certain assets. In order to capitalize interest, the asset must require a period of time to complete or to get it ready for its intended use. This standard applies to all entities that construct facilities for their own use and should be applied by RUS Telecommunications borrowers as follows:

1. Only actual interest costs incurred on external borrowings qualify to be capitalized. The interest rate used to calculate the amount of interest to be capitalized is based on the companies external borrowings. If a construction project is associated with specific debt, the interest rate on that debt is used to calculate interest cost to be capitalized. If the project is not associated with a specific debt, a weighted average of the rates of all existing debt shall be applied to expenditures for the project. There is no materiality threshold for adoption of this standard (47 CFR 32.26).

2. If a borrower is involved in a joint construction project, all determinations as to the amount of interest incurred and qualified for capitalization must be based on individual financing arrangements with regard to the Interest During Construction rules.

3. The capitalization period shall end when the asset is substantially complete and ready for its intended use.

Disclosures

A. The following information with respect to interest cost shall be disclosed in the financial statements or related notes:

1. For an accounting period in which no interest cost is capitalized, the amount of interest cost incurred and charged to expense during the period.

2. For an accounting period in which some interest cost is capitalized, the total amount of interest cost incurred during the period and the amount thereof that has been capitalized.

108 Reporting Comprehensive Income

A. In June 1997, the Financial Accounting Standards Board issued Statement of Financial Accounting Standards No. 130, Reporting Comprehensive Income. This statement requires that all items that meet the definition of the components of comprehensive income be reported in the financial statements for the period in which they are recognized. Statement 130 establishes a distinction between *comprehensive income* and *other comprehensive income.*

1. *Comprehensive income* is composed of net income and *other comprehensive income.* The net income is the result of operations resulting from the aggregation of revenues, expenses, gains and losses that are not items that comprise other comprehensive income.

2. *Other comprehensive income* is composed of the following:

(a) Foreign currency items,

(b) Minimum pension liability adjustments, and

(c) Unrealized gains and losses on certain investments in debt and equity securities. Gains or losses on investment securities included in the net income of the current period that also had been included in other comprehensive income as unrealized holding gains or losses in a prior period must be adjusted (called reclassification adjustments) in the presentation of other comprehensive income in the current period.

B. *Comprehensive income* expressed as a formula would be:

Net Income ± items of *other comprehensive income* = *comprehensive income*

While Statement 130 requires that comprehensive income should be divided into two broad display classifications, net income and other comprehensive income, it

does not prescribe a specific format for displaying comprehensive income in the financial statements.

C. RUS Telecommunications borrowers that present a single Statement of Operations and Patronage Capital should present the components of *other comprehensive income* below the total for net income and then present the reconciliation of patronage capital (Retained Earnings). Borrowers that present a separate Statement of Patronage Capital (or Retained Earnings) should display the beginning balance of patronage capital (or retained earnings), net income for the period, other items of comprehensive income and total comprehensive income before the presentation of other items of patronage capital (or retained earnings) for the period.

109 Disclosures about Pensions and Other Postretirement Benefits

A. Statement of Financial Accounting Standards (SFAS) No. 132, Employers' Disclosures about Pensions and Other Postretirement Benefits, issued in February 1998, is effective for fiscal years beginning after December 15, 1998. This statement revises employers' disclosure requirements for pension and other postretirement benefit plans. It does not change the measurement or recognition of those plans. The statement also permits reduced disclosures for nonpublic entities, which are defined as any entity other than one:

1. Whose debt or equity securities trade in a public market either on a domestic or foreign stock exchange or in the over-the-counter market, including securities quoted only locally or regionally,

2. That makes a filing with a regulatory agency in preparation for the sale of any class of debt or equity securities in a public market, or

3. That is controlled by an entity covered by 1 or 2 above.

Public Entities and Those Controlled by Public Entities

A. A commercial RUS Telecommunications borrower that meets the definition of a public entity and sponsors one or more defined benefit pension or postretirement benefit plan shall provide the following information on a comparative basis for the statements presented:

1. A reconciliation of beginning and ending balances of the benefit obligation showing separately, if applicable, the effects during the period attributable to each of the following:

(a) Service cost,

(b) Interest cost,

(c) Contributions by plan participants,

(d) Actuarial gains and losses,

(e) Foreign currency exchange rate changes,

(f) Benefits paid,

(g) Plan amendments,

(h) Business combinations,

(i) Divestitures,

(j) Curtailments,

(k) Settlements, and

(l) Special termination benefits.

2. A reconciliation of beginning and ending balances of the fair value of plan assets showing separately, if applicable, the effects during the period attributable to each of the following:

(a) Actual return on plan assets,

(b) Foreign currency exchange rate changes,

(c) Contributions by the employer,

(d) Contributions by plan participants,

(e) Benefits paid,

(f) Business combinations,

(g) Divestitures, and

(h) Settlements.

3. The funded status of the plans, the amounts not recognized in the statement of financial position, and the amounts recognized in the statement of financial position, including:

(a) The amount of any unamortized prior service cost.

(b) The amount of any unrecognized net gain or loss (including asset gains and losses not yet reflected in market-related value).

(c) The amount of any remaining unamortized, unrecognized net obligation or net asset existing at the initial date of application of SFAS No. 87, Employers' Accounting for Pensions, or SFAS No. 106, Employers' Accounting for Postretirement Benefits Other Than Pensions.

(d) The net pension or other postretirement benefit prepaid assets or accrued liabilities.

(e) Any intangible asset and the amount of accumulated other comprehensive income recognized pursuant to paragraph 37 of SFAS No. 87, as amended.

4. The amount of net periodic benefit cost recognized, showing separately:

(a) The service cost component,

(b) The interest cost component,

(c) The expected return on plan assets for the period,

(d) The amortization of the unrecognized transition obligation or transition asset,

(e) The amount of recognized gains and losses, the amount of prior service cost recognized, and

(f) The amount of gain or loss recognized due to a settlement or curtailment.

5. The amount included within other comprehensive income for the period arising from a change in the additional minimum pension liability recognized pursuant to paragraph 37 of SFAS No. 87, as amended.

6. On a weighted-average basis, the following assumptions used in the accounting for the plans:

(a) Assumed discount rate,

(b) Rate of compensation increase (for pay-related plans), and

(c) Expected long-term rate of return on plan assets.

7. The assumed health care cost trend rate(s) for the next year used to measure the expected cost of benefits covered by the plan (gross eligible charges) and a general description of the direction and pattern of change in the assumed trend rates thereafter, together with the ultimate trend rate(s) and when that rate is expected to be achieved.

8. The effect of a one-percentage-point increase and the effect of a one-percentage-point decrease in the assumed health care cost trend rates on (for purposes of this disclosure, all other assumptions shall be held constant, and the effects shall be measured based on the substantive plan that is the basis for the accounting):

(a) The aggregate of the service and interest cost components of net periodic postretirement health care benefit cost, and

(b) The accumulated postretirement benefit obligation for health care benefits.

9. If applicable, the amounts and types of securities of the employer and related parties included in plan assets, the approximate amount of future annual benefits of plan participants covered by insurance contracts issued by the employer or related parties, and any significant transactions between the employer or related parties and the plan during the period.

10. If applicable, any alternative amortization method used to amortize prior service amounts or unrecognized net gains and losses pursuant to paragraphs 26 and 33 of SFAS No. 87 or paragraphs 53 and 60 of SFAS No. 106.

11. If applicable, any substantive commitment, such as past practice or a history of regular benefit increases, used as the basis for accounting for the benefit obligation.

12. If applicable, the cost of providing special or contractual termination benefits recognized during the period and a description of the nature of the event.

13. An explanation of any significant change in the benefit obligation or plan assets not otherwise apparent in the other disclosures.

B. RUS Telecommunications borrowers that sponsor two or more pension or postretirement plans may aggregate the required disclosures. If the disclosures are aggregated, the aggregate benefit obligation and aggregate fair value of plan assets for plans with benefit obligations in excess of plan assets must be disclosed.

C. RUS Telecommunications borrowers sponsoring defined contribution plans shall disclose the amount of cost recognized for defined contribution pension or other postretirement benefit plans during the period separately from the amount of cost recognized for defined benefit plans. The disclosures shall include a description of the nature and effect of any significant changes during the period affecting comparability, such as a change in the rate of employer contributions, a business combination, or a divestiture.

Nonpublic Entities

A. RUS commercial and cooperative type borrowers that meet the definition of a nonpublic entity, as previously defined, may elect to meet the following reduced disclosure requirements:

1. The benefit obligation.

2. Fair value of plan assets.

3. Funded status of the plan.

4. Employer contributions.

5. Participant contributions.

6. Benefits paid.

7. The amounts recognized in the statement of financial position, including the net pension and other postretirement benefit prepaid assets or accrued liabilities and any intangible asset and the amount of accumulated other comprehensive income recognized pursuant to paragraph 37 of SFAS No. 87, as amended.

8. The amount of net periodic benefit cost recognized and the amount included within

other comprehensive income arising from a change in the minimum pension liability recognized pursuant to paragraph 37 of SFAS No. 87, as amended.

9. On a weighted-average basis, the following assumptions used in the accounting for the plans: Assumed discount rate, rate of compensation increase (for pay-related plans), and expected long-term rate of return on plan assets.

10. The assumed health care cost trend rate(s) for the next year used to measure the expected cost of benefits covered by the plan (gross eligible charges) and a general description of the direction and pattern of change in the assumed trend rates thereafter, together with the ultimate trend rate(s) and when that rate is expected to be achieved.

11. If applicable, the amounts and types of securities of the employer and related parties included in plan assets, the approximate amount of future annual benefits of plan participants covered by insurance contracts issued by the employer or related parties, and any significant transactions between the employer or related parties and the plan during the period.

12. The nature and effect of significant nonroutine events, such as amendments, combinations, divestitures, curtailments, and settlements.

B. The majority of RUS Telecommunications borrowers will fall within the definition of nonpublic entities with exception of those held by publicly traded holding companies.

Multiemployer Plans

A. An RUS Telecommunications borrower shall disclose the amount of contributions to multiemployer plans during the period. The borrower may disclose total contributions to multiemployer plans without disaggregating the amounts attributable to pensions and other postretirement benefits. The disclosures shall include a description of the nature and effect of any changes affecting comparability, such as a change in the rate of employer contributions, a business combination, or a divestiture.

B. In some cases, withdrawal from a multiemployer plan results in an obligation to the plan for a portion of the plan's unfunded accumulated postretirement benefit obligation. If it is either probable or reasonably possible that (a) an employer would withdraw from the plan under circumstances that would give rise to an obligation or (b) an employer's contribution to the fund would be increased during the remainder of the contract period to make up a shortfall in the funds necessary to maintain the negotiated level of benefit coverage, the employer shall apply the provisions of SFAS No. 5, Accounting for Contingencies.

DISCLOSURE MATRIX

	Public entities	Nonpublic entities
Change in benefit obligation:		
Benefit obligation beginning of year	X	
Service Cost	X	
Interest Cost	X	
Actuarial Gain	X	
Plan Amendments	X	
Benefits Paid	X	
Benefit obligation at end of year	X	X
Change in plan assets:		
Fair value of plan assets beginning of year	X	
Actual return on plan assets	X	
Employer Contribution	X	X
Contributions by plan participants	X	X
Benefits Paid	X	X
Fair value of plan assets at end of year	X	X
Funded status:		
Unrecognized net actuarial loss (gain)	X	X
Unamortized prior service cost	X	X
Unrecognized transition obligation	X	X
Prepaid (Accrued) benefit cost	X	X
Weighted-average assumptions as of December 31:		
Discount rate	X	X
Expected return on plan assets	X	X
Rate of compensation increase	X	X
Components of net periodic benefit cost:		
Service cost	X	
Interest cost	X	
Expected return on plan assets	X	
Amortization of prior service cost	X	X
Amortization of transition obligation	X	X
Recognized net actuarial loss	X	X
Net periodic benefit cost	X	X

Dated: April 25, 2005.

Curtis M. Anderson,

Acting Administrator, Rural Utilities Service.

[FR Doc. 05–9648 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61, 63, and 65

[Docket No.: FAA–2003–14293; Amendment Nos. 61–108, 63–32, 65–44]

RIN 2120–AH84

Ineligibility for an Airman Certificate Based on Security Grounds

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Disposition of comments on final rule.

SUMMARY: On January 24, 2003, the FAA adopted eligibility standards that disqualify a person from holding an airman certificate, rating, or authorization when the Transportation Security Administration has advised the FAA in writing that the person poses a security threat. The rule was adopted to prevent a possible imminent hazard to aircraft, persons, and property within the United States. This action is a summary and disposition of comments received on the final rule.

FOR FURTHER INFORMATION CONTACT: Peter J. Lynch, Enforcement Division, AGC–300, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone No. (202) 267–3137.

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

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

(2) Visiting the Office of Rulemaking's Web page at *http://www.faa.gov/avr/arm/index.cfm;* or

(3) Accessing the Government Printing Office's Web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html.*

You can also get a copy by submitting 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 amendment number or docket number of this rulemaking.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dms.dot.gov.*

Background

On January 24, 2003, the FAA published new regulations that expressly disqualify persons found by the Transportation Security Administration (TSA) to pose a security threat from holding airman certificates (68 FR 3772). The FAA added new §§ 61.18, 63.14 and 65.14 to 14 CFR.

The FAA explained in the final rule that it was relying on threat assessments made by the TSA based on the broad statutory authority and responsibility that Congress placed in the TSA when it enacted the Aviation and Transportation Security Act (ATSA). ATSA directs the TSA to receive, assess, and distribute intelligence information related to transportation security and to assess threats to transportation. It also charges the TSA with the responsibility to assess intelligence and other information to identify individuals who pose a threat to transportation security and to coordinate countermeasures with other Federal agencies, including the FAA, to address such threats. The law specifically directs the TSA to establish procedures for notifying the FAA of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety.

Congressional Action

Congress has enacted a law that has largely codified the FAA's rulemaking action. On December 12, 2003, the President signed the Vision 100—Century of Aviation Reauthorization Act. Section 601 of that act contained in section 46111 of Title 49 of the U.S. Code provides, in part:

> The Administrator of the Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary of Border and Transportation Security of the Department of Homeland Security that the holder poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline and passenger safety.

This statute requires the same result as the FAA's rules—if the Department of Homeland Security notifies the FAA that a certificate holder poses, or is suspected of posing, a security threat, the FAA must take action against the certificate. The new law also provides administrative and judicial review procedures for certificate holders that are U.S. citizens.

Litigation

Several labor associations and two individuals sought judicial review of the rules in the United States Court of Appeals for the District of Columbia Circuit. The following cases were consolidated for consideration by the court: *Coalition of Airline Pilots Associations* v. *FAA and TSA,* No. 03–1074, and *Air Line Pilots Association, International, et al.* v. *FAA and TSA,* No. 03–1076. The cases involving the two individuals were also consolidated: *Jifry and Zarie* v. *FAA and TSA,* No. 03–1085; *Jifry and Zarie* v. *NTSB,* Nos. 03–1144 and 03–1282, which involved certificate action taken by the FAA and reviewed by the National Transportation Safety Board.

In *Jifry and Zarie* v. *FAA et al.,* 370 F.3d 1174 (June 11, 2004), the court addressed the FAA's and TSA's rules as applied to non-resident aliens. It rejected Jifry and Zarie's challenges to the rule, including their contentions that the rules were invalid because they were promulgated without prior notice and violated the due process clause of the Fifth Amendment to the U.S. Constitution. On February 22, 2005, the Supreme Court declined to review the court of appeals' decision.

In *Coalition of Airline Pilots Associations, et al.* v. *FAA and TSA,* 370 F.3d 1184 (D.C. Cir. June 11, 2004), the court dismissed as moot the challenge to the FAA's and the TSA's rules posed by several unions representing aviation workers. The court explained that the new section 46111 directs the FAA to take certificate action when notified by the Under Secretary of Border and Transportation of a security threat—the same result that occurred under the FAA's rules. Furthermore, as to citizens the new law provides a more robust set of procedural protections than available under the FAA's and the TSA's rules. With regard to resident aliens, the court noted that the Government had represented that the agencies would not be enforcing their rules and would be undertaking notice-and-comment rulemaking.

Summary of Comments

General

The FAA received about 700 comments on the final rule. Most

commenters opposed the rule. The opposition is mostly based on four major categories of objections: Due Process; Ineffectiveness against Terrorists; TSA/Government Will Become Too Powerful; and Adoption of Rule without Prior Comment.

Due Process

About 300 commenters based their objection to this rule solely on a perceived due process violation. In total, about 500 commenters cited due process as a factor in their opposition to this rule. Most seemed to think that revoking an airman's certificate was similar to a criminal conviction, and accordingly felt that they were being denied due process as discussed in the Fifth and Fourteenth Amendments to the United States Constitution. One commenter said that the TSA must prove before a judge that the pilot is a security risk. Several individuals expressed concerns over the inability to confront their accusers and see the evidence against them. Many commenters were unhappy about the lack of an independent appeals process to guarantee that TSA mistakes and abuses were checked.

The major theme throughout these comments, including those of the Cessna Aircraft Company and the Independent Pilots' Association, was that there was no meaningful recourse for a wrongly accused pilot. Numerous individuals asserted that pilots can make honest mistakes in interpreting restricted zones, bureaucratic errors can occur, and TSA officials can spitefully abuse their power, so there must be some sort of meaningful recourse.

Another major issue raised by numerous commenters was that the principle of innocent until proven guilty was being violated. Commenters felt that the TSA should have the burden of proof in all cases, rather than have the pilot try to prove his or her innocence, based on evidence he or she might not have access to, in front of a partial judge, the TSA.

Many commenters also found it unacceptable that the TSA seemed to be playing multiple roles within the legal system, simultaneously as accuser, advocate, judge, jury, appellate body, and enforcer. This issue is related to the third major category, the expansion of government power, and the potential for abuse of power.

Other commenters recommended that the TSA submit evidence before a judge to determine whether there is probable cause, based on the criminal standard, in labeling an individual as a security risk. The Airline Dispatchers Federation felt that this rule lowers the standard of proof to hearsay. Some others felt that there were other Constitutional violations such as an illegal seizure without probable cause (Fourth Amendment) or lack of a fair trial (Sixth Amendment). In order to ensure due process, one commenter suggested that the Department of Homeland Security clear all levels of access for a select group of individuals to serve as an airman's advocate during an appeal before the NTSB. Another commenter suggested that there should be a regional board of review available to each accused pilot.

Ineffective Against Terrorists

About 180 commenters objected to this rule based on the notion that this rule would not help in our fight against terrorism, which is the underlying reason for this rule. About 40 commenters objected to this rule solely based on this type of reasoning. The commenters who made this point generally felt that since terrorists by nature are not law-abiding citizens and are quite dedicated to their cause, the lack of proper certification to fly a plane would not deter their plans. Many cited the September 11, 2001, attacks as an example of how unlicensed pilots or even passengers could take control of a plane, without any official certification. Commenters overwhelmingly felt that revoking a pilot certificate does not remove the knowledge of how to fly a plane.

Some commenters stated that if the government really did have evidence proving that an individual is a terrorist, they would hope that much more could be done. Commenters specifically mentioned detention and a criminal trial, rather than revoking a pilot certificate. Commenters felt that revoking a pilot certificate was meaningless. One commenter felt that if the FAA were to revoke an airman certificate, it would then lose all power and authority over that individual. Additionally, several pilots and organizations claimed that certificates are very rarely checked before one flies an airplane, and thus it is conceivable that an unlicensed pilot would still be able to fly a plane. The resounding tone of this type of objection was that only innocent, law-abiding citizens would be hurt by this rule, and terrorists would not be affected.

TSA/Government Will Become Too Powerful

Many of the about 170 people who voiced this type of objection felt that if this rule remains in effect, the terrorists have ultimately won. They will have forced Americans to give up hard-earned rights to the government. Numerous individuals echoed concerns of governmental abuse related to due process based on the view that the TSA seemed to play numerous roles in the process.

Most commenters also mentioned some loss of freedom. Many felt that pilots would not be able to freely express their opinions, security-related and otherwise, because of the fear of being unjustly deemed a security risk by the TSA. Others felt that, in general, we should not sacrifice personal freedoms to make up for the government's inability to do its job.

One of the most pressing concerns of many commenters was that experienced, professional pilots could be judged by TSA screeners. Commenters felt the screeners were young, inexperienced, and unqualified. Many of these commenters were pilots, and were deeply concerned that a mistake-prone screener or one with a personal vendetta could ruin their lives. Some commenters stated that government, as an institution, has many natural advantages over individuals, especially those accused of being security risks. Commenters felt supplementing those advantages with this essentially absolute power could forever punish a wrongly-accused individual. They were concerned that these individuals would face a tremendous challenge trying to defend themselves without seeing the evidence or having the ability to cross-examine witnesses.

The Experimental Aircraft Association and the Airline Professionals Association/Teamsters Local 1224 demanded a meaningful opportunity for the accused to be heard. They were very concerned about the inability of the accused to challenge TSA evidence due to its non-disclosure rules and autonomy throughout the process. Furthermore, several commenters were troubled because of their belief that there are no checks and balances in this rule because there is no oversight or ability to appeal a TSA decision to another authority. Many of these individuals and organizations demanded the right to an appeal. They suggested that a newly created independent review board or the NTSB oversee the decisions of the TSA, since the TSA has the convenient ability to shield information under the guise of national security.

Adoption of Rule Without Prior Comment

More than 40 commenters were frustrated by the rulemaking process for this final rule. The lack of an NPRM

followed by an opportunity for public comment, before issuing the final rule, bothered many individuals because they felt that public feedback was a vital part of the democratic process. Some also questioned the stated emergency that prevented normal public comment. They pointed out that this rule was issued more than 16 months after the September 11th attacks, the event cited in the final rule as the underlying cause for the rule. Others claimed that this rule would have been revised or withdrawn had the FAA gone through the normal process.

Miscellaneous Objections

Many commenters worried about both the financial implications for wrongly accused pilots and for the airline industry, as many pilots, in their view, could be blacklisted for minor infractions. The Southwest Airlines Pilots' Association commented that the little evidence the TSA needs to accuse a pilot could have a large financial impact on the pilot. One commenter felt that besides the lack of compensation for wrongly accused ''victims,'' the individual does not have enough time to make a proper appeal. Another was troubled by the lack of a time frame for each part of the process.

Several individuals demanded the standards used by the TSA to determine security risks be clearly and openly stated, to prevent racial profiling and other forms of abuse by TSA. Many commenters felt that this rule was disrespectful to pilots and could alienate them. Among these, many felt that pilots were unfairly being singled out for extra scrutiny. They pointed out that terrorists could just as easily seize trucks or ships and could conceivably do more damage with a large truck than a small plane. They maintain that it would seem absurd to allow the government to immediately revoke drivers' licenses based on mere suspicion, and pilots' licenses deserve that same level of respect. One commenter stated that the lack of a driver's license hardly prevents many otherwise lawful citizens from driving, yet this rule unreasonably expects an unlawful citizen to be deterred by revoking his or her pilot's license. Some pilots felt insulted by this rule. They said that pilots are often former members of the armed services, who have risked their lives for America, yet are being treated like terrorists by their own government. Two commenters said that this was unfair because pilots of foreign airlines who operate in American airspace would not be scrutinized as thoroughly as American pilots, when it should be the other way around.

Some commenters also claim that they are the good guys in the fight against terrorism, by using their unique vantage point, high in the air, to help law enforcement officials. Also, one commenter said it was frustrating that thousands of innocent airmen will be classified as security risks, when they are the ones most vulnerable to terrorists. Others joined this sentiment and said that instead of targeting innocent American aviators, the government should focus its national security efforts on tighter national borders and better enforced immigration laws. One commenter felt that pilots were less of a threat to national security than maintenance workers who have ample access to the aircraft. One commenter said that it was unconstitutional to allow secret testimony to be used in any FAA determination. Several commenters also mentioned that restricted flying zones change so often that a pilot could make an honest mistake, and without any due process protections, could lose his or her license to fly, thus deterring many potential aviators.

Several commenters, including the Aircraft Mechanics Fraternal Association (AMFA), the Professional Aviation Maintenance Association, the International Brotherhood of Teamsters Airline Division, and the American Electronics Association (AEA), claimed that a pilot has certain property rights associated with his or her pilot certificate and is constitutionally guaranteed due process before revocation. The AEA and Air Line Pilots Association (ALPA) also mentioned that since the TSA was not making its criteria for assessing security risks publicly available, this rule was unconstitutionally vague and overbroad, and gave the TSA unchecked power. The Transportation Trades Department pointed out there are no standard criteria for deeming individuals a security risk, and that there is no independent check on the TSA at any point in the process.

The AEA also asserted that the FAA did not follow proper procedures in adopting this rule. ALPA and the Aircraft Owners and Pilots Association felt that the rule was beyond the scope of the ATSA. Furthermore, a few individuals and the Aviation Policy Institute claimed that the FAA already has emergency powers to revoke a pilot's license, making this rule completely unnecessary. The National Business Aviation Association and the National Air Transportation Association would like the FAA to revert to its policies prior to this rule, feeling that this rule is unnecessary and unconstitutional, because the FAA already has emergency revocation powers and does not have statutory authority for this type of rule.

AMFA asserted that certified mechanics already have to go through a ten-year security background check, and that this new rule would discriminate against them in favor of non-certified mechanics. Also, a few commenters expressed concern over the a diminution of the FAA's role because of this rule, and felt that by giving the TSA the decision-making authority over the revocation of pilots' licenses, the FAA was neither fulfilling its mission to oversee aviation safety nor using its aviation expertise through conducting its own independent investigations.

Fourteen commenters did not clearly express opposition to this rule, and their comments were usually either a recommendation to the FAA or off-topic. Some of the recommendations were that this rule does not cover: pilots who fly public use aircraft, air traffic controllers, cleaners, technicians, refuelers, and vendors. One commenter said that the FAA overlooked the fact that convicted felons can still become licensed commercial pilots. Another suggested a complete background check. Two other commenters wanted the courts to step in. One suggested that a federal court confirm that there is probable cause before the security risk claim is made by the TSA. The other wanted the Supreme Court to review the constitutionality of this rule. Finally, one commenter wondered about the application of this rule to FAA inspectors and NTSB investigators.

Support for the Rule

Four commenters supported the rule. They felt that this rule is a worthwhile deterrent in the fight against terrorism because of current safety concerns. One commenter said that national security is more important than the possibility of a pilot's losing his or her license for a period of time. Another emphasized that an airman certificate is a privilege not a right.

FAA response: Congress has enacted a law that has largely overtaken the FAA's rulemaking action and the challenges to the FAA's and TSA's rules have been decided by the U.S. Court of Appeals for the District of Columbia Circuit. Based on these developments, a detailed response to the comments is not warranted. In addition, many of the comments addressed the TSA's rules, and it would be inappropriate for the FAA to address these comments.

Conclusion

The FAA is working with TSA to determine if additional rulemaking is necessary to reflect the statutory requirements of 49 U.S.C. 46111. In this new rulemaking action, the public will have an opportunity to comment before the adoption of a final rule.

Issued in Washington, DC, on May 10, 2005.

Marion C. Blakey,

Administrator.

[FR Doc. 05–9704 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30445; Amdt. No. 3122]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective May 16, 2005. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2005.

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

For Examination—

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

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

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

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR part 97:

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

Issued in Washington, DC, on May 6, 2005.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

*** * * Effective 09 JUN 2005**

Newnan, GA, Newnan Coweta County, VOR/DME–A, Amdt 7
Newnan, GA, Newnan Coweta County, RNAV (GPS) RWY 32, Orig
Newnan, GA, Newnan Coweta County, GPS RWY 32, Orig–A, CANCELLED

*** * * Effective 07 JUL 2005**

Kalskag, AK, Kalskag, RNAV (GPS) RWY 6, Orig
Kalskag, AK, Kalskag, RNAV (GPS)–A, Orig
Kalskag, AK, Kalskag, GPS RWY 6, Orig–A, CANCELLED
Kalskag, AK, Kalskag, GPS RWY 24, Orig–A, CANCELLED
Nome, AK, Nome, RNAV (GPS) RWY 3, Orig
Nome, AK, Nome, RNAV (GPS) RWY 10, Orig
Nome, AK, Nome, RNAV (GPS) RWY 28, Orig
Nome, AK, Nome, ILS OR LOC Y RWY 28, Amdt 2
Nome, AK, Nome, ILS OR LOC Z RWY 28, Amdt 2
Nome, AK, Nome, LOC/DME BC RWY 10, Amdt 2
Nome, AK, Nome, NDB–A, Orig
Nome, AK, Nome, NDB/DME RWY 3, Amdt 2
Nome, AK, Nome, VOR RWY 28, Amdt 2
Nome, AK, Nome, VOR/DME RWY 10, Amdt 2
Nome, AK, Nome, NDB RWY 27, Amdt 1A, CANCELLED
Nome, AK, Nome, GPS RWY 27, Orig–C, CANCELLED
Nome, AK, Nome, GPS RWY 9, Orig–C, CANCELLED
Nome, AK, Nome, GPS RWY 2, Orig–C, CANCELLED
Perryville, AK, Perryville, RNAV (GPS) RWY 3, Orig
St Michael, AK, St Michael, RNAV (GPS) RWY 2, Orig
St Michael, AK, St Michael, RNAV (GPS) RWY 20, Orig
St Michael, AK, St Michael, GPS RWY 2, Orig, CANCELLED
St Michael, AK, St Michael, GPS RWY 20, Orig, CANCELLED
Yakutat, AK, Yakutat, RNAV (GPS) RWY 2, Orig
Yakutat, AK, Yakutat, RNAV (GPS) RWY 11, Orig
Yakutat, AK, Yakutat, RNAV (GPS) RWY 29, Orig
Yakutat, AK, Yakutat, ILS OR LOC/DME RWY 11, Orig
Yakutat, AK, Yakutat, LOC/DME BC RWY 29, Amdt 3
Yakutat, AK, Yakutat, NDB RWY 11, Amdt 3
Yakutat, AK, Yakutat, VOR/DME RWY 2, Amdt 2
Yakutat, AK, Yakutat, VOR/DME RWY 11, Amdt 1
Yakutat, AK, Yakutat, VOR/DME RWY 29, Amdt 1
Yakutat, AK, Yakutat, GPS RWY 2, Orig–A, CANCELLED
Yakutat, AK, Yakutat, GPS RWY 11, Orig–A, CANCELLED
Yakutat, AK, Yakutat, GPS RWY 29, Orig–A, CANCELLED
Yakutat, AK, Yakutat, ILS RWY 11, Amdt 4, CANCELLED
Yakutat, AK, Yakutat, VOR RWY 29, Amdt 4, CANCELLED
Atlanta, GA, Cobb County-Mc Collum Field, ILS OR LOC RWY 27, Amdt 2
Boise, ID, Boise Air Terminal (Gowen Field), MLS RWY 28L, Amdt 1, CANCELLED
Pittsfield, IL, Pittsfield Penstone Muni, NDB RWY 31, Amdt 6, CANCELLED
Clarksdale, MS, Fletcher Field, NDB–A, Amdt 2
Clarksdale, MS, Fletcher Field, NDB RWY 36, Amdt 9
Clarksdale, MS, Fletcher Field, GPS RWY 18, Orig–A, CANCELLED
Clarksdale, MS, Fletcher Field, RNAV (GPS) RWY 18, Orig
Clarksdale, MS, Fletcher Field, RNAV (GPS) RWY 36, Orig
Dansville, NY Dansville Muni, RNAV (GPS) RWY 14, Orig
Dansville, NY Dansville Muni, RNAV (GPS) RWY 18, Orig
Dansville, NY Dansville Muni, RNAV (GPS)–A, Orig
Dansville, NY Dansville Muni, VOR/DME OR GPS RWY 18, Amdt 2A, CANCELLED
New Castle, PA, New Castle Muni, NDB RWY 23, Amdt 3
New Castle, PA, New Castle Muni, RNAV (GPS) RWY 5, Orig
New Castle, PA, New Castle Muni, RNAV (GPS) RWY 23, Orig
Dyersburg, TN, Dyersburg Muni, VOR/DME RWY 4, Amdt 3
Dallas-Fort Worth, TX, Dallas/Fort Worth Intl, NDB RWY 17R, Amdt 8, CANCELLED
Bellingham, WA, Bellingham Intl, MLS RWY 34, Orig–B, CANCELLED

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 201, 203, 205, 215, 298, 380, 385, and 389

[Docket No. OST–2004–19426]

RIN 2105–AD43

Elimination of Commuter Air Carrier Registrations

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action amends the regulations governing air taxi operators and commuter air carriers to eliminate the requirement that commuter air carriers file initial and amended registration forms. The information provided on such forms is duplicative of information that commuter air carriers are separately required to file under other regulations. Accordingly, this amendment simplifies the process of applying for and maintaining commuter air carrier authority. This action also makes conforming amendments to other rules affected by the amendment, as well as to make other minor administrative, editorial, clarifying, and organizational changes to rules applicable to air taxi operators and commuter air carriers.

DATES: This final rule becomes effective June 15, 2005.

FOR FURTHER INFORMATION CONTACT: Vanessa R. Wilkins, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9721.

SUPPLEMENTARY INFORMATION:

Background

Notice of Proposed Rulemaking

These amendments follow a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on October 28, 2004 (69 FR 62833). In that NPRM, the Department proposed to amend Part 298 of Title 14 of the Code of Federal Regulations (14 CFR) to eliminate the requirement that commuter air carriers file initial and amended registration forms, as currently required, thus relieving commuters from the often duplicative burden of filing registration forms and amendments, as well as initial and updated fitness information with the Department. Presently, approximately 35 air carriers hold commuter authority from the Department.

In the NPRM, the Department explained that in addition to meeting

the registration and insurance requirements of Part 298, a commuter air carrier must also be found ''fit, willing, and able'' to conduct its scheduled passenger operations. In making that fitness determination, the Department requires companies proposing to operate as a commuter air carrier to file an application with the Department in accordance with 14 CFR Parts 201 and 204. Once the Department determines that the company is fit to provide its proposed scheduled passenger operations, the Department issues a Commuter Air Carrier Authorization with accompanying terms, conditions, and limitations. Additionally, Part 298 requires commuter air carriers to notify the Department of any substantial changes in their operations, ownership, or management.

All of the information reported on the air taxi/commuter air carrier registration form, OST Form 4507, is filed by commuter air carriers in connection with their fitness determinations. Therefore, the Department concluded that it is redundant to require commuter air carriers to file both registration forms and fitness data.

Discussion of Comments

One comment from an individual was received in response to the NPRM. The commenter argued that the Department's air operator classifications for economic authority (air taxi, commuter air carrier, and certificated air carrier) differ significantly from those of the Federal Aviation Administration (FAA), and contends that such differences in classifications are extremely confusing to the aviation industry. The commenter urges the Department to amend its classifications to coincide with those of the FAA.

We have reviewed the arguments made by the commenter, and find that, although the concerns raised are related to air carrier classifications, the commenter's proposed actions are beyond the scope of this rulemaking action, which is intended to alleviate the burden on commuter air carriers to file duplicative information with the Department. We will retain the commenter's recommendations, however, for consideration should we pursue a future rulemaking action that addresses the issues raised.

Discussion of the Final Rule

This final rule adopts the amendments proposed in the NPRM without any modifications or changes. Specifically, this action (1) reclassifies commuter air carriers from being a subset of air taxi operators to their own air carrier class that operates small aircraft in scheduled passenger service; (2) removes the requirement in Part 298 for commuter air carriers to file air taxi registrations (and amendments) with the Department; and (3) makes conforming amendments to other rules affected by these changes to commuter air carrier economic authority.

Paperwork Reduction Act

This final rule contains information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (Pub. L. 104–13). In the NPRM, the Department requested comments on the estimated information collection burden associated with this rulemaking action, which is summarized below. No comments were received. Since this final rule is relieving in nature and reduces the paperwork burden associated with OST Form 4507, the Department has requested OMB approval of the reduced paperwork burden.

OMB Information Collection Number: 2120–0633.

Title of Information Collection: Exemptions for Air Taxi and Commuter Air Carrier Operations.

Affected Public: Commuter air carriers and applicants for commuter air carrier authority.

Brief Abstract: Applicants for authority to operate as an air taxi operator or commuter air carrier under 14 CFR Part 298 are required to submit a registration form (OST Form 4507) that asks for basic information about the company (such as, name, address, telephone/fax numbers, types of operations being performed, Federal Aviation Administration (FAA) operating certificate, aircraft operated, and whether the company is a U.S. citizen). Once registered with the Department, the air taxi or commuter air carrier is required to submit an amendment to the Department when information on the registration changes. This final rule eliminates this registration requirement for commuter air carriers—since the information required on the registration is duplicative of information provided to the Department elsewhere—thus resulting in a reduction in the above-noted paperwork collection.

Burden Hours: This amendment results in a diminution of the regulatory burden on affected parties. There are approximately 35 currently-authorized commuter air carriers subject to this reporting requirement, and new applicants for commuter authority over the past three years have averaged approximately four per year. The paperwork burden of this reporting requirement on commuter air carriers varies depending on the extent to which the information on the registration changes. A carrier does not need to submit further forms if the information contained in a registration does not change. As a result, the number of registration forms filed will vary. Based on our recent experience in this area, we have estimated approximately two amended registrations per currently-authorized commuter air carrier plus one registration for each new commuter applicant. Thus, we estimate the reduction in the paperwork burden for these carriers to be, on an annual basis, approximately 74 responses (4 new and 70 amended OST Forms 4507s) and 37 burden hours (74 responses x .5 hours per response).

Cost to the Respondents: We have previously estimated the average cost of completing and submitting a new or amended OST Form 4507 to be approximately $20.00. Thus, we estimate the cost savings to respondents of the proposed elimination of commuter registrations to be approximately $1,480 (74 responses x $20 per response).

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is the Department's policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The Department has determined that there are no ICAO Standards and Recommended Practices that correspond to these amendments.

Executive Order 12866 and DOT Regulatory Policies and Provisions

Executive Order 12866, Regulatory Planning and Review, directs the Department to assess both the costs and the benefits of a regulatory change. We are not allowed to propose or adopt a regulation unless we make a reasoned determination that the benefits of the intended regulation justify the costs. Our assessment of this rulemaking indicates that its economic impact is minimal because the rule will not impose any new costs on the affected commuter air carriers; in fact, it relieves them of a filing requirement with the attendant costs and burdens. The remaining changes are administrative and editorial in nature and primarily reflect organizational and procedural changes within the Department. This rulemaking is non-significant under DOT policies and procedures and was not reviewed by the Office of

Management and Budget under Executive Order 12866.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 (RFA) directs the Department to fit regulatory requirements to the scale of the business, organizations, and governmental jurisdictions subject to the regulation. We are required to determine whether a proposed or final action will have a ''significant economic impact on a substantial number of small entities'' as they are defined in the Act. If we find that the action will have a significant impact, we must do a ''regulatory flexibility analysis.''

This final rule relieves commuter air carriers from filing registration forms and amendments, and reorganizes some of the regulations applicable to commuter air carriers. Since elimination of this requirement will affect fewer than 40 companies, we certify that this action will not have a significant economic impact on a substantial number of small entities.

Trade Impact Assessments

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. The Department has assessed the potential effect of this rulemaking and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act) 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 an expenditure of $100 million or more (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 final rule does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply.

Executive Order 13132, Federalism

The Department has analyzed these amendments under the principles and criteria of Executive Order 13132, Federalism. We have determined that this rulemaking action would not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects

14 CFR Part 201

Air carriers, Reporting and recordkeeping requirements.

14 CFR Part 203

Air carriers, Air transportation, Foreign relations, Insurance, Reporting and recordkeeping requirements.

14 CFR Part 205

Air carriers, Freight, Insurance, Reporting and recordkeeping requirements.

14 CFR Part 215

Air carriers, Reporting and recordkeeping requirements, Trade names.

14 CFR Part 298

Air taxis, Reporting and recordkeeping requirements.

14 CFR Part 380

Charter flights, Reporting and recordkeeping requirements, Surety bonds.

14 CFR Part 385

Organization and functions (Government agencies).

14 CFR Part 389

Administrative practice and procedure, Reporting and recordkeeping requirements.

The Amendment

■ In consideration of the foregoing, the Department amends Title 14, Chapter II of the Code of Federal Regulations as follows:

PART 201—AIR CARRIER AUTHORITY UNDER SUBTITLE VII OF TITLE 49 OF THE UNITED STATES CODE

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 5 U.S.C. 1008; 49 U.S.C. Chapters 401, 411, 413, 415, 417.

§ 201.1 [Amended]

■ 2. In § 201.1(b), remove the word ''registration'' in the first sentence.

PART 203—WAIVER OF WARSAW CONVENTION LIABILITY LIMITS AND DEFENSES

■ 3. The authority citation for part 203 continues to read as follows:

Authority: 49 U.S.C. Chapters 401, 411, 413, 415, 417.

§ 203.3 [Amended]

■ 4. In § 203.3, in the second sentence remove the words ''with the Department's Office of Aviation Analysis'' and add, in their place, ''in accordance with the provisions of those parts'', and remove the last sentence.

PART 205—AIRCRAFT ACCIDENT LIABILITY INSURANCE

■ 5. The authority citation for Part 205 continues to read as follows:

Authority: 49 U.S.C. Chapters 401, 411, 413, 417.

■ 6. Amend § 205.4 as follows:
■ A. Revise paragraph (a) to read as set forth below;
■ B. Amend paragraph (b) by removing the words ''Department's Office of Aviation Analysis'' in the first sentence and adding, in their place, ''Department at the addresses specified in paragraph (c) of this section''; and
■ C. Revise paragraph (c) to read as set forth below.

The revisions read as follows:

§ 205.4 Filing of evidence of insurance.

(a) A U.S. or foreign air carrier shall file a certificate of insurance or a complete plan for self-insurance with the Department. Each carrier shall ensure that the evidence of aircraft accident liability coverage filed with the Department is correct at all times. The Department will normally notify the carrier within 20 days of receipt if the certificate or plan does not meet the requirements of this part. Certificates of Insurance shall be filed on OST Form 6410 for U.S. air carriers, including commuter air carriers and air taxi operators, and OST Form 6411 for foreign air carriers, including Canadian air taxi operators. The Department may return the certificate or self-insurance plan to the carrier if it finds for good cause that such certificate or plan does not show adequate evidence of insurance coverage under this part. Forms may be obtained from and should be filed with the Department at the addresses specified in paragraph (c) of this section. Forms may also be obtained on the Internet at *http://ostpxweb.dot.gov.*

* * * * *

(c) Certificates of insurance and endorsements required in paragraphs (a) and (b) of this section shall be submitted to the Department of Transportation, Federal Aviation Administration, Program Management Branch, AFS–260, 800 Independence Avenue, SW., Washington, DC 20591. For those air carriers that have a mailing address in the State of Alaska, the forms shall be submitted to the Department of Transportation, Federal Aviation Administration, Alaskan Region Headquarters, AAL–230, 222 West 7th Avenue, Box 14, Anchorage, Alaska 99513. For Canadian air taxis, the forms shall be submitted to the Department of Transportation, Special Authorities Division, X–46, 400 7th Street, SW., Washington, DC 20590.

* * * * *

§ 205.7 [Amended]

■ 7. In § 205.7(a), remove the words ''Department's Office of Aviation Analysis (or, for Alaskan air taxi operators, to the Department's Alaska Field Office)'' and add, in their place the words ''Department at the addresses specified in § 205.4(c)''.

PART 215—USE AND CHANGE OF NAMES OF AIR CARRIERS, FOREIGN AIR CARRIERS AND COMMUTER AIR CARRIERS

■ 8. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. Chapters 401, 411, 413, 417.

§ 215.3 [Amended]

■ 9. In § 215.3, in the second sentence, remove the words ''Except as provided in §§ 221.21(j) and 221.35(d) of this chapter,''.

§ 215.4 [Amended]

■ 10. In § 215.4(a), in the second sentence, remove the words '', as well as any commuter air carrier registration or amendment filed under part 298,'' and add the word ''commuter'' after ''certificate,'' in the fourth sentence.

§ 215.6 [Amended]

■ 11. In § 215.6, remove the words ''or in approving the commuter registration,'' in the first sentence.

PART 298—EXEMPTIONS FOR AIR TAXI & COMMUTER AIR CARRIER OPERATIONS

■ 12. The authority citation for part 298 continues to read as follows:

Authority: 49 U.S.C. 329 and Chapters 401, 411, 417.

■ 13. Amend part 298 by revising subparts A through E to read as follows:

Subpart A—General

Sec.
298.1 Applicability of part.
298.2 Definitions.
298.3 Classification.
298.4 Requests for statement of authority.

Subpart B—Exemptions

298.11 Exemption authority.
298.12 Duration of exemption.

Subpart C—Registration for Exemption by Air Taxi Operators

298.21 Filing for registration by air taxi operators.
298.22 Processing by the Department.
298.23 Notifications to the Department of change in operations.
298.24 Cancellation of the registration.

Subpart D—Limitations and Conditions on Exemptions and Operations

298.30 Public disclosure of policy on consumer protection.
298.31 Scope of service and equipment authorized.
298.32 Limitations on operations to eligible places.
298.33 Security requirements
298.34 [Reserved]
298.35 Limitations on carriage of mail.
298.36 Limitations on use of business name.
298.37 Prohibition of services not covered by insurance.
298.38 Financial security arrangements for operating Public Charters.

Subpart E—Commuter Air Carrier Authorizations

298.50 Applications.
298.51 Processing by the Department.
298.52 Air taxi operations by commuter air carriers.
298.53 Suspension or revocation of authority.

Subpart A—General

§ 298.1 Applicability of part.

This part establishes classifications of air carriers known as ''air taxi operators'' and ''commuter air carriers,'' provides certain exemptions to them from some of the economic regulatory provisions of Subtitle VII of Title 49 of the United States Code (Transportation), specifies procedures by which such air carriers may obtain authority to conduct operations, and establishes rules applicable to their operations in interstate and/or foreign air transportation in all States, Territories and possessions of the United States. This part also establishes reporting requirements for commuter air carriers and small certificated air carriers.

§ 298.2 Definitions.

As used in this part:

Air taxi operator means an air carrier as established by § 298.3(a).

Air transportation means interstate air transportation, foreign air transportation, or the transportation of mail by aircraft as defined by the Statute.[1]

Aircraft-hours means the airborne hours of aircraft computed from the moment an aircraft leaves the ground until it touches the ground at the end of a flight stage.

Aircraft miles means the miles (computed in airport-to-airport distances) for each flight stage actually completed, whether or not performed in accordance with the scheduled pattern.

Certificated air carrier means an air carrier holding a certificate issued under section 41102 of the Statute.

Citizen of the United States means:

(1) An individual who is a citizen of the United States;

(2) A partnership each of whose partners is an individual who is a citizen of the United States; or

(3) A corporation or association organized under the laws of the United States or a state, the District of Columbia, or a territory or possession of the United States, of which the president and at least two-thirds of the board of directors and other managing officers are citizens of the United States, which is under the actual control of citizens of the United States, and in which at least 75 percent of the voting interest is owned or controlled by persons that are citizens of the United States.

Commuter air carrier means an air carrier as established by § 298.3(b) that

[1] Interstate air transportation is defined in section 40102(a)(25) as the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft (1) between a place in (i) a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States; (ii) Hawaii and another place in Hawaii through the airspace over a place outside Hawaii; (iii) the District of Columbia and another place in the District of Columbia; or (iv) a territory or possession of the United States and another place in the same territory or possession; and (2) when any part of the transportation is by aircraft. **NOTE:** Operations wholly within the geographic limits of a single State are not considered interstate air transportation if in those operations the carrier transports no more than a *de minimus* volume of passengers or property moving as part of a continuous journey to or from a point outside the State.

Foreign air transportation is defined in section 40102(a)(23) of the Statute as the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft, between a place in the United States and a place outside the United States when any part of the transportation is by aircraft.

Air transportation also is defined to include the transportation of mail by aircraft. Section 5402 of the Postal Reorganization Act, 39 U.S.C. 5402, authorizes the carriage of mail by air taxi operators and commuter air carriers in some circumstances under contract with the U.S. Postal Service.

carries passengers on at least five round trips per week on at least one route between two or more points according to its published flight schedules that specify the times, days of the week, and places between which those flights are performed.

Departure means takeoff from an airport.

Eligible place means a place in the United States that—

(1)(i) Was an eligible point under section 419 of the Federal Aviation Act of 1958 as in effect before October 1, 1988;

(ii) Received scheduled air transportation at any time after January 1, 1990; and

(iii) Is not listed in Department of Transportation Orders 89–9–37 and 89–12–52 as a place ineligible for compensation under Subchapter II of Chapter 417 of the Statute; or

(2) Was determined, on or after October 1, 1988, and before the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, by the Department to be eligible to receive subsidized small community air service under section 41736(a) of the Statute.

Flight stage means the operation of an aircraft from takeoff to landing.

Large aircraft means any aircraft originally designed to have a maximum passenger capacity of more than 60 seats or a maximum payload capacity of more than 18,000 pounds.

Maximum certificated takeoff weight means the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate.[2]

Maximum passenger capacity means the maximum number of passenger seats for which an aircraft is configured.

Maximum payload capacity means: (1) The maximum certificated take-off weight of an aircraft, less the empty weight,[3] less all justifiable aircraft equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, steward's supplies, etc.). For purposes of this part, the allowance for the weight of the crew, oil, and fuel is as follows:

(i) Crew—200 pounds per crew member required under FAA regulations,

(ii) Oil—350 pounds,

(iii) Fuel—the minimum weight of fuel required under FAA regulations for a flight between domestic points 200 miles apart,[4]

(2) *Provided, however*, That in the case of aircraft for which a maximum zero fuel weight is prescribed by the FAA,[5] maximum payload capacity means the maximum zero fuel weight, less the empty weight, less all justifiable aircraft equipment, and less the operating load (consisting of minimum flight crew, steward's supplies, etc., but not including disposable fuel or oil).

Mile means a statute mile, *i.e.*, 5,280 feet.

Nonrevenue passenger means a person traveling free or under token charges, except those expressly named in the definition of revenue passenger; a person traveling at a fare or discount available only to employees or authorized persons of air carriers or their agents or only for travel on the business of the carriers; and an infant who does not occupy a seat. (This definition is for 14 CFR part 298 traffic-reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.) The definition includes, but is not limited to, the following examples of passengers when traveling free or pursuant to token charges:

(1) Directors, officers, employees, and others authorized by the air carrier operating the aircraft;

(2) Directors, officers, employees, and others authorized by the air carrier or another carrier traveling pursuant to a pass interchange agreement;

(3) Travel agents being transported for the purpose of familiarizing themselves with the carrier's services;

(4) Witnesses and attorneys attending any legal investigation in which such carrier is involved;

(5) Persons injured in aircraft accidents, and physicians, nurses, and others attending such persons;

(6) Any persons transported with the object of providing relief in cases of general epidemic, natural disaster, or other catastrophe;

(7) Any law enforcement official, including any person who has the duty of guarding government officials who are traveling on official business or traveling to or from such duty;

(8) Guests of an air carrier on an inaugural flight or delivery flights of newly-acquired or renovated aircraft;

(9) Security guards who have been assigned the duty to guard such aircraft against unlawful seizure, sabotage, or other unlawful interference;

(10) Safety inspectors of the National Transportation Safety Board or the FAA in their official duties or traveling to or from such duty;

(11) Postal employees on duty in charge of the mails or traveling to or from such duty;

(12) Technical representatives of companies that have been engaged in the manufacture, development or testing of a particular type of aircraft or aircraft equipment, when the transportation is provided for the purpose of in-flight observation and subject to applicable FAA regulations;

(13) Persons engaged in promoting air transportation;

(14) Air marshals and other Transportation Security officials acting in their official capacities and while traveling to and from their official duties; and

(15) Other authorized persons, when such transportation is undertaken for promotional purpose.

Passengers carried means passengers on board each flight stage.

Point when used in connection with any territory or possession of the United States, or the States of Alaska and Hawaii, means any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place; when used in connection with the continental United States, except Alaska, it shall have the same meaning except be limited to the area within a 3-mile radius of such airport or place: Provided, That for the purposes of this part, West 30th Street Heliport and Pan Am Building Heliport, both located in New York City, shall be regarded as separate points.

Reporting carrier for Schedule T–100 purposes means the air carrier in operational control of the flight, *i.e.*, the carrier that uses its flight crews under its own FAA operating authority.

Revenue passenger means a passenger for whose transportation an air carrier receives commercial remuneration. (This definition is for 14 CFR part 298 traffic-reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges

[2] This weight may be found in the airplane operating record or in the airplane flight manual, which is incorporated by regulation into the airworthiness certificate.

[3] Empty weight is defined in section 03 of part 241 as follows: the weight of the airframe, engines, propellers, and fixed equipment. Empty weight excludes the weight of the crew and payload, but includes the weight of all fixed ballast, unusable fuel supply, undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.

[4] Assumes VFR weather conditions and flights not involving extended overwater operations.

[5] The maximum zero fuel weight is the maximum permissible weight of an airplane with no disposable fuel or oil. The zero fuel weight figure may be found in the FAA's type certificate data sheets, and/or in FAA-approved flight manuals.

and Security Fees.) This includes, but is not limited to, the following examples:

(1) Passengers traveling under publicly available tickets including promotional offers (for example two-for-one) or loyalty programs (for example, redemption of frequent flyer points);

(2) Passengers traveling on vouchers or tickets issued as compensation for denied boarding or in response to consumer complaints or claims;

(3) Passengers traveling at corporate discounts;

(4) Passengers traveling on preferential fares (Government, seamen, military, youth, student, etc.);

(5) Passengers traveling on barter tickets; and

(6) Infants traveling on confirmed-space tickets.

Revenue passenger-mile means one revenue passenger transported one mile. Revenue passenger-miles are computed by multiplying the aircraft miles flown on each flight stage by the number of revenue passengers carried on that flight stage.

Revenue seat-miles available means the aircraft-miles flown on each flight stage multiplied by the number of seats available for sale on that flight stage.

Revenue ton-mile means one ton of revenue traffic transported one mile. Revenue ton-miles are computed by multiplying the aircraft-miles flown on each flight stage by the number of pounds of revenue traffic carried on that flight stage and converted to ton-miles by dividing total revenue pound-miles by 2,000 pounds.

Revenue ton-miles available means the aircraft-miles flown on each flight stage multiplied by the number of pounds of aircraft capacity available for use on that stage and converted to ton-miles by dividing total pound-miles available by 2,000 pounds.

Scheduled service means transport service operated over routes pursuant to published flight schedules or pursuant to mail contracts with the U.S. Postal Service.

Small aircraft means any aircraft originally designed to have a maximum passenger capacity of 60 seats or less or a maximum payload capacity of 18,000 pounds or less.

Small certificated air carrier means an air carrier holding a certificate issued under section 41102 of the Statute that provides scheduled passenger air service within and between only the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands with small aircraft as defined in this section.

Statute means Subtitle VII of Title 49 of the United States Code (Transportation).

Ton means a short ton, *i.e.*, 2,000 pounds.

Wet-Lease Agreement means an agreement under which one carrier leases an aircraft with flight crew to another air carrier.

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated as ''air taxi operators,'' which directly engage in the air transportation of persons or property or mail or in any combination of such transportation and which:

(1) Do not directly or indirectly utilize large aircraft in air transportation;

(2) Do not hold a certificate of public convenience and necessity and do not engage in scheduled passenger operations as specified in paragraph (b) of this section;

(3) Have and maintain in effect liability insurance coverage in compliance with the requirements set forth in part 205 of this chapter and have and maintain a current certificate of insurance evidencing such coverage on file with the Department;

(4) If operating in foreign air transportation or participating in an interline agreement, subscribe to Agreement 18900 (OST Form 4523 or OST Form 4507) and comply with all other requirements of part 203 of this chapter; and

(5) Have registered with the Department in accordance with subpart C of this part.

(b) There is hereby established a classification of air carriers, designated as ''commuter air carriers,'' which directly engage in the air transportation of persons, property or mail, and which:

(1) Do not directly or indirectly utilize large aircraft in air transportation;

(2) Do not hold a certificate of public convenience and necessity;

(3) Carry passengers on at least five round trips per week on at least one route between two or more points according to its published flight schedules that specify the times, days of the week, and places between which those flights are performed;

(4) Have and maintain in effect liability insurance coverage in compliance with the requirements set forth in part 205 of this chapter and have and maintain a current certificate of insurance evidencing such coverage on file with the Department;

(5) Have and maintain in effect and on file with the Department a signed counterpart of Agreement 18900 (OST Form 4523) and comply with all other requirements of part 203 of this chapter; and

(6) Hold a Commuter Air Carrier Authorization issued in accordance with subpart E of this part.

(c) A person who does not observe the conditions set forth in paragraph (a) or (b) of this section shall not be an air taxi operator or commuter air carrier within the meaning of this part with respect to any operations conducted while such conditions are not being observed, and during such periods is not entitled to any of the exemptions set forth in this part.

§ 298.4 Requests for statement of authority.

In any instance where an air taxi operator or commuter air carrier is required by a foreign government to produce evidence of its authority to engage in foreign air transportation under the laws of the United States, the Director, Office of Aviation Analysis (X–50), Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, will, upon request, furnish the carrier with a written statement, outlining its general operating privileges under this part for presentation to the proper authorities of the foreign government.

Subpart B—Exemptions

§ 298.11 Exemption authority.

Air taxi operators and commuter air carriers are hereby relieved from the following provisions of the Statute only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to conduct air taxi or commuter air carrier operations:

(a) Section 41101;

(b) Section 41504; except that the requirements of that section shall apply to:

(1) Tariffs for through rates, fares, and charges filed jointly by air taxi operators or commuter air carriers with air carriers or with foreign air carriers subject to the tariff-filing requirements of Chapter 415; and

(2) Tariffs required to be filed by air taxi operators or commuter air carriers which embody the provisions of the counterpart to Agreement 18900 as specified in part 203 of this chapter;

(c) Section 41702, except for the requirements that air taxi operators and commuter air carriers shall:

(1) Provide safe service, equipment, and facilities in connection with air transportation;

(2) Provide adequate service insofar as that requires them to comply with parts 252 and 382 of this chapter;

(3) Observe and enforce just and reasonable joint rates, fares, and charges, and just and reasonable classifications, rules, regulations and practices as provided in tariffs filed jointly by air taxi operators or commuter air carriers with certificated air carriers or with foreign air carriers; and

(4) Establish just, reasonable, and equitable divisions of such joint rates, fares, and charges as between air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers;

(d) Section 41310, except that the requirements of that subsection shall apply to through service provided pursuant to tariffs filed jointly by air taxi operators or commuter air carriers with certificated air carriers or with foreign air carriers and to transportation of the handicapped to the extent that that is required by part 382 of this chapter;

(e) Section 41902;

(f) Section 41708.

§ 298.12 Duration of exemption.

The exemption from any provision of the Statute provided by this part shall continue in effect only until such time as the Department shall find that enforcement of that provision would be in the public interest, at which time the exemption shall terminate or be conditioned with respect to the person, class of persons, or service (*e.g.*, limited-entry foreign air transportation market) subject to the finding.

Subpart C—Registration for Exemption by Air Taxi Operators

§ 298.21 Filing for registration by air taxi operators.

(a) Every air taxi operator who plans to commence operations under this part shall register with the Department not later than 30 days prior to the commencement of such operations, unless, upon a showing of good cause satisfactory to the Manager, Program Management Branch (AFS–260), Federal Aviation Administration, registration within a lesser period of time is allowed.

(b) The registration of an air taxi operator shall remain in effect until it is amended by the carrier or canceled by the Department.

(c) Registration by all air taxi operators shall be accomplished by filing with the Department at the address specified in paragraph (d) of this section the following:

(1) Air Taxi Registration (OST Form 4507), executed in duplicate.[6] This form shall be certified by a responsible official and shall include the following information:

(i) The name of the carrier and its mailing address;

(ii) The carrier's principal place of business, if different from its mailing address, and its telephone number and fax number;

(iii) The carrier's FAA certificate number, if any, and the address and telephone number of the carrier's local FAA office;

(iv) The type of service the carrier will offer (scheduled passenger,[7] scheduled cargo, mail under a U.S. Postal Service contract, on-demand passenger, on-demand cargo, or other service such as air ambulance operations, firefighting or seasonal operations);

(v) A list of the aircraft that the carrier proposes to operate, or, in the case of an amendment to the registration, the aircraft that it is currently operating in its air taxi operations, and the aircraft type, FAA registration number and passenger capacity of each aircraft;

(vi) For initial registration, the proposed date of commencement of air taxi operations;

(vii) For amendments, whether the carrier has carried passengers in foreign air transportation during the previous 12 months;

(viii) Whether the carrier is a citizen of the United States; and

(ix) A certification that the registration is complete and accurate and that, if the carrier is engaged in foreign air transportation, or participating in an interline agreement, it subscribes to the terms of Agreement 18900 (*see* OST Form 4523).

(2) A certificate of insurance (OST Form 6410) which is currently effective (or in case of initial registration, is to become effective), as defined in part 205 of this chapter;

(3) An 8 dollar ($8) registration filing fee in the form of a check, draft, or postal money order payable to the Department of Transportation.

(d) Registrations required in paragraph (c) of this section shall be submitted to the Department of Transportation, Federal Aviation Administration, Program Management Branch (AFS–260), 800 Independence Avenue, SW., Washington, DC 20591. For those air taxi operators that have a mailing address in the State of Alaska, the registrations shall be filed with the Department of Transportation, Federal Aviation Administration, Alaskan Region Headquarters (AAL–230), 222 West 7th Avenue, Box 14, Anchorage, Alaska 99513.

§ 298.22 Processing by the Department.

After examination of the OST Form 4507 submitted by the carrier, the Department will stamp the effective date of the registration on the form and return the duplicate copy to the carrier to confirm that it has registered with the Department as required by this part. The effective date of the registration shall not be earlier than the effective date of the insurance policy or policies named in the certificate of insurance filed by the carrier under § 298.21(c)(2).

§ 298.23 Notifications to the Department of change in operations.

(a) If any of the information contained on its registration changes, an air taxi operator shall submit an amendment reflecting the updated information. This amendment shall be filed no later than 30 days after the change occurs. There is no filing fee for submitting an amendment.

(b) An amendment shall be made by resubmitting OST Form 4507 to the Department of Transportation, Federal Aviation Administration, Program Management Branch (AFS–260), 800 Independence Avenue, SW., Washington, DC 20591. If the air taxi operator has a mailing address in the State of Alaska, the form shall be mailed to the Department of Transportation, Federal Aviation Administration, Alaskan Region Headquarters (AAL–230), 222 West 7th Avenue, Box 14, Anchorage, Alaska 99513.

§ 298.24 Cancellation of the registration.

The registration of an air taxi operator may be canceled by the Department if any of the following occur:

(a) The operator ceases its operations;

(b) The operator's insurance coverage changes or lapses;

(c) The operator fails to file an amended registration when required by § 298.23;

(d) The operator's Air Carrier Certificate and/or Operations Specifications is revoked by the Federal Aviation Administration;

(e) The operator fails to qualify as a citizen of the United States;

(f) The Department determines that it is otherwise in the public interest to do so.

[6] OST Form 4507 can be obtained from the Manager, Program Management Branch, Federal Aviation Administration, AFS–260, or on the World Wide Web at *http://www.faa.gov/avr/afs/afs200/afs260/Part298.cfm.*

[7] Companies proposing to provide scheduled passenger service at the level established by this Part for commuter air carriers are not permitted to conduct such operations under their air taxi registration; such companies must first be found fit, willing and able to operate and be issued a Commuter Air Carrier Authorization by the Department.

Subpart D—Limitations and Conditions on Exemptions and Operations

§ 298.30 Public disclosure of policy on consumer protection.

(a) Every air taxi and commuter air carrier shall cause to be displayed continuously in a conspicuous public place at each desk, station and position in the United States that is in charge of a person employed exclusively by it, or by it jointly with another person, or by any agent employed by it to sell tickets to passengers, a sign located so as to be clearly visible and readable to the traveling public, containing a statement setting forth the air taxi and commuter air carrier's policy on baggage liability and denied boarding compensation.

(b) An air taxi or commuter air carrier shall provide a written notice on or with a passenger's ticket concerning baggage liability as provided in § 254.5 of this chapter. These ticket notices are required only for passengers whose ticket includes a flight segment that uses large aircraft (more than 60 seats).

(c) If the substantive terms of the counter sign and ticket notice required by this section differ, the terms contained in the required ticket notice govern.

§ 298.31 Scope of service and equipment authorized.

Nothing in this part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this part to air taxi operators and commuter air carriers that register with the Department extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft originally designed to have a maximum passenger capacity of 60 seats or less or a maximum payload capacity of 18,000 pounds or less.

§ 298.32 Limitations on operations to eligible places.

No person shall provide scheduled passenger service as a commuter air carrier at an eligible place unless it has been found by the Department to be fit, willing, and able to conduct such service and issued a Commuter Air Carrier Authorization as provided in subpart E of this part.

§ 298.33 Security requirements.

In conducting operations under this part, an air taxi operator or a commuter air carrier is required to adhere to all security requirements established by the Department of Transportation and the Department of Homeland Security applicable to such operations.

§ 298.34 [Reserved]

§ 298.35 Limitations on carriage of mail.

An air taxi operator or commuter air carrier is not authorized to carry mail except pursuant to contract with the U.S. Postal Service entered into pursuant to section 5402 of the Postal Reorganization Act (39 U.S.C. 5402).

§ 298.36 Limitations on use of business name.

(a) An air taxi operator or commuter air carrier in holding out to the public and in performing its services in air transportation shall do so only in the name or names in which its air carrier certificate is issued pursuant to section 44702 of the Statute by the Federal Aviation Administration, and in which it is registered with the Department under this part, or in which its Commuter Air Carrier Authorization is issued or other trade name is registered.

(b) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(c) Commuter air carriers are subject to the provisions of part 215 of this chapter with regard to the use and change of air carrier names.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall preclude Department intervention or enforcement action should there be evidence of a significant potential for, or of actual, public confusion.

§ 298.37 Prohibition of services not covered by insurance.

An air taxi operator or commuter air carrier shall not operate in air transportation or provide or offer to provide air transportation unless there is in effect liability insurance which covers such transportation and which is evidenced by a current certificate of insurance on file with the Department as required by part 205 of this chapter.

§ 298.38 Financial security arrangements for operating Public Charters.

When an air taxi operator or commuter air carrier performs a Public Charter under part 380 of this chapter, either:

(a) The air taxi operator or commuter air carrier shall meet the bonding or escrow requirements applicable to certificated air carriers as set forth in § 212.8 of this chapter; or

(b) The air taxi operator or commuter air carrier shall ensure that it does not receive any payments for the charter until after the charter has been completed. In this case, its contracts with the charter operator and the charter operator's depository bank, if any, shall state that the charter operator or bank, as applicable, shall retain control of and responsibility for all participant funds intended for payment for air transportation until after the charter has been completed, notwithstanding any provision of part 380 of this chapter.

Subpart E—Commuter Air Carrier Authorizations

§ 298.50 Application.

(a) Any person desiring to provide air transportation as a commuter air carrier must first obtain a Commuter Air Carrier Authorization. This shall be accomplished by filing with the Department—

(1) An application in accordance with the requirements of parts 201 and 302 of this chapter;

(2) Data in accordance with part 204 of this chapter to support a determination by the Department that the person is ''fit, willing, and able'' to operate the proposed commuter service; and

(3) A $670 filing fee in the form of a check, draft, or postal money order payable to the Department of Transportation.

(b) An executed original and two true copies of an application for a Commuter Air Carrier Authorization shall be filed with Department of Transportation Dockets, 400 7th Street SW, PL–401, Washington, DC 20590.

§ 298.51 Processing by the Department.

In processing applications filed in accordance with § 298.50, the Department will generally follow the procedures set forth in §§ 302.207 through 302.211 of this chapter.

§ 298.52 Air taxi operations by commuter air carriers.

(a) A commuter air carrier that holds an effective Commuter Air Carrier Authorization and otherwise meets the requirements of this part is also authorized to conduct air taxi operations (*e.g.*, scheduled cargo, mail under a U.S. Postal Service contract, on-demand passenger, on-demand cargo, or other service such as air ambulance operations, firefighting or seasonal operations) without having to meet the registration requirements of subpart C of this part, except as provided in paragraph (b) of this section.

(b) Should a commuter air carrier cease conducting all scheduled passenger operations and its Commuter Air Carrier Authorization is suspended pursuant to §§ 298.53 and/or 204.7 of this chapter, it may continue to conduct air taxi operations *provided that* the carrier maintains in effect liability insurance coverage as required for such operations by part 205 of this chapter

and, within 10 days of the cessation of scheduled passenger operations, registers as an air taxi operator in accordance with subpart C of this part; and *provided further* that the carrier continues to hold authority from the Federal Aviation Administration to conduct such air taxi operations.

§ 298.53 Suspension or revocation of authority.

A Commuter Air Carrier Authorization may be suspended or revoked if any of the following occur:

(a) The operator fails to maintain insurance coverage as required by part 205 of this chapter for commuter operations;

(b) The scheduled passenger authority under the operator's Air Carrier Certificate is suspended or revoked by the Federal Aviation Administration;

(c) The operator does not commence operations for which it has been found fit, or the operator ceases those operations as provided in § 204.7 of this chapter;

(d) The Department finds that the carrier is not fit, willing, and able to conduct scheduled service or fails to qualify as a citizen of the United States; or

(e) The Department determines that it is otherwise in the public interest to do so.

PART 380—PUBLIC CHARTERS

■ 14. The authority citation for part 380 continues to read as follows:

Authority: 49 U.S.C. 40101, 40102, 40109, 40113, 41101, 41103, 41301, 41504, 41702, 41708, 41712, 46101.

§ 380.2 [Amended]

■ 15. In § 380.2, in the definition of *Direct Air Carrier* add the word '', commuter'' after ''certificated''; remove the words ''or commuter air carrier'' and add ''authorization,'' between ''certificate'' and ''permit''.

PART 385—STAFF ASSIGNMENTS AND REVIEW OF ACTION UNDER ASSIGNMENTS

■ 16. The authority citation for part 385 continues to read as follows:

Authority: 49 U.S.C. Subtitle I, Chapters 401, 411, 413, 415, 417.

§ 385.12 [Amended]

■ 17. In § 385.12(e), remove the words ''and commuter air carriers''.

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

■ 18. The authority citation for part 389 continues to read as follows:

Authority: Sec. 204, 1002, Pub. L. 85–726, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1502. Act of August 31, 1951, ch. 376, 65 Stat. 268; 31 U.S.C. 483a.

§ 389.25 [Amended]

19. In § 389.25(a), in the table, under the entry for Code 7, remove the words ''Scheduled Passenger Commuter Registration'' and add, in their place, ''Commuter Air Carrier Authorization''.

Issued on May 10, 2005.

Karan K. Bhatia,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 05–9655 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket Number 041029301–5119–02]

RIN 0607–AA44

Requirement for Reporting the Kimberley Process Certificate Number for Exports and Reexports of Rough Diamonds

AGENCY: Bureau of the Census, Commerce Department.

ACTION: Final rule.

SUMMARY: The U.S. Census Bureau (Census Bureau) is amending the Foreign Trade Statistics Regulations (FTSR) to incorporate the requirement that the Kimberley Process Certificate (KPC) number for the exports and the reexports of rough diamonds be filed through the Automated Export System (AES). This rule serves to carry out the purposes of Executive Order 13312 of July 29, 2003, which implemented the Clean Diamond Trade Act and the Kimberley Process Certification Scheme in the United States.

DATES: This rule is effective June 15, 2005.

FOR FURTHER INFORMATION CONTACT: C. Harvey Monk, Jr., Chief, Foreign Trade Division, U.S. Census Bureau, Room 2104, Federal Building 3, Washington, DC 20233–6700; by phone at (301) 763–2255; by fax at (301) 457–2645; or by e-mail: *c.harvey.monk.jr@census.gov*.

SUPPLEMENTARY INFORMATION: In the January 12, 2005 **Federal Register**, 70 FR 2072, the Census Bureau published a notice of proposed rulemaking and request for comments for a requirement that the KPC number for exports and reexports of rough diamonds be filed through the AES. Public comments were requested through February 11, 2005. The Census Bureau did not receive any comments on the proposed rule. This final rule adopts the measures contained in the proposed rule.

This final rule amends 15 CFR part 30 by revising § 30.63 of the FTSR to specify the requirement for reporting the KPC number via the AES for exports and reexports of rough diamonds. On July 29, 2003, the President issued Executive Order 13312, which implemented Public Law 108–19, known as the Clean Diamond Trade Act (the Act). The Act implemented the Kimberley Process in the United States by authorizing the President to prohibit the importation into or the exportation from the United States of any rough diamond, from whatever source, unless the rough diamond is controlled through the Kimberley Process Certification Scheme, as defined in the Act. Pursuant to the Act, shipments of rough diamonds between the United States and nonparticipants in the Kimberley Process are prohibited, and shipments between the United States and participants are permitted only if they are handled in accordance with the standards, practices, and procedures of the Kimberley Process set forth in the Rough Diamonds Control Regulations, 31 CFR part 592, promulgated by the Department of the Treasury's Office of Foreign Assets Control (OFAC) (see 69 FR 56936 dated September 23, 2004).

Section 6 of the Act names the Census Bureau as the exporting authority for the United States. This requires the Census Bureau to validate the KPC for exports of rough diamonds. The KPC is a forgery-resistant document of a participant nation or entity that demonstrates that an exportation of rough diamonds has been controlled through the Kimberley Process and contains the minimum elements required by OFAC regulations (Title 31 CFR part 592). Each KPC is assigned an identification number called the KPC number.

To comply with the requirements of the Act, the Census Bureau amended the FTSR on October 20, 2003, to incorporate requirements for the mandatory electronic filing via the AES of exports of rough diamonds. The Census Bureau is now amending the FTSR to require the reporting through AES of the KPC number found on the KPC for all exports of rough diamonds classified under Harmonized System subheadings 7102.10, 7102.21, and 7102.31. This requirement will not affect filers of Shipper's Export Declarations since all exports of rough diamonds are required to be filed through the AES.

Shipments of rough diamonds from the United States must also meet additional Department of the Treasury requirements identified in the Office of Foreign Assets Control's Rough Diamonds Control Regulations, title 31 CFR part 592.

Executive Order 12866

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

Executive Order 13132

This final rule does not contain policies with Federalism implications, as that term is defined in E.O. 13132.

Paperwork Reduction Act

The collection of information required in this final rule has been approved by the Office of Management and Budget under the Paperwork Reduction Act (PRA). This rule contains a collection-of-information subject to the requirements of the PRA (44 U.S.C. 3501 *et seq.*), which has been approved under OMB control number 0607–0152. The reporting and recordkeeping burden for this requirement is estimated at 10 total burden hours. Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a current, valid Office of Management and Budget (OMB) control number.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce, certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605 (b)), that this rule will not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published with the proposed rule. No comments were received regarding the economic impact of this final rule. As a result, no final regulatory flexibility analysis was prepared.

List of Subjects in 15 CFR Part 30

Economic statistics, Foreign trade, Exports, and Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble, title 15 CFR part 30, is amended as follows:

PART 30—FOREIGN TRADE STATISTICS

■ 1. The authority citation for part 30 is revised to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; 19 U.S.C. 3901–3913; Reorganization Plan 5 of 1950 (3 CFR 1949–1953 Comp., 1004); Executive Order 13312, Implementing the Clean Diamond Act, 68 FR 45151 (31 CFR Part 592); and Department of Commerce Organization Order No. 35–2A, July 22, 1987, as amended, and No. 35–2B, December 20, 1996, as amended.

Subpart E—Electronic Filing Requirements—Shipper's Export Information

■ 2. In § 30.63, add a paragraph (b)(22) to read as follows:

§ 30.63 Information required to be reported electronically through AES (data elements).

* * * * *

(b) * * *

(22) *Kimberley Process Certificate (KPC) number.* The unique identifying number of the KPC issued by the United States Kimberley Process Authority that must accompany any export shipment of rough diamonds. Rough diamonds are classified under 6-digit Harmonized System subheadings 7102.10, 7102.21, and 7102.31. Enter the KPC number in the license number field excluding the 2-digit U.S. ISO country code.

* * * * *

Dated: May 10, 2005.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. 05–9629 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 335 and 340

Docket No: 050406093-5093-01

RIN 0625-AA67

Imports of Certain Worsted Wool Fabric: Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000.

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Interim Final Rule, Request for Comments

SUMMARY: The Department of Commerce (''Commerce'') is amending its regulation, which governs the establishment of tariff rate quotas (TRQ) for a limited quantity of worsted wool fabrics pursuant to Title V of the Trade and Development Act of 2000 (''the Act'') as amended by the Trade Act of 2002 and the Miscellaneous Trade Act of 2004, (Public law 108-429). Section 501(e) of the Act requires the President to fairly allocate TRQs on the import of certain worsted wool fabric. Section 504(b) of the Act authorizes the President to modify the limitations on worsted wool fabric imports under TRQs. The President has delegated to the Secretary of Commerce the authority to allocate the quantity of imports under the TRQs (specifically for wool products under HTS headings, 9902.51.11 and 9902.51.12) and to determine whether the limitations on the quantity of imports under the TRQs should be modified. This interim rule is necessary to implement the amendment to the Act included in the Miscellaneous Trade Act of 2004, (Public law 108-429). Principally, this document amends the regulations to specify which HTS categories may be allocated as TRQs and to eliminate Commerce's authority to modify these quotas.

DATES: This interim final rule is effective May 16, 2005 To be considered, written comments must be received by 5:00 p.m. on July 15, 2005.

ADDRESSES: Comments should be addressed to: James C. Leonard III, Deputy Assistant Secretary for Textiles and Apparel, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Sergio Botero, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

SUPPLEMENTARY INFORMATION:

Background:

The Act created Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11 and HTS heading 9902.51.12, which established two TRQs, providing for temporary reductions for three years in the import duties on two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers: (1) for worsted wool fabric with average fiber diameters greater than 18.5 microns, the reduction in duty is limited to 2,500,000 square meter equivalents or such other quantity proclaimed by the President; and (2) for worsted wool fabric with average fiber diameters of 18.5 microns or less, the reduction in duty is limited to 1,500,000 square meter equivalents or such other quantity proclaimed by the President, respectively. The Act required that the TRQs be allocated. More specifically, the President must ensure that the TRQs are fairly allocated to persons (including

firms, corporations, or other legal entities) who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States and who apply for an allocation based on the amount of such suits cut and sewn during the prior calendar year.

The Act required that the President annually consider requests by U.S. manufacturers of certain worsted wool apparel to modify the limitation on the quantity of fabric that may be imported under the TRQs, and granted the President the authority to proclaim modifications to the limitations. In determining whether to modify the limitations, the President must consider specified U.S. market conditions with respect to worsted wool fabric and worsted wool apparel.

In Presidential Proclamation 7383, of December 1, 2000, the President authorized the Secretary of Commerce: (1) to allocate the imports of worsted wool fabrics under the TRQs; (2) to annually consider requests from domestic manufacturers of worsted wool apparel to modify the limitation on the quantity of worsted wool fabrics that may be imported under the TRQs; (3) to determine whether the limitations on the quantity of imports of worsted wool fabrics under the TRQs should be modified and to recommend to the President that appropriate modifications be made; and (4) to issue regulations to implement relevant provisions of the Act.

On December 3, 2004, the Act was amended pursuant to the Miscellaneous Trade Act of 2004, Public Law 108-429. The amendment altered the HTS categories of worsted wool eligible for the TRQs under the Act. Specifically, the amendment renumbered HTS heading 9902.51.12 to HTS heading 9902.51.15. The Miscellaneous Trade Act of 2004 increased to 5 million square meters from 3.5 million square meters the TRQ for worsted wool fabrics with average fiber diameters of 18.5 microns or less (HTS 9902.51.15, previously numbered HTS 9902.51.12); and increased to 5.5 million square meters from 4.5 million square meters the TRQ for the worsted wool fabrics with average fiber diameters greater than 18.5 microns (9902.51.11).

The amendment also authorized Commerce to allocate a new HTS category, HTS 9902.51.16. This HTS refers to worsted wool fabric with average fiber diameters of 18.5 microns or less. The amendment further distinguished that HTS 9902.51.16 is for worsted wool for the benefit of persons (including firms, corporations, or other legal entities) who weave worsted wool fabric in the United States.

Finally, the Miscellaneous Trade Act of 2004, Public Law 108-429 repealed Commerce's authorization to determine whether the limitations on the quantity of imports of worsted wool fabrics under the TRQs should be modified and to recommend to the President that appropriate modifications be made.

Part 335

This interim final rule implements the amendments to the Act by revising the language of 15 CFR 335 to indicate that HTS category 9902.51.12 has been renumbered to 9902.51.15. In addition, for further clarification of the definition of 9902.51.15, this HTS heading has been revised to include only worsted wool fabric suitable for use in making suits, suit type jackets, or trousers with average fiber diameters of 18.5 microns or less; for the benefit of persons (including firms, corporations, or other legal entities) who cut and sew men's and boy's wool suits, suit-type jackets and trousers in the United States. Former HTS heading 9902.51.12 was simply defined as worsted wool fabric suitable for use in making suits, suit type jackets, or trousers with average fiber diameters of 18.5 microns or less. Although the regulation indicated in other sections that for both HTS headings 9902.51.11 and former 9902.51.12 that the fabric was for the benefit of persons (including firms, corporations, or other legal entities) who cut and sew men's and boy's wool suits, suit-type jackets and trousers in the United States, the definition did not specifically include this language. Accordingly, in order to clarify the distinction between HTS headings 9902.51.11 and 9902.51.15, which is for the benefit of persons who cut and sew men's and boy's wool suits and suit-like jackets and trousers, and new HTS heading 9902.51.16, which is for the benefit of persons who weave wool fabric suitable for use in men's and boy's suits, this rule has included additional language in the definition of HTS headings 9902.51.11 and 9902.51.15. The allocation process for HTS 9902.51.11 and 9902.51.15 remains the same.

Pursuant to current regulations, allocation of TRQs for 9902.51.11 and 9902.51.15 is limited to persons who cut and sew three types of garments during the calendar year of the application: (1) men's and boys' worsted wool suits; (2) men's and boys' worsted wool suit-type jackets; and (3) men's and boys' worsted wool trousers. Only manufacturers of all three types of garments are eligible for an allocation. Pursuant to the current regulations that allocation be based on the men's and boys' worsted wool suits cut and sewn during the prior calendar year, in allocating the TRQs, only production of men's and boys' worsted wool suits will be considered. To be considered, a worsted wool garment must contain at least 85 percent by weight worsted wool, which is consistent with the definitions of wool fiber and fabric in the Act and the Conference Report.

In order to fairly allocate the TRQs, manufacturers that utilize imported worsted wool fabric in production will be provided a greater allocation than manufacturers that utilize domestic worsted wool fabric. This allows the manufacturers that will actually use the imported fabric that is subject to the TRQs to obtain a relatively greater share of the fabric, as compared to manufacturers that use only domestic fabric. For the purpose of calculating allocations, suit production are increased by the ratio of imported fabric used to total fabric used in the production of men's and boys' suits. For example, if an applicant uses imported fabric for 30 percent of its worsted wool suits production, that applicant's suit production level will be increased by 30 percent for purposes of calculating the applicant's allocation.

In addition, this interim final rule amends the sections 335.3(c) and (d)(2) to establish the allocation process for HTS category 9902.51.16. For allocation of TRQ for HTS 9902.51.16, the applicant is required to submit the quantity and value of the Worsted Wool Fabric woven in the United States. This data must indicate actual production (not estimates) of Worsted Wool Fabric containing at least 85 percent worsted wool fabric by weight with an average diameter of 18.5 microns or less. For applications for the 2005 Tariff Rate Quota year, production data must be provided for full calendar year 2004. For allocations of Tariff Rate Quota years after 2005, production data must be provided for the first six months of the year of the application. This data will be annualized for the purpose of making Tariff Rate Quota allocations. In order to ensure that the TRQs are fully utilized, a licensee that will not import the full quantity allocated to it is required to surrender the unused allocation to the Department for reallocation.

Section 335.4 is amended to state that for HTS 9902.51.16, the Tariff Rate Quota will be allocated based on an applicant's Worsted Wool Fabric production, to be consistent with current regulations. The allocation process for HTS 9902.51.16 is essentially the same as that for HTS 9902.51.11 and 9902.51.15 with the small distinction that the allocation

process in 9902.51.11 and 9902.51.15 takes into consideration the amount of imported fabric used by the applicant while the allocation process for 9909.51.16 does not because this factor is inapplicable to this HTS.

In addition, Commerce amends § 335.6(e) to change the manner in which the unused allocation will be determined to take into consideration the extension of the TRQs from 2005 to 2007. Under the previous scheme, a Licensee whose unused allocation in two consecutive Tariff Rate Quota Years exceeds five percent of the quantity set forth in its license would have its allocation reduced in the subsequent Tariff Rate Quota Year by a quantity equal to 50 percent of its unused allocation from the prior year. Under the new scheme, a Licensee whose unused allocation in two **or more** consecutive Tariff Rate Quota Years exceeds five percent of the quantity set forth in its license shall have its allocation reduced in the subsequent Tariff Rate Quota Year by a quantity equal to 50 percent of its unused allocation from the prior year. This change was made as a result of the extension of the TRQs from 2005 to 2007. The original TRQ was, by statute, valid for three years only (2001-2003) therefore the reduction of the TRQ due to unused allocation could only be applied twice during the three year period. However, because the program has been extended to 2007, companies may now fail to use 95 percent of their TRQ in more than two consecutive years. Therefore, Commerce makes this change to clarify that the reduction in their allocation during a third, fourth or fifth consecutive year will be 50 percent of the unused allocation.

Part 340

Because the Act repealed Commerce's authorization to determine whether the limitations on the quantity of imports of worsted wool fabrics under the TRQs should be modified and to recommend to the President that appropriate modifications be made, Commerce removes 15 CFR part 340 in its entirety and removes 15 CFR 335.7 to eliminate the modification provisions.

Allocation of HTS 9902.21.11, 9902.21.15, and 9902.51.16

Section 501(e) of the Act requires that the worsted wool fabrics imported under the TRQs be ''fairly allocated'' to persons ''who cut and sew men's and boys' worsted wool suits and suit-like jackets and trousers in the United States and who apply for an allocation based on the amount of such suits cut and sewn during the prior calendar year.'' As the Joint Explanation of the Committee of Conference (''Conference Report'') makes clear, Congress intended the TRQs to address the duty situation faced by U.S. wool suit manufacturers, in which worsted wool fabric is subject to considerably higher duties than worsted wool suits, a situation compounded by reductions in tariffs on wool suits under free trade agreements with Canada and Mexico.

The Department, promptly upon promulgation of these regulations, intends to allocate the increased TRQ amounts for 9902.21.11 and 9902.21.15. The Department will also begin the process of soliciting applications for a license for an allocation of the 2005 TRQs on worsted wool fabrics for 9902.51.16. In following years, applications will be solicited on or around August 31, in order to allow companies to be informed of their allocation as early as possible while still allowing an allocation based on previous year production. The Department intends to make its determination regarding the allocation on or about November 1 and to issue licenses no later than December 31 of the year preceding the tariff rate quota year.

Pursuant to regulations, each of the three TRQs will be allocated based on previous year production. The products under HTS 9902.51.16 will be allocated based on production of this type of worsted wool fabric, while the tariff rate quota on worsted wool fabric with average fiber diameters of 18.5 microns or less (HTS 9902.51.15) will be allocated based on production utilizing this type of worsted wool. We will also continue to allocate the tariff rate quota on worsted wool fabric with average fiber diameters greater than 18.5 microns (HTS 9902.51.11) based on production utilizing this type of worsted wool.

Classification

Administrative Procedure Act: The Department of Commerce finds good cause, under 5 USC 553(b)(B), to waive the requirement to provide prior notice and opportunity for public comment as such requirement is impracticable and contrary to the public interest. The new HTS categories and allocation system must be implemented as soon as possible to allow TRQ recipients to import their products under the new HTS categories and allocation system.

If the new HTS category and allocation system are not implemented immediately, TRQ recipients will be required to file amended entries with Customs and Border Protection (CBP) in order to get the duty benefit. Amended entries are costly and time consuming. To obtain the duty benefits under a TRQ from a license issued after wool fabric has cleared CBP, a Licensee would need to request its brokers and other suppliers to file amended entries on its behalf with CBP in order to obtain the duty rebates applicable to the TRQ license. This process is time consuming and costly as additional staff would need to be hired and extra hours devoted to research and file amended entries. Brokers would need to research thousand of shipments (an average of 4,800 shipments per year were entered under the wool TRQ program from 2001 to 2004), imported into several different ports, in order to file amended entries. Brokers and other suppliers do not always have the resources and personnel in order to investigate individual shipments for individual companies to file entries retroactively. The average cost charged by brokers and suppliers for researching shipments range from $100 to $200 to file amended entries, which would in effect nullify the duty benefit for small shipments (50 square meters) which make up the bulk of the entries for several licensees.

For the same reasons above, there is good cause to find under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness. As stated above, the process of researching shipments to file amended entries is time consuming and costly. If this regulation is not implemented immediately, the costs incurred by TRQ recipients would in effect nullify any duty benefits, particularly for those TRQ recipients who have small shipments that make up the entries for several licensees.

While these regulations will be effective upon publication, the Department of Commerce hereby solicits comments on these interim regulations and will amend them in final regulations if appropriate. The Department is particularly interested in comments concerning any impact these regulations might have on small-or-medium sized businesses.

Regulatory Flexibility Act: Because notice and comment are not required under 5 U.S.C. 553 or any other law, the analytical requirements of 5 U.S.C. 601 et seq. are not applicable and have not been prepared.

Executive Order 12866: This rule has been determined to be not significant under Executive Order 12866.

Paperwork Reduction Act:

This proposed rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) which has received approval by OMB under control number 0625-0240. Notwithstanding any other provision of

the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

Dated: May 5, 2005.

Joseph A. Spetrini

Acting Assistant Secretary for Import Administration.

■ For the reasons stated, 15 CFR. chapter III is amended to read as follows:

PART 335—IMPORTS OF WORSTED WOOL FABRIC

■ 1. The Authority citation for part 335 is revised to read as follows:

Authority: Title V of the Trade and Development Act of 2000 (Public Law No. 106-200) as amended by Trade Act of 2002 and the Miscellaneous Trade Act of 2004 (Public Law 108-429), Presidential Proclamation No. 7383 (December 1, 2000).

■ 2. §335.1 is revised to read as follows:

§335.1 Purpose.

This part sets forth regulations regarding the issuance and effect of licenses for the allocation of Worsted Wool Fabric under the TRQs established by Section 501 of the Act, including the new HTS categories 9902.51.15 and 9902.51.16 added by the amended Act.

■ 3. §335.2 is amended by revising the definition of ''Tariff Rate Quota or Quotas'' to read as follows:

§335.2 Definitions.

* * * * *

Tariff Rate Quota or Quotas means the temporary duty reduction provided under Section 501 of the Act for limited quantities of fabrics of worsted wool with average diameters greater than 18.5 micron, certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (HTS heading 9902.51.11), and for limited quantities of fabrics of worsted wool with average diameters of 18.5 microns or less, certified by the importer as suitable for use in making suits, suit-type jackets, or trousers for the benefit of persons (including firms, corporations, or other legal entities) who cut and sew men's and boy's wool suits, suit-type jackets and trousers in the United States (HTS heading 9902.51.15), and worsted wool fabric with average fiber diameters of 18.5 microns or less for the benefit of persons (including firms, corporations, or other legal entities) who weave worsted wool fabric in the United States (HTS 9902.51.16).

* * * * *

■ 4. §335.3 is amended by removing paragraph (d)(3), redesignating paragraphs (d)(4) and (d)(5) as (d)(3) and (d)(4) respectively, and by revising paragraphs (c) and (d)(2) as follows:

§335.3 Applications to receive allocations.

* * * * *

(c) For applying for TRQs 9902.51.11 or 9902.51.15 during the calendar year of the date of the application, an applicant must have cut and sewed in the United States all three of the following apparel products: Worsted Wool Suits, Worsted Wool Suit-Type Jackets, and Worsted Wool Trousers. The applicant may either have cut and sewn these products on its own behalf or had another person cut and sew the products on the applicant's behalf, provided the applicant owned the fabric at the time it was cut and sewn. The application must contain a statement to this effect. For applying for TRQ 9902.51.16 during the calendar year of the date of the application, an applicant must have woven in the United States worsted wool fabrics with average fiber diameters of 18.5 microns or less, suitable for use in making suits, suit-type jackets, and trousers. The application must contain a statement to this effect.

(d) * * *

(2)(i) *Production.* Applicants for TRQs 9902.51.11 and 9902.51.15 must provide the name and address of each plant or location where Worsted Wool Suits, Worsted Wool Suit-Type Jackets, and Worsted Wool Trousers were cut and sewn or woven by the applicant and the name and address of all plants or locations that cut and sewed such products on behalf of the applicant. Production data, including the following: the quantity and value of the Worsted Wool Suits, Worsted Wool Suit-Type Jackets, and Worsted Wool Trousers cut and sewn in the United States by applicant, or on behalf of applicant, from fabric owned by applicant. This data must indicate actual production (not estimates) of Worsted Wool Suits, Worsted Wool Suit-Type Jackets and Worsted Wool Trousers containing at least 85 percent worsted wool fabric by weight with an average diameter of 18.5 microns or less. This data must also indicate actual production (not estimates) of Worsted Wool Suits, Worsted Wool Suit-Type Jackets and Worsted Wool Trousers containing at least 85 percent worsted wool fabric by weight with average diameter greater than 18.5 microns. Production data must be provided for the first six months of the year of the application. This data will be annualized for the purpose of making Tariff Rate Quota allocations.

(ii) Applicants for TRQ 9902.51.16 must provide the name and address of each plant or location where Worsted Wool Fabric was woven by the applicant. The quantity and value of the Worsted Wool Fabric woven in the United States by applicant. This data must indicate actual production (not estimates) of Worsted Wool Fabric containing at least 85 percent worsted wool fabric by weight with an average diameter of 18.5 microns or less. For applications for the 2005 Tariff Rate Quota year, production data must be provided for full calendar year 2004. For allocations of Tariff Rate Quota years after 2005, production data must be provided for the first six months of the year of the application. This data will be annualized for the purpose of making Tariff Rate Quota allocations.

* * * * *

■ 5. Section 335.4 is amended by revising paragraphs (a) and (b) as follows:

§335.4 Allocation.

(a) For HTS 9902.51.11 and HTS 9902.51.15 each Tariff Rate Quota will be allocated separately. Allocation will be based on an applicant's Worsted Wool Suit production, on a weighted average basis, and the proportion of imported Worsted Wool Fabric consumed in the production of Worsted Wool Suits. In regards to HTS 9902.51.16 the Tariff Rate Quota will be allocated based on an applicant's Worsted Wool Fabric production, on a weighted average basis.

(b) For the purpose of calculating allocations for HTS 9902.51.11 and HTS 9902.51.15 only, Worsted Wool Suit production will be increased by the percentage of imported fabric consumed in the production of Worsted Wool Suits to total fabric consumed in this production. For example, if an applicant uses 30 percent imported fabric in the production of Worsted Wool Suits, that applicant's production level will be increased by 30 percent.

* * * * *

■ 6. Section 335.6 is amended by revising paragraph (e) as follows:

§335.6 Surrender, reallocation and license utilization requirement.

* * * * *

(e) A Licensee whose unused allocation in a Tariff Rate Quota Year exceeds five percent of the quantity set forth in its license shall be subject to having its allocation reduced in the subsequent Tariff Rate Quota Year. The subsequent Tariff Rate Quota Year

allocation will be reduced from the quantity such Licensee would otherwise have received by a quantity equal to 25 percent of its unused allocation from the prior year. A Licensee whose unused allocation in two or more consecutive Tariff Rate Quota Years exceeds five percent of the quantity set forth in its license shall have its allocation reduced in the subsequent Tariff Rate Quota Year by a quantity equal to 50 percent of its unused allocation from the prior year.

* * * * *

§ 335.7 [Removed]

■ 7. Remove section 355.7.

PART 340—MODIFICATION OF THE TARIFF RATE QUOTA LIMITATION ON WORSTED WOOL FABRIC IMPORTS. [Removed]

■ 8. Remove entire part 340.

[FR Doc.05–9494 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–DSS

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD11–05–004]

RIN 1625–AA08

Special Local Regulation; KFOG ''KaBoom'' Fireworks Display, San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations in the navigable waters of San Francisco Bay for the loading, transport, and launching of fireworks used during the KFOG ''KaBoom'' Fireworks Display to be held on May 21, 2005. These special local regulations are intended to prohibit vessels and people from entering into or remaining within the regulated areas in order to ensure the safety of participants and spectators.

DATES: This rule is effective from 9 a.m. on May 19, 2005, to 10 p.m. on May 21, 2005.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [CGD–11 05–004] and are available for inspection or copying at Coast Guard Marine Safety Office San Francisco Bay, Coast Guard Island, Alameda, California, 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ensign Trevor Parra, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–5873.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Logistical details surrounding the event were not finalized and presented to the Coast Guard in time to draft and publish an NPRM. As such, the event would occur before the rulemaking process was complete. Because of the dangers posed by the pyrotechnics used in this fireworks display, special local regulations are necessary to provide for the safety of event participants, spectator craft, and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Because of the dangers posed by the pyrotechnics used in this fireworks display it is necessary to make it effective as soon as possible.

Background and Purpose

The San Francisco Radio Station KFOG is sponsoring a brief fireworks display on May 21, 2005 in the waters of San Francisco Bay near Pier 30. The fireworks display is meant for entertainment purposes in support of KFOG's annual festival in San Francisco. These special local regulations are being issued to establish a temporary regulated area in San Francisco Bay around the fireworks launch barge during the loading of the pyrotechnics, during the transit of the barge to the display location, and during the fireworks display. This regulated area around the launch barge is necessary to protect spectators, vessels, and other property from the hazards associated with the pyrotechnics on the fireworks barge.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters off of the San Francisco waterfront. During the loading of the fireworks barge, while the barge is being towed to the display location, and until the start of the fireworks display, the special local regulations will apply to the navigable waters around and under the fireworks barge within a radius of 100 feet. During the 20-minute fireworks display, the area to which these special local regulations apply will increase in size to encompass the navigable waters around and under the fireworks barge within a radius of 1,000 feet. Loading of the pyrotechnics onto the fireworks barge is scheduled to commence at 9 a.m. on May 19, 2005, and will take place at Pier 50 in San Francisco. Towing of the barge from Pier 50 to the display location is scheduled to take place on May 21, 2005. During the fireworks display, scheduled to commence at 9 p.m. on May 21, 2005, the fireworks barge will be located approximately 1,000 feet off of Pier 30 in position 37°47.35′ N, 122°22.86′ W.

The effect of the temporary special local regulations will be to restrict general navigation in the vicinity of the fireworks barge from the time the fireworks are loaded at Pier 50, during the transit of the fireworks barge, and until the conclusion of the scheduled display. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. These regulations are needed to keep spectators and vessels a safe distance away from the fireworks barge to ensure the safety of participants, spectators, and transiting vessels.

Pursuant to 33 U.S.C. 1236, persons violating these special local regulations may be liable as follows: Suspension or revocation of the license of a licensed officer for incompetence or misconduct; civil penalty of $6,500 for any person in charge of the navigation of a vessel other than a licensed officer; civil penalty of $6,500 for the owner of a vessel (including any corporate officer of a corporation owning the vessel) who is actually on board; and $2,750 for any other person.

Regulatory Evaluation

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

The entities most likely to be affected are pleasure craft engaged in recreational activities. Although this regulation prevents traffic from transiting a portion of San Francisco Bay during the event, the effect of this regulation will not be significant due to the small size and limited duration of

the regulated area and the fact that vessels will be able to transit safely around the area.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on a substantial number of small entities. This rule may effect owners and operators of pleasure craft engaged in recreational activities and sightseeing. This rule will not have a significant economic impact on a substantial number of small entities for several reasons: (i) Vessel traffic can pass safely around the area, (ii) vessels engaged in recreational activities and sightseeing have ample space outside of the effected portion of San Francisco Bay to engage in these activities, (iii) this rule will encompass only a small portion of the waterway for a limited period of time, and (iv) the maritime public will be advised in advance of these special local regulations via public notice to mariners.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections.

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.35–T11–021 to read as follows:

§ 100.35–T11–021 Special Local Regulation; KFOG ''KaBoom'' Fireworks Display, San Francisco Bay, CA.

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

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

(b) *Regulated Area.* A regulated area is established for the waters of San Francisco Bay surrounding a barge used as a firework launch platform during the KFOG ''KaBoom'' fireworks display. During the loading of the fireworks barge, during the transit of the fireworks barge to the display location, and until the start of the fireworks display, the regulated area encompasses the navigable waters around and under the fireworks barge within a radius of 100 feet. During the 20-minute fireworks display, the regulated area increases in size to encompass the navigable waters around and under the fireworks launch barge within a radius of 1,000 feet. Loading of the pyrotechnics onto the fireworks barge is scheduled to commence at 9 a.m. on May 19, 2005, and will take place at Pier 50 in San Francisco. Towing of the barge from Pier 50 to the display location is scheduled to take place on May 21, 2005. During the fireworks display, scheduled to start at 9 p.m. on May 21, 2005, the barge will be located approximately 1,000 feet off of San Francisco Pier 30 in position 37°47.35′ N, 122°22.86′ W.

(c) *Special Local Regulations.*

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

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

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by an Official Patrol.

(3) Persons desiring to transit the area of a safety zone may contact the Coast Guard Patrol Commander on VHF–FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Patrol Commander.

(d) *Effective Period.* This section will be effective from 9 a.m. on May 19, 2005, to 10 p.m. on May 21, 2005. If the event concludes prior to the scheduled termination time, the Coast Guard will cease enforcement of the special local regulations and will announce that fact via Broadcast Notice to Mariners.

Dated: April 19, 2005.

K.J. Eldridge,

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

[FR Doc. 05–9637 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–05–046]

RIN 1625–AA08

Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek, and Carr Creek, Annapolis, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard is implementing the special local regulations for the U.S. Naval Academy Blue Angels Air show to be held May 24 and 25, 2005, over the waters of the Severn River at Annapolis, Maryland. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of event participants, spectators and vessels transiting the event area.

DATES: 33 CFR 100.518 will be enforced from 10:30 a.m. to 4 p.m. on May 24 and 25, 2005.

FOR FURTHER INFORMATION CONTACT: Ronald Houck, Marine Events Coordinator, Commander, Coast Guard Sector Baltimore, (410) 576–2674.

SUPPLEMENTARY INFORMATION: The U.S. Naval Academy will sponsor the Blue Angels Air show over the waters of the Severn River at Annapolis, Maryland. The events will consist of low flying, high performance aircraft performing precision maneuvers and aerial stunts. A fleet of spectator vessels is expected to gather near the event site to view the Air show. In order to ensure the safety of participants, spectators and transiting vessels, 33 CFR 100.518 will be enforced for the duration of the event. Under provisions of 33 CFR 100.518, from 10:30 a.m. to 4 p.m. on May 24 and 25, 2005 vessels may not enter the regulated area without permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts so mariners can adjust their plans accordingly.

Dated: May 3, 2005.

Lawrence J. Bowling,

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

[FR Doc. 05–9636 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–05–044]

RIN 1625–AA08

Special Local Regulations for Marine Events; Chesapeake Bay Bridges Swim Races, Chesapeake Bay, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard is implementing the special local regulations at 33 CFR 100.507 during the Annual Great Chesapeake Bay Swim and Chesapeake Challenge One Mile Swim events to be held on June 12, 2005. This action is necessary to provide for the safety of life on navigable waters before, during and after the event. The effect will be to restrict general navigation in the regulated area for the safety of event participants, and support vessels in the event area.

DATES: *Effective Date:* 33 CFR 100.507 will be enforced from 8:30 a.m. to 5 p.m. on June 12, 2005.

FOR FURTHER INFORMATION CONTACT: Ronald Houck, Marine Events Coordinator, Commander, Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226–1971, and (410) 576–2674.

SUPPLEMENTARY INFORMATION: The Great Chesapeake Bay Swim, Inc. will sponsor the ''Great Chesapeake Bay Swim'' and the ''Chesapeake Challenge One Mile Swim'' on the waters of the Chesapeake Bay between and adjacent to the spans of the William P. Lane Jr. Memorial Bridge. Approximately 600 swimmers will start Great Chesapeake Bay Swim from Sandy Point State Park and swim between the spans of the William P. Lane Jr. Memorial Bridge to the Eastern Shore. Approximately 400 swimmers will start the Chesapeake Challenge One Mile Swim following a triangular shaped course beginning and ending at Hemingway's restaurant on the Eastern Shore adjacent to the William P. Lane Jr. Memorial Bridge. A large fleet of support vessels will be accompanying the swimmers. Therefore, to ensure the safety of participants and support vessels, 33 CFR 100.507 will be enforced for the duration of the event. Under provisions of 33 CFR 100.507, from 8:30 a.m. to 5 p.m. on June 12, 2005 vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander. Vessel traffic will be allowed to transit the regulated area as the swim progresses, when the Patrol Commander determines it is safe to do so.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts so mariners can adjust their plans accordingly.

Dated: May 3, 2005.

Lawrence J. Bowling,

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

[FR Doc. 05–9639 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07–05–041]

RIN 1625–AA09

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Treasure Island, Pinellas County, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard modified the regulations that govern the operation of the Treasure Island Causeway Bridge. The change allows for daily bridge openings every 20-minutes from 7 a.m. to 7 p.m. This regulation should improve vehicular traffic movement while the Treasure Island Causeway Bridge is undergoing repairs and will not unreasonably interfere with vessel movement.

DATES: This rule is effective from May 16, 2005 until 7 p.m. on November 1, 2006.

ADDRESSES: Documents referred to in this preamble as being available in the docket are part of docket [CGD07–05–041] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE 1st Avenue, Room 432, Miami, Florida 33131–3050, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Gwin Tate, Project Manager, Seventh Coast Guard District, Bridge Branch, (305) 415–6747.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM is contrary to the public interest, as massive vehicular traffic congestion has resulted from bridge openings coupled with construction on the Treasure Island Causeway Bridge. The increased traffic congestion threatens public safety and this regulation reduces public risk by lengthening the time between bridge openings.

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

Background and Purpose

The Treasure Island Causeway Bridge, which crosses the Boca Ciega Bay in the City of Treasure Island, Pinellas County, Florida, is being replaced. As a result of this construction, bridge openings have caused vehicular delay that far exceeds the normal travel time for this bridge. The City of Treasure Island Transportation Director requested we temporarily amend the current bridge schedule and lengthen the time between bridge openings during the remainder of the construction period. We have reviewed the Transportation Director's request and have determined that modifying the current regulation to allow for bridge openings every 20-minutes, vice 15-minutes, greatly reduces massive vehicular backups while providing for the reasonable needs of navigation.

Discussion of Rule

The existing operating regulation in 33 CFR 117.287(g) requires the bridge to open on signal, except that from 7 a.m. to 7 p.m. the draw need open only on the hour, quarter hour, half hour and three quarter hour. This regulation would modify the existing schedule, on a temporary basis to cover the remainder of the construction period, and require the bridge to open on the hour, twenty minutes past the hour and forty minutes past the hour from 7 a.m. to 7 p.m.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary, as this rule will not significantly affect the current pattern of marine traffic through the bridge and will provide for the reasonable needs of navigation.

Small Entities

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

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the regulation will not significantly affect the current pattern of marine traffic through the bridge and will provide for the reasonable needs of navigation.

Assistance for Small Entities

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.287, from May 16, 2005 through November 1, 2006, suspend paragraph (g) and add paragraph (k) to read as follows:

§ 117.287 Gulf Intracoastal Waterway.

* * * * *

(k) The draw of the Treasure Island Causeway bridge, mile 119.0, shall open on signal, except that from 7 a.m. to 7 p.m. the draw need open only on the hour, 20 minutes past the hour, and 40

minutes past the hour. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 10 minutes advance notice is given.

Dated: May 6, 2005.

W.E. Justice,

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

[FR Doc. 05–9638 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–05–028]

RIN 1625–AA09

Drawbridge Operation Regulations; Cumberland River, Nashville, TN

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Louisville and Nashville Railroad Drawbridge, mile 190.4, Nashville, Tennessee across the Cumberland River. This deviation allows the bridge to remain in the closed- to- navigation position for three consecutive days from 7 a.m. June 11, 2005 until 7 a.m. June 14, 2005. The deviation is necessary to allow time for making repairs of critical mechanical components essential to the continued safe operation of the drawbridge.

DATES: This temporary deviation is effective from 7 a.m., June 11, 2005 until 7 a.m., June 14, 2005.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Room 2.107F in the Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, (314) 539–3900, extension 2378.

SUPPLEMENTARY INFORMATION: CSX Transportation Inc. requested a temporary deviation to allow time to conduct critical repairs to the Louisville and Nashville Railroad Drawbridge, mile 190.4 at Nashville, Tennessee across the Cumberland River. The Louisville and Nashville Railroad Drawbridge currently operates in accordance with 33 CFR 117.5 which requires the drawbridge to open promptly and fully for passage of vessels when a request to open is given in accordance with 33 CFR Part 117, Subpart A. In order to facilitate required bridge maintenance the bridge must be kept in the closed-to-navigation position. When the river is at normal pool elevation commercial traffic can transit the bridge without opening the drawspan; therefore, performing the needed repair when the river is at normal pool will have minimal impact on navigation. This deviation allows the bridge to remain closed-to-navigation for 3 days from 7 a.m., June 11, 2005 until 7 a.m., June 14, 2005. There are no alternate routes for vessels transiting this section of the Cumberland River.

The Louisville and Nashville Railroad Drawbridge, in the closed position, provides a vertical clearance of 47.0 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 9, 2005.

Roger K. Wiebusch,

Bridge Administrator.

[FR Doc. 05–9700 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–05–039]

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

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, New York. Under this temporary deviation the bridge may remain in the closed position from May 16 through May 20, May 23 through May 27, and May 30 through June 17, 2005. This temporary deviation is necessary to facilitate bridge maintenance.

DATES: This deviation is effective from May 16, 2005 through June 17, 2005.

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

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

The owner of the bridge, New York City Department of Transportation (NYCDOT), requested a temporary deviation from the drawbridge operation regulations to facilitate rehabilitation repairs at the bridge. The bridge must remain in the closed position to perform these repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from May 16, through May 20, May 23 through May 27, and May 30 through June 17, 2005.

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

Dated: May 9, 2005.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 05–9701 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–05–022]

RIN 1625–AA09

Drawbridge Operation Regulations: Chelsea River, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the P.J. McArdle Bridge, mile 0.3, across the Chelsea River between East Boston and Chelsea, Massachusetts. This final rule

will allow the bridge to remain in the closed position from 9 a.m. to 5 p.m. on June 18, 2005, to facilitate the Annual Chelsea River Revel 5K Road Race. Vessels that can pass under the bridge without a bridge opening may do so at all times.

DATES: This rule is effective from 9 a.m. to 5 p.m. on June 18, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD01–05–022] and are available for inspection or copying the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. John McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 30, 2005, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Chelsea River, Massachusetts, in the **Federal Register** (70 FR 16201). We received no comment letters in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

The P.J. McArdle Bridge has a vertical clearance of 21 feet at mean high water and 30 feet at mean low water in the closed position. The existing drawbridge operation regulations listed at 33 CFR 117.593 require the bridge to open on signal at all times.

The Chelsea Creek Action group requested a temporary change to the drawbridge operation regulations to allow the bridge to remain in the closed position from 9 a.m. to 5 p.m. on June 18, 2005, to facilitate the running of the Annual Chelsea River Revel 5K Road Race. Vessels that can pass under the bridge without a bridge opening may do so at all times.

The Chelsea River is predominantly transited by commercial tugs, barges, oil tankers, and recreational vessels. The Coast Guard coordinated this closure with the mariners that normally use this waterway and no objections were received.

The Coast Guard did not receive the request to keep the bridge closed to facilitate the scheduled road race until March 7, 2005. A shortened comment period was necessary, due the short notice given to the Coast Guard, to allow this final rule to become effective in time for the start of Annual Chelsea River Revel 5K Road Race on June 18, 2005.

The Coast Guard believes this final rule is needed in order to provide for public safety and the safety of the race participants.

Discussion of Comments and Changes

The Coast Guard received no comments in response to our notice of proposed rulemaking. No changes have been made to this final rule.

Regulatory Evaluation

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

This conclusion is based on the fact that the bridge will be closed for only 8 hours in the interest of public safety during the running of the 5K road race.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that the bridge closure is only 8 hours in duration.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Technical Standards

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

Energy Effects

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

Environment

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. On June 18, 2005, from 9 a.m. to 5 p.m., § 117.593 is suspended and a new § 117.T592 is added to read as follows:

§ 117.T592 Chelsea River.

(a) All drawbridges across the Chelsea River shall open on signal; except that, the P.J. McArdle Bridge, mile 0.3, need not open for the passage of vessel traffic from 9 a.m. to 5 p.m. on June 18, 2005.

(b) The opening signal for each drawbridge is two prolonged blasts followed by two short blasts and one prolonged blast. The acknowledging signal is three prolonged blasts when the draw can be opened immediately and two prolonged blasts when the draw cannot be opened or is open and must be closed.

Dated: May 5, 2005.

J.L. Grenier,

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

[FR Doc. 05–9702 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AL79

Veterans Education: Non-Payment of VA Educational Assistance to Fugitive Felons

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) regulations to reflect a provision in the Veterans Education and Benefits Expansion Act of 2001 (Act). The Act contains a provision in section 505 that prohibits VA from awarding educational assistance allowance to individuals during any period that they are fugitive felons. Section 505 further prohibits payment of educational assistance allowance to a dependent of a veteran if the veteran is a fugitive felon. The prohibitions apply to the following VA educational assistance programs: Montgomery GI Bill-Active Duty, Post-Vietnam Era Veteran's Educational Assistance Program, and Survivors' and Dependents' Educational Assistance.

DATES: *Effective Date:* This final rule is effective May 16, 2005.

Applicability Date. The substantive changes made by this final rule are applied retroactively to December 27, 2001, to conform to statutory requirements.

FOR FURTHER INFORMATION CONTACT: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–7187.

SUPPLEMENTARY INFORMATION: Section 505 of the Veterans Education and Benefits Expansion Act of 2001, enacted December 27, 2001, prohibits the payment of educational assistance allowance to veterans who are fugitive felons. The Act further prohibits payment of educational assistance allowance to an otherwise eligible dependent of a veteran if the veteran or the dependent is a fugitive felon. The prohibitions apply to the following educational assistance programs.

- Montgomery GI Bill—Active Duty (MGIB), 38 U.S.C. chapter 30;
- Post-Vietnam Era Veteran's Educational Assistance Program (VEAP), 38 U.S.C. chapter 32; and
- Survivors' and Dependents' Educational Assistance (DEA), 38 U.S.C. chapter 35.

The amendments to the regulations include definitions for ''fugitive felon'' and ''felony'' as defined in the Act. VA expanded the definition of ''fugitive felon'' to show that individuals are identified as such by Federal, State, or local law enforcement officials. It is the law enforcement officials, and not VA, who identify an individual as a ''fugitive felon.''

The amendments include rules showing that educational assistance allowance will be discontinued effective the later of December 27, 2001, or the date of the warrant for the arrest of the felon. In the case of a dependent, when the veteran from whom the dependent derives eligibility is the fugitive felon, the date of discontinuance is the later of December 27, 2001, or the date of the warrant for the arrest of the felon. Payment of educational assistance allowance to an otherwise eligible

individual may begin effective the date the warrant is cleared. The rules are the same for each education program listed above.

Administrative Procedure Act

Changes made by this final rule merely reflect statutory requirements. Accordingly, this rule is exempt from the notice-and-comment and delayed-effective-date requirements of 5 U.S.C. 553.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This final rule would have no such effect on State, local, or tribal governments, or the private sector.

Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will directly affect only individuals and will not directly affect small entities. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Program Numbers

The Catalog of Federal Domestic Assistance numbers for the programs affected by this proposed rule are 64.117, 64.120, and 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 10, 2005.

R. James Nicholson,

Secretary of Veterans Affairs.

■ For the reasons set out in the preamble, 38 CFR part 21 (subparts C, D, and K) is amended as follows:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

■ 1. The authority citation for part 21, subpart C continues to read as follows:

Authority: 38 U.S.C. 501(a), 512, 3500–3566, unless otherwise noted.

■ 2. Amend § 21.3135 to add paragraph (j) immediately after the authority citation at the end of paragraph (i) to read as follows:

§ 21.3135 Reduction or discontinuance dates for awards of educational assistance allowance.

* * * * *

(j) *Fugitive felons.* (1) VA will not award educational assistance allowance to an otherwise eligible person for any period after December 26, 2001, during which the—

(i) Eligible person is a fugitive felon; or

(ii) Veteran from whom eligibility is derived is a fugitive felon.

(2) The date of discontinuance of an award of educational assistance allowance to an eligible person is the later of—

(i) The date of the warrant for the arrest of the felon; or

(ii) December 27, 2001.

(Authority: 38 U.S.C. 5313B)

Subpart D—Administration of Educational Assistance Programs

■ 3. The authority citation for part 21, subpart D continues to read as follows:

Authority: 10 U.S.C. 2141 note, ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

■ 4. Amend § 21.4131 to add paragraph (i) immediately after the authority citation at the end of paragraph (h) to read as follows:

§ 21.4131 Commencing dates.

* * * * *

(i) *Fugitive felons.* An award of educational assistance allowance to an otherwise eligible veteran or person will begin effective the date the warrant for the arrest of the felon is cleared by—

(1) Arrest;

(2) Surrendering to the issuing authority;

(3) Dismissal; or

(4) Court documents (dated after the warrant for the arrest of the felon) showing the individual is no longer a fugitive.

(Authority: 38 U.S.C. 5313B)

* * * * *

■ 5. Amend § 21.4135 to add paragraph (n) immediately after the authority citation at the end of paragraph (m) to read as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(n) *Fugitive felons: veterans eligible under 38 U.S.C. chapter 32.* VA will not award educational assistance allowance to an otherwise eligible veteran for any period after December 26, 2001, during which the veteran is a fugitive felon. The date of discontinuance of an award of educational assistance allowance to a veteran who is a fugitive felon is the later of—

(1) The date of the warrant for the arrest of the felon; or

(2) December 27, 2001.

(Authority: 38 U.S.C. 5313B)

* * * * *

■ 6. Amend § 21.4200 to add and reserve paragraphs (ee) through (jj) immediately after the authority citation at the end of paragraph (dd) and to add paragraphs (kk) and (ll) to read as follows:

§ 21.4200 Definitions.

* * * * *

(ee)–(jj) [*Reserved*]

(kk) *Fugitive felon.* The term *fugitive felon* means an individual identified as such by Federal, State, or local law enforcement officials and who is a fugitive by reason of—

(1) Fleeing to avoid prosecution for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees;

(2) Fleeing to avoid custody or confinement after conviction for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees; or

(3) Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

(Authority: 38 U.S.C. 5313B)

(ll) *Felony.* The term *felony* means a major crime or offense defined as such under the law of the place where the offense was committed or under Federal law. It includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

(Authority: 38 U.S.C. 5313B)

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

■ 7. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

■ 8. Amend § 21.7020 to add and reserve paragraphs (b)(52) through (b)(55) immediately after the authority citation at the end of paragraph (b)(51) and to add paragraphs (b)(56) and (b)(57) to read as follows:

§ 21.7020 Definitions.

* * * * *

(b) * * *

(52)–(55) [Reserved]

(56) *Fugitive felon.* The term *fugitive felon* has the same meaning as provided in § 21.4200(kk).

(Authority: 38 U.S.C. 5313B)

(57) *Felony.* The term *felony* has the same meaning as provided in § 21.4200(ll).

(Authority: 38 U.S.C. 5313B)

■ 9. Amend § 21.7131 to add paragraph (q) immediately after the information collection requirement approval parenthetical at the end of paragraph (p) to read as follows:

§ 21.7131 Commencing dates.

* * * * *

(q) *Fugitive felons.* (1) An award of educational assistance allowance to an otherwise eligible veteran may begin effective the date the warrant for the arrest of the felon is cleared by—

(i) Arrest;

(ii) Surrendering to the issuing authority;

(iii) Dismissal; or

(iv) Court documents (dated after the warrant) showing the veteran is no longer a fugitive.

(2) An award of educational assistance allowance to a dependent who is otherwise eligible to transferred entitlement may begin effective the date the warrant is cleared by—

(i) Arrest;

(ii) Surrendering to the issuing authority;

(iii) Dismissal; or

(iv) Court documents (dated after the warrant) showing the individual is no longer a fugitive.

(Authority: 38 U.S.C. 5313B)

■ 10. Amend § 21.7135 to add paragraph (aa) immediately after the authority citation at the end of paragraph (z) to read as follows:

§ 21.7135 Discontinuance dates.

* * * * *

(aa) *Fugitive felons.* (1) VA will not award educational assistance allowance to an otherwise eligible veteran for any period after December 26, 2001, during which the veteran is a fugitive felon. The date of discontinuance of an award of educational assistance allowance to a veteran who is a fugitive felon is the later of—

(i) The date of the warrant for the arrest of the felon; or

(ii) December 27, 2001.

(2) VA will not award educational assistance allowance to a dependent who is otherwise eligible to transferred entitlement if the dependent is a fugitive felon or if the veteran who transferred the entitlement is a fugitive felon. The date of discontinuance of an award of educational assistance allowance to a dependent is the later of—

(i) The date of the warrant; or

(ii) December 27, 2001.

(Authority: 38 U.S.C. 5313B)

* * * * *

[FR Doc. 05–9733 Filed 5–13–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7877]

Suspension of Community Eligibility

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

ACTION: Final rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

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

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region I				
New Hampshire: Chester, Town of, Rockingham County.	330182	June 30, 1997, Emerg; March 1, 2000, Reg; May 17, 2005, Susp.	May 17, 2005 ...	May 17, 2005.
Farmington, Town of, Strafford County	330147	May 14, 1976, Emerg; May 17, 1988, Reg; May 17, 2005, Susp.	.....do*	Do.
Middleton, Town of Strafford County	330222	October 30, 1984, Emerg; August 1, 1988, Reg; May 17, 2005, Susp.	.....do	Do.
New Castle, Town of Rockingham County ..	330135	September 10, 1975, Emerg; August 5, 1986, Reg; May 17, 2005, Susp.	.....do	Do.
Nottingham, Town of, Rockingham County ..	330137	February 13, 1978, Emerg; April 2, 1986, Reg; May 17, 2005, Susp.	.....do	Do.
Rollinsford, Town of, Strafford County	330190	August 18, 1978, Emerg; April 2, 1986, Reg; May 17, 2005, Susp.	.....do	Do.

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

Dated: May 10, 2005.

David I. Maurstad,

Acting Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 05–9653 Filed 5–13–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2004–15400]

Federal Motor Vehicle Safety Standards; Tires

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; correcting amendment.

SUMMARY: Federal motor vehicle safety standard (FMVSS) No. 109, *New pneumatic tires*, specifies performance requirements for certain types of passenger car tires. Three paragraphs of regulatory text related to tire testing procedures have been inadvertently removed through administrative error. This document corrects this inadvertent removal.

DATES: Effective June 15, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. George Feygin, Office of Chief Counsel, NCC–112. Telephone: 202–366–2992; Fax: 202–366–3820; E-mail:

George.Feygin@nhtsa.dot.gov; 400 7th Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: FMVSS No. 109 specifies tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance, and high speed performance; defines tire load ratings; and specifies labeling requirements for certain types of passenger car tires.

On March 16, the Rubber Manufacturers Association informed the agency that paragraphs S5.4.2.4, S5.5, and S5.5.1 of FMVSS No. 109 were missing from the 2003 and 2004 versions of the CFR.[1] S5.4.2.4 specifies the last step of tire endurance testing. S5.5 provides the heading for high speed performance. S5.5.1 specifies the first step for high speed performance testing.

The agency examined the recent CFR amendments affecting FMVSS No. 109 and concluded that the three paragraphs have been inadvertently removed from the CFR.[2] Without these paragraphs, the relevant tire performance testing specifications are incomplete. This document corrects the CFR by adding the inadvertently removed paragraphs of FMVSS No. 109.

This correction will not impose or relax any substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice and opportunity for comment on these correcting amendments are not necessary.

List of Subjects in 49 CFR Part 571

Motor vehicle safety; Reporting and recordkeeping requirements; Tires.

■ 49 CFR Part 571 is corrected by making the following correcting amendment:

PART 571—[CORRECTED]

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

Authority: 49 U.S.C. 322, 2011, 30115, 30166 and 30177; delegation of authority at 49 CFR 1.50.

■ 2. Amend § 571.109 by adding S5.4.2.4, S5.5, and S5.5.1 to read as follows:

§ 571.109 Standard No. 109; New pneumatic tires.

* * * * *

S5.4.2.4 Immediately after running the tire the required time, measure its inflation pressure. Allow the tire to cool for one hour. Then deflate the tire, remove it from the test rim, and inspect it for the conditions specified in S4.2.2.5(a).

S5.5 High speed performance.

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with a load of 88 percent of the tire's maximum load rating as marked on the tire sidewall.

* * * * *

Issued: May 10, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05–9706 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–59–U

[1] See Docket No. 2003–15400–34 at: *http://dms.dot.gov/search/searchResultsSimple.cfm.*

[2] Interested parties can examine the current and previous versions of the CFR in PDF format at: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 040830250–5109–04; I.D. 081304C]

RIN 0648–AS27

Magnuson-Stevens Act Provisions; Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery; Biennial Specifications and Management Measures; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule establishing the 2005 fishery specifications for Pacific whiting in the U.S. exclusive economic zone that was published on May 3, 2005.

DATES: Effective May 16, 2005.

FOR FURTHER INFORMATION CONTACT: Becky Renko (NMFS, Northwest Region), 206–526–6140.

SUPPLEMENTARY INFORMATION: The specifications and management measures for the Pacific whiting fishery 2005 fishing year that were published in the **Federal Register** on May 3, 2005 (70 FR 22808), inadvertently contained Table 2b.

This document informs the public that the referenced Table should not have been published in this final rule.

Correction

■ In the rule FR Doc. 05-8817, in the issue of Tuesday, May 3, 2005 (70 FR 22808) make the following correction:

■ 1. Remove Table 2b. from that final rule document.

Dated: May 6, 2005.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 05–9547 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 93
Monday, May 16, 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 Part 946

[Docket No. FV05–946–2 PR]

Irish Potatoes Grown in Washington; Modification of Special Purpose Shipment Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on modifications to the special purpose shipment regulations currently prescribed under the Washington potato marketing order. The marketing order regulates the handling of Irish potatoes grown in Washington, and is administered locally by the State of Washington Potato Committee (Committee). This rule would modify the reporting requirements, procedures, and safeguard provisions for making certain special purpose potato shipments. Under the marketing order, such special purpose shipments may be exempted from the quality, assessment, or inspection requirements. The changes include removal of the special purpose exemption for exported potatoes, clarify the reporting procedures for potatoes diverted to processing, and add safeguard provisions for shipments of seed potatoes and shipments to charitable organizations. These changes would help facilitate special purpose shipments, while enhancing the Committee's compliance program.

DATES: Comments must be received by June 15, 2005.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; e-mail: *moab.docketclerk@usda.gov;* or Internet: *http://www.regulations.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

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

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

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement No. 113 and Marketing Order No. 946, both as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington, 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 proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. 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 proposed rule invites comments on modifications to the special purpose shipment regulations currently prescribed under the order. This rule would modify the reporting requirements, procedures, and safeguard provisions for making certain special purpose potato shipments. Under the marketing order, such special purpose shipments may be exempt from the quality, assessment, or inspection requirements. The modifications were recommended unanimously by the Committee at a meeting on February 3, 2005.

Section 946.52 of the order authorizes the establishment of grade, size, quality, maturity, and pack regulations for any variety or varieties of potatoes grown in the production area. Section 946.51 further authorizes the modification, suspension, or termination of regulations issued under § 946.52. Section 946.60 provides that whenever potatoes are regulated pursuant to § 946.52 such potatoes must be inspected by the Federal-State Inspection Service, and certified as meeting the applicable requirements of such regulations. Section 946.54 authorizes the modification, suspension, or termination of any or all regulations to facilitate shipments of potatoes for specified purposes. Section 946.55 authorizes safeguard requirements for shipments authorized pursuant to § 946.54.

Section 946.120 of the order's administrative rules specifies the application process required when potatoes are shipped for special purposes pursuant to § 946.54. Section 946.336 of the order's administrative rules prescribes the quality, maturity,

cleanness, pack, special purpose shipments, safeguards, minimum quantity exemption, and inspection requirements for all fresh market Washington potatoes, except for blue or purple flesh varieties of potatoes. Section 946.336(d) lists the types of special purpose shipments and the minimum grade, size, cleanness, maturity, pack, assessment, and inspection requirements from which such shipments are exempted. Finally, § 946.336(e) prescribes the safeguard requirements that handlers must meet to make the special purpose shipments specified under § 946.336(d).

At its meeting on June 17, 2004, the Committee appointed a subcommittee to review the order's handling regulations. The subcommittee subsequently met on November 22, 2004, and while reviewing the regulations, identified several potential changes to the special purpose shipment procedures, safeguard requirements, and reporting requirements. These proposed changes were further discussed and ratified at an Executive Committee meeting on January 20, 2005, and subsequently recommended to the full Committee at its February 3, 2005, meeting in Moses Lake, Washington.

At this meeting, the Committee unanimously adopted the subcommittee recommendations which entailed modifications to § 946.120 *Application,* § 946.336(d) *Special Purpose Shipments,* and § 946.336(e) *Safeguards.* To conform to the proposed regulatory modifications, as well as to ensure consistency in the administration of the special purpose procedures, the Committee also recommended that the ''Shippers Application for Special Purpose Certificate'' (Application) and ''Special Purpose Certificate Report'' (Report) forms be updated.

The current procedures require that each handler apply annually to the Committee for a Special Purpose Shipment Certificate if planning to make special purpose shipments. In addition, based on the current provisions under each of the special purpose shipment requirements, each handler and receiver of special purpose potatoes may be required to submit a Report to the Committee for each such shipment.

Under current procedures, for example, any handler desiring to divert potatoes for livestock feed must apply for a Special Purpose Shipment Certificate, but would not be required to follow up with a report to the committee indicating the actual quantity diverted. Similarly, a handler opting to take advantage of the provisions that allow uninspected bulk potatoes to leave the State of Washington for grading or storing in Morrow or Umatilla Counties in Oregon, must complete and submit the Committee's Application for a Special Purpose Shipment Certificate to the Committee. If these potatoes were later diverted to processing, a Report would be required from both the handler and the processor. If, however, the potatoes were inspected and shipped into the fresh market, a Report would not be required because the Committee is apprised of the shipment via the inspection certificate received from the Federal-State Inspection Service.

Although it varies from one special purpose shipment to another, in most cases handlers of special purpose potatoes are the producers of the potatoes and most receivers are the processors.

In recent years, about 85 percent of the Washington potato crop is produced for processing. Most of this amount is produced specifically for the frozen French fry market, with the processing taking place locally within the state. This has been a steadily increasing trend ever since the fast-food restaurant business began requiring an ever increasing portion of the potato crop. Because a majority of the Washington potato crop is diverted to a special purpose category, the Committee believes it needs to reduce the paperwork burden on handlers and receivers by obtaining the information it needs to ensure compliance with the order from alternative sources.

The Committee contracts with the Washington State Potato Commission (Commission) for it administrative services. Each processor within the State of Washington provides reports to the Commission indicating the quantity of potatoes received and processed, per producer. By entering into an agreement with the Commission, the Committee could receive all of the information it needs on the processor generated report and would not require processors to complete and return the Committee's processor form. This would significantly reduce the paperwork burden on any person or entity currently required to submit reports on the volume of processing potatoes shipped, received, and processed.

To achieve this, the Committee recommended changing the safeguard procedures for shipments of canning, freezing, or ''other processing'' potatoes so that handlers may provide shipment information in a format other than through the conventional Committee report form. Under this proposal, this would be accomplished by changing § 946.336(e)(3)(iii) from ''Upon request by the Committee, furnish reports of each shipment pursuant to the applicable Special Purpose Certificate'', to ''Upon request by the Committee, furnish reports, or cause reports to be furnished, of each shipment pursuant to the applicable Special Purpose Certificate''. The Committee believes that the proposed language change would streamline the reporting procedures while clarifying its ability to obtain the information it needs from alternative sources to verify compliance and proper disposition.

The Committee also recommended changing § 946.336(d)(vi) and § 946.336(e)(iii), which detail the procedures and reporting requirements for potatoes shipped to locations other than the immediate area of production for grading or temporary storage prior to marketing. The current regulations require that handlers shipping potatoes for the purposes of grading or storing to Morrow or Umatilla Counties in Oregon, or to District No. 5 or to Spokane County in District No. 1 (part of the regulated production area), submit an annual Application form and to subsequently report each shipment that is diverted to one of the other special purposes (or to cause an inspection certificate to be issued if shipped into the fresh market). Potatoes shipped under this provision are exempt from the quality and inspection requirements until such potatoes are subsequently sold in the fresh market or diverted for any special purpose shipment.

Section 946.7 of the order authorizes, free of regulation, the transportation of ungraded potatoes within the production area for the purpose of having such potatoes prepared for market or stored. Since § 946.7 already provides the necessary authority for transporting potatoes within the production area free from regulation, the Committee recommended that the reference to ''District No. 5'' and to ''Spokane County in District No. 1'' be removed from §§ 946.336(d)(1)(vi) and 946.336(e)(2). Reference to these two districts was already absent from the language that refers to this special purpose in § 946.120. The specific authority for shipping potatoes to Umatilla and Morrow Counties in Oregon is in § 946.54.

The Committee also reviewed the current special purpose procedures for handling potatoes for export. Currently, potatoes for export are exempt from the quality and inspection requirements of the order, except that potatoes packed in cartons must be U.S. No. 1 grade or better. Largely because most importing countries require a quality product, it has been common industry practice to

have potatoes for export inspected for quality. The Committee believes that all Washington potatoes entering the export market should meet the minimum quality, cleanness, maturity, pack, and inspection requirements of the order, and that the regulations conform with industry practice. Therefore, the Committee recommended that potatoes for export no longer be included as a special purpose shipment exemption.

This change would require removal of §§ 946.120(a)(2), 946.336(d)(1)(vii), and 946.336(e)(5) from the order's rules and regulations. With export removed as a special purpose exemption, paragraphs (a)(3), (a)(4), and (a)(5) in § 946.120 would be redesignated as paragraphs (a)(2), (a)(3), and (a)(4), respectively. Similarly, paragraphs (d)(1)(viii) and (e)(6) in § 946.336 would be redesignated as §§ 946.336(d)(1)(vii) and 946.336(e)(5), respectively. Finally, § 946.336(d)(2) would be revised to reflect these modifications and to correct an existing typographical error.

Sections 946.336(d)(1)(i) and 946.336(d)(2) of the handling regulations exempt potatoes shipped for livestock feed from the quality, assessment, and inspection requirements of the order. However, there are no corresponding reporting requirements or safeguard provisions specified under §§ 946.120 or 946.336(e) for such shipments, although the Application form contains a check box for livestock feed. Because potatoes that are diverted to livestock feed are generally culls and thus unfit for any other market, the Committee believes such shipments should remain exempt from the quality, inspection, and assessment requirements of the order and that handlers should not be required to submit the Application or Report forms for such shipments.

The Committee thus recommended adding a new paragraph (e)(6) to § 946.336 (*Safeguards*) to clarify that handlers diverting potatoes to livestock feed would not be required to submit the Application and Report forms. This change would also have the potential of reducing the reporting burden on handlers and receivers of such potatoes.

The Committee recommendation also includes proposed changes to the procedures used for tracking potatoes shipped for charity. Currently, potatoes shipped for charity are exempt from the quality, assessment, and inspection requirements. However, there are currently no safeguard or reporting requirements delineated in § 946.336. The Committee believes it is important to have reporting requirements to safeguard such shipments, and thus recommended adding a new paragraph (e)(7) to § 946.336 (*Safeguards*) to require that handlers shipping potatoes for charity submit both the Application and Report forms. Because the Committee believes that small gifts to charity should be encouraged, the proposed safeguard and reporting requirements would also specify that charitable contributions of 1,000 pounds or less would be exempt from the application and reporting requirements. This would make diverting potatoes a much less burdensome process for handlers. A conforming change noting the 1,000 pound provision would also be made to § 946.120(a)(1).

The proposed additions to the special purpose shipment procedures for charitable contributions would further specify that the handler of potatoes being diverted to charity would inform the recipient that the gift cannot be resold or otherwise placed into commercial market channels.

The Committee also recommended modifications to the special purpose shipment exemption for seed potato shipments. Currently, § 946.336(d)(1)(iii) provides for an exemption from the quality, assessment, and inspection requirements of the order for potatoes handled for seed. Although there are not any safeguard provisions or reporting requirements outlined in either § 946.120 or § 946.336, the current Application form contains a check box for handlers to mark when applying for a Special Purpose Shipment Certificate. However, after discussing the seed potato issue, the subcommittee's recommendation to the full Committee was to require a Report from handlers, but not to require an Application form. The actual recommendation would add a new paragraph (e)(8) to § 946.336 (*Safeguards*) stating that handlers shipping potatoes for seed must furnish, at the request of the Committee, a report from handlers on the total volume of seed potatoes handled.

Seed potato handlers are almost always the producer of such potatoes, and generally only produce potatoes for seed. As such, the Committee does not want to require seed potato handlers to apply for a Special Purpose Certificate, but for statistical purposes, would like to have a procedure in place for the submission of periodic reports. Although potatoes produced for seed are traditionally segregated from potatoes produced for other markets by the very nature of the cultural practices used by farmers and by the various state and federal seed regulations in place, the Committee believes this proposed change would add necessary clarity to the special purpose regulations.

The final change recommended by the Committee relates to § 946.336(g) *Inspection.* Language in this paragraph currently references a form which is no longer issued by the Federal-State Inspection Service. The form had at one time been issued by the inspection service for accompaniment with any bulk-load potato shipments not relieved by any of the special purpose or minimum quantity exemptions of the order. Since such potato shipments require inspection under the order's provisions and thus should be accompanied by a valid inspection certificate, the Committee recommended removing the sentence from § 946.336(g) that refers to the ''Shipping Clearance Report'' form.

To ensure conformity with § 946.336, § 946.120 would be updated by removing reference to the special purpose use ''export'', and adding reference to the special purpose use ''canning, freezing, and other processing''. Furthermore, as previously noted, a proviso would be added to paragraph (1) of § 946.120 stating that charitable shipments of 1,000 pounds or less would be exempt from the application process. Also, as noted earlier, minor conforming changes would be made to the Committee's Application and Report forms.

Initial Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and 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 51 handlers of Washington potatoes who are subject to regulation under the marketing order and approximately 272 potato producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $6,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000.

During the 2003–2004 marketing year 10,652,495 hundredweight of

Washington potatoes were inspected under the order and sold into the fresh market. Based on an estimated average f.o.b. price of $7.45 per hundredweight, the Committee estimates that 48 handlers, or about 94 percent, had annual receipts of less than $6,000,000.

In addition, based on information provided by the National Agricultural Statistics Service, the average producer price for Washington potatoes for the 2003 marketing year (the most recent period that final statistics are available) was $5.25 per hundredweight. The average annual producer revenue for each of the 272 Washington potato producers is therefore calculated to be approximately $205,609. In view of the foregoing, the majority of the Washington potato producers and handlers may be classified as small entities.

This rule would modify the reporting requirements, procedures, and safeguard provisions for making certain special purpose potato shipments as prescribed under §§ 946.120, 946.336(d) and 946.336(e) of the order. The Committee recommended several changes to the order's special purpose regulations, and conforming changes to the Application and Report forms. These changes would help facilitate the marketing of certain types of potato shipments, while also enhancing the Committee's compliance efforts. The authority for the special purpose shipments and safeguard requirements is provided in §§ 946.54 and 946.55, respectively, of the order.

The Committee believes that these proposed changes would, at the most, minimally impact handlers and producers in terms of cost. While there are some changes that could require a few handlers of exported potatoes to undergo inspections when they may not have previously, most of the changes would actually lessen the regulatory and reporting burden on the industry while clarifying the special purpose shipment reporting and safeguard requirements.

During its review of the handling regulations, the subcommittee discussed alternatives to these proposed changes, and felt that its recommended changes adequately met the Committee's originally stated goals of reviewing and, if necessary, fine tuning the special purpose regulations. The Committee reviewed the subcommittee's recommendation carefully and unanimously concurred that, to facilitate the handling of special purpose shipments and to enhance its compliance program specific to such shipments, the changes proposed herein would effectively improve its administration of the special purpose shipment exemptions.

This proposed rule would modify the reporting requirements, procedures, and safeguard provisions for making certain special purpose potato shipments. Under the marketing order, such special purpose shipments may be exempt from the quality, assessment, or inspection requirements. Modifying these regulations would clarify and update the procedures handlers must follow to qualify for the special purpose exemptions. Minor conforming changes would subsequently be made to two of the Committee's forms, the ''Shippers Application for Special Purpose Certificate'', and the ''Special Purpose Shipment Report''. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large potato handlers. This information collection burden has been previously approved by the Office of Management and Budget (OMB) under OMB No. 0581–0178, Vegetable and Specialty Crops Marketing Orders. 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 proposed rule.

In addition, the Committee's meeting was widely publicized throughout the Washington potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the February 3, 2005, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because: (1) Any changes resulting from this proposed rule should be effective at the beginning of the Washington potato shipping season (July 1); (2) the Committee unanimously recommended these changes at a public meeting and all interested parties had an opportunity to provide input; and (3) handlers are aware of this action and want to take advantage of these improvements as soon as possible. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is proposed to be amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674

2. In § 946.120, paragraph (a) is revised to read as follows:

§ 946.120 Application.

(a) Whenever shipments for special purposes pursuant to § 946.54 are relieved in whole or in part from regulations issued under § 946.52, each handler desiring to make shipments of potatoes for the following purposes shall submit an application to the committee, prior to initiating such shipments, for a special purpose certificate permitting such shipments:

(1) Charity: *Provided,* That handlers making shipments for charity of 1,000 pounds or less are exempt from these application requirements;

(2) Prepeeling;

(3) Canning, freezing, and ''other processing'';

(4) Grading or storing at any specified location in Morrow or Umatilla Counties in the State of Oregon; and

(5) Experimentation.

* * * * *

3. Section 946.336 is amended by:

A. Revising paragraph (d)(1)(vi);

B. Removing paragraph (d)(1)(vii);

C. Redesignating paragraph (d)(1)(viii) as paragraph (d)(1)(vii);

D. Revising paragraph (d)(2);

E. Revising the introductory text of paragraph (e)(2);

F. Revising paragraph (e)(3)(iii);

G. Removing paragraph (e)(5);

H. Redesignating paragraph (e)(6) as paragraph (e)(5);

I. Adding a new paragraph (e)(6), (e)(7), and (e)(8); and

J. Revising paragraph (g)(1) to read as follows:

§ 946.336 Handling regulation.

* * * * *

(d) * * *

(1) * * *

(vi) Grading or storing at any specified location in Morrow or Umatilla Counties in the State of Oregon; or

* * * * *

(2) Shipments of potatoes for the purposes specified in paragraphs (d)(1)(i) through (vii) of this section shall be exempt from the inspection requirements specified in paragraph (g) of this section, except that shipments pursuant to paragraph (d)(1)(vi) of this section shall comply with the inspection requirements of paragraph (e)(2) of this section. Shipments specified in paragraphs (d)(1)(i), (ii), (iii), (v) and (vii) of this section shall be exempt from assessment requirements as specified in § 946.248 and established pursuant to § 946.41.

(e) * * *

(2) Handlers desiring to ship potatoes for grading or storing to any specified location in Morrow or Umatilla Counties in the State of Oregon shall:

* * * * *

(3) * * *

(iii) Upon request by the committee, furnish reports, or cause reports to be furnished, for each shipment pursuant to the applicable Special Purpose Certificate;

* * * * *

(6) Handlers diverting potatoes to livestock feed are not required to apply for a Special Purpose Certificate nor report such shipments to the committee.

(7) Each handler desiring to make shipments of potatoes for charity shall:

(i) First apply to the committee for, and obtain, a Special Purpose Certificate for the purpose of making shipments for charity: *Provided*, That shipments for charity of 1,000 pounds or less are exempt from the application and reporting requirements: *And provided further*, That potatoes previously graded, assessed, and inspected in preparation for shipment to the fresh market are exempt from the application and reporting requirements.

(ii) Each handler shipping potatoes to charity must inform the recipient that the potatoes cannot be resold or otherwise placed in commercial market channels.

(8) Each handler making shipments of seed potatoes shall furnish, at the request of the committee, reports on the total volume of seed potatoes handled.

* * * * *

(g) * * *

(1) Except when relieved by paragraphs (d) or (f) of this section, no person may handle any potatoes unless a Federal-State Inspection Notesheet or certificate covering them has been issued by an authorized representative of the Federal-State Inspection Service and the document is valid at the time of shipment.

* * * * *

Dated: May 11, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–9696 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R06–OAR–2005–TX–0009; FRL–7912–6]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Clean Air Action Plan and Attainment Demonstration for the Northeast Texas Early Action Compact Area; Agreed Orders Regarding Control of Air Pollution for the Northeast Texas Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Texas State Implementation Plan (SIP) revisions submitted by the State on July 18, 2002 and December 6, 2004. Approval will incorporate the following changes into the SIP: The Clean Air Action Plan (CAAP) and the related attainment demonstration of the 8-hour ozone standard for the Northeast Texas Early Action Compact (EAC) area and Agreed Orders regarding control of air pollution for the Northeast Texas area. We are proposing approval pursuant to sections 110 and 116 of the Federal Clean Air Act (CAA). The revisions will contribute to improvement in air quality and continued attainment of the national ambient air quality standards (NAAQS) for ozone in Northeast Texas.

DATES: Written comments should be received on or before June 15, 2005.

ADDRESSES: Submit your comments, identified by Regional Materials in EDocket (RME) ID No. R06–OAR–2005–TX–0009, 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://docket.epa.gov/rmepub/.* Regional Materials in EDocket (RME), EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select ''quick search,'' then key in the appropriate RME Docket identification number. Follow the online instructions for submitting comments.
- EPA Region 6 ''Contact Us'' Web site: *http://epa.gov/region6/r6coment.htm.* Please click on ''6PD'' (Multimedia) and select ''Air'' before submitting comments.
- E-mail: Mr. Thomas Diggs at *diggs.thomas@epa.gov.* Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- Fax: Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at fax number 214–665–7263.
- Mail: Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- Hand or Courier Delivery: Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to RME ID No. R06–OAR–2005–TX–0009. EPA's policy is that all comments received will be included in the public file without change and may be made available online at *http://docket.epa.gov/rmepub/,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through Regional Materials in EDocket (RME), regulations.gov or e-mail if you believe that it is CBI or otherwise protected from disclosure. The EPA RME Web site and the Federal regulations.gov Web site 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 RME or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public file 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 and any form of encryption, and should be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the Regional Materials in EDocket (RME) index at *http://docket.epa.gov/rmepub/*. 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 materials relevant to this rulemaking are available either electronically in RME or in the official file, which is available at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cents per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Carl Young, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone 214–665–6645; fax number 214–665–7263; e-mail address *young.carl@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'' ''us'' or ''our'' is used, we mean the EPA.

Outline

I. What Action Is EPA Proposing?
II. What Is an EAC?
III. What Is a SIP?
IV. What Is the Content of the Northeast Texas EAC Attainment Demonstration?
V. Why Are We Proposing To Approve This EAC SIP Submittal?
VI. What Measures Are Included in This EAC SIP Submittal?
VII. What Happens if the Area Does Not Meet the EAC Milestones?
VIII. What Do the Agreed Orders Require?
IX. Proposed Action
X. Statutory and Executive Order Reviews

I. What Action Is EPA Proposing?

We are proposing to approve two revisions to the Texas SIP that pertain to Northeast Texas under sections 110 and 116 of the CAA as a strengthening of the SIP. One revision was submitted by the State to EPA on December 6, 2004, in accordance with the area's EAC. This revision incorporates the CAAP and the related attainment demonstration of the 8-hour ozone standard for the Northeast Texas EAC area. The Northeast Texas EAC area includes Gregg, Harrison, Rusk, Smith, and Upshur Counties. On December 20, 2002, a coalition of local stakeholder groups known as North East Texas Air Care (NETAC), including representatives from the EAC Counties, the Cities of Gilmer, Henderson, Kilgore, Longview, Marshall, and Tyler, and the East Texas Council of Governments (ETCOG), signed an EAC with the Texas Commission on Environmental Quality (TCEQ) and EPA. The purpose of the EAC was to develop and implement a CAAP that identifies and implements emission reductions necessary to demonstrate attainment of the 8-hour ozone standard by 2007 and maintain the standard in the region through at least 2012. The EAC includes milestones that tracks implementation of the CAAP. On April 15, 2004, EPA designated the Northeast Texas EAC area as attainment for the 8-hour ozone standard. *See* 69 FR 23858.

The second revision was submitted by the State to EPA on July 18, 2002. The revision includes Agreed Orders between TCEQ (formerly Texas Natural Resources Conservation Commission) and (1) American Electric Power Company (AEP), (2) TXU Generation Company LP (TXU) and (3) Eastman Chemical Company adopted by the State as emission reduction measures to facilitate attainment of the 1-hour ozone standard. An Agreed Order is an enforceable agreement between a regulated entity and a government regulator. The Agreed Orders require control of nitrogen oxide emissions which contribute to the formation of ozone in the Northeast Texas area. Our approval of the Agreed Orders into the Texas SIP would make them federally enforceable.

II. What Is an EAC?

The EAC program was developed to allow communities an opportunity to meet the new stricter 8-hour ozone standard sooner than the CAA requires for reducing ground level ozone. The EAC program was designed for areas that approach or monitor exceedances of the 8-hour ozone standard, but are in attainment for the 1-hour ozone standard. Areas that adopted EACs must establish a CAAP, meet other established milestones, and attain the 8-hour ozone standard by December 31, 2007. The compact is a voluntary agreement between local communities, State and Tribal air quality officials, and EPA which allows States and local entities to make decisions that will accelerate meeting the new 8-hour ozone standard using locally tailored pollution controls instead of Federally mandated control measures. Early planning and early implementation of control measures that improve air quality will likely accelerate protection of public health. The EPA believes the EAC program provides an incentive for early planning, early implementation, and early reductions of air emissions in the affected areas, thus leading to an expeditious attainment and maintenance of the 8-hour ozone standard.

Communities with EACs will have plans in place to reduce air pollution at least two years earlier than required by the CAA. In December 2002, a number of States submitted compact agreements pledging to reduce emissions earlier than required for compliance with the 8-hour ozone standard. These States and local communities had to meet specific criteria, and agreed to meet certain milestones for development and implementation of the compact. States with communities participating in the EAC program had to submit implementation plans for meeting the 8-hour ozone standard by December 31, 2004, rather than June 15, 2007, the deadline for all other areas not meeting the 8-hour standard. The EAC program required communities to develop and implement air pollution control strategies, account for emissions growth, and demonstrate their attainment and maintenance of the 8-hour ozone standard. For more information on the EAC program see section V of our December 16, 2003 publication entitled ''Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas'' (68 FR 70108).

On April 15, 2004, EPA designated all areas for the 8-hour ozone standard. EPA designated the Northeast Texas EAC area as attainment for the 8-hour ozone standard. The EPA deferred the effective date of nonattainment

designations for other EAC areas that were violating the 8-hour standard, but continue to meet the compact milestones. We announced the details of this deferral on April 15, 2004 as part of the Clean Air Rules of 2004. See our April 30, 2004 (69 FR 23858), publication entitled ''Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates.''

III. What Is a SIP?

A SIP is a set of air pollution regulations and control strategies developed by the state, to ensure that the state meets the National Ambient Air Quality Standards (NAAQS). These ambient standards are established under section 109 of the CAA and they currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. The SIP is required by section 110 of the CAA. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

IV. What Is the Content of the Northeast Texas EAC Attainment Demonstration?

In support of this proposal, ETCOG conducted an ozone photochemical modeling study developed for the Northeast Texas EAC area. The photochemical modeling attainment demonstration includes: (1) Analyses which estimate whether selected emissions reductions will result in ambient concentrations that meet the 8-hour ozone standard in the Northeast Texas EAC area and (2) an identified set of measures which will result in the required emissions reductions. See our Technical Support Document (TSD) for a description of the control measures. The demonstration incorporates the effects of population and industry growth as well as national and statewide control measures or programs required to be in place by 2007 and 2012. The modeled attainment test is passed if all resulting predicted future design values are less than 85 parts per billion (ppb). The design value is the three year average of the annual fourth highest 8-hour ozone readings. The attainment demonstration for the Northeast Texas area was supported by results of photochemical modeling and technical documentation. The modeling study demonstrates that the 8-hour ozone standard will continue to be attained by 2007 and maintained through 2012. The modeling analyses were further supported by some of the weight of evidence analyses that were evaluated for the Northeast Texas area.

We believe this study meets our modeling requirements and guidelines, including such items as the base year inventory development, the growth rate projections, and the performance of the model. See our TSD for more information about this modeling study, the weight of evidence analyses, and our evaluation of these items. The modeling submitted in support of this proposal demonstrates that the Northeast Texas EAC area will be in attainment with the 8-hour ozone NAAQS in 2007. The attainment demonstration modeling results for the Northeast Texas EAC area predict a maximum ozone design value of 81 ppb for 2007, which is well below the 8-hour ozone limit of 85 ppb. See section VI of this document for a list of local control measures that were not included in the modeling study, but will be implemented within the Northeast Texas EAC area.

V. Why Are We Proposing To Approve This EAC SIP Submittal?

We are proposing to approve this EAC SIP submittal because implementation of the requirements in this EAC will help ensure the Northeast Texas EAC area's compliance with the 8-hour ozone standard by December 31, 2007 and maintenance of that standard through 2012. We have determined that the CAAP control measures included in the attainment demonstration are quantified, surplus, permanent, and, if approved, will be federally enforceable SIP revisions. We have reviewed the CAAP and the attainment demonstration and determined that they are consistent with the requirements of the CAA, EPA's policy, and the EAC protocol. Our TSD contains detailed information concerning this proposed rulemaking action.

VI. What Measures Are Included in This EAC SIP Submittal?

The modeled attainment demonstration includes state and national emission reduction control measures. *See* the Modeling TSD for details. The CAAP incorporated into the Northeast Texas EAC SIP also includes: (1) Two local control measures to reduce VOC emissions for the Eastman Chemical Company and the Huntsman Chemical Company plants in Longview, Texas and (2) a number of local control measures that were not included in the modeled attainment demonstration. These measures are in addition to any reductions necessary to demonstrate attainment with the 8-hour ozone standard by 2007. Local control measures included in the Northeast Texas EAC SIP submittal are being implemented to ensure nitrogen oxide and volatile organic compound (VOC) emission reductions. Emissions of these chemicals can react with sunlight to form ozone. All of these control measures are being implemented as called for in the EAC.

Two local control measures which are enforceable through TCEQ air permits are enhanced leak detection and repair programs to control VOC emissions for the Eastman Chemical Company and the Huntsman Chemical Company plants in Longview, Texas. The Eastman Chemical Company program is enforceable under Texas Voluntary Emissions Reduction Permits 47007, 48588, and 48590. The Huntsman Chemical Company program is enforceable under Texas Flexible Plant-wide Applicability Limit Permit 18105. These programs should reduce highly reactive VOC emissions by 0.63 tons per day for the Eastman Chemical Company plant and 0.08 tons per day for the Huntsman Chemical Company plant. Copies of these permits may be obtained from TCEQ.

Local control measures that were not included in the modeled attainment demonstration, but which are being implemented to lower emissions in the area are: (1) Implementation of the Texas Emissions Reduction Plan (TERP), (2) use of 18 lower emitting propane light heavy-duty vans purchased in 2003 and 2004, (3) a public education and ozone awareness program and (4) energy efficiency programs for the Cities of Longview, Marshall, and Tyler.

TERP is a set of incentive programs aimed at improving air quality in Texas. TERP provides funding to offset the incremental costs of projects associated with reducing nitrogen oxide emissions from high-emitting internal combustion engines. Projects in the Northeast Texas EAC area are eligible for TERP funding. Texas has allocated funding for up to 1.5 tons per day of nitrogen oxide reductions in the Northeast Texas EAC area by 2007.

Eighteen new lower emitting propane heavy-duty vans were purchased in 2003 and 2004 for the ETCOG Rural Transportation Program, the City of Longview, and Tyler Transit. Use of these vans will reduce VOC and nitrogen oxide emissions.

ETCOG is implementing a public education and ozone awareness program for the Northeast Texas area. The purpose of the program is to encourage practices that reduce emissions that lead to ozone formation. It includes: (1) An

ozone watch and warning communications network, (2) a NETAC Web site (*http://www.netac.org*), (3) school programs and teacher training and (4) distribution of public information and educational materials.

The Cities of Longview, Marshall, and Tyler are implementing energy efficiency programs. These programs can reduce the demand for electricity and thus reduce emissions from electric generating power plants.

EPA has determined that the control measures included in the attainment demonstration are consistent with the requirements of the EPA Protocol for EAC control strategies in that the measures are specific, quantified, permanent, and, if approved by EPA, will be federally enforceable SIP revisions. In accordance with the EAC, the signatories will review all EAC activities and report results in their semi-annual reports. The control measures in the CAAP approved through this SIP revision will provide reductions in nitrogen oxides (NO_X) and volatile organic compounds (VOCs), which are precursors to and aid in the formation of ozone, in the Northeast Texas EAC area.

Finally, per the EAC protocol, an emissions inventory was developed for the year 2012. The 2012 inventory show that anthropogenic emissions of both nitrogen oxides and VOCs decrease from 2007 to 2012, as the result of locally implemented control measures and Federal emissions control programs for vehicles. This decrease in emissions is additional evidence that the Northeast Texas EAC area will maintain the 8-hour ozone standard through 2012.

VII. What Happens if the Area Does Not Meet the EAC Milestones?

On April 15, 2004 EPA designated the Northeast Texas EAC area as attainment for the 8-hour ozone standard. We believe the local and State signatories of the EAC area will continue to meet their commitments to reduce ozone pollution. The EAC signatories are required to review all CAAP commitments and report progress in semi-annual reports beginning in June 2005. The semi-annual report will provide a description of whether the area continues to implement its control measures, the emissions reductions being achieved by the control measures, and the improvements in air quality that are being made. The report will track and document, at a minimum, control strategy implementation and results, monitoring data and future plans. Ongoing, updated emissions inventories and modeling analyses will be included as they become available. After each semi-annual review, additional control measures may be considered and, if necessary, adopted through revisions to the SIP.

The measures outlined in the submittal provide sufficient information for us to conclude that the Northeast Texas EAC area will complete each EAC milestone and the actions agreed upon in the CAAP. However, one of the principles of the EAC protocol is to provide safeguards to return areas to traditional SIP requirements should an area fail to comply with the terms of the compact. If a milestone is missed and the area is still in attainment of the 8-hour ozone standard, we would take action to propose and promulgate a finding of failure to meet the milestone, but the ozone attainment designation and approved SIP elements would remain in effect. If the area has a violation of the 8-hour standard and a milestone is missed, we would also consider factors in section 107(d)(3)(A) of the Act in deciding whether to redesignate the area as nonattainment for the 8-hour ozone NAAQS. See 69 FR 23858, 23871.

VIII. What Do the Agreed Orders Require?

In 2001 Texas and NETAC developed an early SIP to facilitate attainment of the 1-hour ozone standard in Northeast Texas. They worked with AEP, TXU, and Eastman Chemical Company to develop Agreed Orders to require reductions of nitrogen oxide emissions. Our approval of the Agreed Orders into the Texas SIP would make them federally enforceable.

The Agreed Order for AEP, (Agreed Order 2001–0878–RUL), requires the company to limit nitrogen oxide emissions at their Knox Lee, Pirkey, and Wilkes electric generating plants. These plants are located in Gregg, Harrison, and Cass Counties, respectively. The Agreed Order calls for the company to implement several projects to reduce nitrogen oxide emissions. It specifies 30 day rolling average nitrogen oxide emission rates to be achieved at Knox Lee Plant Unit number 5, Wilkes Plant Unit numbers 2 and 3, and the Pirkey Plant. ''Thirty day rolling average'' means an average, calculated for each day that fuel is combusted in a unit, of all the hourly emissions data for the preceding 30 days that fuel was combusted in the unit. A nitrogen oxide emission rate of 0.18 pounds per million British Thermal Units (lb/mmBtu) will be achieved at Knox Lee Plant Unit number 5. Wilkes Plant Unit numbers 2 and 3 will each achieve a nitrogen oxide emission rate of 0.17 lb/mmBtu. The Pirkey Plant will achieve a nitrogen oxide emission rate of 0.22 lb/mmBtu. As an alternative to achieving the reductions at the Knox Lee and Wilkes plants, AEP is allowed to achieve equivalent reductions at the Pirkey plant, in excess of the 30 day rolling average nitrogen oxide emission rate of 0.22 lb/mmBtu. As an alternative to completing any of the projects to achieve the nitrogen oxide emission reductions AEP may propose to the State projects that would achieve equivalent emissions reductions. Additionally, as an alternative to achieving the nitrogen oxide emission reductions at the Wilkes and Knox Lee plants, AEP may propose to the State projects that would achieve equivalent emissions reductions at the Pirkey Plant. TCEQ will evaluate alternative proposals under 30 TAC Chapter 115, Subchapter J. This process requires public notification of proposals and was approved by EPA on May 22, 1997 (62 FR 27964).

The Agreed Order for TXU, (Agreed Order 2001–0879–RUL), requires TXU to limit nitrogen oxide emissions at their Martin Lake and Monticello electric generating plants. These plants are located in Rusk and Titus Counties, respectively. The Agreed Order calls for the company to operate low nitrogen oxide technology on the three primary generating units at each plant in order to reduce nitrogen oxide emissions. It specifies that operation of the three primary generating units at each plant will achieve a 30 day rolling average nitrogen oxide emission rate of 0.2 lb/mmBtu. As an alternative to operating the low nitrogen oxide technology and achieving the nitrogen oxide emission reductions on the three primary generating units at each plant the company may propose to the State alternative projects that would achieve equivalent emissions reductions. TCEQ will evaluate alternative proposals under 30 TAC Chapter 115, Subchapter J.

The Agreed Order for Eastman Chemical Company, (Agreed Order 2001–0880–RUL), requires the company to make changes that will reduce nitrogen oxide emissions at their chemical and plastics manufacturing plant in Longview, Texas. The Agreed Order specifies that the company will: (1) Shut down one cooling tower engine, (2) commit one older natural gas fired engine to serve only in a back-up service capacity, restrict its operation to 2,190 hours annually and track its operating time, (3) shut down five older natural gas fired engines, (4) shut down ten gas reformer furnaces and (5) shut down two synthesis gas heaters. In order to re-start any facility that was shut down

under this agreement, Eastman may propose to the State one or more alternative projects that would achieve equivalent emissions reductions. TCEQ will evaluate alternative proposals under 30 TAC Chapter 115, Subchapter J.

IX. Proposed Action

EPA is proposing to approve revisions to the Texas SIP pertaining to the Northeast Texas area. These revisions pertain to (1) the CAAP for the Northeast Texas EAC area and the related attainment demonstration of the 8-hour ozone standard for the EAC area and (2) Agreed Orders regarding control of air pollution for the Northeast Texas area. The revisions will contribute to improvement in air quality and continued attainment of the NAAQS for ozone in Northeast Texas. We have evaluated the State's submittal and have determined that it meets the applicable requirements of the CAA and EPA air quality regulations, and is consistent with EPA policy and the EAC protocol.

X. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: May 6, 2005.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. 05–9720 Filed 5–13–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7909–4]

Idaho: Proposed Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Idaho has applied to EPA for final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Idaho's application, has preliminarily determined that these changes satisfy all requirements needed to qualify for final authorization, and is proposing to authorize the state's changes.

DATES: Comments on this proposed rule must be received in writing by June 15, 2005.

ADDRESSES: Send written comments to Jeff Hunt, U.S. Environmental Protection Agency Region 10, Office of Waste and Chemicals (WCM–122), 1200 Sixth Ave., Seattle, Washington 98101, or via e-mail to *hunt.jeff@epa.gov*. You can view and copy Idaho's application during normal business hours at the following addresses: U.S. Environmental Protection Agency Region 10, Office of Waste and Chemicals, 1200 Sixth Ave., Seattle, Washington, contact: Jeff Hunt, phone number: (206) 553–0256; or Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho, contact: John Brueck, phone number (208) 373–0458.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, U.S. Environmental Protection Agency Region 10, Office of Waste and Chemicals (WCM–122), 1200 Sixth Ave., Seattle, Washington 98101, phone number: (206) 553–0256, e-mail: *hunt.jeff@epa.gov*.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, states must change their programs and ask EPA to authorize the changes. Changes to state programs may be necessary when Federal or State statutory or regulatory authority is

modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

EPA has preliminarily determined that Idaho's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we are proposing to grant Idaho final authorization to operate its hazardous waste program with the changes described in the authorization application. Idaho will have responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized states before the states are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Idaho, including issuing permits, until the State is granted authorization to do so.

C. What Will Be the Effect if Idaho Is Authorized for These Changes?

If Idaho is authorized for these changes, a facility in Idaho subject to RCRA will have to comply with the authorized State requirements in lieu of the corresponding federal requirements in order to comply with RCRA. Additionally, such persons will have to comply with any applicable federally-issued requirements, such as, for example, HSWA regulations issued by EPA for which the State has not received authorization, and RCRA requirements that are not supplanted by authorized State-issued requirements. Idaho continues to have enforcement responsibilities under its state hazardous waste management program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, the authority to:

- Conduct inspections; require monitoring, tests, analyses or reports;
- Enforce RCRA requirements; suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

The action to approve these revisions would not impose additional requirements on the regulated community because the regulations for which Idaho will be authorized are already effective under State law and are not changed by the act of authorization.

D. What Happens if EPA Receives Comments on This Action?

If EPA receives comments on this action, we will address those comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

E. What Has Idaho Previously Been Authorized For?

Idaho initially received final authorization on March 26, 1990, effective April 9, 1990 (55 FR 11015) to implement the RCRA hazardous waste management program. EPA granted authorization for changes to their program on April 6, 1992, effective June 5, 1992 (57 FR 11580), June 11, 1992, effective August 10, 1992 (57 FR 24757), April 12, 1995, effective June 11, 1995 (60 FR 18549), October 21, 1998, effective January 19, 1999 (63 FR 56086), July 1, 2001, effective July 1, 2001 (67 FR 44069), and March 10, 2004, effective March 10, 2004 (69 FR 11322).

F. What Changes Are We Proposing?

On September 27, 2004, Idaho submitted a final program revision application, seeking authorization for all delegable federal hazardous waste regulations codified as of July 1, 2003, as incorporated by reference in IDAPA 58.01.05.(002)–(016) and 58.01.05.997. We have preliminarily determined that Idaho's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization, and EPA is proposing to authorize the state's changes. These changes include all delegable regulatory changes to the Federal hazardous waste program promulgated between July 1, 2001 and July 1, 2003, as well as the remaining portions of the October 22, 1998 Federal rule ''Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process; Final Rule'' (63 FR 56710) that were not previously authorized.

G. Who Handles Permits After the Authorization Takes Effect?

Idaho will continue to issue permits for all the provisions for which it is authorized and will administer the permits it issues. If EPA issued permits prior to authorizing Idaho for these revisions, these permits would continue in force until the effective date of the State's issuance or denial of a State hazardous waste permit, at which time EPA would modify the existing EPA permit to expire at an earlier date, terminate the existing EPA permit for cause, or allow the existing EPA permit to otherwise expire by its term, except for those facilities located in Indian Country. EPA will not issue new permits or new portions of permits for provisions for which Idaho is authorized after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Idaho is not yet authorized.

H. What Is Codification and Is EPA Codifying Idaho's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. This is done by referencing the authorized State rules in 40 CFR part 272. Through four codification actions dated December 6, 1990 (55 FR 50327), June 11, 1992 (57 FR 24757), June 25, 1999 (64 FR 34180), and March 8, 2005 (70 FR 11132) the EPA codified at 40 CFR part 272, subpart N all previous authorization actions for the State of Idaho program. EPA is reserving the amendment of 40 CFR part 272, subpart N for codification of this current revision to Idaho's program at a later date.

I. How Would Authorizing Idaho for These Revisions Affect Indian Country (18 U.S.C. 1151) in Idaho?

Idaho is not authorized to carry out its hazardous waste program in Indian country, as defined in 18 U.S.C. 1151. Indian country includes:

1. All lands within the exterior boundaries of Indian reservations within or abutting the State of Idaho;
2. Any land held in trust by the U.S. for an Indian tribe; and
3. Any other land, whether on or off an Indian reservation that qualifies as Indian country. Therefore, this action has no effect on Indian country. EPA will continue to implement and administer the RCRA program in these lands.

J. Statutory and Executive Order Reviews

1. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency

must determine whether the regulatory action is ''significant,'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. It has been determined that this proposed Rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

2. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, is intended to minimize the reporting and recordkeeping burden on the regulated community, as well as to minimize the cost of Federal information collection and dissemination. In general, the Act requires that information requests and record-keeping requirements affecting ten or more non-Federal respondents be approved by OPM. 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.*).

3. Regulatory Flexibility

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business, as codified in the Small Business Size Regulations at 13 CFR part 121; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. EPA has determined that this action will not have a significant impact on small entities because the proposed Rule will only have the effect of authorizing pre-existing requirements under State law. After considering the economic impacts of today's proposed rule, I certify that this action will not have a significant economic impact on a substantial number of small entities. 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.

4. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why the 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.

This proposed 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 proposed rule authorizes pre-existing requirements under State law and imposes no new enforceable duty on any State, local or tribal governments or the private sector. Similarly, EPA has also determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, the requirements of section 203 of the UMRA do not apply to this rule.

5. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' 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 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 various levels of government, as specified in Executive Order 13132. This proposed rule only authorizes existing State rules as part of the State hazardous waste program.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 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. The rule proposes to authorize existing state rules and does not establish any regulatory policy with tribal implications. Thus, Executive Order 13175 does not apply to this proposed

rule. EPA welcomes comment on this proposed rule from tribal officials.

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

Executive Order 13045 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 Executive Order 13045 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 proposed action present a disproportionate risk to children.

8. 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'' as defined under Executive Order 12866.

9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272) 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 bodies. The NTAA directs EPA to provide Congress, through the OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. 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.

10. Executive Order 12988

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this 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.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This proposed action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: April 28, 2005.

Julie Hagensen,

Acting Regional Administrator, Region 10.

[FR Doc. 05–9317 Filed 5–13–05; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 70, No. 93

Monday, May 16, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before July 15, 2005.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC, 20523, (202) 715–1365 or via e-mail *bjohnson@usaid.gov.*

SUPPLEMENTARY INFORMATION:

OMB NO: OMB 0412–0552.

Form No.: N/A

Title: Financial Status Report or Equivalent.

Type of Review: Renewal of Information Collection.

Purpose: In its appropriations act, Congress always requests country level financial expenditure data in order to determine whether funds appropriated to the Agency are being used for their intended purpose and are not used to support activities that are not in the U.S. National Interest. Generally, this has been fairly straightforward for assistance recipients who work specifically in one country, but harder to capture in the cases where recipients operate at a regional scale. Therefore, for each country where USAID spends money, careful review is necessary in order to be able to certify that funds expended do not go into programs where funding is prohibited, restricted or limited. Financial expenditure data by country is used by the agency to meet several reporting requirements for Congress. Country specific financial expenditure data is also used to determine whether the agency is meeting Congressional ceilings and earmarks. In addition, Congressional notification is required for activities in certain countries (Burma, Cambodia, Colombia, Democratic Republic of Congo, etc.), as well as activities covering certain subject matter such as activities promoting country participation in the Kyoto Protocol, use of notwithstanding authority for supporting energy programs aimed at reducing greenhouse gas emissions. In each case, Congress requests to know the amount of taxpayer dollars that is expended by the program or in the specific country. USAID currently requires grant and cooperative agreement recipients who work in multiple countries to provide expenditure reports by country. The purpose of this notice is to extend the class deviation to the statute from the Office of Management and Budget in accordance with 22 CFR 226.4. The information is being collected so that USAID can ensure programs do not fund activities in countries where the United States Congress has prohibited or fund programs where Congress has limited the types of activities that may be funded.

Annual Reporting Burden:

Respondents: 80.

Total annual responses: 320.

Total annual hours requested: 800.

Dated: May 5, 2005.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 05–9633 Filed 5–13–05; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 10, 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, Pub. L. 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.

Farm Service Agency

Title: Verification of Debts and Assets.

OMB Control Number: 0560–0166.

Summary of Collection: The Consolidated Farm and Rural Development Act (CONACT) Sections 311 (7 U.S.C. 1941), 302 (7 U.S.C. 1922 and 321 (7 U.S.C. 1961), authorize the Farm Service Agency to determine an applicant's eligibility for Operating, Farm Ownership or Emergency loans. Additionally, Section 353 (7 U.S.C. 2001) requires FSA to collect financial data to verify debts and assets of borrowers that requested primary and preservation loan servicing or debt settlement. FSA will collect information using FSA form 440–32, Verification of Debts and Assets.

Need and Use of the Information: FSA will collect information to determine whether an applicant is eligible for a loan or the appropriateness of a servicing or debt settlement action. The data collected is then used to determine feasibility of the loan request. If the data were not collected FSA would be forced to use outdated financial information, which would result in much higher losses to the Government.

Description of Respondents: Business or other for-profit; Individuals or households; Farms; Federal Government.

Number of Respondents: 24,031.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 18,024.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–9645 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 10, 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, Pub. L. 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) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a current 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.

Food and Nutrition Service

Title: Food Stamp Program Employment and Training (E&T) Program.

OMB Control Number: 0584–0339.

Summary of Collection: The Balanced Budget Act of 1997 (Pub. L. 105–33), enacted on August 5, 1997, provided additional Federal Employment and Training funds for fiscal years 1998 through 2002, and targeted 80 percent of all Federal E&T funds to qualifying work activities for able bodied adults without dependents (ABAWDs). Section 6(d) of the Food Stamp Act of 1977, as amended (the Act), and the food stamp regulations at 7 CFR 273.7 require, as a condition of eligibility, that each non-exempt food stamp household member age 16 to 60 be work registered by the State agency at the time of application and once every twelve months thereafter. Each State agency must screen each work registrant to determine whether to refer the individual to its E&T Program. Both the Food Stamp Act and regulations require States to file quarterly reports about their E&T Programs so that the Food and Nutrition Service (FNS) can monitor their performance.

Need and Use of the Information: FNS will collect information using Form FNS–583, E&T Program Activity Report to ensure that the E&T Program is being efficiently and economically operated. If FNS were unable to collect, on a quarterly basis, the data necessary to oversee program operations, FNS could not fulfill this mandate, nor could it initiate timely, effective corrective measures to assure successful State agency program operations.

Description of Respondents: State, local, or tribal government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: Quarterly; Annually.

Total Burden Hours: 31,721.

Food and Nutrition Service

Title: WIC Financial Management and Participation Report with Addendum.

OMB Control Number: 0584–0045.

Summary of Collection: The Women, Infants and Children Program (WIC) is authorized by Section 17 of the Child Nutrition Act (CNA) of 1966 (42 U.S.C. 1786), as amended. The Food and Nutrition Service (FNS) of USDA administers the WIC Program by awarding cash grants to State agencies (generally State health department). The State agencies award subgrants to local agencies to deliver program benefits and services to eligible participants. State agencies complete the FNS–798 to comply with two separate legislative requirements. The FNS–798 captures the required data and serves as an operational plan for State agencies. FNS must continuously forecast and reevaluate State agencies' funding needs, make timely funding and other management decisions, and assist State agencies witn caseload and funds management. FNS needs the FNS–798A to determine if each State agency has met the statutory nutrition education and breastfeeding promotion and support minimum expenditure requirements found in 42 U.S.C. 1786(h)(3). The FNS–798A shows how much of each State agency's total nutrition services and administration (NSA) expenditures were made for nutrition education and for breastfeeding promotion and support activities.

Need and Use of the Information: FNS will use the information reported each month for program monitoring, funds allocation and management, budget projections, monitoring caseload, policy development, and responding to requests from Congress and the interested public. FNS also uses the data to determine if the State has met the 97 percent performance standard for food and 10 percent performance standard for Nutrition Services Administration.

Description of Respondents: State, local, or tribal government.

Number of Respondents: 88.

Frequency of Responses: Reporting: Monthly.

Total Burden Hours: 4,713.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–9646 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–30–M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 10, 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, Pub. L. 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) 720–8958.

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 & Plant Health Inspection Service

Title: Gypsy Moth Identification Worksheet.

OMB Control Number: 0579–0104.

Summary of Collection: The Department of Agriculture is responsible for preventing plant diseases or insect pests (such as Gypsy Moth) from entering the United States, preventing the spread of pest and Noxious Weeds not widely distributed in the U.S., and eradicating those imported pests when eradication is feasible. The Plant Protection and Quarantine Service (PPQ) of the Animal and Plant Health Inspection Service (APHIS) engages in detection surveys to monitor the presence of the European gypsy moth and the Asian gypsy moth. The European gypsy moth is one of the most destructive pests of fruit and ornamental trees as well as hardwood forests. The Asian gypsy moth is an exotic strain of gypsy moth that is closely related to the European variety already established in the U.S. This strain is considered to pose an even greater threat to trees and forested areas. In order to determine the presence and extent of a European gypsy moth or an Asian gypsy moth infestation, APHIS sets traps in high-risk areas to collect specimens.

Need and Use of the Information: APHIS will collect information from the Gypsy Moth Identification Worksheet, PPQ Form 305, to identify and track specific specimens that are sent for test based on DNA analysis. This information collected is vital to APHIS'' ability to monitor, detect, and eradicate gypsy moth infestations and the worksheet is completed only when traps are found to contain specimens. Information on the worksheet includes the name of the submitter, the submitter's agency, the date collected, the trap number, and the trap's location (including the nearest port of entry), the number of specimens in the trap, and the date the specimen was sent to the laboratory.

Description of Respondents: State, Local or Tribal Government; Federal Government.

Number of Respondents: 120.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 41.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–9647 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[No. FV–05–329]

United States Standards for Grades of Canned Sweetpotatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is soliciting comments on the proposed revision to the United States Standards for Grades of Canned Sweetpotatoes. AMS received two petitions from food processors asking USDA to consider revising the current definition for the style of ''Whole'' in the United States Standards for Grades of Canned Sweetpotatoes. The change was requested to reflect newer varieties, new sorting techniques, and canning processes.

DATES: Comments must be submitted on or before July 15, 2005.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments must be sent to Chere L. Shorter, Standardization Section, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 0709, South Building; STOP 0247, Washington, DC 20250; fax (202) 690–1527, e-mail *Chere.Shorter@usda.gov*. The United States Standards for Grades of Canned Sweetpotatoes is available either through the address cited above or by accessing the AMS Web site on the Internet at *http://www.ams.usda.gov/fv/ppb.html.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. Those United States Standards for Grades of Fruits and Vegetables no longer appear in the Code of Federal Regulations but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to revise the U.S. Standards for Grades of Canned

Sweetpotatoes using the procedures that appear in part 36 of title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

AMS received two petitions from food processors through the Food Products Association (FPA), formerly the National Food Processors Association, requesting revision of the United States Standards for Grades of Canned Sweetpotatoes. The petitioners requested the USDA to revise the definition of the style of ''Whole'' to reflect newer varieties, new sorting techniques, and canning processes. The ''Beauregard'' variety, a new variety widely used in canned sweetpotatoes is oddly shaped and must be cut and trimmed to give the appearance of a whole sweet potato. This variety may or may not be tapered on one end and because of mechanical trimming may not meet the definition of whole.

The current definition for the style of ''Whole'' states that, ''Whole means the canned sweetpotatoes have the appearance of being essentially whole or almost whole in that the units retain the approximate shape of whole sweetpotatoes.''

The petitioners wanted to revise the definition for canned whole sweetpotatoes to allow for those that are cylindrical in shape, two inches plus or minus 0.5 inches in length, by 1.5 inches plus or minus 0.25 inches in diameter for 404 x 307 and 603 x 700 can sizes and 1.0 inch plus or minus 0.25 inches in diameter for smaller can sizes.

Prior to undertaking research and other work associated with revising the grade standards, AMS sought public comments on the petition. A notice requesting comments on the petition to revise the United States Standards for Grades of Canned Sweetpotatoes was published in March 12, 2003, **Federal Register** (68 FR 11802).

In response to our request for comments, AMS received one comment from one of the processors that had requested the revision. The commenter did not favor the proposed revision of the standard, noting that the use of length and diameter requirement to describe a whole sweetpotato would be a severe disadvantage to canners. The commenter further suggested that the term ''Almost Whole'' be removed from the standard.

AMS determined that the term ''Whole'' implies that the sweetpotatoes have not been cut into smaller pieces. An ''Almost whole'' sweetpotato unit should resemble a whole unit with one or both ends trimmed to remove fibrous ends. Larger sized sweetpotatoes would require excessive trimming to meet the suggested size requirements as stated in the petition. AMS decided that the best approach to revising the grade standards was to leave the style description for ''Whole'' unchanged without specific reference to length and size. AMS further decided to remove the style of ''Sections,'' which is not commercially packed, reducing the confusion between ''Sections'' and ''Pieces, cuts, or cut'' styles. The style ''Other'' was added to account for styles not specifically mentioned in the grade standard. These changes were suggested in order to more clearly delineate the difference between ''whole'' and ''pieces, cuts, or cut'' styles, thereby promoting uniformity in grading canned sweetpotatoes.

A discussion draft that included these changes was sent to FPA, in March 2004. In December 2004, the members of FPA agreed with the proposed changes to the grade standard. Therefore, AMS is proposing a change to the U.S. Standards for Grades of Canned Sweetpotatoes that will accommodate the needs of the industry and promote uniformity in grading. A copy of the proposed grade standards is posted on the AMS Web site located at *http://www.ams.usda.gov/fv/ppb.html* and is available at the address above.

This proposal will provide a common language for trade, a means of measuring value in the marketing of canned sweetpotatoes, and provide guidance in the effective utilization of canned sweetpotatoes. The official grade of a lot of canned sweetpotatoes covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (7 CFR 52.1–52.83).

This notice provides for a 60 day comment period for interested parties to comment on changes to the standards.

Authority: 7 U.S.C. 1621–1627.

Dated: May 11, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–9695 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Intent To Prepare an Environmental Impact Statement for the Whistle Stop Project on the Chugach National Forest, Kenai Peninsula Borough, AK

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service will prepare an Environmental Impact Statement (EIS) on a proposed action to develop a series of remote interconnected backcountry train on-off load platforms along approximately 25 miles of existing Alaska Railroad track. The proposed action calls for six backcountry train on-off load platforms, construction of approximately 44 miles of new backcountry dispersed trail, and development of approximately six backcountry public use cabins and 34 dispersed, hardened backcountry sites for remote camping. The majority of all components of this project would occur on Chugach National Forest land in the Kenai Peninsula Borough.

DATES: Comments concerning the scope of the analysis must be received by June 15, 2005.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review during the winter of 2005/2006. At that time, EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**. The Final EIS is scheduled to be completed in the summer of 2006.

ADDRESSES: Address all comments concerning this notice to the Chugach National Forest, ATTN: Whistle Stop Project, P.O. Box 129, Girdwood, AK 99587. E-mail comments may be sent to: *comments-chugach-whistle_stop@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Adam McClory, Glacier Ranger District, Chugach National Forest, (907) 754–2352.

SUPPLEMENTARY INFORMATION: The information presented in this notice is included to help the reviewer determine if they are interested in or potentially affected by the proposed action.

Purpose and Need for Action

The Forest Service seeks to meet the growing demand for dispersed recreation opportunities and growing

demands of recreation-based tourism by developing remote, backcountry trails and minimal support facilities adjacent to the existing rail way infrastructure, along with a series of interconnected recreation sites that will provide the public with a unique recreation and travel experience not found anywhere else in the United States. Utilizing the existing infrastructure and transportation service capability of the Alaska Railroad, the Forest Service proposes to create a wide variety of world-class recreation and transportation opportunities for users of the Chugach National Forest. Access would be gained by existing railroad to spectacular ice-capped mountains, glacial lakes, wild rivers and dispersed backcountry campsites, huts and trails, with transportation provided through Alaska Railroad passenger rail cars.

Completion of this project will both better disperse concentration of visitor use and strengthen the ability for Chugach National Forest visitors to get out and experience National Forest lands instead of experiencing them through the ''glass window'' that currently exists for the majority of Alaska Railroad passengers traveling through this scenic corridor. The purpose and need for this project is to:

• Provide additional backcountry access and better disperse recreation opportunities available to Chugach National Forest visitors while maintaining an Alaskan backcountry experience and maintaining the area's natural quality. With a large land base in the eastern Kenai Peninsula and few existing backcountry recreation facilities, the proposed mix of trails, overnight facilities, viewing platforms and information and education sites will meet the needs of Chugach National Forest visitors for years to come. Use would be better spread throughout the Kenai Peninsula thereby providing users with a more remote, Alaskan backcountry experience. The additional backcountry access that is required due to growing demand will be provided utilizing the existing Alaska Railroad infrastructure and will not necessitate development of new roads.

• Provide opportunities for visitor information and education regarding various forest resources including wildlife and fisheries. The Chugach National Forest Revised Land and Resource Management Plan emphasizes the need to provide Forest visitors with information and education regarding Forest resources. From the glacial movement evident at Spencer Lake, to the dynamic hydrological activity, to the historical remnants scattered along the Alaska Railroad, the Forest Service can provide a diverse view of the natural and human history of the area. Additionally, both Alaska residents and visitors alike are drawn to the annual spawning of various fish species and the incredible diversity of wildlife found in Alaska including brown and black bears, moose, wolves, Dall sheep and mountain goats. Located at each remote Whistle Stop station and throughout the inter-connected trail system, minimally developed backcountry kiosks will interpret the important aspects of each geographical area.

• Provide a unique transportation and recreation experience found nowhere else in the United States, while encouraging transportation dispersal and public safety. Alaska is famous for and attracts a tremendous number of tourists because of its immense glaciers and ice-capped mountains. The Railroad is unquestionably the best land-based transportation route to view and access glaciers. Furthermore, development of this transportation route would diminish somewhat the congestion on the Seward Highway, thereby providing safety on the road while creating significant opportunities to disperse recreation opportunities away from heavy used areas of concentration along the Seward highway.

Implementation of the Whistle Stop project will help meet the purpose and need outlined above and follow direction outlined in the Chugach National Forest Revised Land and Resource Management Plan (CRLRMP). Forestwide direction outlined in the CRLRMP identifies Recreational Opportunities, Access and Facilities as a major area of emphasis to be accomplished through Forest Plan implementation (CRLRMP, 3–1, 3–7–3–9). Three goals identified in this section of the CRLRMP will be met with implementation of the Whistle Stop project including: Maintaining quality settings for nonmotorized recreation opportunities; provide[ing] recreation opportunities for interpretation and education as related to all Forest resources; and expand[ing] recreational capacity by developing new recreational facilities and trails in response to user demands and where appropriate to management area objectives (CRLRMP, 3–8, 3–9). Forest Plan direction for the Kenai Peninsula Geographic Area, where the Whistle Stop project is located, dictates that ''during the summer season nonmotorized use will predominate across the area. These opportunities will include hiking, camping, mountain biking, fishing, hunting and mountaineering with opportunities for canoeing, rafting and other forms of boating on lakes and rivers * * * Campgrounds or similar developments (*i.e.*, ''Whistle Stop'') along the Alaska Railroad between Moose Pass and Portage may also be available (CRLRMP, 3–15).''

Proposed Action

Recreation Facilities

The project proposal calls for a variety of dispersed recreation facility developments that are summarized below:

■ Whistle Stop stations. Six backcountry Whistle Stop stations are proposed for development along approximately 25 miles of Alaska Railroad track between Luebner Lake and Trail Creek. The six proposed stops, from north to south include: Luebner Lake, Spencer Lake, Bartlett Glacier, Grandview, Hunter and Trail Creek.

■ Trail system.

• A system consisting of approximately 44 miles of new trails are proposed for the project area. The backbone of this trail system is the proposed Placer Valley Trail which will connect the Whistle Stops of Luebner Lake, Spencer Lake, Bartlett Glacier and Grandview. Spurs trails off of the Placer Valley Trail will be located in the Spencer Lake, Bartlett Glacier and Grandview areas.

• The majority of the trail system would be designed and actively managed for hiker/pedestrian and bicycle use.

• Easements will be established where necessary to survey, construct and manage certain trail segments that cross other landowners. At this time, proposed trail segments totaling approximately 3 miles cross land owned by the State of Alaska Department of Natural Resources.

• Overnight sites.

• Six public-use cabins are proposed for development along various sections of the trail system.

• Thirty-four dispersed, hardened overnight sites are proposed for development throughout the trail system.

• One group campsite, capable of accommodating at least 150 people is proposed for development in the Spencer Lake area where such uses already occur.

• Wildlife and Scenic viewing platforms.

• Two wildlife viewing platforms, including interpretive kiosks and viewfinders, would be located along the boardwalk trail at the Luebner Lake Whistle Stop.

• A wildlife and scenic viewing platform, including interpretive kiosks and viewfinders, would be located along

the boardwalk trail at the Grandview Whistle Stop.

• Rafting take-out locations. The rafting take-out locations at Luebner Lake and Trail Creek will include a platform that will allow for safe transfer of gear from the platform to the rail car. Additionally, at both sites a temporary storage facility (approximately 250 square feet) for rafting gear will be located at these locations from May-September.

Train Schedule

Currently the Alaska Railroad conducts daily business, carrying both freight and passengers, throughout the project area multiple times per day. In terms of passenger business, up to three trains per day visit the project area: The Coastal Classic and Glacier Discovery both operate daily from mid-May to mid-September and a train chartered by Cruise Ship companies periodically traverses the project area.

Preliminary Issues

Listed below are possible issues that may be related to this project, but are not limited to:

• Impacts to wildlife, including brown bears, mountain goats and Dall sheep.

• Impacts to heritage resources throughout the project area.

• Visual impacts due to placement of developed facilities in the backcountry.

• Conflicts between different types of recreation throughout the project area.

Responsible Official

The Forest Supervisor, Chugach National Forest, is the Responsible Official. The address is Chugach National Forest Supervisor's Office, 3301 C Street, Anchorage, AK 99503.

Nature of Decision To Be Made

The Forest Supervisor, as Responsible Official, may decide to: (1) Select the proposed action, (2) select one of the alternatives, (3) select one of the alternatives after modifying the alternative with additional mitigating measures or combinations of activities from other alternatives, or (4) select the no action alternative and take no action at this time.

Comment Requested

The Forest Service would like to know of any issues, concerns, and suggestions you may have about this proposal. Comments should be as fully formed as possible to assist us in the analysis. If you have any questions, or if something is unclear, contact Adam McClory at (907) 754–2352 before submitting your comments. Although comments are welcome at any time, they will be most effective if received by June 15, 2005. Send comments to: Chugach National Forest, ATTN: Whistle Stop Project, P.O. Box 129, Girdwood, AK 99587.

Alternately, e-mail your comments to: *comments-chugach-whistle_stop@fs.fed.us*.

Public Meetings

Below are the public meeting dates and locations for our scoping meetings:

CHUGACH NATIONAL FOREST OPEN HOUSE MEETINGS

Date	Town	Place	Time
May 23, 2005	Anchorage	UAA Commons Rm. 106	5–8 p.m.
May 23, 2005	Seward	Edgewater Hotel (5th and Railroad Ave.)	5–8 p.m.
May 24, 2005	Girdwood	Community Hall	7–9 p.m.
May 24, 2005	Moose Pass	Moose Pass School	6–8 p.m.
May 25, 2005	Cooper Landing	Community Hall	5–8 p.m.
June 1, 2005	Soldotna	Soldotna Sports Center	5–8 p.m.

Authorization: National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321–4346); Council on Environmental Quality Regulations (40 CFR parts 1500–1508); U.S. Department of Agriculture NEPA Policies and Procedures (7 CFR part 1b).

Reviewer's Obligation: 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 the 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 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*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wisc. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at the 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. Reviewer 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: May 10, 2005.

Joe L. Meade,

Forest Supervisor, Chugach National Forest.

[FR Doc. 05–9758 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Opal Creek Scenic Recreation Area (SRA) Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: An Opal Creek Scenic Recreation Area Advisory Council meeting will convene in Stayton, Oregon on Wednesday, June 1, 2005. The meeting will be held in the South Room of the Stayton Community Center located on 400 West Virginia Street in Stayton, Oregon.

The Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996 (Opal Creek Act) (Pub. L. 104–208) directed the Secretary of Agriculture to establish the Opal Creek Scenic Recreation Area Advisory Council. The Advisory Council is comprised of thirteen members representing state, county and city governments, and representatives of various organizations, which include mining industry, environmental organizations, inholders in Opal Creek Scenic Recreation Area, economic development, Indian tribes, adjacent landowners and recreation interests. The council provides advice to the Secretary of Agriculture on preparation of a comprehensive Opal Creek Management Plan for the SRA, and consults on a periodic and regular basis on the management of the area. Tentative agenda items include: Finalizing Results of Project Ranking Process and District Project Updates.

A direct public comment period is tentatively scheduled to begin at 8 p.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits of the comment period. Written comments may be submitted prior to the June 1st by sending them to Designated Federal Official Paul Matter at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Paul Matter; Willamette National Forest, Detroit Ranger District, HC 73 Box 320, Mill City, OR 97360; (503) 854–3366.

Dated: May 10, 2005.

Y. Robert Iwamoto,

Acting Forest Supervisor.

[FR Doc. 05–9656 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Hawaii Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference call of the Hawaii State Advisory Committee in the Western Region will convene at 2 p.m. (p.d.t.) and adjourn at 3 p.m., Thursday, June 16, 2005. The purpose of the conference call is to receive updated information on civil rights and discuss potential SAC projects.

This conference call is available to the public through the following call-in number: 1–800–473–8695, access code number 41129659. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls not initiated using the provided call-in number or over wireless lines and the Commission will not refund any incurred charges. Callers will incur no charge for calls using the call-in number over land-line connections. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and access code.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting Thomas Pilla of the Western Regional Office, (213) 894–3437, by 3 p.m. on Wednesday, June 15, 2005.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated in Washington, DC, May 11, 2005.

Ivy L. Davis,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 05–9679 Filed 5–13–05; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Dakota Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the North Dakota Advisory Committee to the Commission will convene at 12 p.m. (M.D.T.) and adjourn at 1 p.m. (M.D.T.), on Thursday, May 19, 2005. The purpose of the conference call is to provide orientation for new committee members, discuss status of commission and regional programs, and discuss current status of regional project: Confronting Discrimination in Reservation Border Town Communities.

This conference call is available to the public through the following call-in number: 1–800–597–3261; call-in ID#: 410–96618. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls not initiated using the supplied call-in number or over wireless lines and the commission will not refund any incurred charges. Callers will incur no charge for calls using the call-in number over land-line connections. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and access code.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting John F. Dulles, Rockey Mountain Regional Office, 303–866–1040 (TDD 303–866–1049), by 3 p.m. (M.D.T.) on Monday, May 16, 2005.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, May 5, 2005.

Ivy L. Davis,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 05–9680 Filed 5–13–05; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

(A–588–703, A–570–506, A–583–508, A–507–502, A–580–601, C–580–602, A–583–603, C–583–604)

Internal Combustion Industrial Forklift Trucks from Japan, Porcelain-on-Steel Cooking Ware from China and Taiwan, Raw In-Shell Pistachios from Iran, Top-of-the-Stove Stainless Steel Cooking Ware from Korea and Taiwan; Extension of Time Limits for the Final Results of Sunset Reviews of Antidumping and Countervailing Duty Orders

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

EFFECTIVE DATE: May 16, 2005.

FOR FURTHER INFORMATION CONTACT: Martha Douthit at 202–482–5050, or Hilary Sadler at 202–482–4340, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Extension of Time Limit for Final Results of Reviews:

In accordance with section 751(c)(5)(B) of the Tariff Act of 1930, as amended, (''the Act''), the U.S. Department of Commerce, (''the Department'') may extend the period of

time for making its determination by not more than 90 days, if it determines that the review is extraordinarily complicated. As set forth in section 751(c)(5)(C)(v) of the Act, the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order, as is the case in all of these proceedings. A transition order is defined as including countervailing or antidumping duty orders which were in effect on January 1, 1995, the date on which the WTO Agreement's provisions on sunset reviews went into effect. Transition orders are treated as issued on January 1, 1995. *See* section 751(c)(6)(D) of the Act. These orders were issued prior to January 1, 1995, thus are deemed issued on January 1, 1995, for purposes of the sunset proceeding. Therefore, the Department has determined, pursuant to section 751(c)(5)(C)(v) of the Act, that the sunset reviews of the antidumping and countervailing duty orders on top-of-the-stove stainless steel cooking ware from Korea and Taiwan, the antidumping and countervailing duty orders on porcelain-on-steel cooking ware from China and Taiwan, the antidumping duty order on internal combustion industrial forklift trucks from Japan, and the antidumping duty order on raw in-shell pistachios from Iran are extraordinarily complicated and require additional time for the Department to complete its analysis.

The Department's final results of these sunset reviews were scheduled for June 29, 2005. The Department will extend the deadlines in these proceedings and, as a result, intends to issue the final results of the expedited sunset reviews on the antidumping and countervailing duty orders on top-of-the-stove stainless steel cooking ware from Korea and Taiwan, the antidumping and countervailing duty orders on porcelain-on-steel cooking ware from China and Taiwan, the antidumping duty order on internal combustion industrial forklift trucks from Japan, and the antidumping duty order on raw in-shell pistachios from Iran on September 27, 2005, 90 days from the original scheduled date of the final results of these sunset reviews.

This notice is issued in accordance with sections 751 (c)(5)(B) and (C)(v) of the Act.

Dated: May 10, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E5–2440 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830]

Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod From Mexico

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On November 8, 2004, the Department of Commerce (the Department) published the preliminary results of its first administrative review of the antidumping duty order on carbon and certain alloy steel wire rod from Mexico. The review covers two producers of the subject merchandise. The period of review (''POR'') is April 10, 2002, through September 30, 2003. Based on our analysis of comments received, these final results differ from the preliminary results. The final results are listed below in the Final Results of Review section.

EFFECTIVE DATE: May 16, 2005.

FOR FURTHER INFORMATION CONTACT: Lyman Armstrong or Dennis McClure, at (202) 482–3601 or (202) 482–5973, respectively; AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 8, 2004, the Department published in the **Federal Register** the preliminary results of the first administrative review of the antidumping duty order on carbon and certain alloy steel wire rod from Mexico. *See Preliminary Results of Antidumping Duty Administrative Review: Carbon and Certain Steel Alloy Steel Wire Rod from Mexico*, 69 FR 64722 (November 8, 2004) (''*Preliminary Results*''). We conducted a sales and cost verification at Hylsa Puebla, S.A. de C.V. (''Hylsa'') from November 30 through December 11, 2004. On December 8, 2004, Hylsa requested a hearing. On February 24, 2005, Hylsa withdrew its request for a hearing. No other interested parties requested a hearing.

We invited parties to comment on the *Preliminary Results*. On February 22, 2005, we received case briefs from Siderurgica Lazaro Cardenas Las Truchas S.A. de C.V. (''SICARTSA'') and Hylsa, and from the petitioners, Gerdau Ameristeel US Inc., ISG Georgetown Inc., Keystone Consolidated Industries, Inc., and North Star Steel Texas, Inc. All parties submitted rebuttal briefs on February 28, 2005.

Scope of the Order

Effective July 24, 2003, in accordance with the Department's *Notice of Final Results of Changed Circumstances Review of the Antidumping Duty and Countervailing Duty Orders, and Intent to Revoke Orders in Part*, 68 FR 64079 (November 12, 2003), the scope of this order was amended. Therefore, for purposes of this review, the scope of the order during the first part of the POR was different from the scope during the latter half of the POR. The scope in effect during each portion of the POR is described below.

Scope of Order from October 29, 2002, through July 23, 2003

The merchandise subject to this order is certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter.

Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the *Harmonized Tariff Schedule of the United States* (HTSUS) definitions for (a) Stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (i.e., products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. This grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no inclusions greater than 20 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3)

0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

This grade 1080 tire bead quality rod is defined as: (i) Grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no inclusions greater than 20 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should the petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end-use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products subject to this order are currently classifiable under subheadings 7213.91.3010, 7213.91.3090, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6051, 7227.90.6053, 7227.90.6058, and 7227.90.6059 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Scope of Order from July 24, 2003, through the end of the POR

The merchandise subject to this order is certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter.

Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the HTSUS definitions for (a) Stainless steel; (b) tool steel; c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (*i.e.*, products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. This grade 1080 tire cord quality rod is defined as: (i) Grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

This grade 1080 tire bead quality rod is defined as: (i) Grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

For purposes of the grade 1080 tire cord quality wire rod and the grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis—that is, the direction of rolling—of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003.

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should the petitioners or other

interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end-use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products subject to this order are currently classifiable under subheadings 7213.91.3010, 7213.91.3090, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6051, 7227.90.6053, 7227.90.6058, and 7227.90.6059 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.[1]

Analysis of Comments Received

The issues raised in the case briefs by parties to this administrative review are addressed in the *Issues and Decision Memorandum* to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, from Barbara E. Tillman, Acting Deputy Assistant Secretary (*Decision Memorandum*), which is hereby adopted by this notice. A list of the issues addressed in the *Decision Memorandum* is appended to this notice. The *Decision Memorandum* is on file in the Central Records Unit in Room B–099 of the main Commerce building, and can also be accessed directly on the Web at *http://www.ia.ita.doc.gov/frn.* The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received for Hylsa, we have: (1) Accepted new databases and made changes based on minor corrections presented at verification; (2) classified export credit expense as a direct selling expense rather than an indirect selling expense; (3) recalculated Hylsa's warranty expense based on a three-year average; (4) recalculated home market and U.S. credit expenses; and (5) corrected clerical errors with respect to billing adjustments, early payment discounts, and commission offset.

Based on our analysis of comments received for SICARTSA, we have: (1) Recalculated the financial expense ratio to include all exchange gains and losses and changes in monetary position as reported on the audited financial statements and deducted an amount in the denominator (i.e., from the costs of goods sold) of the ratio to account for packing for all affiliated parties; (2) recalculated general and administrative expenses to exclude exchange gains and losses related to accounts payable; (3) adjusted the cost of manufacturing for affiliated iron ore purchases; and (4) made corrections to our calculation for programming errors.

For SICARTSA, in addition to the changes explained in the *Decision Memorandum*, we made the following changes based on a review of the preliminary calculations. We used the U.S. dollar short-term borrowing rate for home market sales made in U.S. dollars to calculate imputed credit expenses. When there were missing payment dates, we used the date of SICARTSA's last submission to calculate imputed credit expenses. We also made a correction to the home market sales revenue used to calculate the constructed export price profit. *See* May 9, 2005, *Final Results Calculation Memorandum Siderurgica Lazaro Cardenas Las Truchas S.A. de C.V.*

Both Hylsa's and SICARTSA's adjustments are discussed in detail in the *Decision Memorandum*.

Final Results of Review

As a result of our review, we determine that the following weighted-average margins exist for the period April 10, 2002, through September 30, 2003:

Producer	Weighted–average margin (percentage)
Hylsa	5.45
SICARTSA	1.06

Assessment

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). The Department has calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

Cash Deposits

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of carbon and certain alloy steel wire rod from Mexico entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Tariff Act of 1930, as amended (the Act): (1) For SICARTSA and Hylsa, the cash deposit rate will be the rate listed above; (2) for merchandise exported by producers or exporters not covered in this review but covered in the investigation, the cash deposit rate will continue to be the company-specific rate from the final determination; (3) if the exporter is not a firm covered in this review or the investigation, but the producer is, the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final determination; and (4) if neither the exporter nor the producer is a firm covered in this review or the investigation, the cash deposit rate will be 20.11 percent, the ''All Others'' rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402 (f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent increase in antidumping duties by the amount of antidumping duties reimbursed.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with

[1] Effective January 1, 2005, U.S. Customs and Border Protection (CBP) reclassified certain HTSUS numbers related to the subject merchandise. *See http://hotdocs.usitc.gov/ tariff__chapters__current/ toc.html.*

sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 9, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

APPENDIX

I. List of Comments:

Hylsa Puebla S.A. (Hysla)

Comment 1: Minor Corrections
Comment 2: Transamerica Sales
Comment 3: Credit Insurance Premiums
Comment 4: Return Expenses Discovered at Verification
Comment 5: Interest Rates Used To Calculate Credit Expense
Comment 6: Hylsa's Warranty Expenses
Comment 7: Ministerial Errors

Siderurgica Lazaro Cardenas las Truchas, S.A. de C.V. (SICARTSA)

Comment 8: Sales Made Within Extended Period of Time
Comment 9: Use of Actual Yield Factor
Comment 10: Costs Related to Plant Shutdowns
Comment 11: Expenses Related to Parent Company G&A
Comment 12: Adjustments to Financial Expense
a. Net Interest Expense
b. Foreign Exchange Gains and Losses
c. Changes in Monetary Position
d. Consolidated Packing Expenses
Comment 13: Major Input Test
Comment 14: Ministerial Errors
Comment 15: Treatment of Negative Dumping Margins

[FR Doc. E5–2439 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–122–838

Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Winton Global Lumber Ltd. (Winton Global), the Department of Commerce is initiating a changed circumstances review of the antidumping duty order on Certain Softwood Lumber Products from Canada and issuing this notice of preliminary results. We have preliminarily determined that Winton Global Lumber Ltd. (Winton Global) is the successor-in-interest to The Pas Lumber Company Ltd. (The Pas).

EFFECTIVE DATE: May 16, 2005.

FOR FURTHER INFORMATION CONTACT: Daniel O'Brien or David Neubacher, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1376 or (202) 482–5823, respectively.

SUPPLEMENTARY INFORMATION:

Background:

On May 22, 2002, the Department issued the antidumping duty order on Certain Softwood Lumber Products from Canada. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Softwood Lumber Products From Canada*, 67 Fed. Reg. 36067 (May 22, 2002). On April 21, 2005, Winton Global requested that the Department of Commerce (the Department) initiate and conduct an expedited changed circumstances review, in accordance with sections 351.216 and 351.221(c)(3)(ii) (2003) of the Department's regulations, to confirm that Winton Global is the successor-in-interest to The Pas. In its request, Winton Global states that it changed its name to Winton Global from The Pas on January 11, 2005 and provided supporting documentation.

Scope of the Order

For purposes of the order, the products covered are certain softwood lumber products from Canada. For a complete description of the scope of the order, *see Notice of Amended Final Results of Antidumping Duty Administrative Review: Certain Softwood Lumber Products From Canada*, 70 FR 3358 (January 24, 2005).

Initiation and Preliminary Results

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. As indicated in the Background section, we have received information indicating that The Pas has changed its name to Winton Global. This constitutes changed circumstances warranting a review of the order. Therefore, in accordance with section 751(b)(1) of the Act, we are initiating a changed circumstances review based upon the information contained in Winton Global's submissions.

Section 351.221(c)(3)(ii) of the regulations permits the Department to combine the notice of initiation of a changed circumstances review and the notice of preliminary results if the Department concludes that expedited action is warranted. In this instance, because we have on the record the information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.

In making successor-in-interest determinations, the Department examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See, e.g., Polychloroprene Rubber from Japan: Final Results of Changed Circumstances Review*, 67 FR 58 (January 2, 2002) citing, *Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992). While no single factor, or combination of factors, will necessarily prove dispositive, the Department will generally consider the new company to be the successor to its predecessor company if the resulting operations are essentially the same as the predecessor company. *Id.* citing, *Industrial Phosphoric Acid from Israel; Final Results of Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as its predecessor, the Department will assign the new company the cash-deposit rate of its predecessor.

In its April 21, 2005, submission, Winton Global argues that it merely changed its name to Winton Global from The Pas, and that Winton Global is the identical company to The Pas. As such, Winton Global states that the company's personnel, operations, supplier/customer relationships, and facilities have not changed. To support its claims, Winton Global submitted numerous documents, including: (1) The Certificate of Change of Name issued by the Government of British Columbia; (2) Customs Form 5016 notifying U.S. Customs and Border Protection of the name change; (3) a rider to Customs Form 301 certifying that Winton Global Ltd. is the same entity as the entity formerly known as The Pas Lumber Company Ltd.; (4) a copy of the corporate consent resolution of the shareholders of The Pas to change the corporate name; (5) a Corporate

Particulars Sheet that indicates no change in shareholding after the name change; (6) a pre-name change advertising flyer that shows The Pas Lumber Company employing the brand name ''Winton'' for its products; (7) samples of letters to customers advising them that there has been a name change; (8) pre- and post-name change organizational management charts; (9) an insurance appraisal report covering the company's assets dated five days prior to the name change; and (10) vendor and customer lists for the pre- and post-name change period.

Based on the information submitted by Winton Global, we preliminarily find that Winton Global is the successor-in-interest to The Pas. Based on the evidence reviewed, we find that Winton Global operates as the same business entity as The Pas and that the company's senior management, production facilities, supplier relationships, and customers have not changed. Thus, we preliminarily find that Winton Global should receive the same antidumping duty cash-deposit rate (*i.e.*, 1.83 percent) with respect to the subject merchandise as The Pas, its predecessor company.

However, because cash deposits are only estimates of the amount of antidumping duties that will be due, changes in cash deposit rates are not made retroactive. If Winton Global believes that the deposits paid exceed the actual amount of dumping, it is entitled to request an administrative review during the anniversary month of the publication of the order of those entries to determine the proper assessment rate and receive a refund of any excess deposits. *See Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom: Final Results of Changed-Circumstances Antidumping and Countervailing Duty Administrative Reviews*, 64 FR 66880 (November 30, 1999). As a result, if these preliminary results are adopted in our final results of this changed circumstances review, we will instruct the Customs Service to suspend shipments of subject merchandise made by Winton Global at The Pas's cash deposit rate (*i.e.*, 1.83 percent). Until that time, the cash deposit rate assigned to Winton Global's entries is the rate in effect at the time of entry (*i.e.*, the ''all others'' rate).

Public Comment

Any interested party may request a hearing within 20 days of publication of this notice. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 20 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 27 days after the date of publication of this notice. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.

Consistent with section 351.216(e) of the Department's regulations, we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding. We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and section 351.216 of the Department's regulations.

Dated: May 9, 2005.

Joseph Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 05–9726 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 05110A]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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's (MAFMC) Atlantic Mackerel, Squid, and Butterfish Monitoring Committee will hold a public meeting.

DATES: The meeting will be held Thursday, June 2, 2005, at 9 a.m.

ADDRESSES: This meeting will be held at the Mid-Atlantic Council Office, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904 telephone: (302) 674–2331.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Room 2115, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to develop quota and management measure recommendations for the Atlantic mackerel, squid and butterfish fisheries for the 2006 fishing year. Committee action will be restricted to those issues specifically listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins (302–674–2331 ext: 10) at the Mid-Atlantic Council Office at least 5 days prior to the meeting date.

Dated: May 11, 2005.

Emily Menashes,

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

[FR Doc. 05–2413 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051105B]

North Pacific Fishery Management Council; Notice of Public Meeting

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

ACTION: Notice of meetings of the North Pacific Fishery Management Council Ecosystem Committee.

SUMMARY: The North Pacific Fishery Management Council (Council) Ecosystem Committee will meet by in Girdwood, Alaska, Ballroom C.

DATES: The meeting will be held June 2, 2005, from 1 pm to 5 pm.

ADDRESSES: North Pacific Fishery Management Council, Anchorage, Alaska.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Chris Oliver, Council staff, Phone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The Committee's discussions may include reviewing the Aleutian Island Area-specific management discussion paper. The paper discussing the Council's role in an Ecosystem approach to management in Alaska, and updates on NOAA Fisheries ecosystem initiatives.

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.

May 11, 2005.

Emily Menashes,

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

[FR Doc. E5–2414 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051005A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject Exempted Fishing Permit (EFP) application contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow three commercial fishing vessels to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would allow for exemptions from the FMP as follows: The Gulf of Maine (GOM) Rolling Closure Areas II and III.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

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

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on the Manomet Rigid Mesh EFP Proposal.'' Comments may also be sent via fax to (978) 281–9135 or via e-mail to *da5-85@noaa.gov*.

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

SUPPLEMENTARY INFORMATION: Manomet Center for Conservation Sciences submitted an application for an EFP on March 16, 2005. The primary goal of the research is to test the effectiveness of inserting a rigid mesh panel between the extension and the codend of a trawl net to reduce bycatch while targeting yellowtail flounder, winter flounder, summer flounder, American plaice, and cod in inshore GOM waters.

The proposed rigid mesh panel would be 6.56 ft (2 m) in length and would be constructed of elongate meshes 2.36 inches (60 mm) wide and 7.87 inches (200 mm) long. This panel would be inserted between the extension and the codend of the net and would be the same diameter as the net. This project is proposed to occur in the Western GOM, excluding the Western GOM Closure Area but including GOM Rolling Closure Areas II and III. The project would take place over 22 days from May 2005, to July 15, 2005, in two areas in the GOM waters, excluding the Western GOM Closure Area, as follows: (1) The area from 43°10′ N lat. to the Maine shoreline, and from 69°30′ W long. to the Maine shoreline; and (2) the area from 42°00′ N lat. to 42°30′ N lat., and from 70°00′ W long. to the Massachusetts shoreline (approximately 70°40′ W long.). Researchers request an exemption from the regulations establishing these closures because of the high likelihood that the targeted species would be present in significant numbers during these times, which would enhance the effectiveness of the experiment. Researchers would film the interior and exterior of the net to verify proper construction and to document species' reactions to the net. Once the proper construction of the net has been verified, researchers would use the remainder of the trials to test the potential for bycatch reduction of the experimental panel by conducting alternating tows using the net with the experimental panel and a conventional codend, following an A-B-B-A pattern, comparing the catches between the two codends. No more than 110 tows total for the three vessels combined would be performed during at-sea trials. Under the previously issued EFP, researchers were authorized to conduct similar research over 30 days of sea trials; however, they were able to conduct only 8 days of sea trials.

The researchers anticipate that a total of 4,917 lb (2,230.3 kg) of fish, including 1,320 lb (598.7 kg) of cod, 550 lb (249.5 kg) of yellowtail flounder, 550 lb (249.5 kg) of winter flounder, and 550 lb (249.5 kg) of American plaice would be harvested throughout the course of the study. Other species that are anticipated to be caught are species of skates, smooth and spiny dogfish, sculpins, sea ravens, and sea robins. All legal-sized fish, within the possession limits, would be sold, with the proceeds going toward defraying the cost of vessel chartering fees. There would be no retention of undersized fish aboard the vessels and there is no anticipated impact on marine mammals or endangered species.

The applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research, and minimal enough so as not to change the scope or impact the initially approved EFP request.

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

Dated: May 10, 2005.

Alan D. Risenhoover

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

[FR Doc. E5–2394Filed 5–16–05; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Commercial Availability Request under the United States-Singapore Free Trade Agreement (USSFTA); Correction

May 10, 2005.

In the document published in the **Federal Register** on May 10, 2005 (70 FR 24553), on page 24554, Column 1, line 21 in the 1st full paragraph, please change the date from ''June 16, 2004'' to ''June 9, 2005''. Please make the same correction to the date, ''June 16, 2004'',

on page 24555, 3rd column, line 8 in the 1st paragraph under the table.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.E5–2438 Filed 5–13–05; 8:45 am]

BILLING CODE 3510–DS–S

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 July 15, 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: May 10, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Federal Student Aid

Type of Review: Revision.

Title: Federal Family Education Loan, Direct Loan, and Perkins Loan Discharge Applications.

Frequency: One time.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 29,543.

Burden Hours: 14,774.

Abstract: These forms will serve as the means of collecting the information necessary to determine whether a Federal Family Education Loan (FFEL) or Direct Loan borrower qualifies for a loan discharge based on total and permanent disability, school closure, false certification of student eligibility, or unauthorized signature. The school closure discharge application may also be used by Perkins Loan borrowers applying for a closed school discharge.

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 2739. 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 Joseph Schubart at his e-mail address *Joe.Schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 05–9681 Filed 5–13–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement (OII); Notice Reopening the Star Schools Program Fiscal Year (FY) 2005 Competition

Catalog of Federal Domestic Assistance (CFDA) Number: 84.203G.

SUMMARY: On March 8, 2005, we published in the **Federal Register** (70 FR 11202) a notice inviting applications for the Star Schools program's FY 2005 competition. The original notice for this FY 2005 competition established a May 9, 2005, deadline date for eligible applicants to apply for funding under this program.

In order to afford as many eligible applicants as possible an opportunity to receive funding under this program, we are reopening the Star Schools program FY 2005 competition. The new application deadline date for the competition is May 20, 2005.

DATES: *Deadline for Transmittal of Applications:* May 20, 2005 (applications must be received at the Grants.gov/Apply Web site by 4:30 p.m., Washington, DC time).

Note: Applications for grants under the Star Schools program must be submitted electronically using the Grants.gov site. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us. For information about how to submit your application electronically, please refer to Section IV. 6. *Other Submission Requirements* in the March 8, 2005, notice (70 FR 11207). We have not extended the deadline for submitting a statement that an applicant qualifies for an exception to the electronic submission requirement.

Deadline for Intergovernmental Review: The deadline date for Intergovernmental Review under Executive Order 12372 is extended to July 18, 2005.

FOR FURTHER INFORMATION CONTACT: Donald Fork, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W219, Washington, DC 20202–5980. Telephone: (202) 205–5633 or by e-mail: *Donald.Fork@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) 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.

SUPPLEMENTARY INFORMATION: Any eligible applicant may apply for funding

under this program by the deadline date in this notice. Eligible applicants that submitted their applications in a timely manner for the Star Schools program FY 2005 competition to the Department on or prior to the competition's original deadline date of May 9, 2005, are not required to re-submit their applications or re-apply in order to be considered for FY 2005 awards under this program. We encourage eligible applicants to submit their applications as soon as possible to avoid any problems with filing electronic applications on the last day. The deadline for submission of applications will not be extended any further.

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.*

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: May 11, 2005.

Nina Shokraii Rees,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 05–9728 Filed 5–13–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–108–000]

Longview Power, LLC, Complainant, v. Monongahela Power Company, Doing Business as Allegheny Power, and Allegheny Energy Supply Company, LLC, Respondents; Notice of Complaint and Request for Fast Track Processing

May 10, 2005.

Take notice that on May 9, 2005, Longview Power, LLC (Longview) filed a formal complaint against Monongahela Power Company, doing business as Allegheny Power, and Allegheny Energy Supply Company, LLC (collectively, Allegheny) pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e (2000), and Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 (2004), alleging that Allegheny has violated the interconnection requirements of both the Commission and PJM Interconnection, L.L.C. (PJM). Longview has requested Fast Track Processing of the complaint pursuant to 18 CFR 385.206(h) (2004).

Longview certifies that a copy of the complaint was served on the contacts for Monongahela Power Company, Allegheny Energy Supply Company, LLC, and PJM, as listed on the Commission's list of Corporate Officials, and on the Public Service Commission of West Virginia.

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 protest 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: 5 p.m. eastern time on May 31, 2005.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2435 Filed 5–13–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–545–006, et al.]

Duke Energy Lee, LLC, et al. Electric Rate and Corporate Filings

May 10, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Duke Energy Lee, LLC

[Docket No. ER01–545–006]

Take notice that, on May 3, 2005, Duke Energy Lee, LLC (Duke Lee) submitted for filing revisions to its market-based rate tariff, designated as FERC Electric Tariff, Original Volume No. 1, to include the change in status reporting requirements adopted in *Reporting Requirement for Changes in Status For Public Utilities With Market-Based Rate Authority,* Order No. 652, 110 FERC ¶ 61,097 (2005).

Duke Lee states that copies of the filing were served upon the parties on the official service list in the Docket No. ER01–545–000.

Comment Date: 5 p.m. eastern time on May 24, 2005.

2. Hermiston Power Partnership, Zion Energy LLC, Auburndale Peaker Energy Center L.L.C.

[Docket Nos. ER02–1257–002, ER02–1319–002, and ER02–1633–002]

Take notice that on May 3, 2005, Hermiston Power Partnership; Zion Energy LLC; and Auburndale Peaker Energy Center L.L.C. submitted a joint triennial updated market power analysis and revised market-based rate schedules to incorporate: (1) the reporting requirements adopted by the Commission in Order No. 652, *Reporting Requirements for Changes in Status for Public Utilities with Market-Based Rate Authority,* 110 FERC ¶ 61,097 (2005), and (2) the required affiliates sales language pursuant to *Aquila, Inc.,* 101 FERC ¶ 61,331 (2002).

Comment Date: 5 p.m. eastern time on May 24, 2005.

3. Midwest Independent Transmission System Operator, Inc. PJM Interconnection, L.L.C.

[Docket No. ER04–375–021]

Take notice that on May 2, 2005 as amended on May 4, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and PJM Interconnection, L.L.C. (PJM), submitted revisions to the Joint Operating

Agreement between the Midwest ISO and PJM in compliance with the Commission's order issued March 3, 2005 in *Midwest Independent Transmission System Operator, Inc.,* 110 FERC ¶ 61,226 (2005).

Comment Date: 5 p.m. eastern time on May 23, 2005.

4. New York Independent System Operator, Inc.

[Docket Nos. ER04–449–007 and ER04–449–008]

Take notice that on February 28, 2005, the New York Transmission Owners and the New York Independent System Operator, Inc., submitted a schedule for the continuation of stakeholder discussions related to compliance with the Commission's order issued August 6, 2004, 108 FERC ¶ 61,159.

On April 29, 2005 the New York Independent System Operator, Inc., submitted an informational filing of work plan for deliverability analysis.

Comment Date: 5 p.m. eastern time on May 20, 2005.

5. New England Power Company

[Docket Nos. ER05–541–001, ER05–542–001, ER05–543–001, ER05–544–001, ER05–545–001, ER05–546–001, ER05–547–001, ER05–548–001, ER05–549–001, ER05–550–001, ER05–551–001, ER05–552–001, and ER05–553–001 (Not Consolidated)]

Take notice that on May 4, 2005, New England Power Company (NEP) submitted a filing in compliance with the Commission's April 4, 2005 letter order in the captioned dockets.

NEP states that a copy of this filing has been served upon all parties on the official service lists for the captioned dockets.

Comment Date: 5 p.m. eastern time on May 25, 2005.

6. Midwest Independent Transmission System Operator, Inc., Midwest Independent TransmissionSystem Operator, Inc., and PJM Interconnection, LLC, et al., Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, LLC, et al., Ameren Services Company, et al.

[Docket Nos. ER05–6–021, EL04–135–023, EL02–111–041, EL03–212–037]

Take notice that, on April 29, 2005, as amended on May 3, 2005, American Electric Power Service Corporation (on behalf of Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company), Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc., Dayton Power and Light Company and Dominion Virginia Power (collectively Companies) submitted for filing revisions to Attachments X and R of the PJM Interconnection, L.L.C.'s (PJM) Open Access Transmission Tariff, effective May 1, 2005.

The Companies state that a copy of this filing has been served on the official service list.

Comment Date: 5 p.m. eastern time on May 24, 2005.

7. South Carolina Electric & Gas Company

[Docket No. ER05–649–001]

Take notice that on May 3, 2005, South Carolina Electric & Gas Company submitted an amendment to its February 25, 2005 filing in Docket No. ER05–649–000 of revised tariff sheets reflecting the revisions to the *pro forma* Standard Large Generator Interconnection Procedures and Standard Large Generator Interconnection Agreement set out in Appendix B of Order No. 2003–B.

Comment Date: 5 p.m. eastern time on May 24, 2005.

8. California Independent System Operator Corporation

[Docket No. ER05–849–001]

Take notice that, on May 3, 2005, the California Independent System Operator Corporation (CAISO) submitted an Errata to its April 18, 2005, filing of Amendment No. 68 to the ISO Tariff. The CAISO states that the Amendment No. 68 relates to the self-supply of Station Power, either remotely or on-site, by Generating Units operating under the CAISO Tariff.

The CAISO states that it has served copies of this Amendment on the California Public Utilities Commission, the California Energy Commission, the California Electricity Oversight Board, all parties with effective Scheduling Coordinator Agreements under the ISO Tariff, and all parties on the service list maintained by the Secretary in Docket No. EL04–130.

Comment Date: 5 p.m. eastern time on May 24, 2005.

9. Florida Power Corporation

[Docket No. ER05–931–000]

Take notice that on May 3, 2005, Florida Power Corporation (Florida Power), submitted for filing cost support updates for its interchange service agreements pursuant to part 35 of the Commission's regulations. Florida Power also filed revised rate schedule sheets incorporating necessary rate changes reflecting the cost updates. Florida Powers states that the filing also updates the Real Power Loss Factors in the Open Access Transmission Tariffs of Florida Power and Carolina Power and Light Company. Florida Power requests an effective date of May 1, 2005.

Florida Power states that copies of the filing letter (which identifies the updated charges) have been served on the counter-parties to the interchange service agreements and the interested state utility commissions. Florida Power also states that the entire submittal has been posted on the Florida Power and Carolina Power & Light Company Web site at: *http://www.progress-energy.com*.

Comment Date: 5 p.m. eastern time on May 24, 2005.

10. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER05–932–000]

Take notice that on May 2, 2005, as amended on May 3, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) filed proposed revisions to its Open Access Transmission and Energy Markets Tariff to clarify certain provisions of the Tariff.

Comment Date: 5 p.m. eastern time on May 23, 2005.

11. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER05–933–000]

Take notice that on May 4, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted an unexecuted Interconnection and Operating Agreement among Java, LLC, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. and the Midwest ISO. Midwest ISO requests an effective date of October 27, 2004.

Midwest ISO states that a copy of this filing was served on Java, LLC and Montana-Dakota Utilities Co.

Comment Date: 5 p.m. eastern time on May 25, 2005.

12. Kentucky Utilities Company

[Docket No. ER05–934–000]

Take notice that on May 3, 2005, Kentucky Utilities Company submitted for filing an Assignment, Assumption and Consent Agreement between Berea College, the City of Berea, Kentucky, and KU (Assignment Agreement). KU requests an effective date of July 2, 2005.

Comment Date: 5 p.m. eastern time on May 24, 2005.

13. Black Hills Power, Inc.

[Docket No. ER05–936–000]

Take notice that on May 4, 2005, Black Hills Power, Inc. (Black Hills Power) filed a notice of cancellation of

Black Hills Power and Light Company, FERC Electric Rate Schedule No. 31, which is on file with the Commission in Docket No. ER88–133–000. Black Hills Power requests an effective date of October 15, 2003.

Comment Date: 5 p.m. eastern time on May 25, 2005.

14. Oklahoma Gas and Electric Company

[Docket No. ER05–937–000]

Take notice that on May 4, 2005, Oklahoma Gas and Electric Company (OG&E) submitted an agreement for self-provision of losses between OG&E and Oklahoma Municipal Power Authority. OG&E requests an effective date of April 1, 2005.

OG&E states that copies of the filing were served upon Oklahoma Corporation Commission, the Southwest Power Pool, the Arkansas Public Service Commission, and the Oklahoma Municipal Power Authority.

Comment Date: 5 p.m. eastern time on May 25, 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.

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.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–2437 Filed 5–13–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL 05–5–000]

Inquiry Regarding Income Tax Allowances; Policy Statement on Income Tax Allowances

(Issued May 4, 2005)

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell,
Joseph T. Kelliher, and
Suedeen G. Kelly

1. On December 2, 2004, the Commission issued a notice of inquiry regarding income tax allowances. The Commission asked interested parties to comment when, if ever, it is appropriate to provide an income tax allowance for partnerships or similar pass-through entities that hold interests in a regulated public utility. The Commission concludes that such an allowance should be permitted on all partnership interests, or similar legal interests, if the owner of that interest has an actual or potential income tax liability on the public utility income earned through the interest. This order serves the public because it allows rate recovery of the income tax liability attributable to regulated utility income, facilitates investment in public utility assets, and assures just and reasonable rates.

I. Background

2. The instant proceeding was initiated by the Commission in response to the U.S. Court of Appeals for the District of Columbia remand in *BP West Coast Products, LLC*, v. *FERC*,[1] in which the court held that the Commission had not justified the so-called *Lakehead* policy regarding the eligibility of partnerships for income tax allowances. The *Lakehead* case [2] held that a limited partnership would be permitted to include an income tax allowance in its rates equal to the proportion of its limited partnership interests owned by corporate partners, but could not include a tax allowance for its partnership interests that were not owned by corporations. Prior to *Lakehead*, the Commission's policy provided a limited partnership with an income tax allowance for all of its partnership interests, but did so in the context that most partnerships were owned by corporations. This ruling was not appealed until a series of orders involving SFPP, L.P. in the proceedings underlying the remand.[3] The Commission's rationales for permitting a tax allowance for corporate partner interests were (1) the double taxation of corporate earnings, (2) the equalization of returns between different types of publicly held interests, *i.e.* the stock of the corporate partner (which involves two layers of taxation of partnership earnings) and the limited partnership interests (which involve only one), and (3) encouraging capital formation and investment.

3. The court found all of these rationales unconvincing. First, the court rejected the double taxation rationale in *Lakehead*, concluding that (1) only the costs of the regulated entity may be recovered, and (2) taxes are but one cost paid by a corporate partner as part of its cost of doing business.[4] The court also rejected the rationale that the investor should be able to obtain the same returns without regard to which instrument the investor purchases. The court rejected this argument by noting that if any income tax allowance is provided, this benefits all investors holding instruments proportionately because the additional income is shared on a *pro rata* basis.[5] Given this *pro rata* distribution of income by the partnership, the court concluded that non-corporate partners would receive an excess rate of return.

4. Thus, while the double taxation function may affect the eventual return for the investor, the court made clear that this is a function of corporate structure and the attendant tax consequences, not the regulated utility's risk.[6] The court therefore concluded

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[1] *BP West Coast Products, LLC* v. *FERC*, 374 F.3d 1263 (D.C. Cir. 2004) *(BP West Coast), reh'g denied*, 2004 U.S. App. LEXIS 20976–98 (2004).

[2] *Lakehead Pipe Line Company, L.P.*, 71 FERC ¶ 61,388 (1995), *reh'g denied*, 75 FERC ¶ 61,181 (1996) (*Lakehead*).

[3] *Opinion No. 435* (86 FERC ¶ 61,022 (1999)), *Opinion No. 435-A* (91 FERC ¶ 61,135 (2000)), *Opinion No. 435-B* (96 FERC ¶ 61,281 (2001)), and an *Order on Clarification and Rehearing* (97 FERC ¶ 61,138 (2001)) (collectively the Opinion No. 435 orders.) These are now pending before the Commission on remand and rehearing in Docket Nos. OR92–8–000, *et al.*, and OR96–2–000, *et al.*, respectively.

[4] *BP West Coast* at 1288.

[5] *Id.* at 1292–93.

[6] In making a decision whether to buy a limited partnership interest (where only the unit holder's income is taxed), or a share of a corporate partner (where the corporate income is taxed as well), it should be the individual investor that makes the adjustment for the double taxation. The individual investor can do this by paying prices that equalize

that the investor's return and risk are no more appropriately attributed to the regulated entity than are the investor's various costs in determining the costs or allowances that the regulated entity is permitted to recover.

5. The court also rejected the Commission's third rationale that an income tax allowance should be permitted to encourage capital to flow into public utility industries regulated by the Commission.[7] Throughout its analysis the court stated that the Commission's central assumption in its *Lakehead* decisions was that income taxes are an identifiable cost for the regulated entity. Thus, if a partnership paid no income taxes, or had no potential income tax liability, no cost was incurred and therefore an income tax allowance would reimburse the entity for a phantom cost. Accordingly, the court concluded that a payment for a non-existent cost was still invalid even if designed to encourage needed infra-structure investment.

6. While the court's decision addressed only the Order No. 435 opinions, it became apparent that the remand has implications for other proceedings and regulated utilities as well. As was discussed in the more recent *Trans-Elect* order,[8] denying a tax allowance would significantly reduce the expected returns that were the basis for the investment in that project. In light of the broader implications of *BP West Coast,* the Commission sought comments here on whether the court's ruling applies only to the specific facts of the SFPP, L.P. proceeding, or also extends to other capital structures involving partnerships and other forms of pass-through ownership. The Commission asked whether the court's reasoning should apply to partnerships in which: (1) All the partnership interests are owned by investors without intermediary levels of ownership; (2) the only intermediary ownership is a general partnership; (3) all the partnership interests are owned by corporations; and (4) the corporate ownership of the partnership interests is minimal, such as a one percent general partnership interest of a master limited partnership. The Commission also asked if (1) the court's decision precludes an income tax allowance for a partnership or other ownership interests under any of these situations, will this result in insufficient incentives for investment in energy infrastructure; (2) or will the same amount of investment occur through other ownership arrangements; and (3) are there other methods of earning an adequate return that are not dependent on the tax implications of a particular capital structure?

II. Comments

7. After an extension of the comment period to January 21, 2005, thirty-three comments were timely filed with an additional nine comments filed late. As enumerated below in greater detail, the comments advocate four general positions. While no party argues for the continuation of the *Lakehead* doctrine in its current form, three appear to argue that an approach should be used to preserve the tax allowances now available to certain limited liability corporations (LLCs), or possibly provide a justification for tax allowances for all partnerships and LLCs, as long as there is no additional cost to the rate payers beyond that which would have been incurred through a corporate form. Three commentors argue for granting a tax allowance if a partnership is entirely owned by a tax paying corporation filing a consolidated return. Ten argue that the tax allowance should be granted only to entities that actually pay taxes and that there should be no allowance for ''phantom'' taxes. Twenty-four commentors would provide a tax allowance to all entities to assure that tax factors do not control the selection of the investment vehicle. Two filings were limited to interventions or minor comments and are not discussed further in this order.[9]

A. Proposals Akin to Lakehead

8. Three commentors expressed concern about the possible impact of the court's decision on existing public utility partnerships that include for-profit private and non-profit public electric utilities.[10] These concerns are summarized by Wisconsin Public Power Inc. (WPPI), which asserts that the Commission should permit LLCs and partnerships to have an income allowance if the LLC demonstrates that its structure would not increase the income tax component of the cost of service to transmission rate payers. WPPI is a part owner of the American Transmission Company, LLC (ATCLLC), which owns transmission lines conveyed to it by various utilities, private and public, in Wisconsin. To maintain cash flow neutrality for its owners after the facilities were transferred to ATCLLC, ATCLLC was provided a tax allowance equal to the blended tax rate of its owners. Thus, to the extent that the income stream to a private owner would be taxed at 35 percent, ATCLLC was provided an allowance for taxes on that income. A municipality pays no taxes and therefore that portion of the income stream did not result in a tax allowance. The ATCLLC income stream is then allocated at the owner level in a way that prevents over or under-recovery.

9. WPPI states that this arrangement assured that the income stream from transmission operations would not be taxed at the operating level of ATCLLC, thus retaining the two tier structure that existed before the various private companies divested their transmission assets to ATCLLC. These two historical taxation tiers were the corporate income tax and the tax on the shareholder dividends. ATLLC states that without the use of the LLC form, and a tax allowance attributable to the utility income stream, the private shareholders would suffer a loss in value because of the additional level of taxation on transmission income. Thus, the value of a transmission interest in ATCLLC would be diminished below the value it had for the private corporation before the transfer of the asset. For this reason the private companies would not have transferred their assets to ATCLLC. WPPI therefore concludes that the tax allowance on the income stream of LCC that pays no income taxes itself was essential to the creation of an independent transmission system on the upper Michigan peninsula.

10. METC likewise requests a solution that would preserve the rate attributes historically extended to LLCs, consistent with the methodology first announced in the Lakehead cases. Most importantly, METC asserts that the Commission should take no action that would undermine existing investments in independent transmission companies that are LLCs. Thus, METC's concerns do not turn on the preservation of the *Lakehead* doctrine as such, but that the corporate shareholders of that LLC are not deprived of the tax allowance that was built into the rates of return on the transmission assets that these firms contributed to METC's independently owned transmission system.

11. EPSA urges that the Commission affirm the *Lakehead* philosophy by providing the Court of Appeals with a better rationale. EPSA suggests that there are six basic options available to the Commission. One is to give utilities organized as corporations a tax

the pre-tax return to the investor of the different instruments that have income derived from the same public utility assets.

[7] *BP West Coast* at 1292–93.

[8] *Trans-Elect NTS Path 15, LLC*, 109 FERC ¶ 61,249 (2004) (*Trans-Elect*).

[9] Edison Mission Energy, which urged that the income tax allowance issue be resolved quickly, and Piedmont Natural Gas Company, Inc., which only intervened.

[10] Electric Power Supply Association (EPSA); Michigan Electric Transmission Company, LLC (METC); Wisconsin Public Power, Inc.

allowance, but not partnerships. A second is to treat partnerships and corporations the same and give both a tax allowance. A third is to deny any partnerships with non-corporate owners a tax allowance but permit the allowance for partnerships owned wholly by corporations. A fourth is to readopt *Lakehead*. A fifth is to eliminate the allowance and base rates on pre-tax rates of return. A sixth is to decide matters of partnership income tax allowances on a case-by-base basis.

12. EPSA states that first option would have a serious negative consequence on raising capital for the industry, particularly with regard to large projects with multiple owners. It notes that even if corporate-owned partnerships could reorganize to qualify for a tax allowance, there are additional administrative costs that would be passed on to consumers. It further asserts that a case-by-case approach would result in uncertainty and to disqualify a partnership based on a single non-corporate partner seems unfair and hard to justify analytically. Determining returns on a pre-tax basis is likely to be controversial and difficult to implement.

13. EPSA therefore concludes that the only realistic options are (1) treating all entities the same; or (2) a continuation of the Commission's *Lakehead* policy. ESPA notes that taxes are an imputed cost based on public utility net income. As such, EPSA claims that the court ignored the fact that taxes are imputed to a utility in situations where the utility pays no actual taxes because the corporate income tax allowance is based on the regulatory book income of the utility in question. EPSA's analysis assumes that the required rate of return is 12 percent. EPSA then asserts that in the absence of a tax allowance, a utility subject to the 35 percent corporate income tax would only pay out dividends equivalent to 7.8 percent net income (instead of 12 percent).

14. EPSA states that in contrast, the corporate tax allowance increases the utility's pre-tax return on equity to 18.5 percent, which after application of the 35 percent tax rate, results in the 12 percent equity return. EPSA concludes that if an allowance is not allowed to partnerships owned by one or more corporations, the amount returned to the parent corporation will not be sufficient to attract equity investment. Since EPSA opposes an income tax allowance for pass-through entities that are not owned by a corporation, and believes it unfair to deny an income tax allowance if some of the partnership interests are not owned by a corporation, it concludes that the Lakehead approach should be affirmed.

B. If a Corporation Owns the Partnership Interests

15. Three commentors [11] argue that an income tax allowance should be allowed if the partnership interests are owned wholly by corporations filing a consolidated return. In support of this position, Kern River states that the Commission's stand alone rate-making policy should apply, just as it does in the case of a consolidated return that can be filed when a parent corporation owns at least 80 percent of a subsidiary's stock.[12] All three of these commenters assert that in the case of a regulated partnership held within a single corporation and whose income is included in a consolidated return, the income from the regulated partnership generates a tax liability that is included in the jurisdictional cost of service of the corporate group.

16. Kern River further states that there is no question that income generated by a partnership within a corporate group creates an income tax liability for the group. This is because, while the partnership is not taxed directly, its income is flowed through to the corporations that hold the partnership interests. Duke Energy further asserts that *BP West Coast* was not intended to invalidate an income tax allowance for pass-through entities owned by corporations and at a minimum that decision should be restricted to its facts.[13] Thus, regardless of the corporate structure, the income a partnership generates is a part of the consolidated group's taxable income, and therefore generates a corporate tax liability. These commenters therefore assert that a partnership that is wholly owned by a corporation should be granted an income tax allowance.

C. Opposition to Any Allowance if Taxes Are Not Actually Paid

17. Ten commentors assert that there should be no tax allowance for any entity that does not actually pay income taxes or has a potential liability for such taxes.[14] Only one such commentor, the NGSA, suggests that the court's ruling should be applied on a case-by-cases basis. All others assert that the court's holdings should be applied uniformly to all partnerships, LLCs, or similar pass-through entities, thus creating a single uniform rule. Thus, there would be no income tax allowance for any partnership or LLC, including those owned by corporations that do not have an actual or potential income tax liability. They assert that the court's decision is binding on the Commission, and that there should be no income tax allowance for partnerships that do not pay income taxes.

18. They assert that any such phantom taxes will result in a significant increase in rates to customers or consumers. This is because the gross-up for the income tax allowance could result in as much as a 60 percent increase in the rate of return on equity assuming that the regulated entity is allowed a twelve percent rate of return on equity.[15] Any gross-up from the tax allowance represents an increase in return for entities that may be already charging unjust and unreasonable rates even if a tax allowance were excluded. Rather than provide an inflated return, they assert that any needed incentives for increased investment should be provided by special actions to increase the pre-tax rate of return. Given this alternative, denying a tax allowance will not act as a disincentive to investment in infra-structure facilities.

19. In addition, BP West Coast Products asserts that the inquiry in Docket No. PL05–5–000 was prompted by *ex parte* communications to the Commission and therefore no determinations of any specific income tax issues should be made in this proceeding. It further asserts that the partners investing in SFPP's parent entities will rarely pay taxes on the income generated by that partnership and that many such master limited partnerships (MLP) are intended to act as tax shelters that remove cash from existing pipelines. BP West Coast Products concludes that providing MLPs an income tax allowance is not necessary to encourage new investment and that this should be done by providing an increased pre-tax rate of return.

20. At bottom, these commentors base their argument on three central points in

[11] Duke Energy Corporation; Kern River Gas Transmission Company (Kern River); Texas Gas Transmission, LLC.

[12] The stand-alone policy provides that income tax allowance of a corporate subsidiary should be determined based on the actual or potential income tax obligation of that subsidiary. Thus, the amount of the allowance is not based on the tax obligation of the parent company in the test year in which the consolidated return is filed. *See City of Charlottesville* v. *FERC,* 774 F.2d 1205 (D.C. Cir. 1985) (*City of Charlottesville*).

[13] Kern River at 7–8; Duke Energy at 4–5.

[14] Air Transport Association of America, Inc.; American Public Gas Association; BP West Coast Products; Calpine Corporation; Canadian Association of Petroleum Producers; Missouri Public Service Commission; Natural Gas Supply Association (NGSA); National Rural Electric Cooperative Association; Society for the Preservation of Oil Pipeline Shippers; and Valero Marketing and Supply Company.

[15] See BP West Coast Products at 6; NGSA at 3.

the *BP West Coast* opinion. The first is that ''where there is no tax generated by the regulated entity, either standing alone or as part of a consolidated group, the regulator cannot create a phantom tax in order to create an allowance to pass-through to the rate payer.''[16] The second is that it is not ''the business of the Commission to create a tax liability where neither an actual nor estimated tax is ever going to be paid or incurred on the income of the utility in the rate making proceeding.'' [17] The third is even if an income tax allowance is necessary to implement a congressional mandate designed to encourage investment in public utility facilities, the court concluded was inadequate to create an allowance for fictitious taxes.[18]

D. Comments Supporting a Tax Allowance for All Entities

21. Twenty-four commentors [19] support a tax allowance for all entities investing in public utility enterprises. These commentors start from the premise that the court did not have before it the realities of partnership or LLC taxation and as such did not address them. These commenters thus believe there is no barrier to considering the issue of tax allowances for partnerships in light of the fuller record presented in this proceeding. In fact, some state that this proceeding is an opportunity to reconsider the Commission's *Lakehead* decision, which they believe was incorrect, and to return to the Commission's pre-*Lakehead* policies. In this regard, they conclude, contrary to the court's statement in *BP West Coast* and the Commission's *Lakehead* decision, income taxes are not like all other costs. Unlike operating expenses such as office supplies, rent, or wages, they argue that income taxes are imposed on, or imputed to, a public utility's income, and as such income taxes are not a cash deduction from operations. Because the income tax allowance is imputed, it is grossed-up on the utility's allowable dollar return rather than functioning as a charge against operating income. Thus, the income tax allowance is a function of the equity return, and in turn generates the cash flow that is used to pay the utility income taxes.[20]

22. Proceeding from the premise that income taxes are an imputed cost on income, these twenty-four commentors assert that whether the entity is a corporation or a partnership, there is an actual or potential income tax liability generated by utility income. In turn, it is utility income that generates the cash flow used to pay the income taxes. They claim that this is true whether the income tax is actually paid by a corporation as the first tier investor, or the partners of a partnership as the first-tier investors. They define a first tier investor is one that invested funds in assets that are generating the public utility income. These commentors stress that the critical point is that while a partnership owns the public utility assets, it is a flow-through entity whose income is taxed not at the partnership level, but is taxed to and paid by the individuals or entities that own the partnership interests.

23. Thus, they state that in the case of a partnership, the partners include the utility income in their income tax returns and the tax on utility income is paid at that point.[21] The tax on this income is paid whether or not cash distributions are made to the partners. In contrast, a corporation that owns a public utility asset is the taxpaying entity on the income generated by utility income. These commentors assert that, as with a partnership, the tax on this first tier income is paid whether or not dividends are paid to the corporation's shareholders. The commentors therefore assert that there is no phantom tax liability on partnership income. This is because the tax liability on utility income is real, but it is paid by the partners rather than by a corporation that functions as a separate taxpaying entity.

24. These commentors also start from the basic regulatory premise that a utility must earn a return comparable to that of investment opportunities of similar risk if it is to attract investment.[22] They state that concept refers to the after tax, not the pre-tax, return to the investor in the utility assets is the standard used in public utility rate making regardless of the form of the ownership. Thus, if the after tax return must be 12 percent to attract capital, then all first tier investors in the utility assets must have a reasonable opportunity to earn a 12 percent after tax return if the utility is to attract capital. If partnerships are not permitted a tax allowance on utility income, then cash will not be generated to pay the taxes due on that utility income, and the partnership form of ownership would not be competitive with the corporate form.

25. These commentors also provide various numerical examples of how income tax returns would differ if partnerships are not provided a tax allowance. Assuming that $100 is the after tax return required return to attract capital, the court's decision would permit a tax allowance sufficient to cover the 35 percent maximum corporate tax that would be paid on corporate income. The gross-up to achieve the after-tax return is about 54 percent and generates the cash flow to pay the tax. Thus, after the corporate income tax is paid, the after-tax return is $100.[23]

26. If a partnership is permitted an income tax allowance, the result is the same because the maximum personal income tax allowance is also 35 percent. As with a corporation, the income tax allowance could provide the individual partners with the cash to pay the taxes on utility income, and therefore results in an after tax return of $100, the allowed regulatory return. However, if an income tax allowance is not allowed the partnership, then the partners must pay a $35 income tax on $100 of utility income, leaving them with only an after-tax return of $65. Therefore these commentors conclude that partnerships must be granted an income tax allowance to make the partnership and corporate business forms equally

[16] *BP West Coast* at 1290.

[17] *Id.* at 1292.

[18] *Id.* at 1292–93.

[19] Alaska Gas Transmission Company, LLC; American Gas Association (AGA); Association of Oil Pipe Lines (AOPL); American Transmission Company, LLC; Duke Energy Corporation; Edison Electric Institute and the Alliance of Energy Suppliers, filing jointly; Enbridge Inc. and Enbridge Energy Partnerships; Enterprise Products Partners, L.P.; Guardian Pipeline; Hardy Storage Company, LLC; INGAA; Interested Gas Pipeline Partnerships; Kaneb Pipe Line Operating Partnership, L.P.; Kayne Anderson Capital Advisors and Kayne Anderson MLP (Kayne); Kinder Morgan Interstate Gas Transmission, LLC, Trailblazer Pipeline Company, and Transcolorado Gas Transmission Company, filing jointly; MidAmerica Energy Company; Millennium Pipeline Company, L.P.; Plains Pipeline, L.P.; Publicly Traded Limited Partnerships; Northern Border Pipeline Company; Shell Pipeline Company, L.P.; Tortoise Energy Infrastructure Corporation; Trans-Elect, Inc.; Trans-Elect NTD Path 15, LLC; Wisconsin Electric Power Company and Edison Sault Electric Company, filing jointly; and WPS Resources Corporation (WPSR).

[20] Thus, for example, if gross revenues are $500, and operating expenses such as rent, fuel, labor, interest, repairs, and depreciation of $400 are charged against gross revenues, this would leave operating income of $100. Assuming this equals the allowed equity return, the corporate tax on this $100 would be $35. The $100 is therefore grossed up to approximately $154 to leave a $100 return after payment at an income tax rate of 35 percent. *See* Northern Border at 5–7 and 16; INGAA at 16.

[21] The individual partner files a Form1040 tax return and pays the marginal individual tax rate on the utility income. The corporate partner files a Form 1120 tax return and pays the marginal corporate tax on the utility income. At the current time the maximum marginal tax rate in both cases is 35 percent. *See* EEI's comments at 10–11 for a concise summary of partnership tax law and filing procedures.

[22] *F.P.C.* v. *Hope Natural Gas*, 320 U.S. 591, 603 (1943).

[23] See INGAA at 16–17; EEI at 13–14; Northern Border at 3–5, 7–8.

attractive because the tax implications are the same.

27. These commentors also explore some secondary tax factors to demonstrate the need for a partnership tax allowance if such entities are to be a competitive vehicle for investments. While taking some pains to avoid the double taxation issue discussed by the Court of Appeals, they point out that without an income tax allowance partnerships are not competitive with corporations for the individual investor who files a Form 1040 income tax return. As noted in the previous example, without a partnership income tax allowance, the after tax return to a corporate investor is $100 and to the partnership investor it is $65. Assuming that that the corporation pays out all $100 in dividends, the income tax for the Form 1040 individual investor is $15, with a resulting after tax return of $85.

28. Thus, they assert, for a Form 1040 individual investor who has the option of investing either in a corporation or partnership, the partnership is not competitive if, all other things being equal, there is no partnership tax allowance. Moreover, if a corporation owns less than 80 percent of a subsidiary corporation, the subsidiary's dividends are taxed. Pursuing the previous numerical example, if the ownership is greater than 20 percent or less than 80 percent, the 20 percent of the subsidiary's dividends are taxed, or a 7 percent tax differential at the 35 percent bracket. If the ownership is less than 20 percent, 30 percent of the subsidiary's dividends are taxed, or a 9.5 percent tax differential at the 35 percent rate. This increases the cost of participating in large projects in which risk sharing is a consideration.

29. These commentors also assert that there are other significant administrative and commercial advantages to partnerships beyond facilitating risk sharing. Benefits include the ability of some entities, such as municipalities or public transmission owners, to participate in partnerships, but not corporations, avoiding the expense involved in corporate charters, by-laws, shareholder meetings, and greater flexibility in making contributions in-kind and in distributing of earnings. They also argue that Congress clearly intended that utility firms were to be eligible for partnership treatment in order to encourage investment, and that the court's ruling undercuts this important purpose.

30. Finally, these commentors assert that numerous large public utility investments have been made in recent years relying on the tax allowance to provide part of the required after-tax return.[24] They note that as was discussed in the recent *Trans-Elect* order,[25] denying a tax allowance would significantly reduce the expected returns that were the basis for that badly needed investment. They provide lists of numerous publicly traded partnerships that have substantial amounts of equity, and assert that some of these partnerships have made significant additional investments in reliance on the income tax allowance.[26] For these reasons these commentors conclude that all entities investing in utility operations, and generating utility income, should be permitted an income tax allowance. As discussed in the WPPI and EEI comments, the size of the allowance would be determined by the weighted maximum tax rate of the partners involved. Any problems of over-or under recovery would be adjusted within the partnership structure to assure that the benefits of any income tax allowance would not flow to a partner that had no actual or potential income tax liability.

III. Discussion

31. The issue is under what circumstances, if any, an income tax allowance should be permitted on the public utility income earned by various public utilities regulated by the Commission. As stated earlier, while the court's decision in *BP West Coast* only addressed the particulars of a certain oil pipeline, the numerous comments submitted here indicate that partnerships or other pass-through entities are used pervasively in the gas pipeline and electric industries as well. Upon review of the comments, there appear to be four possible choices: (1) Provide an income tax allowance only to corporations, but not partnerships; (2) give an income tax allowance to both corporations and partnerships; (3) permit an allowance for partnerships owned only by corporations; and (4) eliminate all income tax allowances and set rates based on a pre-tax rate of return.

32. Given these options, the Commission concludes that it should return to its pre-*Lakehead* policy and permit an income tax allowance for all entities or individuals owning public utility assets, provided that an entity or individual has an actual or potential income tax liability to be paid on that income from those assets. Thus a tax-paying corporation, a partnership, a limited liability corporation, or other pass-through entity would be permitted an income tax allowance on the income imputed to the corporation, or to the partners or the members of pass-through entities, provided that the corporation or the partners or the members, have an actual or potential income tax liability on that public utility income. Given this important qualification, any pass-through entity seeking an income tax allowance in a specific rate proceeding must establish that its partners or members have an actual or potential income tax obligation on the entity's public utility income. To the extent that any of the partners or members do not have such an actual or potential income tax obligation, the amount of any income tax allowance will be reduced accordingly to reflect the weighted income tax liability of the entity's partners or members.[27]

33. In reaching this conclusion, the Commission expressly reverses the income tax allowance holdings of its earlier *Lakehead* orders. As stated in EEI's comments, *Lakehead* mistakenly focused on who pays the taxes rather than on the more fundamental cost allocation principle of what costs, including tax costs, are attributable to regulated service, and therefore properly included in a regulated cost of service.[28] Relying on *BP West Coast*, some commenters assert that because a pass-through entity pays no cash taxes itself, this results in a phantom tax on fictional public utility income. However, the comments summarized in sections A and D of Part II of this policy statement

[24] These commentors include Algonquin Gas Transmission, LLC; Alliance Pipeline, L.P; ATLLC; East Tennessee Natural Gas, LLC; Egan Hub Partners, L.P.; Enbridge Pipeline; Horizon Pipeline Company, LLC; Great Lakes Natural Gas Pipeline; Green Banks Gas Pipeline, LLC; Gulfstream Natural Gas Pipeline; Iroquois Gas Transmission Company; Islander East Pipeline Co, LLC; Kinder Morgan Interstate Gas Transmission, LLC; Maritimes & Northeast Pipeline; Market Hub Partners, L.P.; METC; Moss Bluff Hub Partners, L.P; North Baja Pipeline LLC; Portland Natural Gas Transmission System; Texas East Gas Transmission, LLP; TransCanada Corporation; Trans-Elect ND–15; Tuscarora Gas Transmission Company; Saltville Gas Storage Company, L.L.C; and Shell Pipeline Company.

[25] *Trans-Elect NTS Path 15, LLC*, 109 FERC ¶ 61,249 (2004) (*Trans-Elect*).

[26] See comments of: Duke Energy Corporation at 9–10, 30; Enbridge Inc and Enbridge Energy Partners at 4–5; Gas Pipeline Partnerships at 2–4; Millennium Pipeline Company, L.P. at 2; Northern Border Pipeline Company at Appendix A; Publicly Traded Partnerships at 13–14.

[27] This is a technically complex issue that would be addressed in individual rate proceedings as suggested by EEI and WPPI.

[28] EEI comments at 8. In support of this point several commenters cite to *City of Charlottesville, supra*, note 12, for the proposition that a tax cost involves real taxes but not necessarily require that cash taxes be paid by the regulated entity. See EEI at 11–13; INGAA at 12–13; Joint Comments of the Interested Gas Pipeline Partnerships at 10–12; AOPL at 8–9.

demonstrate that this assumption was incorrect. While the pass-through entity does not itself pay income taxes, the owners of a pass-through entity pay income taxes on the utility income generated by the assets they own via the device of the pass-through entity.[29] Therefore, the taxes paid by the owners of the pass-through entity are just as much a cost of acquiring and operating the assets of that entity as if the utility assets were owned by a corporation. The numerical examples discussed in sections A and D of Part II of this policy statement also establish that the return to the owners of pass-through entities will be reduced below that of a corporation investing in the same asset if such entities are not afforded an income tax allowance on their public utility income.[30]

34. As several commentors point out, a detailed discussion of the realities of partnership tax practice was not before the court when it reviewed the Opinion No. 435 orders. Because public utility income of pass-through entities is attributed directly to the owners of such entities and the owners have an actual or potential income tax liability on that income, the Commission concludes that its rationale here does not violate the court's concern that the Commission had created a tax allowance to compensate for an income tax cost that is not actually paid by the regulated utility. As explained in detail by the comments summarized in sections A and D of Part II of this order, the reality is that just as a corporation has an actual or potential income tax liability on income from the first tier public utility assets it controls, so do the owners of a partnership or LLC on the first tier assets and income that they control by means of the pass-through entity.

35. The first tier income involves the investors in the pass-through entity holding the specific physical assets that are generating the public utility income that results in a potential or actual income tax liability. In the case of Trans-Elect, this would be the investment that the partnership made in the upgrade to the Path 15 transmission line in California. As discussed in *Trans-Elect, supra*, the owners of Trans-Elect NTD Path 15, LLC, are a Subchapter C corporation (PG&E) and one LLC, Trans-Elect, LLC.[31] If no income tax allowance is permitted on Trans-Elect NTD Path 15's public utility income, the return to the investing entities would be less than if PG&E had invested directly in the line.

36. As set forth in the previously cited examples provided in the comments discussed in section D of Part II of this policy statement, termination of the allowance would clearly act as a disincentive for the use of the partnership format for two reasons. First is the difference in the nominal return itself. The second is that the income taxes paid by two corporations investing in this situation would increase because one or both would not be able to benefit from the tax advantages of a consolidated income tax return.[32] It should be noted that if such first tier assets are owned only by Subchapter C corporations, their rates would include an income tax allowance designed to recover the 35 percent maximum corporate marginal tax rate.[33] The same result obtains if the assets are owned by a partnership or an LLC that is in turn owned either by Subchapter C corporations or by individual investors.

37. Thus, the policy the Commission is adopting should not result in increased costs to public utility ratepayers, and may actually reduce them if a partnership or LLC has a lower weighted marginal tax rate and fewer administrative expenses than the normal corporate ownership form.[34] The Commission therefore concludes that, as is argued by the commentors urging an income tax allowance for all public utility entities, providing an income tax allowance to partnerships in proportion to the interests owned by entities or individuals with an actual or potential income tax liability does not create a phantom income tax liability. The fact that some partnerships or LLCs may be used for financial investments rather than for making infrastructure investments does not warrant a different policy result here.[35] Moreover, the Commission emphasizes that the primary rationale for reaching the conclusion here is to recognize in the rates the actual or potential income tax liability ultimately attributable to regulated utility income. Having concluded that this will not result in phantom income taxes, it is then legitimate to conclude that the result

[29] The comments and numerical examples submitted by the EEI, INGAA, and Northern Border demonstrate that under partnership law the partners, or members, of pass-through entities pay taxes on the public utility income of the operating entities that they control through the partnership or other pass-through entity. See EEI at 13–15; INGAA at 15–17; Northern Border at 5–8; Shell Pipeline Company LP at 4; and WPS Resources at 14–16.

[30] The record suggests that there is a substantial amount of existing investment at issue in this proceeding. See Duke Energy at 2 (75 percent of $14.4 billion in energy infrastructure invested for the years 2001 through 2003 is in pass-through entities); Enbridge, Inc. at 4 (ownership interests in over 20,000 miles of crude oil, petroleum products, and natural gas pipelines); Enterprise Products Partners, L.P. at 1 (enterprise value of approximately $14 billion); Kaye Anderson at 1 (in excess of $1 billion in MLP equity); Publicly Traded Partnerships at 1–2, 13 (Figure 1 and text, market capitalization of publicly traded partnerships of $47.3 billion in 2004), and at 14, table of publicly traded partnerships owning and operating energy pipelines (market capital $38.5 billion).

[31] *Trans-Elect, supra*, note 8, at PP 2–4. Trans-Elect develops merchant transmission lines. Trans-Elect comments at 1–2.

[32] As discussed in the comments, if a Subchapter C corporation owns 80 percent or more of a subsidiary, there is no income tax paid by the subsidiary. All taxation is at the parent level through the use of a consolidated return. See Northern Border at 6–7 and 11–12; INGAA at 15–17.

[33] This analysis suggests that if partnerships and limited liability companies are not permitted to have an income tax allowance, there are strong incentives to shift to the taxable corporate ownership form. This could be done by converting a partnership to an LLC and then electing to have that entity taxed as a Subchapter C corporation. Once this was done, then the newly taxable entity, which would be operating the very same assets as it did as a pass-through entity, would be entitled to a 35 percent income tax allowance. Cf. AOPL at 9.

[34] As discussed in the WPPI and EEI comments, if a partnership or LLC has municipal governments as some of the partners or LLC members, the tax allowance is reduced because municipalities and their operating entities have no actual or potential income tax liability on utility income.

[35] The partners of master limited partnerships have actual tax liability for any income recognized by the partnership. However, distributions may substantially exceed partnership book income. Such distributions do have an ultimate income tax liability depending on the status of the capital account of the individual partners. This matter can present complex allocation and timing issues that would be addressed in individual rate proceedings. However, a simple numerical example can illustrate the basic principles. For example, assume that an individual invests $100 in a partnership and obtains a ten percent interest in that partnership. This establishes a partnership account (or basis) for the individual of $100. During year one of that investment the partnership has $100 in income before depreciation and depreciation of $70. The partnership therefore has net income of $30 and also makes a distribution of $100. Since the individual partner owns ten percent of the partnership, that partner must declare $3 in income on the individual's 1040 tax form, but does not pay taxes on the $10 distribution made to that partner.

The capital account of the individual partner is adjusted as follows. Ten percent of the partnership income before depreciations (or $10) is allocated to the individual partner and is added to that partner's account. Ten percent of the partnership depreciation, or $7, is deducted from the account, as is the cash distribution. The individual's partnership account therefore stands at $93 ($100+$10 − $10 − $7). In year two the partnership income is zero and no distributions are made, so the individual's partnership account is unchanged. However, that individual partner sells the partnership interest for $105. This difference is taxable as follows. Since $7 of the sale price is a gain above the year 2 partnership account level of $93, it will be taxed as income. This results in a tax on the cash that was distributed in the prior year but for which no income tax was paid at that time. Depending on the nature of the depreciation taken, the $7 may be taxed as ordinary income through the operation of various recapture provisions. The additional $5 is also income and is also taxed, most likely at the capital gains rate since it is gain in excess of the partner's original capital investment of $100.

here will facilitate important public utility investments such as that made by Trans-Elect NTD Path 15, LLC in the Path 15 upgrade.

38. In retrospect, it was the Commission's failure to distinguish between first and second tier income that lead to the double taxation rationale that the Commission incorrectly advanced in *Lakehead.* Dividends paid to the common stock investor and by the corporate investor in a pass-through entity are second tier income to such a common stock investor. As such, an income tax is paid by the investor in addition to the corporate tax that is due on the first tier income. In contrast, first tier income flows either to the corporation, a corporate partner, or individual partners (or LLC members) and is taxed at that level. To the extent *Lakehead* either concluded or assumed that dividend payments and income, and partnership distributions and income, have the same ownership and income tax characteristics, this is simply incorrect as a matter of partnership and income tax law.[36] The court summarized this situation succinctly when it stated that presumably both corporate owners and individuals would pay taxes on public utility assets they control. Similarly, like a Subchapter C corporation, partners may have deductions or losses that offset the income from a specific public utility asset or which may neutralize the operating income from the asset itself. But this does not preclude such a corporation from obtaining an income tax allowance under the Commission's stand-alone doctrine.[37] Just as there are no rational grounds for granting an income tax allowance on partnership interests owned by a corporation and denying one to those owned by individuals, there are no rational grounds for reaching a different conclusion for the deductions and offsets for taxpaying partners or LLC members.

39. The Commission further concludes that the alternatives listed at the beginning of this Part III of this policy statement are not practical or are inconsistent with the court's remand. First the Commission agrees with the court's conclusion in *BP West Coast* that the Commission in *Lakehead* did not articulate a rational ground for concluding that there should be no tax allowance on partnership interests owned by individuals, but that there should be one for partnership interests owned by corporations. As the court stated, presumably individual partners pay taxes on their public utility income just as corporate partners pay income tax on theirs. The comments summarized in sections A and D of Parts II of this order affirm that common sense observation. The court's rejection of *Lakehead* likewise establishes why the Commission cannot simply limit income tax allowances to partnerships that are wholly owned by corporations, since doing so in effect denies a tax allowance to the partners of a partnership with no corporate ownership.

40. Similarly, there is no rational reason to limit the income tax allowance to public utility income earned by a corporation. Public utility income controlled directly by an individual may also be taxed. The partnership entity is simply an intermediate ownership device that leads to the same tax result. Since both partners and Subchapter C corporations pay income taxes on their first tier income, the inconsistency that undermined *Lakehead* applies here as well. Finally, the comments rightly suggest that it would be difficult to establish rates based on a pre-tax rate of return. If the Commission were simply to raise the rates to equalize the pre-tax and after-tax returns, all this would do incorporate a presumed marginal income tax rate into the rate structure. The result is the same for the rate payer although the nominal rate of return is much higher. Moreover, most comparable securities trade on the basis of a corporation's after-tax return on its public utility income.[38] Thus, it would be hard to determine what the appropriate pre-tax return should be based on traded equities alone. Since it is impractical not to give an income tax allowance to any jurisdictional entities due to the problems of determining an appropriate pre-tax rate of return, the Commission again concludes that an income tax allowance should be afforded all jurisdictional entities, provided that the owners of pass-through entities have an actual or potential income tax liability.

41. There are three final points that should be discussed in addressing the effect of the court's remand. First, the court concluded that denying a partnership an allowance on the proportion of partnership interests owned by individuals would not prevent over-recovery by such individuals, since any tax savings would be distributed in proportion to all the partnership interests. The Commission recognizes that rate payers should not incur the expense of an income tax allowance to the extent that an owning partner or LLC member has no actual or potential income tax liability for the income generated by the interest it owns. As WPPI and ATCLLC explain, this can be avoided by limiting the income tax allowance to a blended rate that reflects the income tax status of the owning interest.[39] The use of the weighting approach assures that the rate payers will not be charged more than the actual tax cost the investors incur regardless of the ownership form. The problems of over- and under-recovering alluded to in the court's order can be addressed through the distribution provisions of the partnership agreement.[40]

42. Second, whether a particular partner or LCC member has an actual or potential income tax liability, and what assumptions, if any, should determine the amount of the related tax rate, are matters that should be resolved in individual rate proceedings. This is a fact specific issue for which the relative data is uniquely within the control of the regulated entity. Thus, any pass-through entity desiring an income tax allowance on utility operating income must be prepared to establish the tax status of its owners, or if there is more than one level of pass-through entities, where the ultimate tax liability lies and the character of the tax incurred. This could be done through determining the distribution of ownership interests at the end of the standard test year. Finally, some parties assert that this proceeding is tainted by *ex parte* communications that preceded the issuance of the Commission's December 2, 2004 notice of inquiry. These are without merit as the relevant communications were filed in the appropriate dockets and the Commission's notice of inquiry provided all interested parties an opportunity to comment. The decision here is based on the record developed by those comments.

The Commission orders:

The income tax allowance policy adopted in the body of this policy statement shall be applied in pending and future rate proceedings of public utilities subject to the Commission's rate jurisdiction.

[36] See ATCLLC at 5.

[37] See *City of Charlottesville, supra*, note 12.

[38] As discussed, the investor then receives a dividend and pays a second tax on that income to determine the investor's after tax return. This is somewhat less than the return from a partnership interest that benefits from an income tax allowance.

[39] WPPI at 5–6 and 12–13; ATCLLC at 6.

[40] The court was concerned that the income tax allowance granted for corporate partners would increase the cash available for distribution to all partners, thus providing an increased return to the individual partners that the *Lakehead* doctrine was intended to prevent. Adjustments within the partnership agreement should assure that this does not result while preserving the incentives to establish flexible investment vehicles.

By the Commission.

Linda Mitry,

Deputy Secretary.

[FR Doc. 05–9649 Filed 5–13–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EDOCKET ID No.: ORD–2005–0020; FRL–7913–1]

Board of Scientific Counselors, Executive Committee Meeting—Summer 2005

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of an Executive Committee meeting of the Board of Scientific Counselors (BOSC).

DATES: The meeting will be held on Thursday, June 2, 2005 from 8:30 a.m. to 4:30 p.m. The meeting will continue on Friday, June 3, 2005 from 8:30 a.m. to 2:30 p.m. All times noted are eastern time. The meeting may adjourn early on Friday if all business is finished. Written comments, and requests for the draft agenda or for making oral presentations at the meeting will be accepted up to 1 business day before the meeting date.

ADDRESSES: The meeting will be held at the Wyndham Washington Hotel, 1400 M Street, NW., Washington, DC 20005–2750.

Document Availability

Any member of the public interested in receiving a draft BOSC agenda or making a presentation at the meeting may contact Ms. Lorelei Kowalski, Designated Federal Officer, via telephone/voice mail at (202) 564–3408, via e-mail at *kowalski.lorelei@epa.gov,* or by mail at Environmental Protection Agency, Office of Research and Development, Mail Code 8104–R, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

In general, each individual making an oral presentation will be limited to a total of three minutes. The draft agenda can be viewed through EDOCKET, as provided in Unit I.A. of the **SUPPLEMENTARY INFORMATION** section.

Submitting Comments

Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I.B. of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Ms. Lorelei Kowalski, Designated Federal Officer, via telephone/voice mail at (202) 564–3408, via e-mail at *kowalski.lorelei@epa.gov,* or by mail at Environmental Protection Agency, Office of Research and Development, Mail Code 8104–R, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. General Information

Proposed agenda items for the meeting include, but are not limited to: Discussion of draft reports from the program review subcommittees for human health and particulate matter/ozone; update on program review subcommittees for drinking water and global change; discussion of draft letter reports from the mercury and computational toxicology subcommittees; update on the BOSC risk assessment workshop held in February 2005; discussion of the implications of an ''open access'' policy for scientific publications; an update on EPA's Science Advisory Board activities; briefings on international activities and ORD's Management Multi-Year Plan; and future issues and plans (including the Communications and Nomination Subcommittees). The meeting is open to the public.

Information on Services for the Handicapped: Individuals requiring special accommodations at this meeting should contact Lorelei Kowalski, Designated Federal Officer, at (202) 564–3408, at least five business days prior to the meeting so that appropriate arrangements can be made to facilitate their participation.

A. How Can I Get Copies of Related Information?

1. Docket. EPA has established an official public docket for this action under Docket ID No. ORD–2005–0020. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Documents in the official public docket are listed in the index in EPA's electronic public docket and comment system, EDOCKET. Documents may be available either electronically or in hard copy. Electronic documents may be viewed through EDOCKET. Hard copy of the draft agenda may be viewed at the Board of Scientific Counselors, Executive Committee Meeting—Summer 2005 Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

2. Electronic Access. You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through EDOCKET. You may use EDOCKET at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket identification number.

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

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket.

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 docket identification number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period.

1. Electronically. If you submit an electronic comment as prescribed below, EPA recommends that you

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

i. EDOCKET. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EDOCKET at *http://www.epa.gov/edocket,* and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, *http://www.epa.gov,* select ''Information Sources,'' ''Dockets,'' and ''EDOCKET.'' Once in the system, select ''search,'' and then key in Docket ID No. ORD–2005–0020. The system is an anonymous access system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. E-mail. Comments may be sent by electronic mail (e-mail) to *ORD.Docket@epa.gov,* Attention Docket ID No. ORD–2005–0020. In contrast to EPA's electronic public docket, EPA's e-mail system is not an anonymous access system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

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

2. By Mail. Send your comments to: U.S. Environmental Protection Agency, ORD Docket, EPA Docket Center (EPA/DC), Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. ORD–2005–0020.

3. By Hand Delivery or Courier. Deliver your comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. ORD–2005–0020 (**Note:** this is not a mailing address). Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.A.1.

Dated: May 10, 2005.

Kevin Y. Teichman,

Director, Office of Science Policy.

[FR Doc. 05–9725 Filed 5–13–05; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2005–0050; FRL–7714–5]

Petition To Modify or Revoke Tolerances Established in REDs for Alachlor, Chlorothalonil, Methomyl, Metribuzin, and Thiodicarb; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; reopening of comment period.

SUMMARY: In the **Federal Register** of March 9, 2005, EPA requested public comment on a December 17, 2004 petition from the States of New York, California, and Connecticut and the Commonwealth of Massachusetts, available in docket number OPP–2005–0050, requesting that the Agency modify or revoke all tolerances for the pesticides alachlor, chlorothalonil, methomyl, metribuzin, and thiodicarb. The petitioner States request this action to obtain what they believe would be proper application of the additional ten-fold safety factor for the protection of infants and children as provided by the Food Quality Protection Act (FQPA). The Agency received two requests to extend the comment period. EPA is hereby reopening the comment period, which ended on May 9, 2005. The new comment period will end on June 15, 2005.

DATES: Comments, identified by docket ID number OPP–2005–0050, must be received on or before June 15, 2005.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Peter Caulkins, Special Review and Registration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8000; fax number: (703) 308–8005; e-mail address: *caulkins.peter@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP–2005–0050. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA

Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

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

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2005–0050. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID number OPP–2005–0050. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

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

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID number OPP–2005–0050.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID numberOPP–2005–0050. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

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

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be

included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

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

II. What Action is the Agency Taking?

In the **Federal Register** of March 9, 2005 (70 FR 11646) (FRL–7702–2), EPA requested public comment on a petition (available in docket number OPP–2005–0050) received from New York, California, Connecticut, and Massachusetts, requesting that the Agency modify or revoke all tolerances (maximum legal residue limits) for the pesticides alachlor, chlorothalonil, methomyl, metribuzin, and thiodicarb. The petitioners claim that EPA, in assessing whether these tolerances met the requirements of the Food Quality Protection Act (FQPA), failed to properly apply the additional ten-fold safety factor for the protection of infants and children as provided by the FQPA. The petitioners argue that the full ten-fold factor should have been retained due to data gaps concerning cumulative effects from pesticides with a common mechanism of toxicity, developmental neurotoxicity, and endocrine effects. Failure to retain the full ten-fold safety factor for these five pesticides, according to the petitioners, has jeopardized children's health and therefore, the tolerances for these pesticides must be modified or revoked.

The Agency received a request from Crop Life America and American Farm Bureau to extend the comment period. EPA is hereby reopening the comment period, which ended on May 9, 2005. The new comment period will end on June 15, 2005.

The petition can be found in full in EPA's electronic public docket. The internet address for EPA's electronic docket is *http://www.epa.gov/edocket*. To access the petition, select ''View EPA Headquarters Material Available for Comment'' from the menu on the left side of the screen. The docket will then display all matters currently open for comment. Scroll down to docket number OPP–2005–0050 and select it. On the following screen you have the ability to submit comments as well as view the petition. EPA's assessment of whether the tolerances for alachlor, chlorothalonil, methomyl, metribuzin, and thiodicarb comply with the new safety standard in the FQPA is contained in the Reregistration Eligibility Documents for these pesticides which are available on EPA's website at *http://www.epa.gov/pesticides/reregistration/status.htm*.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 10, 2005.

Debra Edwards,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 05–9722 Filed 5–13–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7912–5]

Public Water Supply Supervision Program; Program Revision for the State of Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Oregon has revised its approved State Public Water Supply Supervision (PWSS) Primacy Program. Oregon has adopted drinking water regulations for Public Notification, Radionuclides, Filter Backwash Recycling, Arsenic, Variances and Exemptions, and Enhanced Surface Water Treatment for systems serving less than 10,000 people. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends on approving these State program revisions. This approval action does not extend to public water systems (PWSs) in Indian Country, as that term is defined in 18 U.S.C. 1151. By approving these rules, EPA does not intend to affect the rights of Federally recognized Indian tribes in Idaho, nor does it intend to limit existing rights of the State of Oregon.

All interested parties may request a public hearing. A request for a public hearing must be submitted by June 15, 2005 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by June 15, 2005, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on June 15, 2005. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) the signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, at the following offices: Oregon Department of Human Services, Drinking Water Program, 800 N.E. Oregon Street, Portland, Oregon 97232, and U.S. Environmental Protection Agency, Region 10 Library, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Wendy Marshall, EPA Region 10, Drinking Water Unit, at the Seattle address given above; telephone (206) 553–1890.

Authority: Section 1420 of the Safe Drinking Water Act, as amended (1996), and 40 CFR Part 142 of the National Primary Drinking Water Regulations.

Dated: May 5, 2005.

Julie Hagensen,

Acting Regional Administrator, Region 10.

[FR Doc. 05–9719 Filed 5–13–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 31, 2005.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. James R. Camp, Joseph C. Camp, and Margaret A. Sterbutzel, all of Morgantown, West Virginia; to retain voting shares of Morgantown Bancshares, Inc., Morgantown, West Virginia, and thereby indirectly retain voting shares of Citizens Bank of Morgantown, Inc., Morgantown, West Virginia.

B. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. The Willits Family Partnership, Malvern, Pennsylvania, and its general partner, the Willits Family Trust, Malvern, Pennsylvania, and its trustees Barbara Willits Shipp, Lydia Willits Bartholomew, William L.W. Shipp, and Jamie Bartholomew, all of West Chester, Pennsylvania; to acquire voting shares of Malvern Bank Corporation, Malvern, Pennsylvania, and thereby indirectly acquire voting shares of The National Bank of Malvern, Malvern, Pennsylvania.

Board of Governors of the Federal Reserve System, May 10, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–9732 Filed 5–13–05; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 9, 2005.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. Nicholas, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. Tradition Bancshares, Inc., Edina, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Tradition Capital Bank, Edina, Minnesota (in organization).

B. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. Sterling Financial Corporation, Spokane, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Sterling Savings Bank, Spokane, Washington, upon its conversion from a savings and loan association to a commercial bank.

Board of Governors of the Federal Reserve System, May 10, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–9729 Filed 5–13–05; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 05-9023) published on pages 24041 and 24042 of the issue for Friday, May 6, 2005.

Under the Federal Reserve Bank of St. Louis heading, the entry for First National Bancorp, Inc., Green Forest, Arizona, is revised to read as follows:

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. First National Bancorp, Inc., Green Forest, Arkansas; to acquire voting shares of Legacy National Bank, Springdale, Arkansas.

Comments on this application must be received by May 28, 2005.

Board of Governors of the Federal Reserve System, May 10, 2005

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–9731 Filed 5–13–05; 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 June 9, 2005.

A. Federal Reserve Bank of Atlanta (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. Omni Financial Services, Inc., Atlanta, Georgia; to acquire 100 percent of the voting shares of Georgia Community Bank, Dalton, Georgia, and thereby 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, May 10, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.05–9730 Filed 5–13–05; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Toxicology Program (NTP); Liaison and Scientific Review Office (LSRO); Meeting of the NTP Board of Scientific Counselors

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH), HHS.

ACTION: Announcement of a meeting and request for comments.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a meeting of the National Toxicology Program (NTP) Board of Scientific Counselors. The NTP Board of Scientific Counselors (NTP Board) is composed of scientists from the public and private sectors and provides primary scientific oversight to the Director for the NTP and evaluates the scientific merit of the NTP's intramural and collaborative programs.

DATES: The NTP Board meeting will be held on June 23, 2005. In order to facilitate planning for this meeting, persons wishing to make an oral presentation are asked to notify the Executive Secretary for the NTP Board by June 13, 2005 (*see* **FOR FURTHER INFORMATION CONTACT** below). Written comments should also be received by June 13, 2005, to enable review by the NTP Board and NIEHS/NTP staff prior to the meeting.

ADDRESSES: The NTP Board meeting will be held in the Rodbell Auditorium, Rall Building at the National Institute of Environmental Health Sciences, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709. A copy of the preliminary agenda, committee roster, and any additional information, when available, will be posted on the NTP Web site (*http://ntp.niehs.nih.gov/* select ''Advisory Boards and Committees'') and provided upon request from the NTP (*see* **FOR FURTHER INFORMATION CONTACT** below).

FOR FURTHER INFORMATION CONTACT: Public comments and any other correspondence should be submitted to Dr. Barbara Shane, Executive Secretary for the NTP Board (NTP Liaison and Scientific Review Office, NIEHS, P.O. Box 12233, MD A3–01, Research Triangle Park, NC 27709; telephone: 919–541–4253, fax: 919–541–0295; or e-mail: *shane@niehs.nih.gov*).

SUPPLEMENTARY INFORMATION: Primary agenda topics include: (1) An update of NTP activities including identification of two newly formed working groups of the NTP Board, the Nanotechnology Working Group (NWG) and the High Throughput Screening Working Group (HTSWG), (2) a summary of the June 16–17, 2005 workshop on ''Animal Models for the NTP Rodent Cancer Bioassay: Strains and Stocks—Should We Switch?'' (*see http://ntp.niehs.nih.gov/* select ''Meetings and Workshops''), (3) testing recommendations for substances nominated to the NTP for study (*see http://ntp.niehs.nih.gov/* select ''Nominations to the Testing Program''), (4) a report from the NTP Board's Technical Reports Review Subcommittee for the meeting held on December 9, 2004 (*see http://ntp.niehs.nih.gov/* select ''Advisory Boards and Committees''), (5) implications of Office of Management and Budget peer review guidelines (**Federal Register**, Volume 70, Number 10, pages 2664–2677) for the NTP, and (6) a process to review NTP Briefs on reproductive hazards prepared by the NTP Center for the Evaluation of Risks to Human Reproduction. Time is allotted during the meeting for the public to present comment to the NTP Board and NTP staff on these agenda topics. Please note that this meeting provides a second opportunity for the public to provide comment on testing recommendations for substances nominated to the NTP. Comments submitted to the NTP in response to the May 5, 2005 **Federal Register** notice on this topic (**Federal Register**, Volume 70, Number 86, pages 23877–23880) will be considered at the Board meeting and do not need to be resubmitted.

Preliminary Agenda

NTP Board of Scientific Counselors—June 23, 2005. National Institute of Environmental Health Sciences Rodbell Auditorium, Rall Building 111 T.W. Alexander Drive Research Triangle Park, NC 27709; (A photo ID is required to access the NIEHS campus).

8:30 a.m.

- Call to Order and Introductions
- Welcome and Remarks from the National Institute of Environmental Health Sciences (NIEHS) and the National Toxicology Program (NTP)
- Update on NTP Activities

—Public Comment

- Report on the Workshop ''Animal Models for the NTP Rodent Cancer Bioassay: Strains and Stocks—Should We Switch?''
- NTP Study Nominations and Recommendations

—Public Comment

12:30 p.m.
Lunch Break
1:30 p.m.

- NTP Board of Scientific Counselors Technical Reports Review Subcommittee

—Public Comment

- Office of Management and Budget Peer Review Guidelines: Implications for the NTP

—Public Comment

- Process for Peer Review of NTP Briefs from the Center for the Evaluation of Risks to Human Reproduction

—Public Comment

5 p.m.
Adjourn

Attendance and Registration

The meeting is scheduled for June 23, 2005, from 8:30 a.m. to adjournment and is open to the public with attendance limited only by the space available. Individuals who plan to attend are encouraged to register online at the NTP Web site by June 13, 2005, to facilitate access to the NIEHS campus. Please note that a photo ID is required to access the NIEHS campus. The NTP is making plans to videocast the meeting through the Internet at *http://www.niehs.nih.gov/external/video.htm*. Persons needing special assistance, such as sign language interpretation, or other reasonable accommodation in order to attend, are asked to notify the Executive Secretary for the NTP Board at least 7 business

days in advance of the meeting (*see* **FOR FURTHER INFORMATION CONTACT** above).

Availability of Meeting Materials

A copy of the preliminary agenda, committee roster, and any additional information, when available, will be posted on the NTP Web site or may be requested in hardcopy from the NTP Executive Secretary for the (*see* **FOR FURTHER INFORMATION CONTACT** above). Following the meeting, summary minutes will be prepared and made available on the NTP Web site.

Request for Comments

Public input at this meeting is invited and time is set aside for the presentation of public comments on any agenda topic. Each organization is allowed one time slot per agenda topic. At least 7 minutes will be allotted to each speaker, and if time permits, may be extended to 10 minutes. Registration for oral comments will also be available on-site, although time allowed for presentation by on-site registrants may be less than that for pre-registered speakers and will be determined by the number of persons who register at the meeting.

Persons registering to make oral comments are asked, if possible, to send a copy of their statement to the Executive Secretary for the NTP Board (*see* **FOR FURTHER INFORMATION CONTACT** above) by June 13, 2005, to enable review by the NTP Board and NIEHS/NTP staff prior to the meeting. Written statements can supplement and may expand the oral presentation. If registering on-site and reading from written text, please bring 40 copies of the statement for distribution to the NTP Board and NIEHS/NTP staff and to supplement the record. Written comments received in response to this notice will be posted on the NTP Web site. Persons submitting written comments should include their name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization (if any) with the document.

Background Information on the NTP Board of Scientific Counselors

The NTP Board is a technical advisory body comprised of scientists from the public and private sectors who provide primary scientific oversight to the overall program and its centers. Specifically, the NTP Board advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purposes of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields, such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology and neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. The NTP strives for equitable geographic distribution and minority and female representation on the NTP Board. Its members are invited to serve overlapping terms of up to four years. NTP Board meetings are held annually or biannually.

Dated: May 4, 2005.

Samuel H. Wilson,

Deputy Director, National Toxicology Program.

[FR Doc. 05–9625 Filed 5–13–05; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

OCS; Notice of Correction for the CCF Demonstration Program Announcement

AGENCY: Office of Community Services, ACF, HHS.

ACTION: Notice of Correction.

FUNDING OPPORTUNITY TITLE: Demonstration Program.

FUNDING OPPORTUNITY NUMBER: HHS–2005–ACF–OCS–EJ–0035.

SUMMARY: This notice is to inform interested parties of corrections made to the CCF Demonstration Program published on Friday, April 29, 2005. The following corrections should be noted:

Under IV.6 Other Submission Requirements, the correct address to mail and hand deliver applications is: U.S. Department of Health and Human Services (HHS), Attention: Eduardo Hernandez, Administration for Children and Families Office of Community Services, Operations Center, Compassion Capital Fund Demonstration Program, 1515 Wilson Boulevard, Suite 100, Arlington, Virginia 22209. Phone: 1–800–281–9519. E-mail: *OCS@lcgnet.com.*

The only changes to the CCF Demonstration Program Announcement are explicitly stated in this Notice of Correction. All applications must still be sent on or before the deadline date of June 13, 2005.

For further information contact the OCS Grants Operations Center at the above phone number or address.

Dated: May 9, 2005.

Josephine B. Robinson,

Director, Office of Community Services.

[FR Doc. 05–9694 Filed 5–13–05; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Community Services: Notice of Correction for the CCF Targeted Capacity Building Program Announcement

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Notice of correction.

Funding Opportunity Title: Targeted Capacity Building Program.

Funding Opportunity Number: HHS–2005–ACF–OCS–IJ–0036.

SUMMARY: This notice is to inform interested parties of corrections made to the CCF Targeted Capacity Building Program published on Friday, April 29, 2005. The following corrections should be noted:

Under IV.6 Other Submission Requirements, the correct address to mail and hand deliver applications is: U.S. Department of Health and Human Services (HHS), Attention: Eduardo Hernandez, Administration for Children and Families Office of Community Services, Operations Center, Compassion Capital Fund Targeted Capacity Building Program, 1515 Wilson Boulevard, Suite 100, Arlington, Virginia 22209, Phone: 1–800–281–9519, E-mail: *OCS@lcgnet.com.*

The only changes to the CCF Targeted Capacity Building Program Announcement are explicitly stated in this Notice of Correction. All applications must still be sent on or before the deadline date of May 31, 2005.

FOR FURTHER INFORMATION CONTACT: The OCS Grants Operations Center at the Above Phone Number or Address.

Dated: May 9, 2005.

Josephine B. Robinson,

Director, Office of Community Services.

[FR Doc. 05–9693 Filed 5–13–05; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegations of Authority

Notice is hereby given that under the authority vested in the Assistant Secretary for Children and Families by the memorandum dated October 1, 2003 from the Assistant Secretary for Administration and Management, I hereby redelegate to the Deputy Assistant Secretary for Administration, the following authority:

Authority Delegated

The authority to issue formal grievance decisions on matters under the line of supervision where the Assistant Secretary has the authority to decide the matter being grieved, except in cases where the Deputy Assistant Secretary for Administration has issued a prior decision.

Conditions and Limitations

This delegation excludes those authorities specifically reserved to or by the Secretary in the memorandum dated October 11, 2001.

This authority is to be exercised in accordance with the policies of the Department and the Administration for Children and Families.

Effective Date

This redelegation is effective on the date of signature. I hereby ratify any actions the Deputy Assistant Secretary for Administration may have taken pursuant to this authority prior to the effective date of this delegation.

Effect on Existing Delegations

This redelegation supersedes the redelegation to the Deputy Assistant Secretary for Administration dated February 10, 2005, relating to grievances.

Dated: May 6, 2005.

Wade F. Horn,

Assistant Secretary for Children and Families.

[FR Doc. 05–9697 Filed 5–13–05; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on June 22, 2005, from 8 a.m. to 4:30 p.m., and on June 23, 2005, from 8 a.m. to 4:30 p.m.

Location: Hilton Washington DC North/Gaithersburg, The Ballrooms, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Geretta Wood, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8320, ext. 143, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512625. Please call the Information Line for up-to-date information on this meeting.

Agenda: On June 22, 2005, the committee will discuss, make recommendations, and vote on a premarket approval application for a cardiac device intended to treat patients with heart failure. On June 23, 2005, the committee will discuss, make recommendations, and vote on a humanitarian device exemption for an artificial heart. Background information for the topics, including the agenda and questions for the committee, will be available to the public 1 business day before the meeting on the Internet at *http://www.fda.gov/cdrh/panelmtg.html*.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by June 8, 2005. On both days, oral presentations from the public will be scheduled for approximately 30 minutes at the beginning of committee deliberations and for approximately 30 minutes near the end of the committee deliberations. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before June 8, 2005, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Shirley Meeks, Conference Management Staff, at 240–276–0450, ext. 105, at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 9, 2005.

Sheila Dearybury Walcoff,

Associate Commissioner for External Relations.

[FR Doc. 05–9673 Filed 5–13–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 2002P–0312 and 2002P–0367 (formerly Docket Nos. 02P–0312 and 02P–0367)]

CollaGenex Pharmaceuticals, Inc.; Withdrawal of Approval of a New Drug Application; Determination That Doxycycline Hyclate 20-Milligram Capsules Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of one new drug application (NDA). CollaGenex Pharmaceuticals, Inc., notified the agency in writing that PERIOSTAT (doxycycline hyclate) 20-milligram (mg) capsules were no longer marketed and requested that approval of NDA 50–774 be withdrawn. FDA has determined that PERIOSTAT (doxycycline hyclate) 20-mg capsules were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for doxycycline hyclate 20-mg capsules.

DATES: The withdrawal of approval of NDA 50–744 is effective June 15, 2005.

FOR FURTHER INFORMATION CONTACT: Mary Catchings, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Withdrawal of Approval of NDA 50–744

CollaGenex Pharmaceutical, Inc. (CollaGenex), is the holder of NDA 50–744 for PERIOSTAT (doxycycline hyclate) 20-mg capsules. In a letter dated September 24, 2001, CollaGenex informed FDA that this drug product is no longer marketed and said it ''is hereby withdrawing NDA 50–744.'' In a citizen petition dated July 10, 2002 (Docket No. 2002P–0312/CP1), CollaGenex requested that FDA withdraw approval of the application. The applicant has, by its request, waived its opportunity for a hearing. Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research, approval of NDA 50–744 and all amendments and supplements thereto, is hereby withdrawn.

II. Determination That Doxycycline Hyclate 20-Mg Capsules Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved under a new drug application. Sponsors of ANDAs do not have to repeat the extensive clinical testing otherwise necessary to gain approval of an NDA. The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments include what is now section 505(j)(7) of the act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162). Under § 314.161(a) (21 CFR 314.161(a)), the agency may make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness at any time if the drug has been voluntarily withdrawn from sale.

In its July 10, 2002, citizen petition, CollaGenex requested that FDA refuse to approve any ANDA for a generic version of doxycycline hyclate 20-mg capsules until FDA determines that PERIOSTAT (doxycycline hyclate) 20-mg capsules were not withdrawn for reasons of safety or effectiveness. CollaGenex also requested that PERIOSTAT (doxycycline hyclate) 20-mg capsules be moved to the ''Discontinued Drug Product List'' of the Orange Book and that FDA publish a notice in the **Federal Register** withdrawing approval of PERIOSTAT (doxycycline hyclate) 20-mg capsules. CollaGenex noted in its petition that it now has an approved NDA for a tablet version of PERIOSTAT. On July 10, 2002, CollaGenex also filed a petition for stay of action (Docket No. 2002P–0312/PSA1) requesting that FDA stay approval or receipt of any ANDA for a generic version of PERIOSTAT capsules pending final resolution of the issues in CollaGenex's citizen petition. In a citizen petition dated August 13, 2002 (Docket No. 2002P–0367/CP1), submitted under 21 CFR 10.25(a), 10.30, 314.122, and 314.161, West-ward Pharmaceutical Corp., requested that FDA determine whether PERIOSTAT (doxycycline hyclate) 20-mg capsules were withdrawn from sale for reasons of safety or effectiveness. This **Federal Register** notice resolves all such issues in the citizen petitions referenced in this document.

FDA has reviewed its records and, under § 314.161, has determined that PERIOSTAT (doxycycline hyclate) 20-mg capsules were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the agency will list doxycycline hyclate 20-mg capsules in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' identifies, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs for doxycycline hyclate 20-mg capsules may be approved by the agency.

Dated: May 6, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–9624 Filed 5–13–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of the Committee: Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on June 23, 2005, from 9 a.m. to 5 p.m.

Location: Holiday Inn, Walker/Whetstone Rooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact: Michael Bailey, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180 or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512524. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will hear a presentation on the FDA Critical Path Initiative. The committee will also discuss, make recommendations, and vote on a premarket approval application for a fetal heart monitoring device that, in addition to standard features, is used during labor and delivery to measure, display, and analyze the ST waveform of the fetal electrocardiogram. Background information, including the agenda and questions for the committee, will be available to the public 1 business day before the meeting on the Internet at *http://www.fda.gov/cdrh/panelmtg.html*.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by June 16, 2005. Oral presentations from the public will be scheduled between approximately 9:30 a.m. and 10 a.m. and between approximately 3:30 p.m. and 4 p.m. Time allotted for each presentation may be limited. Those desiring to make formal presentations should notify the contact person before June 16, 2005, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, Conference Management Staff, at 240–276–0450, ext. 113, at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app.2).

Dated: May 9, 2005.

Sheila Dearybury Walcoff,

Associate Commissioner for External Relations.

[FR Doc. 05–9672 Filed 5–13–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for the opportunity for public comment on proposed data collection projects (section 3506 (c) (2) (A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer at (301) 443–1129.

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

Proposed Project: Maternal and Child Health Bureau (MCHB) Common Grant Guidance for Discretionary Grants (OMB No. 0915–0272)—Revision

The Health Resources and Services Administration (HRSA) proposes to continue utilization of current reporting requirements for SPRANS projects, CISS projects, and other grant programs administered by the Maternal and Child Health Bureau (MCHB), that include national performance measures developed in accordance with requirements of the ''Government Performance and Results Act (GPRA) of 1993'' [Pub. L. 103–62]. The MCHB developed and had approved by OMB a set of performance measures for its discretionary funding programs in 2003. No major changes have been made to the performance measures, only minor editorial or format changes have been made for clarification. The burden estimate for this activity is based upon information provided by current and past MCHB discretionary funds supported projects, as well as experience in completing the current forms. The reporting burden is as follows:

Type of form	Number of respondents	Responses per respondent	Burden hours per response	Total burden hours
Application/Annual Report	750	1	6	4,500

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 day of this notice.

Dated: May 10, 2005.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 05–9675 Filed 5–13–05; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for the opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995 (Pub. L. 104–13)), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed grant information collection activity or to obtain a copy of the data collection plan and draft instruments, call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for proper performance of grantee functions including whether the information will have practical utility; (b) the accuracy of the burden estimate 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 information collection burden on respondents, including the use of automated collection methods or other types of information technology.

Proposed Project: Ryan White Comprehensive AIDS Resources Emergency (CARE) Act Title II Grant Application Information Supplements: NEW

The CARE Act (codified under Title XXVI of the Public Health Service Act) was first enacted by Congress in 1990, and reauthorized in 1996 and 2000. It addresses the unmet health needs of persons living with HIV disease by funding primary health care and support services that enhance access to and retention in care. The CARE Act funded services reach over 571,000 individuals; after Medicaid and Medicare, it is the largest single source of Federal funding for HIV/AIDS care for low-income, uninsured, and underinsured Americans. The Title II Care Grant Program (CGP) provides formula grants to all 50 States; the District of Columbia; the Commonwealth of Puerto Rico; the Territories of the Virgin Islands, Guam, and American Samoa; the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the

Republic of the Marshall Islands. Funding is disbursed to these grantees by HRSA based on a congressionally-mandated formula.

The purpose of the Title II CGP is to assist States and Territories in developing and/or enhancing access to a comprehensive continuum of high quality, community based care for low-income individuals and families living with HIV. Grantees may allocate funds to five legislatively authorized program components: (1) HIV Care Consortia, to provide comprehensive outpatient health and support services, *e.g.*, early intervention services, outpatient medical care, case management, substance abuse treatment, mental health services, transportation; (2) Home- and Community-Based Care; (3) Health-Insurance Continuation, including risk pools; (4) Provision of Treatments for HIV disease or to prevent the serious deterioration of health arising from HIV disease; and (5) State Direct Services, which are HIV/AIDS outpatient health or support service provided through State delivery mechanisms determined by the grantee to be more effective than providing the service(s) through consortia.

The Title II Grant Application Information Supplements have been designed to collect information from States and Territories in a consistent, standard way when they apply for a grant. This information is needed to determine that funds are being used as intended by the Congress and in compliance with CARE Act mandates. This includes requirements that grantees: (a) Obligate Title II funds quickly, closely monitor their use, and ensure that they are used as the payer of last resort (Information Supplement 1); (b) satisfy the Maintenance of Effort requirement and ensure that Title II funds are used to supplement, and not supplant, existing State expenditures for HIV-related care and treatment services (Information Supplement 2); (c) include a determination of the size and demographics of the population of people living with HIV in the State/Territory (Information Supplement 3); and (c) have prepared a comprehensive plan describing the organization and delivery of HIV health care and support services to be funded under Title II that is based on: the size and demographics of the population of individuals with HIV and the needs of the population; the availability of other non-governmental and governmental resources (including Medicaid and SCHIP); any capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities, and the efficiency of the administrative mechanism of the State for rapidly allocating funds to areas of greatest need within the State/Territory (Information Supplement 4).

In addition, HRSA will use the collected information as a benchmark for monitoring grantee performance during the fiscal year; to identify individual and cross cutting grantee technical assistance needs; and to detect emerging HIV/AIDS care services issues that may require changes in existing program policies or procedures.

The Title II Application Information Supplements will be transmitted by mail and electronically to all States and Territories and made available through the HRSA Web site. Applicants will submit the Information Supplements electronically along with Form PHS–5161–1 (Revised 7/00), SF–424 and the program narrative portion of their application, using the Grants Management electronic transmission mechanisms established by HRSA. The Information Supplements will include check box responses; fields for reporting numeric fiscal and epidemiological data; and text boxes for describing other required information. The Information Supplements will automatically generate totals when appropriate, and have other automated fields to minimize the time required to insert identifying information.

The Information Supplements will require Title II applicants/grantees to report local epidemiological information and some fiscal and programmatic data collected from Title II funded contractors (sub-grantees), which grantees have been collecting and reporting since FY 1995 or earlier. The approximate response burden for applicants/grantees is estimated as:

Estimated number of grantee respondents	Estimated responses per grantee	Total number of responses	Hours per response	Estimated total hour burden
59	1	59	8	472

Send comments to Susan G. Queen, PhD, HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 day of this notice.

Dated: May 10, 2005.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 05–9676 Filed 5–13–05; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement for the opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995 (Pub. L. 104–13)), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed grant information collection activity or to obtain a copy of the data collection plan and draft instruments, call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for proper performance of grantee functions including whether the information will have practical utility; (b) the accuracy of the burden estimate 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 information collection burden on respondents, including the use of automated collection methods or other types of information technology.

Proposed Project: Ryan White Comprehensive AIDS Resources Emergency (CARE) Act Title I Grant Application Information Supplements: NEW

The CARE Act (codified under Title XXVI of the Public Health Service Act) was first enacted by Congress in 1990, and reauthorized in 1996 and 2000. It addresses the unmet health needs of persons living with HIV disease by funding primary health care and support services that enhance access to and retention in care. The CARE Act funded services reach over 571,000 individuals; after Medicaid and Medicare, it is the largest single source of Federal funding for HIV/AIDS care for low-income, uninsured, and underinsured Americans. Title I under the CARE Act provides emergency assistance to eligible metropolitan areas (EMAs) that have been most severely affected by the HIV epidemic, for the purpose of developing or enhancing a continuum of high quality, community-based care for low-income individuals and families. HRSA disburses approximately one-half of the Title I funds among 51 EMAs based on a congressionally-mandated formula. The remaining funds are available on a competitive basis to those same EMAs that demonstrate severe need for supplemental assistance to combat the HIV epidemic, and an ability to disburse and use supplemental resources in a manner that is immediately responsive to the local epidemic and cost effective.

The CARE Act requires local planning councils to establish Title I priorities and allocate funds, taking into account critical factors. These include the: size and demographics of the local HIV epidemic; demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions; priorities of the communities with HIV disease for whom the services are intended; coordination of HIV care services delivery with HIV prevention programs and programs for the prevention and treatment of substance abuse; availability of other governmental and nongovernmental resources; and capacity development needs resulting from disparities in the availability of treatment and services in underserved communities. Other planning council duties include developing a comprehensive plan for the delivery of services and evaluating the effectiveness of administrative mechanisms used by the grantee to disburse (contract) the funds locally.

The Title I Grant Application Information Supplements have been designed to collect information from EMAs in a consistent, standard way when they apply for new or competing continuation grant funds in a combined formula and supplemental grant application. This information is needed to determine that funds are being used as intended by the Congress and in compliance with CARE Act mandates, and that supplemental funds are awarded to grantees on the basis of objective criteria consistent with CARE Act requirements. This includes requirements that grantees demonstrate: (a) Severity of need for emergency assistance to combat the HIV epidemic, including the unmet needs of persons who know their HIV status but are not yet in care, (Information Supplements 1, 4 and 5); (b) a functioning planning council that is in conformance with statutory membership requirements and carrying out mandated duties and responsibilities, (Information Supplement 2); (c) an ability to use Title I grant resources in a manner that is immediately responsive to the local epidemic and cost effective, and in compliance with payer of last resort, maintenance of effort and related requirements, (Information Supplements 3 and 6); and (d) a comprehensive plan for the delivery of HIV/AIDS care services that is responsive to the local epidemic and unmet needs, (Information Supplements 7 and 8).

In addition, HRSA will use the collected information as a benchmark for monitoring grantee performance during the fiscal year; to identify individual and cross-cutting grantee technical assistance needs; and to detect emerging HIV/AIDS care services issues that may require changes in existing program policies or procedures.

The Title I Application Information Supplements will be transmitted by mail and electronically to all Title I EMAs and made available through the HRSA Web site. Applicants will submit the Information Supplements electronically along with Form PHS–5161–1 (Revised 7/00), SF–424 and the program narrative portion of their application, using the Grants Management electronic transmission mechanisms established by HRSA. The Information Supplements will include check box responses; fields for reporting numeric fiscal and epidemiological data; and text boxes for describing other required information. The Information Supplements will automatically generate totals when appropriate, and have other automated fields to minimize the time required to insert identifying information.

The Information Supplements will require Title I applicants/grantees to report local epidemiological information and some fiscal and programmatic data collected from Title I funded contractors (sub-grantees), which grantees have been collecting and reporting since FY 1995 or earlier. The approximate response burden for applicants/grantees is estimated as:

Estimated number of grantee respondents	Estimated responses per grantee	Total number of responses	Hours per response	Estimated total hour burden
51	1	51	16	816

Send comments to Susan G. Queen, PhD, HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 day of this notice.

Dated: May 10, 2005.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 05–9677 Filed 5–13–05; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Commission on Childhood Vaccines (ACCV).

Dates and Times: The full ACCV will meet on June 1, 2005, 1 p.m.–5:30 p.m., e.d.t., and June 2, 2005, 9 a.m.–2 p.m., e.d.t.

Place: Audio Conference Call and Parklawn Building, Conference Rooms G & H, 5600 Fishers Lane, Rockville, MD 20857.

Status: The meeting will be open to the public. The public can join the meeting in person at the address listed above or by audio conference call by dialing 1–888–323–5255 on June 1–2 and providing the following information:

Leader's Name: Dr. Geoffrey Evans.

Password: ACCV.

Agenda: The agenda items for the June meeting will include, but are not limited to: A report from the ACCV Workgroup meeting; a presentation and discussion on the draft vaccine information statements for diphtheria-tetanus-pertussis, haemophilus influenzae, polio, pneumococcal conjugate, hepatitis B, and influenza vaccines; a discussion on adding injuries for influenza vaccine to the Vaccine Injury Table; and updates from the Division of Vaccine Injury Compensation (DVIC), the Department of Justice, and the National Vaccine Program Office. Agenda items are subject to change as priorities dictate.

Public Comments: Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Ms. Cheryl Lee, Principal Staff Liaison, DVIC, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C–26, 5600 Fishers Lane, Rockville, Maryland 20857 or e-mail *clee@hrsa.gov.* Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. DVIC will notify each presenter by mail or telephone of their assigned presentation time.

Persons who do not file an advance request for a presentation, but desire to make an oral statement, may announce it at the time of the comment period. These persons will be allocated time as it permits.

For Further Information Contact: Anyone requiring information regarding the ACCV, should contact Ms. Cheryl Lee, Principal Staff Liaison, DVIC, HSB, HRSA, Room 11C–26, 5600 Fishers Lane, Rockville, MD 20857; telephone (301) 443–2124 or e-mail *clee@hrsa.gov.*

Dated: May 10, 2005.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 05–9674 Filed 5–13–05; 8:45 am]

BILLING CODE 4165–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the SAMHSA Center for Substance Abuse Prevention (CSAP) National Advisory Council on May 25–26, 2005.

The meeting will be open and will include a Director's Report, and discussion of the Center's policy issues and current administrative, legislative, and program developments. The meeting will also include a presentation on the Center's National Prevention Partners initiative.

Substantive program information, a summary of the meeting, and a roster of Council members may be obtained either by accessing the SAMHSA Council Web site, *http://www.samhsa.gov/council/csap/csapnac.aspx* or by communicating with the contact listed below. The transcript for the open session will also be available on the SAMHSA CSAP Council Web site as soon as possible after the meeting.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

Date/Time: Wednesday, May 25, 2005, 2 p.m. to 5 p.m., Thursday, May 26, 2005, 9 a.m. to 3 p.m.

Place: 1 Choke Cherry Road, Sugarloaf Conference Room, Rockville, Maryland 20857.

Type: Open.

Contact: Tia Haynes, Committee Management Specialist, 1 Choke Cherry Road, 4–1054, Rockville, Maryland 20857, Telephone: (240) 276–2436, Fax: (240) 276–2439, E-mail: *Tia.haynes@samhsa.hhs.gov.*

Dated: May 10, 2005.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 05–9661 Filed 5–13–05; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

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

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on two proposed revisions to information collection requests currently approved under OMB control numbers 1660–0071 and 1660–0072. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning these collections that are used by: (1) Grantees to apply for and report on eGrant awards; and, (2) FEMA to evaluate, award, and monitor expenditures and program/project performance for Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA) program activities.

SUPPLEMENTARY INFORMATION: The proposed information collection requests, upon approval by OMB, will enable FEMA to continue using eGrant applications and reporting for the Pre-Disaster Mitigation (PDM) program and the Flood Mitigation Assistance (FMA) program, which are essential to FEMA's mission to lead America to prepare for prevent, respond to, and recover from disasters. The PDM grant program is the only source of Federal pre-disaster funding available to States and local governments for hazard mitigation. Hazard mitigation is an ongoing effort to lessen the impact disasters have on people's lives and property through damage prevention measures such as removing homes from the floodplain, engineering buildings and infrastructure to withstand earthquakes, installing safe rooms and retrofitting buildings to withstand high winds from tornadoes or hurricanes.

The Disaster Mitigation Act of 2000 (Pub. L. 106–390) authorizes and funded the Pre-Disaster Mitigation (PDM) program to provide a continuous source of pre-disaster mitigation funding independent of disaster declarations to assist States and local communities to take actions to reduce the overall risks to populations and to properties from future disasters. The Flood Mitigation Assistance (FMA) program is an annual program targeted toward reducing flood damages and risks to people and properties. The National Flood Insurance Act of 2004 (Pub. L. 108–264) amended the FMA program by expanding the authorized funds from $20 million to $40 million annually to

reduce the risk of floods to the nation's insured properties.

The revised the eGrant application solicits information that is more relevant to the evaluation of competitive applications for PDM and the evaluation of mitigation proposals in general for both the FMA and PDM programs. In addition to program specific changes to the sub-grant application for PDM and FMA eGrants, the information collection requests have been revised to include as part of the eGrant quarterly and final reporting requirement, the financial and performance status reports, outlay reports, property management reports, and closeout reports required of each grant awarded. FEMA encourages the use of the PDM and FMA eGrants application described in this notice; however, applicants may also use the Agency's grant administration paper-based forms currently under OMB control number 1660–0025 to apply.

Information Collection Requests

1. Pre-Disaster Mitigation Program

Title: Pre-Disaster Mitigation (PDM) Program eGrants.

OMB Number: 1660–0071.

Abstract: FEMA uses the PDM program eGrant application, evaluation, and award process to provide Federal grant assistance to grantees (State and federally recognized tribal government) who administer grant awards for sub-grantee applicants (State-level agencies, federally recognized Indian tribal governments, local governments, public colleges and universities, tribal colleges and universities, and regional planning districts and councils of governments). Private-non-profit (PNP) organizations and private colleges and universities are not eligible sub-applicants; however, a relevant state agency or local government may apply to the grant applicant for assistance on their behalf. The grant assistance must be used to develop mitigation plans in accordance with section 322 of the Disaster Mitigation Act of 2000 to implement pre-disaster mitigation projects that reduce the risks of natural and technological hazards on life and property, and to provide information and technical assistance on cost-effective mitigation activities.

Affected Public: The category of affected public includes State, local and tribal governments.

Number of Responses: 1,176 (Grantees (applicants)—56 States and territories and sub-grantees (sub-applicants)—20 per state or territory). Sub-applicants submit their eGrant applications to the States to review, coordinate and forward PDM grant applications to FEMA for approval.

Estimated Time per Respondent: FEMA has estimated the burden associated with this information collection request as follows:

Pre-Disaster Mitigation (PDM) Program eGrants—Grant Supplemental Information—Sub-Grant applications.

- Benefit Cost Determination—5 hours per response.
- Environmental Review—7.5 hours per response.
- Project Narrative (including PDM Evaluation Information Questions)—12 hours per response.

Estimated Total Annual Burden Hours: 50,887.

Frequency of Response: On occasion and quarterly.

2. Flood Mitigation Assistance Program

Title: Flood Mitigation Assistance (FMA) Program eGrants.

OMB Number: 1660–0072.

Abstract: FEMA uses the FMA program eGrant application, evaluation, and award process to provide Federal grant assistance to grantees for three types of grants—Planning, Project, and Technical Assistance. FMA Planning Grants are available to States, National Flood Insurance Program (NFIP) participating communities, and Indian tribal governments to prepare Flood Mitigation Plans. FMA Project Grants are available to States, NFIP participating communities, and Indian tribal governments to implement measures to reduce flood losses. Ten percent of the Project Grant is made available to States, NFIP participating communities, Indian tribal governments, and communities in non-participating States as a Technical Assistance Grant. The National Flood Insurance Reform Act (42 U.S.C. 1366), as amended by the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, (Pub. L. 108–264) authorizes the Flood Mitigation Assistance program. The FMA program is designed to award grants to States, NFIP participating communities, and Indian tribal governments so that measures can be taken to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program. FEMA encourages the use of the PDM and FMA eGrants application described in this notice; however, applicants may also use the Agency's grant administration paper-based forms currently under OMB control number 1660–0025 to apply.

Affected Public: The category of affected public includes State, local and tribal governments and Not-for-profit institutions.

Number of Responses: 280.

Estimated Time per Respondent: FEMA has estimated the burden associated with this information collection request as follows:

Flood Mitigation Assistance (FMA) Program eGrants—Grant Supplemental Information—Sub-grant applications.

- Benefit Cost Determination—5 hours per response.
- Environmental Review—7.5 hours per response.
- Project Narrative—12 hours per response.

Estimated Total Annual Burden Hours: 4,088.

Frequency of Response: On occasion and quarterly.

Comments: Written comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments by mail to: Attn: Section Chief, Records Management Section, Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472; or by fax to (202) 646–3347; or by e-mail to *FEMA-Information-Collections@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Contact the above named organization for additional information or copies of the proposed information collection requests.

Dated: May 10, 2005.

George S. Trotter,

Acting Branch Chief, Information Resources Management Branch, Information Technology Services Division.

[FR Doc. 05–9654 Filed 5–13–05; 8:45 am]

BILLING CODE 0110–13–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1589–DR]

New York; Amendment No. 1 to Notice of a Major Disaster Declaration

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

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New York (FEMA–1589–DR), dated April 19, 2005, and related determinations.

EFFECTIVE DATE: May 10, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New York is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 19, 2005:

Cayuga, Chautauqua, Columbia, Madison, and Putnam Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05–9657 Filed 5–13–05; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; data relating to beneficiary of private bill, Form G–79A.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until July 16, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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:* Data Relating to Beneficiary of Private Bill.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form G–79A. U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The information is needed to report on Private Bills to Congress when requested.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100 responses at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 100 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: May 10, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9662 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

Agency Information Collection Activities: Extension of an Existing Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; emergency Federal law enforcement assistance, File No. OMB–6.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until July 13, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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:* Emergency Federal Law Enforcement Assistance.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* No Agency Form Number; (File No. OMB–06). Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, local or tribal government. Section 404(b) of the Immigration and Nationality Act provides for the reimbursement to States and localities for assistance provided in meeting an immigration emergency.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10 responses at 30 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 300 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529.

Dated: May 10, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9663 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; supplementary statement for graduate medical trainees; Form I–644.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until July 15, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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:* Supplementary Statement for Graduate Medical Trainees.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–644. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This information collection will be used by foreign exchange visitors who are seeking an extension of stay in order to complete a program of graduate education and training.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 3,000 responses at 5 minutes (.083) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 249 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: May 10, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9664 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; notice of immigration pilot program, File No. OMB–05.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until July 15, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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::* Notice of Immigration Pilot Program.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* No Agency Form Number, (File No. OMB–5). U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals and households. This form is used by the USCIS to determine participants in the Pilot Immigration program provided for by section 610 of the Appropriations Act. The USCIS will select regional center(s) that are responsible for promoting economic growth in a geographical area.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 responses at 40 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 2,000 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: May 10, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9665 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; application for transfer of petition for naturalization; Form N–455.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until July 15, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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 previously approved collection.*

(2) *Title of the Form/Collection:* Application for Transfer of Petition for Naturalization.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–455. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form will be used by an applicant to request transfer to another court the petition for naturalization in accordance with section 405 of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100 responses at 10 minutes (.166) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 17 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection, you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: May 10, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9666 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of an Existing Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; guidelines on producing master exhibits for asylum applications, File No. OMB–4.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until July 15, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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:* Guidelines on Producing Master Exhibits for Asylum Applications.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* No Agency Form Number; File No. OMB–4. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Not-for-profit institutions. Master Exhibits are a means by which credible information on country conditions related to asylum applications are made available to Asylum and Immigration Officers for use in adjudicating cases.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 20 responses at 80 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,600 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529.

Dated: May 10, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9667 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; request for hearing on a decision in naturalization proceedings under section 336; Form N–336.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until July 15, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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 currently approved information collection.*

(2) *Title of the Form/Collection:* Request for Hearing on a Decision in Naturalization Proceedings under Section 336.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–336, U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form will be used by applicants for naturalization, and to pursue the only avenue available to them in the appeal process.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 7,669 responses at 165 minutes (2.75 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 21,090 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit the USCIS Web site at *http://www.uscis.gov*, go to the ''Fingerprinting and Forms'' link, then scroll down the page for this form. Also you may contact Richard A. Sloan, Director, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: May 6, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9668 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; application for naturalization; Form N–400.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until July 15, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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 currently approved collection.*

(2) *Title of the Form/Collection:* Application for Naturalization.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–400. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information collected is used by the USCIS to determine eligibility for naturalization.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 700,000 responses at 6 hours and 8 minutes (6.13) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 4,291,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit the USCIS Web site at *http://www.uscis.gov,* go to the ''Fingerprinting and Forms'' link, then scroll down the page for this form. Also you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529.

Dated: May 6, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9669 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; application for certificate of citizenship, Form N–600.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Written comments on the form are encouraged and will be accepted for sixty days until July 15, 2005. Your comments should address one or more of the following four points.

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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:* Application for Certificate of Citizenship.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–600. U.S. Citizenship and Immigration services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form is provided by the USCIS as a uniform format for obtaining essential data necessary to determine the applicant's eligibility for the requested immigration benefit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 67,936 responses at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 67,936 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, please visit the USCIS Web site at *http://www.uscis.gov*, go to the ''Fingerprinting and Forms'' link, then scroll down the page for this form. Also you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: May 6, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9670 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of an Existing Information Collection; Comment Request

ACTION: 60-day notice of information collection under review; application by refugee for waiver of grounds of excludability; Form I–602.

The Department of Homeland Security, U.S. Citizenship and Immigrant Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 15, 2005.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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:* Application by Refugee for Waiver of Grounds of Excludability.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–602. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals and households. This form is used by the USCIS to determine eligibility for a waiver.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,500 responses at 15 minutes (.25) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 625 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, please visit the USCIS Web site at *http://www.uscis.gov,* go to the ''Fingerprinting and Forms'' link, then scroll down the page for this form. Also you may contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: May 6, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–9671 Filed 5–13–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4975–N–13]

Notice of Proposed Information Collection: Comment Request; Management Documents for Multifamily Housing Projects

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner; HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due date:* July 15, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410 or *Wayne__Eddins@hud.gov*.

FOR FURTHER INFORMATION CONTACT: Beverly J. Miller, Director, Office of Multifamily Asset Management, 451 7th Street SW., Washington, DC 20410; telephone (202) 708–32730 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Management Documents for Multifamily Housing Projects.

OMB Control Number, if applicable: 2502–0305.

Description of the need for the information and proposed use: Owners of insured and assisted multifamily properties submit these information collections to HUD. The information is needed to assist HUD in determining the acceptability of a proposed management agent. Without these documents, HUD's ability to screen out unacceptable management agents and control fraud would be limited, and the incidence of defaults and unauthorized use of subsidy funds would increase.

Agency form numbers, if applicable: 9832, 9839A, 9839B, 9839C, 92466, 92466CA, and 92466EH.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of burden hours needed to prepare the information collection is 4,350. The number of respondents is estimated to be from 900 to 3,600 generating approximately 10,800 annual responses; the frequency of the response is on occasion; and the estimated time needed to prepare the response varies from 10 minutes to 2 hours.

Status of the proposed information collection: This is an extension of a currently approved information collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: May 6, 2006.

Frank L. Davis,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner

[FR Doc. 05–9632 Filed 5–13–05; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4975–N–12]

Notice of Proposed Information Collection: Comment Request; Multifamily Financial Management Template

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commission, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 15, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410 or *Wayne_Eddins@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Kimberly Munson, Office of Asset Management, department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410–5000, telephone (202) 708–3730 (this is not a toll free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended). This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enchance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

This notice also lists the following information:

Title of proposal: Multifamily Financial Management Template.

OMB control number: 2502–0551.

Description of the need for the information and proposed use: The Uniform Financial Reporting Standards (UFRS) for HUD housing programs requires multifamily housing program participants to submit financial data electronically, using generally accepted accounting principles, in a prescribed format. HUD will continue to use the financial information collected from multifamily property owners to evaluate their financial condition. Requiring multifamily property owners to report electronically has enabled HUD to provide a more comprehensive financial assessment of the multifamily property owners receiving Federal funds.

Agency form number, if applicable: None.

Members of affected public: Multifamily property owners.

Estimation of the total number of hours needed to prepare the information collection including number of respondents: The estimated total number of annual hours needed to prepare the information collection is 55,677; the number of respondents is 21,505, generating 21,505 annual responses; the frequency of response is annually; and the number of hours per response varies from 1.75 to 3.00 hours.

Status of the proposed information collection: Extension of currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: May 6, 2005.

Frank L. Davis,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 05–9635 Filed 5–13–05; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4996–N–01]

HUD Regional Offices: Changes in Titles and Change in Title to Certain Field Offices

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: This notice advises the public of changes that HUD has made to the titles of its ten Regional Offices, and to certain field offices. No changes in the functions or responsibilities of these offices have been made by HUD.

EFFECTIVE DATE: April 15, 2005.

FOR FURTHER INFORMATION CONTACT: Bill Rice, Office of Administration, Department of Housing and Urban Development, Room 2170, 451 Seventh Street, SW., Washington, DC 20410–3000, (202) 708–3452. (This is not a toll free number.) Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Services at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In November 1993, HUD implemented a reorganization of its field structure that, among other things, changed the designation of HUD's ten Regional Offices from designation by Roman numeral to designation by geographic area, such as New England, New York/New Jersey, Mid-Atlantic, Southeast, etc.

This notice published in today's **Federal Register** advises the public that HUD is returning to Roman numeral designation for its ten Regional Offices. This notice also advises that each HUD ''Area Office'' that is the assigned location for a Regional Director will be renamed ''Regional Office.'' Any office that is the assigned location of a Field Office Director, and also referred to as an Area Office, will now be referred to as a Field Office. HUD's Community Service Centers will also be referred to as Field Offices. There will no longer be offices referred to as Area Offices or Community Service Centers. HUD has not made changes to the functions or responsibilities of the offices that are the subject of this notice.

The appendix that accompanies this notice reflects the new titles for HUD's Regional Offices.

Dated: May 9, 2005.

Darlene F. Williams,

General Deputy Assistant Secretary for Administration.

CHANGE IN TITLES TO HUD'S REGIONAL OFFICES

Former title	New title
New England	**Region I**
Boston Area Office	Boston Regional Office
Bangor Community Service Center	Bangor Field Office
Burlington Community Service Center	Burlington Field Office

CHANGE IN TITLES TO HUD'S REGIONAL OFFICES—Continued

Former title	New title
Hartford Area Office	Hartford Field Office
Manchester Community Service Center	Manchester Field Office
Providence Community Service Center	Providence Field Office
New York/New Jersey	**Region II**
New York / New Jersey Area Office	New York Regional Office
Albany Community Service Center	Albany Field Office
Buffalo Area Office	Buffalo Field Office
Camden Community Service Center	Camden Field Office
Newark Area Office	Newark Field Office
Mid-Atlantic	**Region III**
Philadelphia Area Office	Philadelphia Regional Office
Baltimore Area Office	Baltimore Field Office
Charleston Area Office	Charleston Field Office
Pittsburgh Community Service Center	Pittsburgh Field Office
Richmond Community Service Center	Richmond Field Office
Washington DC Area Office	Washington, DC Field Office
Wilmington Community Service Center	Wilmington Field Office
Southeast	**Region IV**
Atlanta Area Office	Atlanta Regional Office
Birmingham Area Office	Birmingham Field Office
Miami Area Office	Miami Field Office
Columbia Area Office	Columbia Field Office
Greensboro Area Office	Greensboro Field Office
Jackson Area Office	Jackson Field Office
Jacksonville Area Office	Jacksonville Field Office
Louisville Area Office	Louisville Field Office
Knoxville Area Office	Knoxville Field Office
Memphis Community Service Center	Memphis Field Office
Nashville Community Service Center	Nashville Field Office
Orlando Community Service Center	Orlando Field Office
Caribbean Area Office	San Juan Field Office
Tampa Community Service Center	Tampa Field Office
Midwest	**Region V**
Chicago Area Office	Chicago Regional Office
Cincinnati Community Service Center	Cincinnati Field Office
Cleveland Community Service Center	Cleveland Field Office
Columbus Area Office	Columbus Field Office
Detroit Area Office	Detroit Field Office
Grand Rapids Community Service Center	Grand Rapids Field Office
Indiana Area Office	Indianapolis Field Office
Milwaukee Area Office	Milwaukee Field Office
Flint Community Service Center	Flint Field Office
Minneapolis Area Office	Minneapolis Field Office
Springfield Community Service Center	Springfield Field Office
Southwest	**Region VI**
Forth Worth Area Office	Fort Worth Regional Office
Albuquerque Area Office	Albuquerque Field Office
Dallas Community Service Center	Dallas Field Office
Houston Community Service Center	Houston Field Office
Little Rock Area Office	Little Rock Field Office
Lubbock Community Service Center	Lubbock Field Office
New Orleans Area Office	New Orleans Field Office
Oklahoma City Area Office	Oklahoma City Field Office
San Antonio Area Office	San Antonio Field Office
Shreveport Community Service Center	Shreveport Field Office
Tulsa Community Service Center	Tulsa Field Office
Great Plains	**Region VII**
KS/MO Area Office	Kansas City Regional Office
Des Moines Community Service Center	Des Moines Field Office
Omaha Area Office	Omaha Field Office
St. Louis Area Office	St. Louis Field Office
Rocky Mountains	**Region VIII**
Denver Area Office	Denver Regional Office
Casper Community Service Center	Casper Field Office
Fargo Community Service Center	Fargo Field Office
Helena Community Service Center	Helena Field Office
Salt Lake City Community Service Center	Salt Lake City Field Office

CHANGE IN TITLES TO HUD'S REGIONAL OFFICES—Continued

Former title	New title
Sioux Falls Community Service Center	Sioux Falls Field Office
Pacific/Hawaii	**Region IX**
San Francisco Area Office	San Francisco Regional Office
Fresno Community Service Center	Fresno Field Office
Hawaii Community Service Center	Honolulu Field Office
Los Angeles Area Office	Los Angeles Field Office
Phoenix Community Service Center	Phoenix Field Office
Reno Community Service Center	Reno Field Office
Sacramento Community Service Center	Sacramento Field Office
San Diego Community Service Center	San Diego Field Office
Santa Ana Community Service Center	Santa Ana Field Office
Las Vegas Community Service Center	Las Vegas Field Office
Tucson Community Service Center	Tucson Field Office
Northwest/Alaska	**Region X**
Seattle Area Office	Seattle Regional Office
Anchorage Community Service Center	Anchorage Field Office
Boise Community Service Center	Boise Field Office
Portland Community Service Center	Portland Field Office
Spokane Community Service Center	Spokane Field Office

[FR Doc. E5–2409 Filed 5–13–05; 8:45 am]
BILLING CODE 4210–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Availability, Assessment Plan for Natural Resources Injured by Releases of Hazardous Substances From the Rio Tinto Mine

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Indian Affairs and the U.S. Fish and Wildlife Service, on behalf of the Department of the Interior, the Shoshone-Paiute Tribes of Duck Valley, the Department of Agriculture, and the State of Nevada, announces the release for public review of the Assessment Plan, Rio Tinto Mine Site Natural Resource Damage Assessment—Public Release Draft Report (Assessment Plan). The Assessment Plan was developed by the Rio Tinto Mine Trustee Council consisting of representatives of the Tribe and Agencies listed above, to assess injuries to natural resources resulting from the releases of hazardous substances from the Rio Tinto Mine in Elko County, Nevada. The Assessment Plan describes the proposed approach for determining and quantifying natural resource injuries and calculating damages associated with these injuries. All interested parties are invited to submit comments on the Assessment Plan.

DATES: Comments must be received on or before June 15, 2005.

ADDRESSES: Written comments should be sent to the Regional Director, Western Regional Office, Bureau of Indian Affairs, P.O. Box 10, Phoenix, Arizona 85001 or 400 North Fifth Street, Phoenix, Arizona 85004 (Telephone (602) 379–6600 and facsimile (602) 379–4413).

The Assessment Plan is available for review from the following officials at their office locations: (1) John Krause, Bureau of Indian Affairs, Western Regional Office, 400 N. Fifth Street, Phoenix, Arizona 85004, (602) 379–3491; (2) Marcie Phillips, Shoshone Paiute Tribes of Duck Valley, P.O. Box 219, Owyhee, Nevada 89832, (208) 759–3100, ext. 247; and (3) Stan Wiemeyer, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Blvd., Suite 234, Reno, Nevada 89502, (775) 861–6300. The Assessment Plan is available for public inspection during normal business hours by appointment, at those addresses. The Assessment Plan is also available for review on the Web site at *http://ndep.nv.gov/admin/rio_tinto_nrda.htm.*

FOR FURTHER INFORMATION CONTACT: Marcie Phillips, (208) 759–3100, extension 247, or by e-mail at *shopaitr8@aol.com.*

SUPPLEMENTARY INFORMATION:

Background

The Rio Tinto Mine (Mine) was first worked by the Anaconda Copper Mining Company (Anaconda) using underground mining techniques and a flotation mill from 1932 to 1947. During this period, Anaconda established tailings ponds, and deposited tailings and waste rock in the Mill Creek Watershed, and realigned Mill Creek. In 1966, G.M. Wallace and Company and Cleveland Cliffs Iron Company (Cleveland Cliffs), formerly Cliffs Copper Corporation, performed acid leaching activities and constructed an additional pond in the Mill Creek Watershed. In 1967, Cleveland Cliffs took ownership and operation in its entirety. In 1972, Teck Cominco American Incorporated (Cominco Amercian), formerly Cominco America, Inc. became legal owner of the Mine. From 1972 to 1975, in order to remove water accumulation in underground mining areas, a 6700-foot deep well and a waste water treatment plant were installed. The treatment plant discharged waste water to Mill Creek and produced sludge. A sludge pond was developed to dispose of this sludge. Also, drainage ditches were created in the tailings. In 1975, Cleveland Cliffs terminated operations. Also, in 1975, Cominco American and E.I. du Pont de Nemours and Company (DuPont) began to drill exploratory holes. From 1986 to 1987, Rio Tinto Copper, Inc. owned and operated an in-situ acid leaching operation.

Releases of hazardous substances from the Mine began as early as 1932, and continue today. Several sources at the Mine currently release various hazardous substances into the ground water and the water and sediment in Mill Creek, and from there into the Owyhee River. Hazardous substance and contaminant releases from the Mine to Mill Creek and the Owyhee River are caused by the past deposition of mining waste in the historic Mill Creek channel

and other areas at the Mine. Mill Creek was diverted around the waste but water has flowed and continues to flow, over and through waste areas, tailings and process ponds, causing acid mine drainage, and chronic releases of hazardous substances and contaminants to Mill Creek. Additionally, catastrophic failures of impoundments in the Mill Creek channel have caused acute releases of hazardous substances and contaminants to Mill Creek.

In August 2000, the Environmental Protection Agency (EPA) proposed to add the Rio Tinto Mine Site (Site) to the National Priorities List. The State of Nevada did not concur with this recommendation. EPA recommended that the Nevada Division of Environmental Protection (NDEP) enter into negotiations with the RTWG and the Shoshone-Paiute Tribes of Duck Valley (Tribes) regarding proper remediation at the Site with input by the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service, and the U.S. Forest Service. These negotiations resulted in an Administrative Order on Consent (AOC) between the NDEP and the RTWG. The AOC includes a scope of work outlining the remedial decision process. Also, a Memorandum of Understanding (MOU) between the NDEP, Tribes, and EPA is in place. Through the AOC process, the RTWG is continuing to conduct investigative and assessment activities at the Site in order to study remedial alternatives.

The Rio Tinto Mine Trustee Council Natural Resource Trustees (Trustees) are representatives of federal, state, and tribal government entities with trust authority over natural resources potentially injured by releases of hazardous substances from the Rio Tinto Mine. The Trustees have the authority to obtain damages from potentially responsible parties for past, present, and future injuries to natural resources caused by releases of hazardous substances at the facility. Such natural resources include, but are not limited to, ground water, surface water, sediment, fish, amphibian and other aquatic biota, floodplain soils, riparian vegetation, and wildlife in and around the Mill Creek drainage and the Owyhee River drainage. The assessment area includes the area surrounding and downstream from the Rio Tinto Mine in Elko, County; the Humboldt National Forest, and the Duck Valley Indian Reservation.

Authority

This notice is published in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 *et seq.*) and is in the exercise of authority delegated to the Principal Deputy Assistant Secretary—Indian Affairs under Part 209, Departmental Manual, Chapter 8.1.

Dated: May 5, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–9622 Filed 5–13–05; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW85370]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease WYW85370 for lands in Johnson County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessees have agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessees have paid the required $500 administrative fee and $166 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW85370 effective December 1, 2003, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Fluid Minerals Adjudication.

[FR Doc. 05–9690 Filed 5–13–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW138423]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease WYW138423 for lands in Converse County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $166 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW138423 effective March 1, 2004, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Fluid Minerals Adjudication.

[FR Doc. 05–9691 Filed 5–13–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MTM 037720 and MTM 41231]

Public Land Order No. 7635; Partial Revocation of Executive Order Dated April 19, 1912, and Public Land Order No. 2459; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order and a Public Land Order insofar as they affect 2.2 acres of National Forest System land withdrawn for the Bureau of Land Management's Power Site Reserve No. 184 and the Forest Service's Hebgen Cabin Tract. This order also opens the land to exchange.

EFFECTIVE DATE: May 31, 2005.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–896–5052 or Scott Bixler, U.S. Forest Service, Region 1 Office, P.O. Box 7669, Missoula, Montana 59807, 406–329–3655.

SUPPLEMENTARY INFORMATION: The U.S. Forest Service and Bureau of Land Management have determined that the withdrawals are no longer needed on the land described in this order and partial revocation is needed to facilitate a pending land exchange.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. The Executive Order dated April 19, 1912, which withdrew National Forest System land for the Bureau of Land Management's Power Site Reserve No. 184, and Public Land Order No. 2459, which withdrew National Forest System land for the Forest Service's Hebgen Cabin Tract, are hereby revoked insofar as they affect the following described land, which currently is described as a parcel within lot 5 of T. 11 S., R. 3 E., but when surveyed will read:

Gallatin National Forest

Principal Meridian, Montana

T. 11 S., R. 3 E.,
Sec. 15, lot 7.

The area described contains 2.2 acres in Gallatin County.

2. At 9 a.m. on May 31, 2005, the above-described land is hereby opened and made available for exchange under the Acts of March 20, 1922, as amended, 16 U.S.C. 485, 486 (2000), January 30, 1929, 16 U.S.C. 486c (2000), October 21, 1976, as amended, 43 U.S.C. 1715–1717 (2000), and August 20, 1988, 43 U.S.C. 1716, 751 (2000).

Dated: April 29, 2005.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 05–9688 Filed 5–13–05; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ET; NVN–75850; 5–08807]

Public Land Order No. 7636; Withdrawal of Public Land for the Pahrump Wildland Fire Station; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 15 acres of public land from surface entry and mining for a period of 20 years, to protect the Bureau of Land Management's Pahrump Wildland Fire Station.

DATES: *Effective Date:* May 16, 2005.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 775–861–6532.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (2000)), but not from leasing under the mineral leasing laws, for a period of 20 years, for the Bureau of Land Management to protect a wildland fire station facility:

Mount Diablo Meridian

T. 21 S., R. 54 E.,
Sec. 2, W½SW¼ of lot 3 and SE¼ of lot 4.

The area described contains 15 acres in Clark County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Authority: 43 U.S.C. 1714(a); 43 CFR 2310.3–3(b)(1).

Dated: April 29, 2005.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 05–9687 Filed 5–13–05; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ET; NVN–75849;5–08807]

Public Land Order No. 7637; Withdrawal of Public Land for the Logandale Wildland Fire Station, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 10 acres of public land from surface entry and mining for a period of 20 years, to protect the Bureau of Land Management's Logandale Wildland Fire Station.

EFFECTIVE DATE: May 16, 2005.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 775–861–6532.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (2000)), but not from leasing under the mineral leasing laws, for a period of 20 years, for the Bureau of Land Management to protect a wildland fire station facility:

Mount Diablo Meridian

T. 14 S., R. 67 E.,
Sec. 32, W½NW¼NE¼SW¼ and E½NE¼NW¼SW¼.

The area described contains 10 acres in Clark County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of

1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Authority: 43 U.S.C. 1714(a); 43 CFR 2310.3–3(b)(1).

Dated: April 29, 2005.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 05–9689 Filed 5–13–05; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,007]

Ametek, U.S. Gauge Division; Sellersville, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 19, 2005 in response to a worker petition filed by a company official on behalf of workers at Ametek, U.S. Gauge Division, Sellersville, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 26th day of April 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2434 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,965]

FMC Corporation, Phosphate Plant; Green River, WY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 14, 2005 in response to a worker petition filed by the State of Wyoming Department of Workforce Services on behalf of workers at the Phosphate plant of FMC Corporation, Green River, Wyoming.

All workers of the Phosphate plant were separated from the subject firm more than one year before the date of the petition. Section 223(b) of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 25th day of April, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2432 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,850]

Hydro-Logic Services, LLC; Warren, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 30, 2005 in response to a petition filed on behalf of workers at Hydro-Logic Services, LLC, Warren, Michigan.

The petition has been deemed invalid. Not all of the individuals filing the petition were workers of the firm. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 28th day of April, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2430 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,560]

Interstate Tool and Die Company Madison Heights, MI; Negative Determination Regarding Application for Reconsideration

By letter dated April 18, 2005, the company official requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The Department's determination was signed on March 23, 2005 and the Notice of determination was published in the **Federal Register** on May 2, 2005 (70 FR 22710).

The negative determination was based on the findings that during the investigatory period of 2003 through January 2005, the subject company neither imported prototype automotive parts nor shifted such production abroad, and the subject company's major declining customers did not import prototype automotive parts.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The company official, in the request for reconsideration, infers that the scope of the initial investigation was in error because the term prototype parts is a misleading description of the work done by the firm. The company official now states that the firm supported the advance engineering groups of domestic automobile manufacturers.

During a February 14, 2005 telephone conversation, a company official stated that workers at the subject company are engaged in the prototype and production for the aerospace and automotive industries. Further, the Business Confidential Data Request form completed by another company official submitted, in part, on February 16, 2005, identified ''prototype auto parts'' as the product manufactured at the subject facility. Therefore, the Department determines that the scope of the investigation was not in error.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 5th day of May 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2428 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,398]

Libbey Glass, Inc. Walnut, CA; Negative Determination Regarding Application for Reconsideration

By application of April 4, 2005, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 14, 2005, and was published in the **Federal Register** on May 2, 2005 (70 FR 22710).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Libbey Glass, Inc., Walnut, California engaged in production of glassware was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met, nor was there a shift in production from that firm to a foreign country.

The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no increase in imports of glassware during the relevant period (2003 to 2004). The subject firm did not import glassware in the relevant period.

The petitioner alleges that Libbey Glass, Inc., Walnut, California is shifting production to a new factory in China and is buying a factory in Europe. The petitioner attached articles in support of the allegations.

A review of the investigation file revealed that Libbey Glass, Inc. provided the Department with the information that the subject firm has purchased a plant abroad. It was also revealed that no glassware products were imported from that plant into the United States. All products manufactured in that plant are sold on the European market and are not intended for the U.S. customer base.

The initial investigation also confirmed that Libbey Glass, Inc. did announce that they were going to build a production facility in China. However, this facility will not be constructed until 2007. Consequently, there are no present imports of glassware which contributed to worker' separations.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 5th day of May, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2427 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,769]

Magnetic Specialty, Inc.; Marietta, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 16, 2005 in response to a worker petition filed by a company official on behalf of workers at Magnetic Specialty, Inc., Marietta, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC this 25th day of April, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2429 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,998]

Nestle USA; St. Louis, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 18, 2005 in response to a petition filed on behalf of workers of Nestle USA, St. Louis, Missouri.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 25th day of April, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2433 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,322]

Roseburg Forest Products Particleboard Plant a Subsidiary of RLC Industries Roseburg, OR; Negative Determination on Reconsideration

On April 6, 2005, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Department's notice of determination was published in the **Federal Register** on April 25, 2005 (70 FR 21251).

The Department initially denied Trade Adjustment Assistance (TAA) to former workers of Roseburg Forest Products Particleboard Plant, a Subsidiary of RLC Industries, Roseburg, Oregon, because sales or production did not decline, and there was no shift in production from that firm to a foreign country.

The initial investigation revealed that the value of sales and the quantity of production of particleboard increased in 2004 from 2003 levels and that production did not shift abroad.

In the request for reconsideration, the petitioner, the Western Council of Industrial Workers, Local 2949, alleged that production declined during the fourth quarter of 2004.

During the reconsideration investigation, the Department requested

that Roseburg respond to the petitioner's allegation. According to the company officials, the decline in the fourth quarter of 2004 was a seasonal decline due to difficulties of the building trades during extremely harsh winter conditions. Further, workers who were separated during the building lull are usually re-hired once the orders increase as the weather becomes less inclement.

The Department conducts its petition investigations for the one year period prior to the date of the petition. In this case the petition for workers of Roseburg Forest Products Particleboard Plant, Roseburg, Oregon, was dated January 11, 2005. Although the company concurs that there was decline in production during the forth quarter of 2004, during the full year 2004 both sales and production at the subject firm increased.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Roseburg Forest Products, Particleboard Plant, a Subsidiary of RLC Industries, Roseburg, Oregon.

Signed at Washington, DC, this 6th day of May 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2425 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,917]

S&H Precision Mfg. Co. Inc.; Newmarket, NH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 7, 2005 in response to a petition filed by a company official on behalf of workers at S&H Precision Mfg. Co. Inc., Newmarket, New Hampshire.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 25th day of April, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2431 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,369]

Tower Automotive Milwaukee, LLC, Milwaukee Business Unit, a Division of Tower Automotive, Inc., Milwaukee, WI; Negative Determination Regarding Application for Reconsideration

By application of April 13, 2005, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 15, 2005, and was published in the **Federal Register** on May 2, 2005 (70FR 22710).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Tower Automotive Milwaukee, LLC, Milwaukee Business Unit, a Division of Tower Automotive, Inc., Milwaukee, Wisconsin engaged in production of automotive stampings and frames was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met, nor was there a shift in production from that firm to a foreign country.

The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no increase in imports of automotive stampings and frames during the relevant period. The subject firm did not import automotive stampings or frames in the relevant period.

The petitioner alleges that the subject firm is planning to move production of the Dodge RAM light truck frame assembly ''from Milwaukee to Tower Automotive's joint venture partner'' in Mexico in mid-2005.

An official of Tower Automotive was contacted in regards to this allegation. The company official stated that Tower Automotive is not ''shifting its production of Dodge RAM light truck frame assembly from Milwaukee to Mexico.'' Tower Automotive will no longer be producing the Dodge RAM light truck frame beginning with the 2006 model year in Milwaukee or anywhere else. The production will end during the period of June 29, 2005 to July 12, 2005. The official further stated that Dodge RAM light truck frame will, however, be produced in Mexico by a different company for the subject firm's customer. It was further revealed that the production of the frame in Mexico by the other company will approximately coincide with when Tower Automotive ceases production of the frame in Milwaukee.

The Department considers import impact for the relevant period of the investigation, which is the one year prior to the date of the petition. In this case, the petition was dated January 19, 2005, and events that may occur in June-July of 2005 are outside of the scope of the investigation. As noted above, the petition investigation determined that there were no increased imports of automotive stampings and frames during the relevant time period.

The petitioner further states that the subject firm's customers are importing automotive stampings and frames and, thus, these imports have contributed to the threat of separation of workers of the subject firm. As a proof, the petitioner attached correspondence and a Bill of Lading for ''Body autoparts chassis'' dated January 11, 2005, showing Mexico as the point of origin of the parts.

A Tower Automotive official for the Milwaukee facility confirmed that its customer has been purchasing frames from Mexico. For convenience, the customer is shipping them to its domestic assembly plant through Tower Automotive's sequencing center.

The review of the investigation file for this petition confirmed that this declining customer is indeed importing automotive stampings and frames. However, the survey shows a decrease in import purchases of automotive stampings and frames and an increase in purchases from the subject firm during the relevant period.

The petitioner is encouraged to file a new petition should conditions change.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 5th day of May, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2426 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,728]

Alcan Packaging, Including Leased Workers of HTSS, Allied Personnel Services, Aerotek, On Assignment (Lab Support), Barton Associates, Synerfac Technical Staffing, Remedy Intelligent Staffing, Accountemps, Office Team, Kelly Services, Manpower, and Centrix, Bethlehem, PA; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on April 20, 2005, applicable to workers of Alcan Packaging, including leased workers of HTSS, Allied Personnel Services, Aerotek, On Assignment (Lab Support), Barton Associates, Synerfac Technical Staffing, Remedy Intelligent Staffing, Accountemps and Office Team, Bethlehem, Pennsylvania. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that leased workers of Kelly Services, Manpower and Centrix were employed at the Bethlehem, Pennsylvania location of Alcan Packaging.

Based on these findings, the Department is amending this certification to include leased workers of Kelly Services, Manpower and Centrix working at Alcan Packaging, Bethlehem, Pennsylvania.

The intent of the Department's certification is to include all workers employed at Alcan Packaging Company who were adversely affected by a shift in production to Canada.

The amended notice applicable to TAW–56,728 is hereby issued as follows:

All workers of Alcan Packaging, Bethlehem, Pennsylvania, including on-site leased workers from HTSS, Aerotek, On Assignment (Lab Support), Barton Associated, Synerfac Technical Staffing, Remedy Intelligent Staffing, Accountemps, Office Team, Kelly Services, Manpower, and Centrix, who became totally or partially separated from employment on or after March 9, 2004, through September 20, 2007, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 29th day of April, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2406 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,037]

Ametek, U.S. Gauge; Bartow, FL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 25, 2005 in response to a petition filed by a company official on behalf of workers at Ametek, U.S. Gauge, Bartow, Florida.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 28th day of April, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2421 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,708]

AVX Corporation, Subsidiary of Kyocera Corporation, Including On-Site Leased Workers of Express Personnel Services, Raleigh, NC; Notice of Revised Determination on Reconsideration of Alternative Trade Adjustment Assistance

By letter dated April 25, 2005, the United Steel Workers of America, Local 1028T requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA) applicable to workers of the subject firm. The negative determination was signed on March 25, 2005, and amended on April 25, 2005, and will soon be published in the **Federal Register**.

The workers of AVX Corporation, subsidiary of Kyocera Corporation, including on-site leased workers of Express Personnel Services, Raleigh, North Carolina were certified eligible to apply for Trade Adjustment Assistance (TAA) on March 25, 2005.

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

The petitioner provided additional information regarding the skills of the workers of the subject firm and the current situation in the electronics industry in the local area.

Upon further contacts with the company official it was confirmed that the skills of the workers at the subject firm are not easily transferable in the local commuting area.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of AVX Corporation, subsidiary of Kyocera Corporation, including on-site leased workers of Express Personnel Services, Raleigh, North Carolina, who became totally or partially separated from employment on or after March 8, 2004

through March 25, 2007, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 29th day of April, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2405 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 26, 2005.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 26, 2005.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 27th day of April, 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 04/04/2005 and 04/22/2005]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
56,871	Block Corporation (Wkrs)	Amory, MS	04/04/2005	03/23/2005
56,872	EMF Corporation (Wkrs)	Angola, IN	04/04/2005	03/24/2005
56,873	Federal-Mogul (Wkrs)	Blacksburg, VA	04/04/2005	03/23/2005
56,874	Valley Fashion Apparel, LLC (Comp)	Oneonta, NY	04/04/2005	04/01/2005
56,875	Telect, Inc. (Comp)	Plano, TX	04/04/2005	03/30/2005
56,876	American Wood Moulding LLC (NPW)	El Paso, TX	04/04/2005	03/30/2005
56,877	Don Pluid Logging (Comp)	Eureka, MT	04/05/2005	03/29/2005
56,878	York Capacitor (Comp)	Winooski, VT	04/05/2005	03/29/2005
56,879	Integrated Device Technology, Inc. (Wkrs)	Salinas, CA	04/05/2005	03/17/2005
56,880	Sanford North America (Comp)	Santa Monica, CA	04/05/2005	03/24/2005
56,881	James Jet Corporation (Comp)	Eureka, MT	04/05/2005	03/18/2005
56,882	Carlisle Power Transmission (State)	Red Wing, MN	04/05/2005	03/31/2005
56,883	General Motors Corp. (State)	Warren, MI	04/05/2005	03/28/2005
56,884	Ben F. Davis Company (Wkrs)	San Francisco, CA	04/05/2005	03/23/2005
56,885	Continental Tire North America (Wkrs)	Akron, OH	04/06/2005	04/04/2005
56,886	MCI (Wkrs)	Humble, TX	04/06/2005	04/01/2005
56,887	Century Moulding Co. (State)	Hood River, OR	04/06/2005	03/30/2005
56,888	Nelson Hosiery (Comp)	Fort Payne, AL	04/07/2005	03/28/2005
56,889	Metso Minerals Industries, Inc. (Comp)	Keokuk, IA	04/07/2005	04/05/2005
56,890	Wellington Cordage, LLC (Comp)	Pilot Mountain, NC	04/07/2005	03/08/2005
56,891	F.L. Smidth, Inc. (Comp)	Catasauque, PA	04/07/2005	04/06/2005
56,892	GE Engine Services-Dallas LP (NPW)	Dallas, TX	04/07/2005	04/06/2005
56,893	Dayton Superior Corporation (Comp)	Tremont, PA	04/07/2005	03/16/2005
56,894	Thor America, Inc. (IAMAW)	Middleburg, PA	04/07/2005	03/09/2005
56,895	Ocean Star Manufacturing (Wkrs)	Fullerton, CA	04/07/2005	03/07/2005
56,896	Commercial Carrier (Wkrs)	Honea Path, SC	04/07/2005	04/05/2005
56,897	Square D Company (Comp)	Asheville, NC	04/07/2005	04/06/2005
56,898	Eastman Chemical Co. Arkansas Operations (State)	Batesville, AR	04/07/2005	03/31/2005
56,899	Murray, Inc. (Comp)	Brentwood, TN	04/07/2005	03/31/2005
56,900	Ken-Weld Co., Inc. (Comp)	Worcester, MA	04/07/2005	04/01/2005
56,901	Chiller Components, Inc. (Comp)	Sutton, MA	04/07/2005	04/01/2005
56,902	Gonzales Technologies (Wkrs)	Paris, TN	04/07/2005	03/29/2005
56,903	Milwaukee Sign (State)	Grafton, WI	04/07/2005	03/31/2005
56,904	Renfro Corp. (Wkrs)	Star, NC	04/07/2005	04/01/2005
56,905	Lane Co., Inc. (The) (Wkrs)	Altavista, VA	04/07/2005	04/05/2005
56,906	Celestica Corporation (Comp)	Fort Collins, CO	04/07/2005	03/21/2005
56,907	Energy Conversion Systems (Comp)	Dunn, NC	04/07/2005	04/04/2005
56,908	Stoneridge Control Devices (4/7/20)	Boston, MA	04/07/2005	03/30/2005
56,909	Scepter Hardwoods, Inc. (Comp)	Sparta, TN	04/07/2005	03/31/2005
56,910	Carolina Mills, Inc. (Comp)	Gastonia, NC	04/07/2005	04/01/2005
56,911	Joyner Manufacturing (Wkrs)	Louisburg, NC	04/07/2005	03/30/2005
56,912	Comarco Wireless Technologies (State)	Irvine, CA	04/07/2005	03/30/2005

APPENDIX—Continued

[Petitions instituted between 04/04/2005 and 04/22/2005]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
56,913	Modern Case Co., Inc. (State)	Ewen, MI	04/07/2005	03/24/2005
56,914	Nova Knits, Inc. (Wkrs)	San Francisco, CA	04/07/2005	03/30/2005
56,915	Lubrizol Corporation (The) (Wkrs)	Mountaintop, PA	04/07/2005	04/01/2005
56,916	Addison Shoe Co. (State)	Wynne, AR	04/07/2005	03/31/2005
56,917	S&H Precision Mfg. Co., Inc. (Comp)	Newmarket, NH	04/07/2005	03/25/2005
56,918	Parker-Hennifin Auto. Connection Div. (State)	Trumann, AR	04/07/2005	04/04/2005
56,919	M and B Metal Products Co., Inc. (Comp)	South Hill, VA	04/07/2005	03/31/2005
56,920	Tenneco Automotive (Comp)	Hartwell, GA	04/07/2005	03/29/2005
56,921A	Elk Brand Mfg. Co., Inc. (Comp)	Hopkinsville, KY	04/07/2005	03/31/2005
56,921	Elk Brand Mfg. Co., Inc. (Comp)	Hopkinsville, KY	04/07/2005	03/31/2005
56,922	Anthony and Company (IBT)	Escanaba, MI	04/07/2005	04/05/2005
56,923	EMP (IBT)	Escanaba, MI	04/07/2005	04/05/2005
56,924	Lustar Dyeing and Finishing, Inc. (Comp)	Asheville, NC	04/07/2005	04/06/2005
56,925	Osram Sylvania, Inc. (IUECWA)	St. Marys, PA	04/07/2005	04/06/2005
56,926	Flynn, LLC (Wkrs)	Central City, KY	04/07/2005	04/07/2005
56,927	Black's Frame's, Inc. (Comp)	Lincolnton, NC	04/08/2005	04/06/2005
56,928	CDS Ensembles, Inc. (Comp)	Greer, SC	04/08/2005	04/07/2005
56,929	Owens and Bray, Inc. (NPC)	Kalispell, MT	04/08/2005	04/05/2005
56,930	Fiberall, Inc. (Comp)	Greer, SC	04/11/2005	04/07/2005
56,931	WestPoint Stevens, Inc. (Comp)	Sparks, NV	04/11/2005	04/11/2005
56,932	Blind Maker (The) (Comp)	Irving, TX	04/11/2005	03/30/2005
56,933	Michael Anthony Jewlers, Inc. (Wkrs)	Mt. Vernon, NY	04/11/2005	03/29/2005
56,934	Lennox Hearth Products (IAM)	Burlington, WA	04/11/2005	04/08/2005
56,935A	Mile High Textiles, LLC (Comp)	Shelby, NC	04/11/2005	04/07/2005
56,935	Mile High Textiles, LLC (Comp)	Denver, CO	04/11/2005	04/07/2005
56,936	Allied Personnel Services (NPW)	Bethlehem, PA	04/11/2005	04/05/2005
56,937	Uniboard Fostoria, Inc. (Wkrs)	Fostoria, OH	04/11/2005	03/31/2005
56,938	Fab-Knit, Ltd. (Comp)	Waco, TX	04/11/2005	04/05/2005
56,939	Blue Ridge Crest, LLC (Wkrs)	Galax, VA	04/11/2005	04/08/2005
56,940	Buffalo Plastics, Inc. (Wkrs)	Meadville, PA	04/11/2005	04/08/2005
56,941	AGI/Schutz (Wkrs)	Forest City, NC	04/11/2005	04/04/2005
56,942	Stoneridge, Inc. (Comp)	El Paso, TX	04/11/2005	04/07/2005
56,943	Sun Look Garment, Inc. (Wkrs)	San Francisco, CA	04/11/2005	04/07/2005
56,944	Johnson Controls, Inc. (IBEW)	Goshen, IN	04/11/2005	04/06/2005
56,945	Pentair, Inc. (Comp)	Long Beach, CA	04/11/2005	04/05/2005
56,946	UITS Support Center (NPW)	Universal City, CA	04/11/2005	03/30/2005
56,947	Morad Manufacturing, Inc. (Comp)	Sikeston, MO	04/11/2005	03/30/2005
56,948A	Standard Commercial Corporation (Comp)	Wilson, NC	04/13/2005	03/25/2005
56,948B	Standard Commercial Corporation (Comp)	Wilson, NC	04/13/2005	03/25/2005
56,948	Standard Commercial Corporation (Comp)	Wilson, NC	04/13/2005	03/25/2005
56,949	Pemstar (Comp)	Taunton, MA	04/13/2005	03/11/2005
56,950	C and J Cutting, Inc. (Comp)	Fall River, MA	04/13/2005	04/13/2005
56,951	Nicole Corporation (Wkrs)	Cleveland, OH	04/13/2005	03/23/2005
56,952	Sierra Military Health Services (State)	Baltimore, MD	04/13/2005	03/25/2005
56,953	Rods Indiana, Inc. (Comp)	Butler, IN	04/13/2005	03/14/2005
56,954	Bama Spinning, Inc. (Comp)	Henagar, AL	04/13/2005	01/31/2005
56,955	Brookwood Medical Center (NPW)	Birmingham, AL	04/13/2005	03/14/2005
56,956	Royal Cord, Inc. (Wkrs)	Thomaston, GA	04/14/2005	04/04/2005
56,957	Kone, Inc. (Wkrs)	McKinney, TX	04/14/2005	03/31/2005
56,958	Gerdau Ameristeel (State)	Perth Amboy, NJ	04/14/2005	04/12/2005
56,959	Tyler Pipe (USWA)	Tyler, TX	04/14/2005	04/11/2005
56,960	Kern Manufacturing (State)	Neoga, IL	04/14/2005	04/12/2005
56,961	Nortech, Inc. (State)	Bemidgi, MN	04/14/2005	04/11/2005
56,962	Hornwood, Inc. (Comp)	New York, NY	04/14/2005	04/11/2005
56,963	Medsep (Wkrs)	Covina, CA	04/14/2005	04/12/2005
56,964	Hartmann-Canco, Inc. (Comp)	Rock Hill, SC	04/14/2005	04/07/2005
56,965	FMC Corp. (State)	Green River, WY	04/14/2005	04/12/2005
56,966	U.S. Amps, Inc. (State)	Gainesville, FL	04/14/2005	04/08/2005
56,967	VWR International (NPS)	Salem, OR	04/14/2005	04/11/2005
56,968	Ames/True Temper (Wkrs)	North Vernon, IN	04/14/2005	03/14/2005
56,969	ESCO Integrated Manufacturing (Comp)	Tempe, AZ	04/14/2005	03/29/2005
56,970	Delta Galil USA, Inc. (Comp)	Williamsport, PA	04/14/2005	04/06/2005
56,971	Lenox China (State)	Pomona, NJ	04/14/2005	04/13/2005
56,972	KAC Holdings (Comp)	Des Plaines, IL	04/14/2005	03/29/2005
56,973	J.J.'s Mae (Comp)	Brisbane, CA	04/14/2005	04/01/2005
56,974	Max Marx Color Corporation (State)	Irvington, NJ	04/15/2005	04/14/2005
56,975	U.S. Marine (Comp)	Spokane, WA	04/15/2005	04/13/2005
56,976	UFE, Inc. (State)	Stillwater, MN	04/15/2005	04/14/2005
56,977	Telemarketing Concepts, Inc. (NPW)	Jacksonville, NC	04/15/2005	04/12/2005
56,978	Rycenga Home, Inc. (Wkrs)	Spring Lake, MI	04/15/2005	03/28/2005

APPENDIX—Continued

[Petitions instituted between 04/04/2005 and 04/22/2005]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
56,979	Auburn Foundry (GMP)	Auburn, IN	04/15/2005	04/07/2005
56,980	Tecumseh Power (IAMAW)	New Holstein, WI	04/15/2005	04/11/2005
56,981	Source Electronics Corporation (NPC)	Hollis, NH	04/15/2005	04/06/2005
56,982	Cooper Wiring Devices (UAW)	Long Island, NY	04/15/2005	04/11/2005
56,983	C.H. Patrick and Co., Inc. (Wkrs)	Greenville, SC	04/15/2005	04/07/2005
56,984	Robert Bosch Corp. (UAW)	St. Joesph, MI	04/15/2005	04/11/2005
56,985	Oneida Ltd. (Comp)	Sherrill, NY	04/18/2005	04/06/2005
56,986	BASF (Wkrs)	Beaumont, TX	04/18/2005	04/04/2005
56,987	Hitachi Global Service Technology (Wkrs)	San Jose, CA	04/18/2005	04/04/2005
56,988	Acuity Brands Lighting, Inc. (State)	Berkeley, CA	04/18/2005	04/04/2005
56,989	Southwest Marine (Comp)	Terminal Island, CA	04/18/2005	04/01/2005
56,990	Joyner Manufacturing Co., Inc. (Comp)	Louisburg, NC	04/18/2005	04/07/2005
56,991	Graham Packaging (GMP)	St. Louis, MO	04/18/2005	04/06/2005
56,992	Robert Bosch Corp. (UAW)	Wooster, OH	04/18/2005	04/07/2005
56,993A	Springs Industries, Inc. (Comp)	Fort Lawn, SC	04/18/2005	04/16/2005
56,993B	Springs Industries, Inc.	Fort Lawn, SC	04/18/2005	04/16/2005
56,993	Springs Industries, Inc. (Comp)	Lancaster, SC	04/18/2005	04/16/2005
56,994	Chan-X of California (Comp)	San Jose, CA	04/18/2005	03/23/2005
56,995	Crotty (Wkrs)	Celina, TN	04/18/2005	04/08/2005
56,996	Alcoa (Comp)	Auburn, IN	04/18/2005	04/12/2005
56,997	Cinergy Solutions of Rock Hill (Comp)	Rock Hill, SC	04/18/2005	04/05/2005
56,998	Nestle USA (Wkrs)	St. Louis, MO	04/18/2005	04/15/2005
56,999	Deringer—Ney, Inc. (Comp)	Mundelein, IL	04/18/2005	04/12/2005
57,000	Tobacco Valley Lumber (Comp)	Kalispell, MT	04/18/2005	03/15/2005
57,001	R. Twining and Co., Ltd. (Comp)	Greensboro, NC	04/18/2005	04/15/2005
57,002	GeRay Fabrics, Inc. (Comp)	New York, NY	04/19/2005	04/18/2005
57,003	Richloom Home Fashions, Bailey Plant (Wkrs)	Clinton, SC	04/19/2005	04/13/2005
57,004	Monte Glove Company (Wkrs)	Maben, MS	04/19/2005	04/06/2005
57,005	Burnes Group, LLC (Comp)	Claremont, NH	04/19/2005	04/14/2005
57,006	AMETEK, Commercial Motor Div. (Comp)	Racine, WI	04/19/2005	04/19/2005
57,007	AMETEK (Comp)	Sellersville, PA	04/19/2005	04/15/2005
57,008	Caldwell VSR, Inc. (State)	Weslaco, TX	04/19/2005	04/19/2005
57,009	New Age Intimates, Inc. (Comp)	Long Island Cit, NY	04/19/2005	03/21/2005
57,010	Gwinn Agency (The) (Comp)	Spartanburg, SC	04/19/2005	04/15/2005
57,011	Eastman Kodak Company (Comp)	Rochester, NY	04/19/2005	04/13/2005
57,012	Springs Industries (Comp)	Reno, NV	04/19/2005	04/07/2005
57,013	Fiberzone Technologies (Comp)	Adamsville, TN	04/19/2005	03/14/2005
57,014	Tyler Refrigeration (UAW)	Wasahachie, TX	04/19/2005	03/21/2005
57,015	Honeywell (Wkrs)	Pawtucket, RI	04/20/2005	04/19/2005
57,016	Smurfit Stone (Wkrs)	Statesville, NC	04/20/2005	04/19/2005
57,017	Carhartt, Inc. (Comp)	Marrowbone, KY	04/20/2005	04/20/2005
57,018	Cedar Creek Corp. (Comp)	High Point, NC	04/20/2005	04/19/2005
57,019	Corona Clipper, Inc. (Comp)	Corona, CA	04/20/2005	04/20/2005
57,020	Getinge Sourcing, LCC (IAMAW)	Rochester, NY	04/21/2005	04/13/2005
57,021	Plastic Molding Company, LLC (Wkrs)	Cincinnati, OH	04/21/2005	04/12/2005
57,022	Rohm and Haas Bayport (State)	LaPorte, TX	04/21/2005	04/20/2005
57,023	Exxon Mobil (State)	Dallas, TX	04/21/2005	04/11/2005
57,024	Bank of America (State)	San Francisco, CA	04/21/2005	04/12/2005
57,025	AGC Automotive (Wkrs)	Mt. Pleasant, TN	04/21/2005	03/23/2005
57,026	Cape Shoe Company (Comp)	Cape Girardeau, MO	04/21/2005	04/19/2005
57,027	Chamberlain Commercial Products, Inc. (Com)	Lake Forest, CA	04/21/2005	04/18/2005
57,028	Rockford Powertrain (State)	Loves Park, IL	04/21/2005	04/18/2005
57,029	Hamilton Sundstrand (Comp)	Grand Junction, CO	04/22/2005	04/18/2005
57,030	Dorby Frock (State)	New York, NY	04/22/2005	04/15/2005
57,031	Pilling/Weck Closure (Comp)	Horsham, PA	04/22/2005	04/20/2005
57,032	Symbol Technologies (Wkrs)	Lake Forest, CA	04/22/2005	04/20/2005

[FR Doc. E5–2407 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,298]

CDS Ensembles, Inc., Greer, SC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 8, 2005 in response to a petition filed by a company official on behalf of workers at CDS Ensembles, Inc., Greer, South Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 27th day of April, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 05–9686 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–13–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,982]

Cooper Wiring Devices, Long Island City, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 15, 2005 in response to a worker petition filed by the United Auto Workers Local 365 on behalf of workers at Cooper Wiring Devices, Long Island City, New York.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 3rd day of May, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 05–9751 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,019]

Corona Clipper Inc.; Corona, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 20, 2005, in response to a petition filed by a company official on behalf of workers at Corona Clipper Inc., Corona, California.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 28th day of April, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2420 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,930]

Fiberall, Inc.; Greer, SC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 11, 2005 in response to a petition filed by a company official on behalf of workers at Fiberall, Inc., Greer, South Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 27th day of April 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2417 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,044]

Hewlett-Packard Company, Intellectual Programming Components Division; Corvallis, OR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 25, 2005 in response to a worker petition which was filed by the State Trade Coordinator on behalf of workers at Hewlett-Packard Company, Intellectual Programming Components Division, Corvallis, Oregon.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC this 27th day of April, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2416 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,962 and TA–W–56,962A]

Hornwood, Inc., New York, NY and Hornwood, Inc., Johnstown, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 14, 2005, in response to a petition filed by a company official on behalf of workers at Hornwood, Inc., New York, New York (TA–W–56,962) and Johnstown, New York (TA–W–56,962A).

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 29th day of April, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2419 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,528]

Hussmann Corporation, Bridgeton, Missouri; Notice of Revised Determination of Alternative Trade Adjustment Assistance on Reconsideration

In a letter dated April 5, 2005, the United Steelworkers of America requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA) for workers of the subject firm. The certification for Trade Adjustment Assistance was signed on March 9, 2005. The Notice of determination was published in the **Federal Register** on April 1, 2005 (70 FR 16848).

The initial investigation determined that the subject worker group possesses skills that are easily transferable.

Because the company was unable to provide information whether the workers possess skills that are or are not easily transferable, the Department

contacted the Missouri State Dislocated Worker Unit in St. Louis, Missouri for information. According to the state representative, workers possess skills which are not easily transferable to other positions in the local area and that conditions in the industry are adverse.

The initial investigation revealed that at least five percent of the workforce at the subject from is at least fifty years of age.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of Hussmann Corporation, Bridgeton, Missouri, who became totally or partially separated from employment on or after February 7, 2004 through March 9, 2007, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 26th day of April, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2402 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,990]

Joyner Manufacturing Louisburg, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 18, 2005 in response to a petition filed by a company official on behalf of workers at Joyner Manufacturing, Louisburg, North Carolina.

The petitioning group of workers is covered by an active certification (TA–W–56,911) issued on April 15, 2005. The certification is applicable to all workers of Joyner Manufacturing, Louisburg, North Carolina, who became totally or partially separated from employment on or after March 30, 2004, through April 15, 2007.

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 3rd day of May, 2005.

Linda Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2423 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,570]

Penn Mould Industries, Inc., Washington, PA; Notice of Revised Determination on Reconsideration

By letter dated April 18, 2005 United Steelworkers of America, District 10 requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination signed on March 16, 2005 was based on the finding that imports of molding equipment for glass containers did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The denial notice will soon be published in the **Federal Register**.

The petitioner provided additional information on subject firm's customers. The petitioner also brought to the Department's attention the fact that the subject firm has a sister company, Ross Mould, Inc., Washington, Pennsylvania, which manufactures the same products and shares the same customer base with the subject firm. Workers of Ross Mould, Inc., Washington, Pennsylvania were certified eligible for TAA on November 19, 2004 (TA–W–55,828).

Upon the review of the information obtained during the investigations of both the sister companies, it was revealed that subject firm's major declining customer increased its import purchases of molding equipment for glass containers while decreasing its purchases from the subject firm during the relevant period. It was also revealed that sales and employment have declined at the subject firm during the relevant time period.

In accordance with Section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the initial investigation, I conclude that increased imports of articles like or directly competitive with those produced at Penn Mould Industries, Inc., Washington, Pennsylvania, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Penn Mould Industries, Inc., Washington, Pennsylvania, who became totally or partially separated from employment on or after February 10, 2004 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 28th day of April, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2403 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the periods of April 2005.

In order for an affirmative determination to be made and a

certification of eligibility to apply for directly-impacted (primary) worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a) (2) (A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a) (2) (B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign county of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, each of the group eligibility requirements of section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B) (No shift in production to a foreign country) have not been met.

TA–W–56,669; Positive Systems, Inc., Kalispell, MT.

TA–W–56,702; Fairbanks Morse Engine, Beloit, WI.

TA–W–56,862; Topcon Medical Systems, Inc., Formerly Known as Topcon Omni Systems, Inc., a subsidiary of Topcon America Corp., Norristown, PA.

TA–W–56,707; Kopin Optical, Inc., Subsidiary of Kopin Corporation, Taunton, MA.

TA–W–56,714; Briess Industries, Inc., Waterloo Malting Div., Waterloo, WI.

TA–W–56,858; Snap-On Tools, Inc., Mt. Carmel, IL.

TA–W–56,826; North American Communications, including leased workers of Spherion and Labor Ready, Ducansville, PA.

TA–W–56,674; CTS Corporation, CTS Communications Components, Inc., including on-site leased workers of Excel and Spherion, Albuquerque, NM.

TA–W–56,695; Tyco Electronics, Printed Circuit Group, Stafford Div., Stafford Springs, CT.

TA–W–56,842; KUS, Inc., a/k/a Karl Schmidt Unisia, Inc., Fort Wayne, IN.

TA–W–56,677; Wyeth Pharmaceutical, including leased workers of Kelly Services and Judge Technical Services, West Chester, PA.

TA–W–56,615; Detroit Stoker Co., Monroe, MI.

TA–W–56,622; Temple-Inland, Raleigh Plant, Raleigh, NC.

TA–W–56,659; Healthco International, LLC, Dixville Notch, NH.

TA–W–56,753; Spartech Polycom, a division of The Spartech Corporation, Conneaut, OH.

TA–W–56,871; Block Corporation, Amory, MS.

TA–W–56,793; Council Cup Industries, Inc., d/b/a K & H Packaging Supplies, Wapwallopen, PA.

The investigation revealed that criterion (a)(2)(A)(I.A) and (a)(2)(B)(II.A) (no employment decline) has not been met.

TA–W–56,747; Compx Security Products, Inc., Compx National, including leased workers of Phillips Staffing, Maulding, SC.

TA–W–57,000; Tobacco Valley Lumber, Kalispell, MT.

TA–W–56,742; Salvavida USA, Inc., Folly Beach, SC.

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–56,840; PAM Trading Corp., Hosiery Div., Greensboro, NC.

TA–W–56,700; CIBC World Markets, Inc., Atlanta Client Support Centre, a subsidiary of Canadian Imperial Bank of Commerce, Atlanta, GA.

TA–W–56,699; Workers of Bartech Technical Services, LLC, Employed at Delphi CSE Test Center, Warren, OH.

TA–W–56,946; UITS Support Center, a division of NBC Universal, Universal City, CA.

TA–W–56,868; River Valley Contract Manufacturing, Inc., Menifee, AR.

TA–W–56,768; Magnivision, subsidiary of AAI Foster Grant, Inc., Miramar, FL.

TA–W–56,876; American Wood Moulding, LLC, El Paso, TX.

TA–W–56,690; Qualex, Inc., subsidiary of Eastman Kodak, Kodak Service and Support, Telemaintenance Call Center, Durham, NC.

TA–W–56,729; Agilent Technologies, Semiconductor Worldwide Business Administration Team, Fort Collins, CO.

TA–W–56,772; AT&T Corp., MDNS Service Delivery Div., Schaumberg, IL.

TA–W–56,790; Electronic Measuring Devices, Inc., Budd Lake, NJ.

TA–W–56,736 & A; Ardmore Blouses, Inc., Pen Argyl, PA and Wind Gap, PA.

TA–W–56,635; Green Acre Creation, Inc., Long Island City, NY.

TA–W–56,663; Sohnen Enterprises, Inc., Santa Fe Springs, CA.

TA–W–56,643; America Online, Inc., Community Action Team, a subsidiary of Time Warner, Inc., Oklahoma City, OK.

TA–W–56,679; Beverly Enterprises, Inc., Information Services Support Center, Fort Smith, AR.

TA–W–56,733; Cardiac Care, Transcription Department, Cottonwood, AZ.

TA–W–56,791, Vercuity Solutions, Inc., d/b/a MSS Group, Inc., a subsidiary of TEM Holdings Corporation, Gainesville, GA.

TA–W–56,748; Amdocs Group Companies, Amdocs IT Services, LLC, subsidiary of Amdocs Group Companies, Working on-site at SBC, Anaheim, CA.

TA–W–56,854; Mettler-Toledo, Inc., Spartanburg Product Organization, Inman, SC.

TA–W–56,929; Owens & Bray, Inc., Kalispell, MT.

TA–W–56,829; 3Com Corporation, Marlborough, MA.

TA–W–56,726; The Bob Timberlake Collection, Lexington, NC.

TA–W–56,977; Telemarketing Concepts, Inc., a subsidiary of SVI, Jacksonville, NC.

TA–W–56,892; GE Engine Services-Dallas LP, Dallas, TX.

TA–W–56,798; UniCare, a subsidiary of WellPoint Health Networks, Inc., Charlestown, MA.

TA–W–56,824; James Morton, Inc., currently known as Bessey Tools, Inc., Batavia, NY.

TA–W–56,781; AT&T Corp., AT&T Classic Services Consumer Services Division, Mesa, AZ.

The investigation revealed that criterion (a)(2)(A)(I.C) (Increased imports and (a)(2)(B)(II.C) (has shifted production to a foreign country) have not been met.

TA–W–56,698; Domtar Industries, Inc., Baileyville, ME.

The investigation revealed that criterion (a)(2)(A)(I.A) (No employment decline) and (a) (2)(B)(II.C) (has shifted production to a foreign country) have not been met.

TA–W–56,815; Hewlett Packard Caribe BV, ISB-Puerto Rico Div., including on-site leased workers of Manpower and Chimes, Inc., Aguadilla, PR.

TA–W–56,763K & M; Quaker Fabric Corp. of Fall River, Plant N–722, a subsidiary of Quaker Fabric Corp., Fall River, MA and Plant Q–733, a subsidiary of Quaker Fabric Corp., Fall River, MA.

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

TA–W–56,766; Challenger Contract Manufacturing, Inc., Dandridge, TN.

The investigation revealed that criteria (3)(A) has not been met. The workers' firm (or subdivision) is not a supplier and the component parts it supplied to trade-affected companies did not account for at leased 20 percent of the production or sales of the workers' firm.

TA–W–56,765; GKN Sinter Metals, Gallipolis, OH.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met.

TA–W–56,792; Day & Zimmermann Security Services, employed at Occidental Chemical Corp., Pottstown, PA: March 11, 2004.

TA–W–56,706; Plus Mark, Inc., including on-site leased workers of Staffmark, Inc., Franklin, TN: February 25, 2004.

TA–W–56,727; Stinson Seafoods, division of Bumble Bee Seafoods, LLC, including on-site leased workers of Lao Temporary Services, Inc., Bath, Maine: March 4, 2004.

TA–W–56,571; Graham Packaging Co., Personal Care and Specialty Division, La Mirada, CA: February 10, 2004.

TA–W–56,888; Nelson Hosiery, Inc., a subsidiary of Prewett Associated Mills, Inc., Fort Payne, AL: March 28, 2004.

TA–W–56,950; C & J Cutting, Inc., Fall River, MA: April 13, 2004.

TA–W–56,763; Quaker Fabric Corp. of Fall River, Plant A/B–700, a subsidiary of Quaker Fabric Corporation, Fall River, MA, A; Plant C–710 (Excluding Design Group), a subsidiary of Quaker Fabric Corp., Fall River, MA, C; Plant D–730, a subsidiary of Quaker Fabric Corp., Fall River, MA, D; Plant E–735, a subsidiary of Quaker Fabric Corp., Fall River, MA, F; Plant I–739, a subsidiary of Quaker Fabric Corp., Somerset, MA, G; Plant J–720, a subsidiary of Quaker Fabric Corp., Fall River, MA, H; Plant K–736, a subsidiary of Quaker Fabric Corp., Brockton, MA, I; Plant L–734, a subsidiary of Quaker Fabric Corp., Fall River, MA, J; Plant M–721, a subsidiary of Quaker Fabric Corp., Fall River, MA: March 9, 2004.

TA–W–56,722; Allied Mold and Die Corp., Fontana, CA: February 22, 2004.

TA–W–56,665; Casual Lamps of California, Inc., Gardena, CA: February 25, 2004.

TA–W–56,860; Four A Enterprises, Inc., Williamsville, MO: March 24, 2004.

TA–W–56,723; Brookwood Furniture Co., Bruce, MS: March 8, 2004.

TA–W–56,671; Transportation Solutions, Inc., working on-site at R.J. Reynolds Tobacco Co., Macon, GA: March 2, 2004.

TA–W–56,813 & A; Bernhard Furniture Co., Plant 1B, Lenoir, NC and Corp. Office and Central Support for Plant #2, Lenoir, NC: March 21, 2004.

TA–W–56,658; Pacific Coast Feather Co., Henderson Plant, Henderson, NC: February 21, 2004.

TA–W–56,718; IH Apparel Group, LLC, formerly known as Isaac Hazan and Company, Inc., New York, NY: February 23, 2004.

TA–W–56,847; Nexans Magnet Wire USA, Inc., a div. of Nexan's USA, Inc., LaGrange, KY: March 14, 2004.

TA–W–56,821; Dott Industries, Inc., Deckersville, MI: March 22, 2004.

TA–W–56,874; Valley Fashion Apparel, LLC, Oneonta, NY: April 1, 2004.

TA–W–56,926; Flynn LLC, Central City Div., Central City, KY: April 7, 2004.

TA–W–56,835; Therm-O-Disc, Inc., including leased workers of Manpower, Mansfield, OH: March 16, 2004.

TA–W–56,811; Valdese Manufacturing Co., a subsidiary of Meridian Industries, Inc., Valdese, NC: March 17, 2004.

TA–W–56,720; Automatic Welding, Inc., including leased workers of Time Industrial, Spherion Staffing, and Premier Staffing, Ashland, OH: February 17, 2004.

TA–W–56,715; International Paper, Industrial Packaging Div., Sharpsburgh, PA and Eighty Four, PA: February 17, 2004.

TA–W–56,775; D.R. Kenyon and Sons, Inc., Bridgewater, NJ: February 28, 2004.

TA–W–56,730; Heritage Sportswear, LLC d/b/a Joan Vass, USA, Marion, SC: March 8, 2004.

TA–W–56,719; Donegal Industries, Inc., a div. of Candlesticks, Inc., Mount Joy, PA: February 22, 2004.

TA–W–56,716; Northern Steel Castings, Inc., Kenosha, WI: March 7, 2004.

TA–W–56,712; Dallco Industries, Inc., York Complex, York, PA: February 21, 2004.
TA–W–56,600; Tango Pacific, Portland, OR: February 17, 2004.
TA–W–56,832; SAS Ornamental, Inc., d/b/a The 807 Company, El Paso, TX: March 7, 2004.
TA–W–56,764; Whirley Industries, Inc., including on-site leased workers of Kelly Services, Express Personnel Services, Adecco, Warren, PA: February 25, 2004.
TA–W–56,760; TRI Cast, Inc., Spring Lake, MI: February 18, 2004.
TA–W–56,740; Mohawk Valley Textile Printing, a/k/a Twin Prints LLC, formerly known as TR Acquistion LLC, d/b/a Twin Rivers Textile Printing: Schenectady, NY: February 28, 2004.
TA–W–56,697; B Machine Products, Inc., Parkersburg, WV: February 24, 2004.
TA–W–56,705; Marlatex Corp., including on-site leased workers of Harris Staffing, Belmont, NC: March 7, 2004.
TA–W–56,587; Jeanerette Sugar Company, Inc., Jeanerette, LA: February 15, 2004.
TA–W–56,922; Anthony & Company, Inc., Escanaba, MI: April 5, 2004.
TA–W–56,881; James Jet Corp., d/b/a Wright Scaling, working on-site at Owens and Hurst Lumber Co., Inc., Eureka, MT: March 18, 2004.
TA–W–56,814; Omnimount Systems, Inc., a subsidiary of Nortek, Inc., Phoenix, AZ: March 22, 2004.
TA–W–56,686; McDade Apparel, LLC, a subsidiary of McDade Apparel, Warrenton, NC: March 3, 2004.
TA–W–56,668; Agrium U.S., Inc., Kenai Nitrogen Operations, Kenai, AK: March 2, 2004.
TA–W–56,830; Jarvis Caster Co., including leased workers of AID Temporary, Harrisburg, AR: March 22, 2004.
TA–W–56,804; T.S. Designs, Inc., Burlington, NC: March 7, 2004.
TA–W–56,796; Tyco Electronics, including on-site leased workers of Manpower, Sterling, IL: March 17, 2004.
TA–W–56,759; Felix Schoeller Technical Papers, Inc., including on-site leased workers of Adecco, Pulaski, NY: May 7, 2004.
TA–W–56,746; Tama Manufacturing Co., Inc., including on-site leased workers of Performance Personnel, Allentown, PA: May 4, 2004.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of section 222 have been met.

TA–W–56,848; Emmi, Inc., d/b/a Universal Fine Jewelry, Los Angeles, CA: March 21, 2004.
TA–W–56,731 & A; Creo Americas, Inc., Irvine, CA and Woodland Hills, CA: March 9, 2004.
TA–W–56,940; Buffalo Plastics, Inc., d/b/a Andover Industries, including leased on-site workers from Career Concepts, M-Ploy and Infinity Resources, Meadville, PA: April 8, 2004.
TA–W–56,788; Pentair, Inc., Water, Spa and Bath Division, including on-site leased workers of Volt, Personnel Plus and Apple One, South El Monte, CA: March 21, 2004.
TA–W–56,940; Buffalo Plastics, Inc., d/b/a Andover Industries, including leased on-site workers from Career Concepts, M-Ploy and Infinity Resources, Meadville, PA: April 8, 2004.
TA–W–56,944; Johnson Controls, Inc., Controls SP Division, Goshen, IN: April 6, 2004.
TA–W–56,919; M&B Metal Products Company, Inc., South Hill Div., including leased workers of Penmac Personnel Services, South Hill, VA: March 31, 2004.
TA–W–56,762; Eldorado Cap Company, Eldorado, IL: March 15, 2004.
TA–W–56,749; Hansen International, Inc., Visor Department, including on-site leased workers of Automation Temporary Services, Inc., Lexington, SC: March 10, 2004.
TA–W–56,653; Mercury Marine, subsidiary of Brunswick Corporation, Technology Delivery Department, Fond du Lac, WI: February 25, 2004.
TA–W–56,704; Lockheed Martin Aeronautics Co., Fort Worth Div., a subsidiary of Lockheed Martin Corp., Fort Worth, TX: March 7, 2004.
TA–W–56,754; Selkirk LLC, Coleman, TX: March 10, 2004.
TA–W–56,846; Ametek National Controls Corp., Dixson Div., including leased on-site workers from Manpower, Kelly Services and Benchmark, West Chicago, IL: March 25, 2004.
TA–W–56,638; Valspar Galax, a subsidiary of Valspar Global Wood Coatings, employed at Vaughan Furniture, Galax, VA: February 17, 2004.
TA–W–56,864; The Chamberlain Group, Inc., Commercial Products Division, Ronkonkoma, NY: March 29, 2004.
TA–W–56,967; VWR International, Workers at Sumco Oregon Corporation, Salem North Division, a subsidiary of Sumco USA, Salem, OR: March 29, 2004.

TA–W–56,774; Automatic Timing and Control, Inc., Lancaster, PA: February 10, 2004.
TA–W–56,895; Ocean Star Manufacturing, Fullerton, CA: April 7, 2004.
TA–W–56,794; Intersil Communications, Inc., Palm Bay, FL: March 7, 2004.
TA–W–56,802; Molex, Inc., New England Operations, Gilford, NH: March 23, 2004.
TA–W–56,661; Johnston Textiles, Inc., Marketing and Sales Division, Valley, AL: March 1, 2004.
TA–W–56,789; Jersey Mold, Inc., a subsidiary of Wentworth Technologies, Millville, NJ: March 17, 2004.
TA–W–56,861; Federal-Mogul Corp., Powertrain Bearings Div., Blacksburg, VA: April 24, 2005.
TA–W–56,856; Thomas & Betts Corp., HVAC Div., Mercer, PA: March 22, 2004.
TA–W–56,841; Robin Lynn Mills, Plant #1, Fort Paine, AL: March 23, 2004.
TA–W–56,921; Elkbrand Manufacturing Co., Inc., Cadiz, KY and Hopkinsville, KY: March 31, 2004.
TA–W–56,933; Michael Anthony Jewelers, Inc., including on-site leased workers from Titan Agency Staffing, Mt. Vernon, NY: March 29, 2004.
TA–W–56,906; Celestica Corporation, Americas EMS Div., including on-site leased workers of Adecco, Fort Collins, CO: April 9, 2005.
TA–W–57,001; R. Twining & Co., Ltd, including on-site leased workers of TRC Staffing Services, Greensboro, NC: April 15, 2004.
TA–W–57,017; Carharrt, Inc., Marrowbone, KY: April 20, 2004.
TA–W–56,761; Westek Electronics, Inc., including on-site leased workers of Volt, Santa Cruz, CA: March 15, 2004.
TA–W–56,942; Stoneridge, Inc., including on-site leased workers of The Job Connection, El Paso, TX: April 7, 2004.
TA–W–56,818; Hadco Corp., d/b/a Hadco Printed Circuits, Printed Circuit Board Div., a div. of Sanmina-SCI, including leased workers of Staffmark, Phoenix, AZ: March 21, 2004.
TA–W–56,889; Metso Minerals Industries, Inc., Keokuk, IA: April 5, 2004.
TA–W–56,882; Carlisle Power Transmission, Red Wing Plant, Red Wing, MN: March 31, 2004.
TA–W–56,878; York Capacitor Corp., including on-site leased workers from Kelly Services, Winooski, VT: March 29, 2004.
TA–W–56,857; L.A.T Sportswear, LLC, Roberta, GA: March 29, 2004.

TA–W–56,833; Thermotech Company, Hopkins, MN: March 24, 2004.

TA–W–56,737; Karibe, Inc., West Pittston, PA: March 9, 2004.

TA–W–56,735; GN Hearing Care Corporation, d/b/a Beltone, Corporate Support Div., Chicago, IL: February 21, 2004.

TA–W–56,728; Alcan Packaging, including leased workers of HTSS, Allied Personnel Services, Aerotek, On Assignment (Lab Support), Barton Associates, Synerfac Technical Staffing, Remedy Intelligent Staffing, Accountemps and Office Team, Bethlehem, PA: March 9, 2004.

TA–W–56,803; Silvered Electronic Mica Company, Inc., Willimantic, CT: April 12, 2005.

TA–W–56,770; Charleston Hosiery, Inc., Fort Payne, AL: March 7, 2004.

TA–W–56,767; Celestica USA, Inc., Salem—EMS, including leased workers of Adecco, Salem, NH: March 14, 2004.

TA–W–56,738; Radisys Corporation, including leased workers of Employment Trends, Hillsboro, OR: March 10, 2004.

TA–W–56911; Joyner Manufacturing, Louisburg, NC: March 30, 2004.

TA–W–56,696; Hewlett Packard Company, Imaging & Printing Group-Technology Platforms Div., including on-site leased workers of Chimes, Inc., Corvallis, OR: March 7, 2004.

TA–W–56,713; Seagate Technology, LLC, Recording Head Operations, Bloomington, MN: March 8, 2004.

TA–W–56,784; Progressive Service Die Company, New Kingstown, PA: March 16, 2004.

TA–W–56,757; Celestica, including on-site leased workers from Adecco, Morrisville, NC: March 4, 2004.

TA–W–56,837; Calley & Currier Co., Patten, ME: March 21, 2004.

TA–W–56,734; Penn Fishing Tackle Manufacturing Co., Hegins Location, Hegins, PA: March 7, 2004.

TA–W–56,799; BASF Corp., South Brunswick Plant, Jamesburg, NJ: March 15, 2004.

TA–W–56,777 & A; Boston Scientific, Interventional Technologies Div. (IVT), including on-site leased workers of Barrett Business Services, Inc., Apple One Employment Services, Murrieta, CA and San Diego, CA: March 16, 2004.

TA–W–56,859; Ametek, Inc., Dixson Div., including leased workers of SOS Staffing Services, Grand Junction, CO: April 12, 2005.

TA–W–56,724 & A,B,C; American Pad and Paper, LLC, Holyoke, MA, AMPAD Distribution Center, Westfield, MA, AMPAD Distribution Center, Mattoon, IL, Morristown, TN: March 8, 2004.

TA–W–56,724D; American Pad and Paper, LLC, West Valley City, UT: Workers are covered by an active certification that was issued on June 16, 2004 (TA–W–54,634), which remains in effect until June 16, 2006, Consequently, further investigation of this facility would service no purpose and the investigation of the facility has been terminated.

The following certifications have been issued. The requirement of upstream supplier to a trade certified primary firm has been met.

TA–W–56,872; EMF Corporation, Angola Electric Products Div., Angola, IN: March 24, 2004.

Negative Determinations for Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issued a certification of eligibility to apply for Alternative Trade Adjustment Assistance (AtAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

In the following cases, it has been determined that the requirements of Section 246(a)(3)(ii) have not been met for the reasons specified.

The Department as determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA–W–56,788; Pentair, Inc., Water, Spa and Bath Div., including on-site leased workers of Volt, Personnel Plus and Apple One, South El Monte, CA.

TA–W–53,918; BMC Software, Inc., Houston, TX.

TA–W–56,940; Buffalo Plastics, Inc., d/b/a Andover Industries, including leased on-site workers from Career Concepts, M-Ploy and Infinity Resources, Meadville, PA.

TA–W–56,944; Johnson Controls, Inc., Controls SP Div., Goshen, IN.

TA–W–56,919; M&B Metal Products Co., Inc., South Hill Div., including leased workers of Penmac Personnel Services, South Hill, VA.

TA–W–56,848; Emmi, Inc., d/b/a Universal Fine Jewelry, Los Angeles, CA.

TA–W–56,762; Eldorado Cap Company, Eldorado, IL.

TA–W–56,792; Day & Zimmermann Security Services, employed at Occidental Chemical Corp., Pottstown, PA.

TA–W–56,706; Plus Mark, Inc., including on-site leased workers of Staffmark, Inc., Franklin, TN.

TA–W–56,749; Hansen International, Inc., Visor Department, including on-site leased workers of Automation Temporary Services, Inc., Lexington, SC.

TA–W–56,727; Stinson Seafoods, division of Bumble Bee Seafoods, LLC, including on-site leased workers of Lao Temporary Services, Inc., Bath, ME.

TA–W–56,653; Mercury Marine, subsidiary of Brunswick Corp., Technology Delivery Department, Fond du Lac, WI.

TA–W–56,571; Graham Packaging Co., Personal Care and Specialty Div., La Mirada, CA.

TA–W–56,704; Lockheed Martin Aeronautics Co., Fort Worth Div., a subsidiary of Lockheed Martin Corporation, Fort Worth, TX.

TA–W–56,754; Selkirk, LLC, Coleman, TX.

TA–W–56,846; Ametek National Controls Corp., Dixson Division, including leased on-site workers from Manpower, Kelly Services and Benchmark, West Chicago, IL.

The Department as determined that criterion (1) of Section 246 has not been met. Workers at the firm are 50 years of age or older.

TA–W–56,638; Valspar Galax, a subsidiary of Valspar Global Wood Coatings, employed at Vaughan Furniture, Galax, VA.

TA–W–56,731 & A; Creo Americas, Inc., Irvine, CA and Woodland Hills, CA.

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

TA–W–56,714; Briess Industries, Inc., Waterloo Malting Div., Waterloo, WI.

TA–W–56,858; Snap-On Tools, Inc., Mt. Carmel, IL.

TA–W–56,826; North American Communications, including leased workers of Spherion and Labor Ready, Duncansville, PA.

TA–W–56,674; CTS Corp., CTS Communications Components, Inc., including on-site leased workers of Excel and Spherion, Albuquerque, NM.

TA–W–56,695A; Tyco Electronics, Printed Circuit Group, Stafford Div., Stafford Springs, CT.

TA–W–56,842; KUS, Inc., a/k/a Karl Schmidt Unisia, Inc., Fort Wayne, IN.

TA–W–56,677; Wyeth Pharmaceutical, including leased workers of Kelly Services and Judge Technical Services, West Chester, PA.

TA–W–56,615; Detroit Stoker Co., Monroe, MI.
TA–W–56,622; Temple-Inland, Raleigh Plant, Raleigh, NC.
TA–W–56,659; Healthco International, LLC, Dixville Notch, NH.
TA–W–56,753; Spartech Polycom, a Div. of The Spartech Corp., Conneaut, OH.
TA–W–56,871; Block Corporation, Amory, MS.
TA–W–56,793; Council Cup Industries, Inc., d/b/a K & H Packaging Supplies, Wapwallopen, PA.
TA–W–56,763K & M; Quaker Fabric Corp. of Fall River, Plant N–722, a subsidiary of Quaker Fabric Corp., Fall River, MA and Plant Q–733, a subsidiary of Quaker Fabric Corp., Fall River, MA.
TA–W–56,690; Qualex, Inc., subsidiary of Eastman Kodak, Kodak Service and Support, Telemaintenance Call Center, Durham, NC.
TA–W–56,876; American Wood Moulding, LLC, El Paso, TX.
TA–W–56,729; Agilent Technologies, Semiconductor Worldwide Business Administration Team, Fort Collins, CO.
TA–W–56,772; AT&T Corporation, MDNS Service Delivery Division, Schaumberg, IL.
TA–W–56,790; Electronic Measuring Devices, Inc., Budd Lake, NJ.
TA–W–56,736 & A; Ardmore Blouses, Inc., Pen Argyl, PA and Wind Gap, PA.
TA–W–56,635; Green Acre Creation, Inc., Long Island City, NY.
TA–W–56,663; Sohnen Enterprises, Inc., Santa Fe Springs, CA.
TA–W–56,643; America Online, Inc., Community Action Team, a subsidiary of Time Warner, Inc., Oklahoma City, OK.
TA–W–56,679; Beverly Enterprises, Inc., Information Services Support Center, Fort Smith, AR.
TA–W–56,733; Cardiac Care, Transcription Department, Cottonwood, AZ.
TA–W–56,791; Vercuity Solutions, Inc., d/b/a MSS Group, Inc., a subsidiary of TEM Holding Corporation, Gainesville, GA.
TA–W–56,748; Amdocs, Inc., Amdocs IT Services, LLC, subsidiary of Amdocs Group Companies, working on-site at SBC, Anaheim, CA.
TA–W–56,854; Mettler-Toledo, Inc., Spartanburg Product Organization, Inman, SC.
TA–W–56,929; Owens & Bray, Inc., Kalispell, MT.
TA–W–56,829; 3Com Corporation, Marlborough, MA.
TA–W–56,726; The Bob Timberlake Collection, Lexington, NC.
TA–W–56,977; Telemarketing Concepts, Inc., a subsidiary of SVI, Jacksonville, NC.
TA–W–56,892; GE Engine Services—Dallas LP, Dallas, TX.
TA–W–56,798; UniCare, a subsidiary of WellPoint Health Networks, Inc., Charlestown, MA.
TA–W–56,824; James Morton, Inc., currently known as Bessey Tools, Inc., Batavia, NY.
TA–W–56,781; AT&T Corp., AT&T Classic Services, Consumer Services Div., Mesa, AZ.
TA–W–57,000; Tobacco Valley Lumber, Kalispell, MT.
TA–W–56,742; Salvavida USA, Inc., Folly Beach, SC.
TA–W–56,698; Domtar Industries, Inc., Baileyville, ME.
TA–W–56,815; Hewlett Packard Caribe BV, ISB—Puerto Rico Division, including on-site leased workers of Manpower and Chimes, Inc., Aguadilla, PR.
TA–W–56,765; GKN Sinter Metals, Gallipolis, OH.
TA–W–56,766; Challenger Contract Manufacturing, Inc., Dandridge, TN.

Affirmative Determinations for Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of section 246(a)(3)(A)(ii) of the Trade Act must be met.

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determinations.

In the following cases, it has been determined that the requirements of section 246(a)(3)(ii) have been met.

I. Whether a significant number of workers in the workers' firm are 50 years of age or older.

II. Whether the workers in the workers' firm possess skills that are not easily transferable.

III. The competitive conditions within the workers' industry (*i.e.*, conditions within the industry are adverse).

TA–W–56,872; EMF Corp., Angola Electric Products Div., Angola, IN: March 24, 2004.
TA–W–56,847; Nexans Magnet Wire USA, Inc., a div. of Nexan's USA, Inc., LaGrange, KY: March 14, 2004.
TA–W–56,821; Dott Industries, Inc., Deckerville, MI: March 22, 2004.
TA–W–56,874; Valley Fashion Apparel, LLC, Oneonta, NY: April 1, 2004.
TA–W–56,926; Flynn LLC, Central City Division, Central City, KY: April 7, 2004.
TA–W–56,835; Therm-O-Disc, Inc., including leased workers of Manpower, Mansfield, OH: March 16, 2004.
TA–W–56,775; D.R. Kenyon and Sons, Inc., Bridgewater, NJ: February 28, 2004.
TA–W–56,811; Valdese Manufacturing Co., a subsidiary of Meridian Industries, Inc., Valdese, NC: March 17, 2004.
TA–W–56,720; Automatic Welding, Inc., including leased workers of Time Industrial, Spherion Staffing and Premier Staffing, Ashland, OH: February 17, 2004.
TA–W–56,715 & A; International Paper, Industrial Packaging Div., Sharpsburgh, PA and Eighty Four, PA: February 17, 2004.
TA–W–56,730; Heritage Sportswear, LLC, d/b/a Joan Vass, USA, Marion, SC: March 8, 2004.
TA–W–56,719; Donegal Industries, Inc., a div. of Candlesticks, Inc., Mount Joy, PA: February 22, 2004.
TA–W–56,716; Northern Steel Castings, Inc., Kenosha, WI: March 7, 2004.
TA–W–56,712; Dallco Industries, Inc., York Complex, York, PA: February 21, 2004.
TA–W–56,600; Tango Pacific, Portland, OR: February 17, 2004.
TA–W–56,832; SAS Ornamental, Inc., d/b/a The 807 Company, El Paso, TX: March 7, 2004.
TA–W–56,760; Tri Cast, Inc., Spring Lake, MI: February 18, 2004.
TA–W–56,764; Whirley Industries, Inc., including on-site leased workers of Kelly Services, Express Personnel Services, Adecco, Warren, PA: February 25, 2004.
TA–W–56,740; Mohawk Valley Textile Printing, a/k/a Twin Prints LLC, formerly known as TR Acquistion LLC, d/b/a Twin Rivers Textile Printing, Schenectady, NY: February 28, 2004.
TA–W–56,697; B Machine Products, Inc., Parkersburg, WV: February 24, 2004.
TA–W–56,705; Marltex Corp., including on-site leased workers of Harris Staffing, Belmont, NC: March 7, 2004.
TA–W–56,587; Jeanerette Sugar Co., Inc., Jeanerette, LA: February 15, 2004.
TA–W–56,922; Anthony & Company, Inc., Escanaba, MI: April 5, 2004.
TA–W–56,881; James Jet Corporation, d/b/a Wright Scaling, working on-site at Owens and Hurst Lumber Co., Inc., Eureka, MT: March 18, 2004.

TA–W–56,814; Omnimount Systems, Inc., a subsidiary of Nortek, Inc., Phoenix, AZ: March 22, 2004.

TA–W–56,686; McDade Apparel, LLC, a subsidiary of McDade Apparel, Warrenton, NC: March 3, 2004.

TA–W–56,668; Agrium U.S., Inc., Kenai Nitrogen Operations, Kenai, AK: March 2, 2004.

TA–W–56,830; Jarvis Caster Co., including leased workers of AID Temporary, Harrisburg, AR: March 22, 2004.

TA–W–56,804; T.S. Designs, Inc., Burlington, NC: March 7, 2004.

TA–W–56,789; Jersey Mold, Inc., a subsidiary of Wentworth Technologies, Millville, NJ: March 17, 2004.

TA–W–56,861; Federal-Mogul Corporation, Powertrain Bearings Div., Blacksburg, VA: April 24, 2005.

TA–W–56,856; Thomas & Betts Corporation, HVAC Division, Mercer, PA: March 22, 2004.

TA–W–56,841; Robin Lynn Mills, Plant #1, Fort Paine, AL: March 23, 2004.

TA–W–56,921 & A; Elkbrand Manufacturing Co., Inc., Cadiz, KY and Hopkinsville, KY: March 31, 2004.

TA–W–56,933; Michael Anthony Jewelers, Inc., including on-site leased workers from Titan Agency Staffing, Mt. Vernon, NY: March 29, 2004.

TA–W–56,906; Celestica Corporation, Americas EMS Division, including on-site leased workers of Adecco, Fort Collins, CO: April 9, 2005.

TA–W–57,017; Carharrt, Inc., Marrowbone, KY: April 20, 2004.

TA–W–57,001; R. Twining & Co., Ltd, including on-site leased workers of TRC Staffing Services, Greensboro, NC: April 15, 2004.

TA–W–56,761; Westek Electronics, Inc., including on-site leased workers of Volt, Santa Cruz, CA: March 15, 2004.

TA–W–56,942; Stoneridge, Inc., including on-site leased workers of The Job Connection, El Paso, TX: April 7, 2004.

TA–W–56,818; Hadco Corp., d/b/a/ Hadco Printed Circuits, Printed Circuit Board Div., a div. of Sanmina-SCI, including leased workers of Staff Mark, Phoenix, AZ: March 21, 2004.

TA–W–56,889; Metso Minerals Industries, Inc., Keokuk, IA: April 5, 2004.

TA–W–56,882; Carlisle Power Transmission, Red Wing Plant, Red Wing, MN: March 31, 2004.

TA–W–56,878; York Capacitor Corp., Including on-site leased workers from Kelly Service, Winooski, VT: March 29, 2004.

TA–W–56,857; L.A. T Sportswear, LLC, Roberta, GA: March 29, 2004.

TA–W–56,833; Thermotech Co., Hopkins, MN: March 24, 2004.

TA–W–56,737; Karibe, Inc., West Pittston, PA: March 9, 2004.

TA–W–56,735; GN Hearing Care Corp., d/b/a Beltone, Corp. Support Div., Chicago, IL: February 21, 2004.

TA–W–53,728; Alcan Packaging, including leased workers of HTSS, Allied Personnel Services, Aerotek, On Assignment (Lab Support), Barton Associates, Synerfac Technical Staffing, Remedy Intelligent Staffing, Accountemps, and Office Team, Bethlehem, PA: March 9, 2004.

TA–W–54,803; Silvered Electronic Mica Company, Inc., Willimantic, CT: April 12, 2005.

TA–W–56,770; Charleston Hosiery, Inc., Fort Payne, AL: March 7, 2004.

TA–W–56,767; Celestica USA, Inc., Salem—EMS, including leased workers of Adecco, Salem, NH: March 14, 2004.

TA–W–56,738; Radisys Corp., including leased workers of Employment Trends, Hillsboro, OR: March 10, 2004.

TA–W–56,696; Hewlett-Packard Co., Imaging & Printing Group-Technology Platforms Div., including on-site leased workers of Chimes, Inc., Corvallis, OR: March 7, 2004.

TA–W–56,911; Joyner Manufacturing, Louisburg, NC: March 30, 2004.

TA–W–56,713; Seagate Technology, LLC, Recording Head Operations, Bloomington, MN: March 8, 2004.

TA–W–56,784; Progressive Service Die Company, New Kingstown, PA: March 16, 2004.

TA–W–56,757; Celestica, including on-site leased workers from Adecco, Morrisville, NC: March 4, 2004.

TA–W–56,837; Calley & Currier Co., Patten, ME: March 21, 2004.

TA–W–56,734; Penn Fishing Tackle Manufacturing Co., Hegins Location, Hegins, PA: March 7, 2004.

TA–W–56,799; BASF Corp., South Brunswick Plant, Jamesburg, NJ: March 15, 2004.

TA–W–56,777 & A; Boston Scientific, Interventional Technologies Div. (IVT), including on-site leased workers of Barrett Business Services, Inc., Apple One Employment Services, Murrieta, CA and San Diego, CA: March 16, 2004.

TA–W–56,859; Ametek, Inc., Dixson Div., including leased workers of SOS Staffing Services, Grand Junction, CO: April 12, 2005.

TA–W–55,006; Westpoint Stevens, Longview Plant, Bed Products Div., Hickory, NC: June 1, 2003 through June 15, 2006.

TA–W–54,255; Imperial Schrade Corp., Ellenville, NY: February 2, 2003 through March 23, 2006.

TA–W–54,211; Intercraft Co., Inc., a div. of Burnes Group, Taylor, TX: February 1, 2003 through March 24, 2006.

TA–W–56,746; Tama Manufacturing Co., Inc., including on-site leased workers of Performance Personnel, Allentown, PA: May 4, 2004.

TA–W–56,759; Felix Schoeller Technical Papers, Inc., including on-site leased workers of Adecco, Pulaski, NY: May 7, 2004.

TA–W–56,796; Tyco Electronics, including on-site leased workers of Manpower, Sterling, IL: March 17, 2004.

TA–W–56,724 & A, B, C; American Pad and Paper, LLC, Holyoke, MA, AMPAD Distribution Center, Westfield, MA, AMPAD Distribution Center, Mattoon, IL, Morristown, TN: March 8, 2004.

TA–W–56,763; Quaker Fabric Corp. of Fall River, Plant A/B–700, a subsidiary of Quaker Fabric Corporation, Fall River, MA, A; Plant C–710 (Excluding Design Group), a subsidiary of Quaker Fabric Corp., Fall River, MA, C; Plant D–730, a subsidiary of Quaker Fabric Corp., Fall River, MA, D; Plant E–735, a subsidiary of Quaker Fabric Corp., Fall River, MA, F; Plant I–739, a subsidiary of Quaker Fabric Corp., Somerset, MA, G; Plant J–720, a subsidiary of Quaker Fabric Corp., Fall River, MA, H; Plant K–736, a subsidiary of Quaker Fabric Corp., Brockton, MA, I; Plant L–734, a subsidiary of Quaker Fabric Corp., Fall River, MA, J; Plant M–721, a subsidiary of Quaker Fabric Corp., Fall River, MA: March 9, 2004.

I hereby certify that the aforementioned determinations were issued during the month of April 2005. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 6, 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E5–2404 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,484]

Renee's Manufacturing, Inc., San Francisco, CA; Notice of Negative Determination Regarding Application for Reconsideration

By application of April 7, 2005 a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The denial notice was signed on March 4, 2005 and published in the **Federal Register** on April 1, 2005 (70 FR 16846). Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Renee's Manufacturing, San Francisco, California sewing women's tops, bottoms, blouses and skirts on a contract basis was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974 was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no imports of women's tops, bottoms, blouses and skirts during the relevant period. The subject firm did not import women's tops, bottoms, blouses and skirts in the relevant period nor did it shift production to a foreign country.

In the request for reconsideration, the petitioner alleges that the layoffs at the subject firm are attributable to a shift in production to a foreign country. A company official was contacted regarding the above allegations. The company official stated that no production has been shifted from the subject firm to a foreign country and currently, there are no such plans.

Should the shift abroad occur, the petitioners are encouraged to file a new petition on behalf of workers at the Renee's Manufacturing, San Francisco, California, thereby creating a new period of investigation that would include changing conditions.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 2nd day of May, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2401 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,880]

Sanford North America, Sanford Paper Mate Division Including Leased Workers of Ultimate Staffing, A Division of Newell Rubbermaid; Santa Monica, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 5, 2005 in response to a petition filed by a company official on behalf of workers at Sanford North America, Sanford Paper Mate Division, including leased workers of Ultimate Staffing, a division of Newell Rubbermaid, Santa Monica, California.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 28th day of April 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2418 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,959]

Tyler Pipe Company, South Plant; Tyler, TX; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 14, 2005 in response to a petition filed by the United Steelworkers of America, on behalf of workers at Tyler Pipe Company, South Plant, Tyler, Texas.

The petitioning group of workers is covered by an active certification, (TA–W–52,418) which does not expire until September 9, 2005. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 2nd day of May 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–2422 Filed 5–13–05; 8:45 am]

BILLING CODE 4510–30–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide: Issuance, Availability

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft of a new guide in the agency's Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft Revision 2 of Regulatory Guide 8.7, entitled ''Instructions for Recording and Reporting Occupational Radiation Dose Data,'' is temporarily identified by its task number, DG–8029, which should be mentioned in all related correspondence. Like its predecessors, the proposed revision describes an acceptable program for the preparation, retention, and reporting of records of occupational radiation doses in accordance with Title 10, Part 20, of the Code of Federal Regulations (10 CFR Part 20), ''Standards for Protection Against Radiation.'' Section 20.1502 establishes ''Conditions Requiring

Individual Monitoring of External and Internal Occupational Dose.'' Specifically, 10 CFR 20.1502 requires licensees to provide radiation monitoring for all occupationally exposed individuals who might receive a dose in excess of 10 percent of the limits defined in 10 CFR 20.1201 or 20 percent of the limits defined in 10 CFR 20.1207 or 20.1208. To augment that provision, 10 CFR 20.2106, ''Records of Individual Monitoring Results,'' requires licensees to maintain records of the radiation exposures of all individuals for whom personnel monitoring is required pursuant to 10 CFR 20.1502. Also, according to 10 CFR 20.2104, ''Determination of Prior Occupational Dose,'' licensees shall determine the dose in the current monitoring year for all persons who must be monitored, and attempt to obtain the records of cumulative occupational radiation dose. In addition, 10 CFR 20.2104(b) requires that, prior to permitting an individual to participate in a planned special exposure, licensees shall determine the internal and external doses from all previous planned special exposures, and record all previous doses in excess of the limits received during the lifetime of the individual. Licensees are required to maintain prior dose records on NRC Form 4 or its equivalent. Further, 10 CFR 20.2206, ''Reports of Individual Monitoring,'' requires certain licensees to submit to the NRC an annual report of the results of individual monitoring. Licensees are required to record these annual reports on NRC Form 5 or its equivalent.

The NRC is issuing this proposed revision to make the guide consistent with a recent change to 10 CFR 20.2206, which allows electronic submittal of licensees' annual occupational radiation dose data via the NRC's Radiation Exposure Information and Reporting System (REIRS) for Radiation Workers (a secure Web site) at *http://www.reirs.com.* Other changes include updating NRC Forms 4 and 5, and clarifying and improving the guide to reflect licensees' input and experience since the NRC issued Revision 1 of Regulatory Guide 8.7 in 1992.

The NRC staff is soliciting comments on Draft Regulatory Guide DG–8029, and comments may be accompanied by relevant information or supporting data. Please mention DG–8029 in the subject line of your comments. Comments on this draft regulatory guide submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS). Personal information will not be removed from your comments. You may submit comments by any of the following methods.

Mail comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

E-mail comments to: *NRCREP@nrc.gov.* You may also submit comments via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov.* Address questions about our rulemaking Web site to Carol A. Gallagher (301) 415–5905; e-mail *CAG@nrc.gov.*

Hand-deliver comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Fax comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415–5144.

Requests for technical information about Draft Regulatory Guide DG–8029 may be directed to Sheryl A. Burrows at (301) 415–6086 or by e-mail to *SAB2@nrc.gov.*

Comments would be most helpful if received by July 12, 2005. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of the draft regulatory guide are available through the NRC's public Web site under Draft Regulatory Guides in the Regulatory Guides document collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/.* Electronic copies are also available in the NRC's Agencywide Documents Access and Management System (ADAMS) at *http://www.nrc.gov/reading-rm/adams.html*, under Accession #ML051120144. Note, however, that the NRC has temporarily limited public access to ADAMS so that the agency can complete security reviews of publicly available documents and remove potentially sensitive information. Please check the NRC's Web site for updates concerning the resumption of public access to ADAMS.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland; the PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4205, by fax at (301) 415–3548, and by email to *PDR@nrc.gov.* Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Reproduction and Distribution Services Section; by e-mail to *DISTRIBUTION@nrc.gov*; or by fax to (301) 415–2289. Telephone requests cannot be accommodated.

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 9th day of May, 2005.

For the U.S. Nuclear Regulatory Commission.

Farouk Eltawila,

Director, Division of Systems Analysis and Regulatory Effectiveness Office of Nuclear Regulatory Research.

[FR Doc. E5–2415 Filed 5–13–05; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Peace Corps.

ACTION: Notice of information collection for review by OMB and public comment.

SUMMARY: In accordance with the Paperwork Reduction Act, this notice invites the public to comment on the collection of information in the Peace Corps Crime Incident Reporting Forms, and gives notice of the Peace Corps' intention to request Office of Management and Budget (OMB) approval of the information collection. The Peace Corps Crime Incident Reporting Forms (PCOIG–958, PCSS–953–2, PCMS–954–1, PCSS–953–A, PCSS–953, PCMS–954 and the Peace Corps Crime Incident Tracking Form (PCSS–953–1) collect information related to crimes perpetrated against Peace Corps Volunteers living and working in 72 countries in the developing world. This information is critical for crime prevention programs to keep Peace Corps Volunteers safe, and is used to assist in the investigation of crimes against Peace Corps Volunteers and for the related medical treatment of

Peace Corps Volunteers who have been victims of crimes. There is no statutory or regulatory requirement for this information. The information will be initially collected by the Peace Corps Country Director, the Peace Corps Medical Officer, or other staff person designated by the Country Director, and will be electronically submitted to Peace Corps' Office of Safety and Security, Office of the Inspector General, and the Office of Medical Services.

The Peace Corps uses this information for programmatic reasons, to evaluate the circumstance of crimes committed against Peace Corps Volunteers, and to make necessary changes in policy and/or programs. The information is submitted, as appropriate, to three Peace Corps offices. Information is submitted to the Office of Safety and Security that is used to evaluate the circumstances of crimes committed against Peace Corps Volunteers and to recommend changes in training, site selection, and/or policy, as related to the safety of the Volunteer. Information is submitted to the Office of Inspector General that is used for the investigation, prosecution, and tracking of perpetrators who commit crimes against Peace Corps Volunteers. Information is submitted to the Office of Medical Services that is used for trend analysis and the education of medical treatment personnel on health-related issues that affect Volunteers who are the victims of crimes.

The forms are designed to be submitted electronically in a manner that secures the information and provides specific information only to the office that requires it. These forms are a consolidation of two existing collections with a new collection, and are designed to reduce the reporting burden on staff. These proposed forms do not require input from U.S. citizens who are not employees of the Peace Corps.

DATES: Submit comments on or before July 15, 2005.

ADDRESSES: Comments should be addressed to Dr. Morgan L. Walls, Ph.D., Research Psychologist, Office of Safety and Security, Peace Corps, 1111 20th Street, NW., Room 5404, Washington, DC 20526. Dr. Walls can be contacted by telephone at 202–692–2556 or 800–424–8580 ext 2556 or e-mail at *mwalls@peacecorps.gov* E-mail comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Dr. Morgan Walls, Office of Safety and Security, Peace Corps, 1111 20th Street, NW., Room 5404, Washington, DC 20526.

SUPPLEMENTARY INFORMATION:

Title: Peace Corps Crime Incident Reporting/Tracking Form.

OMB Control Number: To be assigned.

Type of Request: New collection of information.

Abstract: The purpose of these forms is to monitor and enhance the safety and security of Peace Corps Volunteers. The information will be collected by the Peace Corps Country Director, the Peace Corps Medical Officer or a staff person designated by the Country Director, and will be submitted electronically to three Peace Corps offices. Information is submitted to the Office of Safety and Security that is used to evaluate the circumstances of crimes committed against Peace Corps Volunteers and to recommend changes in training, site selection, and/or policy, as related to the safety of the Volunteers. Information is submitted to the Office of Inspector General that is used for the investigation, prosecution, and tracking of perpetrators who commit crimes against Peace Corps Volunteers. Information is submitted to the Office of Medical Services that is used for trend analysis and education of medical treatment personnel on health-related issues that affect Volunteers who are the victims of crime.

The forms are designed to be submitted electronically and in a manner that provides particular information to specific offices only. These forms are a consolidation of two existing collections with a new collection, and are designed to reduce the reporting burden on Peace Corps staff.

Affected Public: None.

Dated: May 4, 2005.

Gilbert Smith,

Associate Director for Management.

[FR Doc. 05–9641 Filed 5–10–05; 3:56 pm]

BILLING CODE 6051–01–M

POSTAL RATE COMMISSION

Plant Tour

AGENCY: Postal Rate Commission.

ACTION: Notice of Commission tour.

SUMMARY: Postal Rate Commission personnel will observe operations at the United States Postal Service facility in Merrifield, Virginia on Thursday, May 19, 2005, between 3 a.m. and 6 a.m.; and on Wednesday, May 25, 2005, between 8 p.m. and 11 p.m.

DATES: May 19, 2005; May 25, 2005.

FOR FURTHER INFORMATION CONTACT: Stephen Sharfman, Postal Rate Commission, 202–789–6820.

Steven W. Williams,

Secretary.

[FR Doc. 05–9699 Filed 5–13–05; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Avnet, Inc. To Withdraw Its Common Stock, $1.00 Par Value, From Listing and Registration on the Pacific Exchange, Inc. File No. 1–04224

May 9, 2005.

On April 13, 2005, Avnet, Inc., a New York corporation (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common stock, $1.00 par value (''Security''), from listing and registration on the Pacific Exchange, Inc. (''PCX'').

The Board of Directors (''Board'') of the Issuer approved a resolution on November 12, 2004 to withdraw the Security from listing on the PCX. The Issuer stated the following reasons factored into the Board's decision to withdraw the Security from listing on the PCX:

(1) The Issuer's request for withdrawal from listing on the PCX is voluntary and based on costs considerations. (2) The Issuer is currently listed on both the PCX and the New York Stock Exchange (''NYSE''), and has resolved to withdraw from listing its Security on the PCX in order to save listing fees and other associated costs. The Issuer stated that the Security will continue to list on the NYSE following its delisting from the PCX

The Issuer stated that it has complied with PCX Rule 5.4(b) by providing the PCX with the required documents governing the withdrawal of securities from listing and registration on the PCX.

The Issuer's application relates solely to the withdrawal of the Security from listing on the PCX and shall not affect its continued listing on the NYSE or its obligation to be registered under Section 12(b) of the Act.[3]

Any interested person may, on or before May 31, 2005, comment on the facts bearing upon whether the

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

application has been made in accordance with the rules of PCX, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/delist.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include the File Number 1–04224 or;

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number 1–04224. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–2410 Filed 5–13–05; 8:45 am]

BILLING CODE 8010–01–P

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Sears Roebuck Acceptance Corp. To Withdraw Its 7% Notes (Due 2042), 7.4% Notes (Due 2043), and 6.75% Notes (Due September 2005), From Listing and Registration on the New York Stock Exchange, Inc. File No. 1–04040

May 9, 2005.

On May 5, 2005, Sears Roebuck Acceptance Corp., a Delaware corporation (''Issuer''), filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its 7% notes (due 2042), 7.4% notes (due 2043), and 6.75% notes (due September 2005) (collectively ''Securities''), from listing and registration on the New York Stock Exchange, Inc. (''NYSE'').

The Board of Directors (''Board'') of the Issuer, by unanimous written consent, approved a resolution on May 3, 2005, to withdraw the Securities from listing and registration on the NYSE. The Board stated that the following reasons factored into its decision to withdraw the Securities from the NYSE: (1) The fact that the Issuer has a limited number of security holders of record; (2) the costs associated with maintaining the Issuer's status as a NYSE-listed company and the obligation to continue complying with periodic reporting requirements, which obligations the Issuer could suspend immediately absent the listing of the Securities; and (3) the limited volume of trading in the Securities. In this regard, the Board took into account that as of January 31, 2005, each series of the notes had fewer than 100 holders of record.

The Issuer stated in its application that it has complied with the NYSE's rules governing an issuer's voluntary withdrawal of a security from listing and registration by complying with all applicable laws in effect in the State of Delaware, and by providing the NYSE with the required documents governing the removal of securities from listing and registration on the NYSE.

The Issuer's application relates solely to the withdrawal of the Securities from listing on the NYSE and from registration under Section 12(b) of the Act,[3] and shall not affect its obligation to be registered under Section 12(g) of the Act.[4]

Any interested person may, on or before May 31, 2005, comment on the facts bearing upon whether the application has been made in accordance with the rules of NYSE, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/delist.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include the File Number 1–04040 or;

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number 1–04040. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. E5–2411 Filed 5–13–05; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51673; File No. SR–FICC–2005–06]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Change the Minimum Margin Deficiency Call Amount for Participants in Its Mortgage-Backed Securities Division

May 9, 2005.

I. Introduction

On March 11, 2005, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2005–06 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on April 4, 2005.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

FICC is amending the minimum margin deficiency call amount for participants in its Mortgage-Backed Securities Division (''MBSD'') to the lesser of $250,000 or 25 percent of the value of a participant's margin deposit. Currently, the MBSD's procedures establish a minimum margin deficiency call amount of $1,000. Upon review, FICC has determined that the minimum margin deficiency call amount creates unnecessary operational burdens and allocation of resources for a collection of margin calls that FICC believes is insubstantial from a risk perspective. On average, the MBSD makes 17 margin calls per day of which approximately five are for amounts under $250,000.

FICC seeks to harmonize the rules of its two divisions, the Government Securities Division (''GSD'') and MSBD, wherever prudent and possible. The rules of the GSD provide for a minimum Clearing Fund deficiency call amount for margin requirement increases of the lesser of $250,000 or 25 percent of the value of the member's collateral deposits.[3] Under the proposed rule, the minimum margin deficiency call amount for MBSD participants will be the lesser of $250,000 or 25 percent of the value of a participant's margin deposit. FICC believes this will eliminate the operational burdens associated with the collection of *de minimis* margin amounts and will harmonize the rules of FICC's two divisions.[4]

III. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[5] The Commission finds that FICC's proposed rule change is consistent with this requirement because it will allow for a less burdensome application of its margin call process without presenting material risk to FICC or its participants. This should allow FICC to reallocate resources formerly associated with the collection of *de minimis* margin amounts, which will better enable FICC to safeguard the securities and funds in its custody or control or for which it is responsible.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–FICC–2005–06) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–2408 Filed 5–13–05; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 51441 (March 28, 2005), 70 FR 17133 (April 4, 2005).

[3] There is no minimum amount for deficiency calls where the subject member is subject to enhanced monitoring on what is known as the ''watch list.''

[4] As proposed and consistent with the applicable GSD rule, a minimum amount will not apply to deficiency calls where the subject participant is on the ''watch list.''

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51668; File No. SR–NASD–2005–056]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change, and Amendment No. 1 Thereto, National Association of Securities Dealers, Inc. Eliminating the Directed Order Process in The Nasdaq Market Center

May 9, 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 April 21, 2005, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On May 2, 2005, Nasdaq filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice, as amended, to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq is filing a proposed rule change to eliminate the Directed Order Process from the Nasdaq Market Center.[4] Nasdaq will implement the proposed rule change within 90 days of approval with the exact date being provided to market participants via a Head Trader Alert on *http://www.nasdaqtrader.com*. The text of the proposed rule change is available on Nasdaq's Web site (*http://www.nasdaq.com/LegalCompliance.stm*), at Nasdaq's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, Nasdaq amended NASD Rule 7010 to reflect the proposed elimination of the Directed Order Process.

[4] Nasdaq notes it has previously filed to eliminate the Directed Order Process as part of File No. NASD–2004–181. *See* Securities Exchange Act Release No. 50845, (December 13. 2004), 69 FR 76022 (December 20, 2004). Nasdaq will amend NASD–2004–181 to reflect the proposed elimination of the Directed Order process in the immediate filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to eliminate the Directed Order process from the Nasdaq Market Center. The Directed Order Process replicates SelectNet functionality that pre-dated the implementation of Nasdaq's SuperMontage system (since re-named the Nasdaq Market Center). Directed Orders are not integrated with the Non-Directed Order process and are processed independently of Non-Directed Orders in the Nasdaq Market Center.

Currently, member A can send a Directed Order to sell to member B, who is displaying quotes in the Nasdaq Market Center. Unless member B has expressly indicated it will accept liability orders through the Directed Order process, member B is not obligated to trade with the incoming order. Member B can reject the order, respond with a counter offer, or execute the order. Because the Directed Order process is used to negotiate trades, orders can be executed at prices inferior to the best prices displayed in the Nasdaq Market Center. In addition, because Directed Orders are not integrated in Non-Directed Order execution algorithm, trades are executed without consideration of the time priority of orders in the Non-Directed Order process.

The maintenance of a separate order delivery processing infrastructure for Directed Orders, outside of the Nasdaq Market Center's main Non-Directed Order process, increases costs and system complexity for Nasdaq. In addition, the current ability of Directed Orders to be processed without regard for the best prices displayed in the Nasdaq Market Center, or the time priority of other orders in the system, impairs the overall trading efficiency of the system and Nasdaq's ongoing efforts to enhance price/time priority within the Nasdaq Market Center. Finally, given recent elimination of Nasdaq's pre-open Trade-or-Move requirements that obligated market participants to send Directed Orders containing a Trade-or-Move messages, Nasdaq feels that now is an appropriate time to eliminate the Directed Order Process from the Nasdaq Market Center.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[5] in general and with Section 15A(b)(6) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and, in general, to protect investors and the public interest. Nasdaq believes that the proposed changes are consistent with the obligations of Section 15A(b)(6) of the Act because they will provide for greater time priority protection in Nasdaq's execution service. In addition, because the obligations under Section 15A(b)(6) and Section 6(b)(5) are the same, the proposed changes also are consistent with the obligations applicable to registered exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, 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–NASD–2005–056 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–NASD–2005–056. 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 Room. Copies of such filing also will be available for inspection and copying at the principal office of the NASD. 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–NASD–2005–056 and should be submitted on or before June 6, 2005.

[5] 15 U.S.C. 78*o*–3.

[6] 15 U.S.C. 78*o*–3(b)(6).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–2399 Filed 5–13–05; 8:45 am]

BILLING CODE 8010–01–P

SELECTIVE SERVICE SYSTEM

Form Submitted to the Office of Management and Budget for Extension of Clearance

AGENCY: Selective Service System.

ACTION: Notice.

The following form has been submitted to the Office of Management and Budget (OMB) for extension of clearance in compliance with the Paperwork Reduction Act (44 U.S. Chapter 35):

SSS–1

Title: The Selective Service System Registration Form.

Need and/or Use: Is used to register men and establish a data base for use in identifying manpower to the military services during a national emergency.

Respondents: All 18-year-old males who are United States citizens and those male immigrants residing in the United States at the time of their 18th birthday are required to register with the Selective Service System.

Frequency: Registration with the Selective Service System is a one-time occurrence.

Burden: A burden of 2 minutes or less on the individual respondent.

Copies of the above identified form can be obtained upon written request to: Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

Written comments and recommendations for the proposal extension of clearance of the form should be sent within 30 days of publication of this notice to: Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

A copy of the comments should be sent to: Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Dated: April 29, 2005.

William A. Chatfield,

Director.

[FR Doc. 05–9621 Filed 5–13–05; 8:45 am]

BILLING CODE 8015–01–M

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10111 and # 10112]

Pennsylvania Disaster Number PA–00001

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Pennsylvania (FEMA–1587–DR), dated 04/14/2005.

Incident: Flooding.

Incident Period: 04/02/2005 through 04/23/2005.

EFFECTIVE DATE: 04/29/2005.

Physical Loan Application Deadline Date: 06/14/2005.

EIDL Loan Application Deadline Date: 01/09/2006.

ADDRESSES: Submit completed loan applications to U.S. Small Business Administration, Disaster Area Office 1, 360 Rainbow Blvd. South, 3rd Floor, Niagara Falls, NY 14303.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Pennsylvania dated 04/14/2005, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Susquehanna.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Cheri L. Cannon,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 05–9650 Filed 5–13–05; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5081]

60-Day Notice of Proposed Information Collection: DS–7001 and SV–1999–011–A, DOS-Sponsored Academic Exchange Program Application and Evaluation, OMB Control No. 1405–0138

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* DOS-sponsored Academic Exchange Program Application and Evaluation.
- *OMB Control Number:* 1405–0138.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, ECA/A/E/EUR.
- *Form Number:* N/A.
- *Respondents:* Applicants, current participants, and program alumni.
- *Estimated Number of Respondents:* 20,500.
- *Estimated Number of Responses:* 20,500.
- *Average Hours Per Response:* 0.74.
- *Total Estimated Burden:* 15,250.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

DATES: The Department will accept comments from the public up to 60 days from May 16, 2005.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: *AlamiLT@state.gov*. You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message.
- Mail (paper, disk, or CD-ROM submissions): ECA/A/E/EUR, Laura Alami, SA–44, Room 246, 301 Fourth Street, SW., Washington, DC 20547.
- Fax: 202–260–7985.
- Hand Delivery or Courier: Same as mailing address.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Laura Alami, U.S. Department of State, Bureau of Educational and Cultural

[7] CFR 200.30–3(a)(12).

Affairs, Room 246, 301 Fourth Street, SW., Washington, DC 20547, who may be reached on 202–260–5275 or *AlamiLT@state.gov*.

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper performance of our functions.

• Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection: This collection was formerly entitled Evaluation of DOS-sponsored Academic Exchange Programs. The Department of State collects this information to identify qualified candidates for, as well as to evaluate, the grants unit's academic exchange programs.

Methodology: The majority of data collection regarding the evaluation forms occurs on site with gathered groups of respondents at program events. Applications are submitted either electronically or through the mail.

Additional Information: None.

Dated: April 20, 2005.

Thomas Farrell,

Deputy Assistant Secretary for Academic Programs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 05–9715 Filed 5–13–05; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5080]

60-Day Notice of Proposed Information Collection: DS Form 4502, Fulbright Teacher Exchange Program Application Package, OMB Control No. 1405–0114

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

• *Title of Information Collection:* Fulbright Teacher Exchange Program Application Package.

• *OMB Control Number:* 1405–0114.

• *Type of Request:* Extension of a currently approved collection.

• *Originating Office:* Office of Global Educational Programs (ECA/A/S).

• *Form Number:* DS–4502.

• *Respondents:* Educators desiring to participate in the Fulbright Teacher Exchange Program.

• *Estimated Number of Respondents:* 950.

• *Estimated Number of Responses:* 950.

• *Average Hours Per Response:* 3.

• *Total Estimated Burden:* 2850.

• *Frequency:* On occasion.

• *Obligation to Respond:* Required to obtain or retain a benefit.

DATES: The Department will accept comments from the public up to 60 days from May 16, 2005.

ADDRESSES: You may submit comments by any of the following methods:

• E-mail: *chagnonrx@state.gov*. You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message.

• Mail (paper, disk, or CD–ROM submissions): Teacher Exchange Branch (ECA/A/S/X), Department of State, SA–44, Room 349, 301 Fourth Street, SW., Washington, DC 20547.

• Fax: 202–401–1433

• Hand Delivery or Courier: Same as mail address.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Jennifer Gibson, Branch Chief, or Ruta Chagnon, Program Officer (ECA/A/S/X); Department of State, SA–44, Room 349, 301 Fourth Street, SW., Washington, DC 20547, who may be reached on 202–619–4555/6.

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the agency to:

• Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

Abstract of proposed collection: Under the Mutual Educational and Cultural Exchange (Fulbright-Hays) Act of 1961, as amended, the Fulbright Teacher Exchange Program offers six-week, semester, and academic-year exchanges and seminar opportunities to U.S. educators. The data collected is used to determine whether prospective candidates are qualified for participation in the program.

Methodology: Applicants submit either a paper or electronic application to ECA. The receiving office programs the data into a computer for retention and program use as appropriate.

Additional Information: None.

Dated: April 8, 2005.

Cathy Chikes,

Executive Director, Office of Global Educational Programs, Department of State.

[FR Doc. 05–9716 Filed 5–13–05; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5079]

Culturally Significant Objects Imported for Exhibition Determinations: ''Rockwell Kent: The Mythic and the Modern''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Rockwell Kent: The Mythic and the Modern,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the Portland Museum of Art, Portland, ME from on or about June 23, 2005 to on or about October 6, 2005, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, Department of State,

(telephone: 202/453–8048). The address is Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: May 9, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–9713 Filed 5–13–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 5078]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Art of Richard Tuttle''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''The Art of Richard Tuttle,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the San Francisco Museum of Modern Art, San Francisco, CA from on or about July 2, 2005 to on or about October 16, 2005, Whitney Museum of American Art, New York, NY from on or about November 10, 2005 to on or about February 12, 2006, Des Moines Art Center, Des Moines, IA from on or about March 18, 2006 to on or about June 11, 2006, Dallas Museum of Art, Dallas, TX from on or about July 15, 2006 to on or about October 8, 2006, Museum of Contemporary Art, Chicago, IL from on or about November 11, 2006 to on or about February 4, 2007, Museum of Contemporary Art, Los Angeles, CA from on or about March 18, 2007 to on or about June 25, 2007, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, Department of State, (telephone: 202/453–8048). The address is Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: May 9, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–9714 Filed 5–13–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular Number AC 23–26, Advisory Circular on Synthetic Vision and Pathway Depictions on the Primary Flight Display

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular that sets forth an acceptable means, but not the only means of showing compliance with Title 14 Code of Federal Regulations (14 CFR), part 23, for two new concepts in small airplanes. The two concepts are: (1) Synthetic Vision (SV), and (2) pathway depictions displaying the navigation course on the primary flight display. This AC covers airplanes in the normal, utility, acrobatic, and commuter categories approved to fly under Instrument Flight Rules (IFR). This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Send your comments by June 15, 2005.

ADDRESSES: Copies of the proposed advisory circular, AC 23–26, may be requested from the following: Small Airplane Directorate, Standards Office (ACE–110), Aircraft Certification Service, Federal Aviation Administration, 901 Locust Street, Room 301, Kansas City, MO 64106. The proposed advisory circular is also available on the Internet at the following address: *http://www.airweb.faa.gov/AC.* Send all comments on this proposed advisory circular to the individual identified under **FOR FURTHER INFORMATION CONTACT.** Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lowell B. Foster, Federal Aviation Administration, Small Airplane Directorate, Regulations & Policy, ACE–111, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4125; fax: 816–329–4090; e-mail: *lowell.foster@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite your comments on this proposed advisory circular. Send any data or views as you may desire. Identify the proposed Advisory Circular Number AC 23–26 on your comments, and if you submit your comments in writing, send two copies of your comments to the above address. The Small Airplane Directorate will consider all communications received on or before the closing date for comments. We may change the proposal contained in this notice because of the comments received.

Comments sent by fax or the Internet must contain ''Comments to proposed advisory circular AC 23–26'' in the subject line. You do not need to send two copies if you fax your comments or send them through the Internet. If you send comments over the Internet as an attached electronic file, format it in either Microsoft Word 97 for Windows or ASCII text.

State what specific change you are seeking to the proposed advisory circular and include justification (for example, reasons or data) for each request.

Issued in Kansas City, Missouri on April 29, 2005.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–9627 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Gadsden Municipal Airport, Gadsden, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: Under the provisions of title 49, U.S.C. 47153(c), notice is being given that the FAA is considering a request from the Gadsden Airport Authority to waive the requirement that a 10.26-acre parcel of surplus property,

located at the Gadsden Municipal Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before June 15, 2005.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to the Gadsden Airport Authority, at the following address: Post Office Box 961, Gadsden, Alabama 35902–0961.

FOR FURTHER INFORMATION CONTACT: Mr. Keafur Grimes, Program Manager, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9886. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Gadsden Airport Authority to release 10.26 acres of surplus property at the Gadsden Municipal Airport. The property will be purchased by Cintas, Inc., which is a manufacturing company. The property is currently forest land. The net proceeds from the sale of this property will be used for airport purposes.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person upon request, may inspect the notice, and other documents germane to the notice in person at the City of Gadsden, Engineering Department, Room 301.

Issued in Jackson, Mississippi on May 5, 2005.

Rans D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 05–9626 Filed 5–15–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2005–27]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 6, 2005.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number FAA–200X–XXXXX] by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- 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.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Docket: For access to the 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.

FOR FURTHER INFORMATION CONTACT: Tim Adams (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on May 9, 2005.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2005–20109.

Petitioner: Ameriflight, Inc.

Section of 14 CFR Affected: 14 CFR 119.3.

Description of Relief Sought:

To allow Ameriflight, Inc., to operate its airplanes in all-cargo operations with a maximum payload of greater than 7,500 pounds under part 135 rather than under part 121

[FR Doc. 05–9630 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–03–115–30]

Side-Facing Seats on Transport Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of final policy.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of final policy that updates existing certification policy on § 25.785(a), Amendment 25–64, for side-facing seats.

DATES: This final policy was issued by the Transport Airplane Directorate on May 6, 2005.

FOR FURTHER INFORMATION CONTACT: Michael T. Thompson, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airframe and Cabin Safety Branch, ANM–115, 601 Lind Avenue, SW., Renton, WA 98055–4056; telephone (425) 227–1157; fax (425) 227–1232; e-mail: *michael.t.thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Disposition of Comments

A notice of proposed policy was published in the **Federal Register** on September 19, 2003 (68 FR 54931). Four (4) commenters responded to the request for comments.

Background

The final policy provides Federal Aviation Administration (FAA) certification policy on the occupant protection requirements of § 25.785(a), Amendment 25–64, for side-facing seats. Specifically, it provides guidance used to establish the minimum acceptable testing and human injury criteria for obtaining special conditions for single occupant side-facing seats and an exemption for multiple occupant side-facing seats.

The final policy as well as the disposition of comments received is available on the Internet at the following

address: *http://www.airweb.faa.gov/rgl.* If you do not have access to the Internet, you can obtain a copy of the policy by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Issued in Renton, Washington, on May 6, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate Aircraft Certification Service.

[FR Doc. 05–9703 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Uniform Relocation and Real Property Acquisition for Federal and Federally-Assisted Programs; Fixed Payment for Moving Expenses; Residential Moves

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The purpose of this notice is to publish changes in the Fixed Residential Moving Cost Schedule for the States and Territories of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming as provided for by section 202 (b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The schedule amounts for the States and Territories not listed above remain unchanged. The Uniform Act applies to all programs or projects undertaken by Federal agencies or with Federal financial assistance that cause the displacement of any person.

DATES: The provisions of this notice are effective June 15, 2005, or on such earlier date as an agency elects to begin operating under this schedule.

FOR FURTHER INFORMATION CONTACT: Kathleen H. Kendrick, Office of Real Estate Services, (202) 366–2035, e-mail address: *Kathleen.Kendrick@fhwa.dot.gov;* Federal Highway Administration, 400 Seventh Street, SW., Washington, DC, 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may reach the Office of the Federal Register's home page at: *http://www.archives.gov/* and the Government Printing Office's database at: *http://www.access.gpo.gov/.*

Background

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601–4655 (Uniform Act), established a program, which includes the payment of moving and related expenses, to assist persons who move because of Federal or federally assisted projects. The FHWA is the lead agency for implementing the provisions of the Uniform Act, and has issued government wide implementing regulations at 49 CFR part 24.

The following 17 Federal departments and agencies have, by cross-reference, adopted the government wide regulations: Department of Agriculture; Department of Commerce; Department of Defense; Department of Education; Department of Energy; Department of Homeland Security; Environmental Protection Agency; Federal Emergency Management Agency; General Services Administration; Department of Health and Human Services; Department of Housing and Urban Development; Department of the Interior; Department of Justice; Department of Labor; Department of Veterans Affairs; National Aeronautics and Space Administration; Tennessee Valley Authority.

Section 202 (b) of the Uniform Act provides that as an alternative to being paid for actual residential moving and related expenses, a displaced individual or family may elect payment for moving expenses on the basis of a moving expense schedule established by the head of the lead agency. The government-wide regulations at 49 CFR 24.302 provide that the FHWA will develop, approve, maintain, and update this schedule, as appropriate.

The purpose of this notice is to update the schedule published on August 28, 2001 (66 FR 45359). The schedule is being updated to reflect the increased costs associated with moving personal property and was developed from data provided by State highway agencies. This update increases the schedule amounts in the States and Territories of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The schedule amounts for the States and Territories not listed above remain unchanged. The payments listed in the table below apply on a State-by-State basis. Two exceptions and limitations apply to all States and Territories. Payment is limited to $100.00 if either of the following conditions applies:

(a) A person has minimal possessions and occupies a dormitory style room, or

(b) A person's residential move is performed by an agency at no cost to the person.

The schedule continues to be based on the ''number of rooms of furniture'' owned by a displaced individual or family. In the interest of fairness and accuracy, and to encourage the use of the schedule (and thereby simplify the computation and payment of moving expenses), an agency should increase the room count for the purpose of applying the schedule if the amount of possessions in a single room or space actually constitutes more than the normal contents of one room of furniture or other personal property. For example, a basement may count as two rooms if the equivalent of two rooms worth of possessions is located in the basement. In addition, an agency may elect to pay for items stored outside the dwelling unit by adding the appropriate number of rooms.

Authority: 42 U.S.C. 4622(b) and 4633(b); 49 CFR 1.48 and 24.302.

Issued on: May 9, 2005.

Mary E. Peters,

Federal Highway Administrator.

BILLING CODE 4910–22–P

Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, Fixed Residential Moving Cost Schedule (2005)

The payments listed in the table below apply on a State-by-State basis. Two exceptions and limitations apply to all States and Territories. Payment is limited to $100.00 if either of the following conditions apply:
(a) A person has minimal possessions and occupies a dormitory style room, or
(b) A person's residential move is performed by an agency at no cost to the person.

State	Occupant Owns Furniture									Occupant does not own furniture	
	Number of Rooms of Furniture								Addt'l room		
	1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms		1 room/ no furn.	Addt' room/ no furn.
Alabama	$450	$600	$750	$900	$1050	$1200	$1350	$1500	$150	$300	$50
Alaska	600	800	1025	1250	1450	1625	1800	1975	200	400	100
American Samoa	282	395	508	621	706	790	875	960	85	226	28
Arizona	650	750	850	950	1050	1150	1250	1350	100	345	60
Arkansas	450	675	900	1100	1300	1475	1650	1800	150	250	50
California	625	800	1000	1175	1425	1650	1900	2150	225	400	65
Colorado	400	550	700	850	1000	1150	1300	1450	150	300	50
Connecticut	575	750	925	1100	1325	1550	1775	2000	150	225	60
Delaware	450	630	810	990	1125	1260	1395	1530	135	360	45
District of Columbia	250	400	550	650	750	850	950	1050	100	225	35
Florida	550	700	875	1050	1200	1350	1500	1650	200	450	125
Georgia	495	715	935	1100	1320	1485	1650	1760	140	275	40
Guam	282	395	508	621	706	790	875	960	85	226	28
Hawaii	550	900	1250	1550	1850	2100	2350	2600	200	300	100
Idaho	400	550	700	850	950	1050	1150	1250	100	300	50
Illinois	550	700	850	950	1050	1150	1250	1350	100	475	50
Indiana	425	625	825	900	1025	1150	1300	1400	200	375	100
Iowa	550	700	800	900	1000	1100	1225	1350	125	400	50
Kansas	400	600	800	1000	1200	1400	1600	1800	200	250	50
Kentucky	450	620	790	960	1130	1300	1470	1640	170	350	50
Louisiana	500	700	900	1100	1300	1500	1700	1900	200	375	60
Maine	500	700	900	1100	1300	1500	1650	1800	150	300	75
Maryland	350	500	650	800	925	1050	1175	1300	100	225	35
Massachusetts	400	550	700	850	1000	1150	1300	1450	150	250	50

Michigan	550	800	1050	1150	1300	1450	1625	1750	250	475	150
Minnesota	400	550	700	850	1000	1150	1300	1400	100	275	50
Mississippi	550	650	750	850	950	1050	1150	1250	100	300	50
Missouri	600	700	800	900	1000	1100	1200	1300	200	400	100
Montana	500	700	750	875	1000	1125	1250	1375	150	350	50
Nebraska	360	505	645	790	900	1005	1115	1225	110	285	37
Nevada	500	700	900	1100	1300	1500	1700	1900	200	350	60
New Hampshire	450	600	750	900	1050	1200	1350	1500	150	200	150
New Jersey	500	500	700	850	1000	1150	1250	1400	250	225	35
New Mexico	400	650	880	1040	1200	1360	1520	1680	160	360	55
New York	550	700	850	1000	1150	1300	1450	1600	150	350	100
North Carolina	500	700	900	1100	1300	1500	1650	1800	150	350	50
North Dakota	400	575	725	875	1025	1150	1225	1375	150	350	50
N. Mariana Is.	282	395	508	621	706	790	875	960	85	226	28
Ohio	400	600	800	950	1100	1250	1400	1550	150	250	50
Oklahoma	450	600	750	900	1025	1150	1275	1400	100	300	50
Oregon	400	550	750	950	1125	1300	1475	1650	175	350	100
Pennsylvania	420	680	940	1110	1280	1450	1620	1790	170	380	60
Puerto Rico	280	370	460	550	640	730	820	910	75	200	25
Rhode Island	400	500	600	700	900	1000	1100	1200	100	300	25
South Carolina	600	675	925	1100	1350	1500	1625	1800	175	450	50
South Dakota	350	500	650	800	900	1200	1400	1600	200	300	40
Tennessee	500	700	900	1100	1300	1500	1700	1900	200	300	50
Texas	400	550	700	850	1000	1100	1200	1300	100	300	50
Utah	460	585	720	845	970	1120	1245	1370	125	300	50
Vermont	400	550	650	850	1000	1100	1200	1300	150	300	75
Virgin Islands	250	350	450	550	625	700	775	850	75	200	25
Virginia	450	650	800	950	1100	1250	1400	1550	150	300	50
Washington	600	800	1000	1200	1400	1600	1800	2000	200	300	50
West Virginia	600	750	900	1050	1200	1350	1500	1650	200	300	50
Wisconsin	450	600	750	900	1050	1200	1350	1500	150	350	50
Wyoming	410	550	685	820	960	1095	1235	1370	135	275	50

[FR Doc. 05–9640 Filed 5–13–05; 8:45 am]
BILLING CODE 4910–22–C

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–98–3637, FMCSA–99–5578, FMCSA–99–5748, FMCSA–2000–7363, FMCSA–2000–7918, FMCSA–2000–8203, FMCSA–2000–8398, FMCSA–2002–13411, FMCSA–2003–14223, FMCSA–2003–14504]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 31 individuals. The FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective June 4, 2005. Comments from interested persons should be submitted by June 15, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Numbers FMCSA–98–3637, FMCSA–99–5578, FMCSA–99–5748, FMCSA–2000–7363, FMCSA–2000–7918, FMCSA–2000–8203, FMCSA–2000–8398, FMCSA–2002–13411, FMCSA–2003–14223, and FMCSA–2003–14504, by any of the following methods:

- *Web Site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *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.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All submissions must include the agency name and docket numbers for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the 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.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366–4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Public Participation: The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the ''help'' section of the DMS Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 31 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 31 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Michael C. Boyne
Clifford D. Carpenter
Darryl D. Cassatt
Albion C. Doe, Sr.
Timothy H. DuBois
James M. Eads
Raymond D. Gromley
Alf M. Gronstedt
Dennis K. Harris
David A. Hiller
Donald E. Howell
Tommy T. Hudson
William D. Johnson
Edward J. Kasper
Jimme D. Kline
Spencer E. Leonard
Phillip L. Mangen
Clifford E. Masink
Tommy R. Masterson
Leo L. McMurray
Clarence M. Miles, Jr.
Steven M. Montalbo
Charles J. Rowsey
Vincent Rubino
Randy G. Spilman
Wyatt W. Thayer, Jr.
Thomas S. Thompson
Buford C. Varnadore
Robert A. Wegner
John E. Wertz
Daniel G. Wilson

These exemptions are extended subject to the following conditions: (1) That each individual have a physical exam every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid

for two years unless rescinded earlier by the FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 31 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 30285; 63 FR 54519; 65 FR 77069; 68 FR 1654; 64 FR 27027; 64 FR 51568; 67 FR 67234; 64 FR 40404; 64 FR 66962; 67 FR 17102; 65 FR 45817; 65 FR 77066; 67 FR 71610; 65 FR 66286; 66 FR 13825; 68 FR 13360; 65 FR 78256; 66 FR 16311; 67 FR 76439; 68 FR 10298; 68 FR 10301; 68 FR 19596; 68 FR 19598; 68 FR 33570). Each of these 31 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, the FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Comments

The FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by June 15, 2005.

In the past the FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 69 FR 51346 (August 18, 2004). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on: May 10, 2005.

Pamela M. Pelcovits,

Office Director, Policy, Plan, and Regulation.

[FR Doc. 05–9709 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–20053, Notice 2]

Morgan Motor Company Limited Grant of Application for a Temporary Exemption From Part 581 Bumper Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant of application for a temporary exemption from Part 581 Bumper Standard.

SUMMARY: This notice grants the Morgan Motor Company Limited (''Morgan'') application for a temporary exemption from Part 581 *Bumper Standard.* In accordance with 49 CFR part 555, the basis for the grant is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.[1]

The National Highway Traffic Safety Administration (NHTSA) published a notice of receipt of the application on January 13, 2005, and afforded an opportunity for comment.[2]

DATES: The exemption is effective from May 1, 2005, until May 1, 2008.

FOR FURTHER INFORMATION CONTACT: George Feygin in the Office of Chief Counsel, NCC–112, (Phone: 202–366–2992; Fax 202–366–3820; e-mail: *George.Feygin@nhtsa.dot.gov*).

I. Background

Founded in 1910, Morgan is a small privately owned vehicle manufacturer producing approximately 400 to 500 vehicles per year. The vehicles manufactured by Morgan are uniquely styled open top roadsters. In recent years, the only model exported into the United States was the Morgan Plus 8.[3]

Petitioner states that in preparing to replace the Morgan Plus 8 with a new model in the U.S., Morgan sought to use a V6 engine and a manual transmission supplied by Ford Motor Company (Ford). However, it later became apparent that Ford would be unable to supply a suitable engine and manual transmission due to the change in the production plans. The planned Morgan replacement vehicle for the U.S. market could not accommodate an automatic transmission. Because no other alternatives were available, Morgan was unable to proceed with designing a replacement vehicle for the U.S. market. Thus, petitioner stopped selling vehicles in the United States in January of 2004.

After an unsuccessful attempt to manufacture a new vehicle that would replace the Morgan Plus 8, Morgan turned its attention to an existing vehicle designed specifically for the European market, the Morgan Aero 8 (Aero 8).[4] The petition stated, that after prolonged efforts to develop an air bag system and to make other changes to the vehicle, Morgan was able to bring the Aero 8 into compliance with all the Federal motor vehicle safety standards. However, because Aero 8 was not originally intended for the U.S. market and because the petitioner was working on a different vehicle intended for the U.S. market, this latest effort required significant financial expenditures in a short period of time. Petitioner stated that as a consequence, it had not been able to develop bumpers that comply with the requirements of Part 581, *Bumper standard.*

II. Why Morgan Needs a Temporary Exemption

Petitioner indicated that it has experienced substantial economic hardship, especially in light of decreasing sales and substantial costs incurred in bringing Aero 8 into compliance with FMVSSs. Specifically, Morgan indicated that it spent a total of

[1] To view the petition, please got to: *http://dms.dot.gov/search/searchFormSimple.cfm* (Docket No. NHTSA–2005–20053).

[2] *See* 70 FR 2462.

[3] *See http://www.morgan-motor.co.uk/.*

[4] A description of the Aero 8 vehicle is attached to the petition and can be viewed online at *http://dms.dot.gov/search/searchFormSimple.cfm* (Docket No. NHTSA–2005–20053).

£8,000,000 (≈ 15,232,811)[5] on developing Aero 8 for the U.S. market. Petitioner's financial submission showed a net loss of £1,947,456 (≈ $3,739,109) for the fiscal year 2003; a net loss of £582,446 (≈ $1,118,203) for the fiscal year 2002; and a net gain of £148,425 (≈ $284,952) for the fiscal year 2001. This represented a cumulative net loss for a period of 3 years of £2,381,477 (≈ $4,572,664).[6]

According to the petitioner, the cost of making the Aero 8 compliant with the bumper standard was beyond the company's current capabilities because developing and building a compliant bumper requires redesigning the entire body structure of the Aero 8. Morgan estimated the cost of developing a Part 581-compliant bumper to be approximately £3,000,000 (≈ $5,710,407).

Morgan requested a three-year exemption in order to develop compliant bumpers. Petitioner anticipates the funding necessary for these compliance efforts will come from immediate sales of Aero 8 in the United States.

III. Why Compliance Would Cause Substantial Economic Hardship, and How Morgan Has Tried in Good Faith To Comply With the Bumper Standard

Petitioner contends that it cannot return to profitability unless it receives a temporary exemption from the bumper standard for the Aero 8. Specifically, if the exemption is granted, Morgan anticipates a net profit of £596,923 (≈ $1,136,444) for the first year of Aero 8 being sold in the U.S. Morgan also projects that an exemption would have a similar impact in the next year. If the exemption is denied, Morgan will not be able to sell Aero 8 in the U.S. Resulting loss in sales revenue will result in a projected net loss of £2,242,527 (≈ $4,269,536.37). Morgan indicates that a temporary exemption would provide U.S. Morgan dealers with a source of revenue. Without Aero 8 being available in the U.S., some dealers will find it difficult to remain in business and support existing customers. The petitioner will also be forced to cut back on existing customer support in the U.S.

According to its petition, Morgan examined a number of bumper solutions in order to bring the Aero 8 into compliance with Part 581. First, Morgan considered mounting bumpers from another Morgan vehicle onto Aero 8. However, because of Aero 8's unique shape, there were no structures that would accommodate suitable bumper mountings without interference with headlamps. Second, Morgan considered installing rubber bumpers. However, they too caused interference with lighting equipment. Finally, Morgan considered foam-based bumpers. This proved to be the only solution that did not result in interference with lighting equipment. However, it required a change to front and rear aluminum body panels and chassis at a cost of approximately £3,000,000.

IV. Why an Exemption Would Be in the Public Interest

Petitioner put forth several arguments in favor of a finding that the requested exemption is consistent with the public interest. Specifically:

1. Petitioner noted that Aero 8 complies with all Federal motor vehicle safety standards and therefore, the exemption would not increase the safety risks on U.S. highways.
2. Although the Aero 8 bumpers do not comply with Part 581, the cost of bumper repairs is comparable to similarly priced vehicles.
3. Petitioner argues that denial of the petition would limit consumer choices by permanently eliminating Morgan from the marketplace.[7]
4. Morgan remarks that due to the nature of the Aero 8, it will, in all likelihood, be utilized infrequently and each car would not travel in excess of 3,000–4,000 miles annually.
5. Morgan does not anticipate selling more than 100 vehicles annually, and therefore, the impact of the exemption is expected to be minimal.

V. Comments Regarding the Morgan Application

The agency received ten comments in response to the notice of the application. The commenters were: The Coalition of Small Volume Auto Manufacturers (COSVAM); Stephen Stierman; Peter S. Roberts; Andrew Bradley; W. James Franks; Dave Houser; Mark Jehan; Jeff Smith; Thomas Ellsworth; Carlton Shriver.[8] All commenters were in favor of granting the exemption. COSVAM indicated that current U.S. owners of Morgan vehicles are entirely dependent on Morgan for their continued support in the routine maintenance and restoration. COSVAM also stated that the denial of the petition would restrict consumer choice in the U.S. COSVAM noted that specialized vehicles like Aero 8 are used only occasionally and do not average more than 4,000 to 5,000 thousand miles annually. The individual commenters urged the agency to grant the exemption because of Aero 8's unique characteristics would make the car a collector's item, and because they believed that Morgan's low production output would have a negligible effect on motor vehicle safety in the United States. Others indicated that they were in favor of the exemption because the purchasers would be aware that their vehicles do not comply with the Federal bumper standards, and would not drive these rare and expensive cars frequently.

VI. The Agency's Findings

The agency concludes that the Morgan application for a temporary exemption demonstrates that the company has made a good faith effort to bring the Aero 8 into compliance with the Bumper Standard. Morgan has also demonstrated the requisite financial hardship.

Traditionally, the agency has found that the public interest is served in affording continued employment to a small volume manufacturer's work force. The agency has also found that the public interest is served by affording the consumers a wider variety of motor vehicles. In this instance, denial of the petition is likely to put Morgan out of business in the U.S. and cause the company to suffer losses in excess of $4,000,000. Further, an exemption would assure an adequate supply of spare parts to existing U.S. Morgan owners.

The term of this exemption will be limited to three years and the agency anticipates that the Aero 8 will be sold in very limited quantities. We anticipate that with the help of revenues derived from U.S. sales, Morgan will be able to introduce a fully compliant vehicle by the time this exemption expires.

Because Morgan Aero 8 will be manufactured in limited quantities and because each vehicle is likely to be operated only on a limited basis, the agency finds that this exemption will likely have a negligible impact on the overall safety of U.S. highways. The agency notes that the vehicle subject to this petition complies with all applicable Federal motor vehicle safety standards.

In consideration of the foregoing, it is hereby found that compliance with the requirements of 49 CFR part 581 *Bumper Standard* would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. It is

[5] All dollar values are based on an exchange rate of £1 = $1.90 as of 4/18/2005.

[6] *See* April 16, 2005 supplement to the Morgan application (Docket No. NHTSA–2005–20053–13).

[7] As previously discussed, Morgan manufactures unique automobiles for which there is no direct competition or a substitute.

[8] *See* Docket No. NHTSA–2005–20053.

further found that the granting of an exemption would be in the public interest and consistent with the objectives of traffic safety.

In accordance with 49 U.S.C. § 30113(b)(3)(B)(i), Morgan Aero 8 is granted NHTSA Temporary Exemption No. EX 05–1, from 49 CFR part 581 *Bumper Standard.* The exemption shall remain in effect until May 1, 2008.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on: May 9, 2005.

Jeffrey W. Runge,

Administrator.

[FR Doc. 05–9707 Filed 5–13–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Exemptions

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of applications for exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before June 15, 2005.

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If Confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for modification of exemption is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on May 10, 2005.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Safety, Exemptions & Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
14183–N	PHMSA–21128	LND, Inc., Oceanside, NY	49 CFR 173.302a, 172.101(9A).	To authorize the manufacture, marking, sale and use of non-DOT specification sealed electron tube radiation sensors to transport Division 2.1 and 2.2 materials. (Modes 1, 2, 3, 4, 5.)
14184–N	PHMSA–21129	Global Refrigerants, Inc., Denver, CO.	49 CFR 173.301(j)	To authorize the one-time, one-way, transportation in commerce of approximately 250 non-DOT specification cylinders of refrigerant gas. (Mode 1.)
14185–N	PHMSA–21123	U.S. Department of Energy, Washington, DC.	49 CFR 173.420	To authorize the transportation in commerce of uranium hexafluoride in non-DOT specification cylinders. (Mode 1.)
14186–N	PHMSA–21132	Dow Chemical Company, Midland, MI.	49 CFR 179.13	To authorize the transportation in commerce of Class 3 and 8 and Division 2.1 and 6.1 hazardous materials in DOT specification 105J300W tank car tanks that exceed the maximum allowable gross weight on rail (263,000 lbs.). (Mode 2.)
14187–N	PHMSA–21127	Space Systems/Loral, Palo Alto, CA.	49 CFR 173.302a	To authorize the transportation in commerce of nickel-hydrogen batteries in non-DOT specification packaging. (Mode 1.)
14188–N	PHMSA–21126	Interdynamics, Inc., Tarrytown, NY.	49 CFR 173.304(d), 173.306(a) (3) and 178.33a.	To authorize the manufacture, marking, sale and use of non-DOT specification inner nonrefillable metal receptacles similar to DOT specification 2Q containers for certain Division 2.2 materials. (Modes 1, 2, 3, 4.)
14189–N	PHMSA–21124	PPG Industries, Inc., Pittsburgh, PA.	49 CFR 172.302, 172.326, 172.504, 173.242.	To authorize the transportation in commerce of the residue of certain Class 3 materials in non-DOT specification portable tanks without marking and placarding. (Mode 1.)
14190–N		Cordis Corporation, Miami Lakes, FL.	49 CFR 172.200, 172.300, 172.400.	To authorize the transportation in commerce of certain Class 3 and 9 materials across a public road without shipping papers, marking or labeling. (Mode 1.)

[FR Doc. 05–9710 Filed 5–13–05; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modifications of Exemption

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of applications for modification of exemption.

SUMMARY: In accordance with theprocedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of exemptions (*e.g.,* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' demote a modification request. Their applications have been separated from the new application for exemption to facilitate processing.

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

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If Confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Comments of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at *http://dms.dot.gov.* This notice of receipt of appilcations for modification of exemption is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on May 10, 2005.

R. Ryan Poston,

Exemptions Program Officer, Office of Hazardous Materials, Exemptions & Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
MODIFICATION EXEMPTIONS					
9880–M		GE Reuter-Stokes, Inc., Twinsburg, OH.	49 CFR 173.302a; 175.3; Part 172 Subpart E and F.	9880	To modify the exemption to authorize an increase in design pressure to 440 psig for the non-DOT specification containers transporting Division 2.2 materials.
10048–M		Epichem, Inc., Haverhill, MA.	49 CFR 173.181; 173.187; 173.201, 202, 211, 212, 226, 227.	10048	To modify the exemption to update various proper shipping names and UN numbers for the Division 4.2, 4.3, and 6.1 materials transported in a UN1A2 drum inside a non-DOT specification metal container.
11379–M		TRW Occupant Safety Systems, Washington, MI.	49 CFR 173.301(h), 173.302(a); 175.3.	11379	To modify the exemption to increase the maximum service pressure at 70 degrees F for the non-DOT specification pressure vessels for use as components of safety systems.
11970–M	RSPA–97–2993	Albermarle Corp., Baton Rouge, LA.	49 CFR 172.1001; 178.245–1(c).	11970	To modify the exemption to authorize an additional proper shipping name for the Division 4.2 material transported in a non-DOT specification portable tank.
12920–M	RSPA–02–11638	Epichem, Inc., Haverhill, MA.	49 CFR 173.181(c) ..	2920	To modify the exemption to update the proper shipping name and UN number for a Division 4.2 material transported in combination packagings with inner containers that exceed authorized quantities.
13207–M	RSPA–03–15068	BEI Hawaii, Honolulu, HI.	49 CFR 173.32(f)(5)	13207	To modify the exemption to authorize the use of additional DOT Specification IM 101 steel portable tanks that do not conform to the filling density requirements for the transportation of a Class 8 material.
13220–M	RSPA–03–14968	Advanced Technology Materials, Inc. (ATM), Danbury, CT.	49 CFR 173.301; 173.302; 173.304; 173.315.	13220	To modify the exemption to authorize the use of alternative manufacturers, cylinder shapes and mixed metal construction for the non-DOT specification welded pressure vessels.

[FR Doc. 05–9711 Filed 5–13–05; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34687]

Patrick D. Broe and BNS Holdings, Inc.—Acquisition of Control Exemption—Nebraska, Kansas & Colorado RailNet, Inc., Illinois RailNet, Inc., and Georgia & Florida RailNet, Inc.

Patrick D. Broe (Mr. Broe) and BNS Holdings, Inc. (BNS Holdings), (collectively, applicants) have filed a verified notice of exemption to acquire control of the Nebraska, Kansas & Colorado RailNet, Inc. (NKCR), Illinois RailNet, Inc. (IR), and Georgia & Florida RailNet, Inc. (G&FR), all Class III rail carriers, operating in Colorado, Florida, Georgia, Illinois, Kansas and Nebraska.[1]

The proposed transaction was scheduled to be consummated on or shortly after May 2, 2005.

Mr. Broe is a noncarrier individual who directly controls BNS Holdings, a noncarrier company that currently controls RN Rail Holdings, Inc. (RN Rail), also a noncarrier. North America RailNet, Inc. (NA RailNet), is a noncarrier holding company that currently controls rail carriers NKCR, IR and G&FR. According to applicants, RN Rail will be merged into NA RailNet whereupon RN Rail will cease to exist and NA RailNet will be the surviving subsidiary of BNS Holdings. Applicants state that once the transaction is consummated, Mr. Broe and BNS Holdings will indirectly control NKCR, IR and G&FR via NA RailNet.[2]

Mr. Broe also directly controls OmniTRAX, Inc. (OmniTRAX), a noncarrier that currently controls 12 Class III rail carriers: Chicago Rail Link, LLC (CRL); Georgia Woodlands Railroad, LLC (GWRC); Great Western Railway of Colorado, LLC (GWR); Great Western Railway of Iowa LLC (GWRI); Manufacturers' Junction Railway, LLC (MJ); Newburgh and South Shore Railroad Limited (NSR); Northern Ohio & Western Railway, LLC (NOW); Panhandle Northern Railroad, LLC (PNR); Alliance Terminal Railroad, LLC (ATR); Fulton County Railway, LLC (FCR); Alabama & Tennessee River Railway, LLC (ATN); and Kettle Falls International Railway, LLC (KFR).

Applicants state that: (i) The rail lines operated by CRL, GWRC, GWR, GWRI, MJ, NSR, NOW, PNR, ATR, FCR, ATN, and KFR do not connect with the rail lines operated by NKCR, IR and G&FR; (ii) the transaction is not part of a series of anticipated transactions that would connect the rail lines operated by NKCR, IR and G&FR with any railroad in the OmniTRAX corporate family; and (iii) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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. 34687, 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 Karl Morell, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: May 9, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–9684 Filed 5–13–05; 8:45 am]

BILLING CODE 4915–01–P

[1] A redacted version of the Agreement and Plan of Merger was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order. A protective order was served on May 5, 2005.

[2] Applicants state that as soon as the transaction is closed NKCR will be renamed Nebraska, Kansas & Colorado Railway, Inc., IR will be renamed Illinois Railway, Inc., and G&FR will be renamed Georgia & Florida Railway, Inc.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34694]

Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF), pursuant to a written trackage rights agreement entered into with Union Pacific Railroad Company (UP), has agreed to grant local trackage rights to UP[1] over a BNSF line of railroad extending from BNSF milepost 11.3 at UP Junction, WA, to BNSF milepost 36.0 near Sprague, WA, a distance of approximately 24.7 miles.

The transaction was scheduled to be consummated on May 3, 2005.

The purpose of the trackage rights is to permit UP to move loaded and empty ballast trains for use in its maintenance-of-way projects.

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 it 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. 34694 must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on T. Christopher Lewis, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

[1] 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 1180.2(d)(8). *See Railroad Consolidation Procedures—Exemption for Temporary Trackage Rights*, STB Ex Parte No. 282 (Sub-No. 20) (STB served May 23, 2003). Therefore, UP has concurrently filed a petition for partial revocation of this exemption in STB Finance Docket No. 34694 (Sub-No. 1), *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company*, wherein UP requests that the Board permit the proposed local trackage rights arrangement described in this notice to expire on or about December 31, 2005. That petition will be addressed by the Board in a separate decision.

Decided: May 10, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–9740 Filed 5–13–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Public Meeting of the President's Advisory Panel on Federal Tax Reform

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice advises all interested persons of the location of the May 17, 2005, public meeting of the President's Advisory Panel on Federal Tax Reform. This meeting was previously announced in 70 FR 22758 (May 2, 2005).

DATES: The meeting will be held on Tuesday, May 17, 2005, and will begin at 9:30 a.m.

ADDRESSES: The meeting will be held at the Georgetown University Law Center, 600 New Jersey Ave., NW., Washington, DC 20001. Seating will be available to the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: The Panel staff at (202) 927–2TAX (927–2829) (not a toll-free call) or e-mail *info@taxreformpanel.gov* (please do not send comments to this box). Additional information is available at *http://www.taxreformpanel.gov*.

Dated: May 12, 2005.

Mark S. Kaizen,

Designated Federal Officer.

[FR Doc. 05–9786 Filed 5–13–05; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Education; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Pub. L. 92–463 (Federal Advisory Committee Act) that the Veterans' Advisory Committee on Education will meet on Tuesday, June 7, 2005, from 8 a.m. to 4 p.m., and Wednesday, June 8, 2005, from 8 a.m. to 12 noon. The meeting will be held at the Atlanta VA Regional Office, 1700 Clairmont Road, Decatur, GA 30333–4032. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of education and training programs for veterans and servicepersons, reservists, and dependents of veterans under chapters 30, 32, 35, 36 of title 38, and chapter 1606 of title 10, United States Code.

On June 7, the meeting will begin with opening remarks and an overview by Mr. James Bombard, Committee Chair. During the morning session, Committee members will tour regional processing office operations. In the afternoon, they will discuss the total force GI Bill, VA educational assistance program trends, reporting fees, utilization of faith-based funds to support programs, and the Horatio Alger Foundation follow up. On June 8, the Committee will review and summarize issues addressed during the meeting.

Interested persons may file written statements to the Committee before the meeting, or within 10 days after the meeting, with Mrs. Judith B. Timko, Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration (225B), 810 Vermont Avenue, NW., Washington, DC 20420. Oral statements will be heard on Wednesday, June 8, 2005, at 9:15 a.m. Any member of the public wishing to attend the meeting should contact Mrs. Judith B. Timko or Mr. Michael Yunker at (202) 273–7187.

Dated: May 10, 2005.

By direction of the Secretary.

E. Philip Riggin,

Committee Management Office.

[FR Doc. 05–9652 Filed 5–13–05; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Women Veterans will conduct site visits on June 20–24, 2005, at the VA New Jersey Health Care System's East Orange Campus VA Medical Center, 385 Tremont Avenue, East Orange, NJ 07018, and the Lyons Campus VA Medical Center, 151 Knollcroft Road, Lyons, NJ 07939, as well as several other VA facilities in the area. The site visits will be held from 8 a.m. until 4 p.m. each day and will be open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach, and other programs and activities administered by VA designed to meet such needs. The Committee will make recommendations to the Secretary regarding such programs and activities.

On June 20, the agenda topics for this meeting will include briefings and updates by the key leadership at the East Orange Campus VA Medical Center (VAMC) and the Women Veterans Program Managers in Veterans Integrated Services Network (VISN) 3, as well as briefings from VISN leadership. On June 21, the Committee will hear briefings and updates by the key leadership at the Newark VA Regional Office (VARO) and will hear briefings from staff at the Newark Vet Center. The Committee will also tour the East Orange Campus VAMC and hear briefings from the service line chiefs at that facility. On June 22, the Committee will hear briefings and updates by the key leadership group at the East Orange Campus VAMC as well as updates from other VISN leadership. On June 23, the Committee will tour the Lyons Campus VAMC as well as hear briefings from leadership at that facility. On June 24, an open forum and town hall meeting with the women veterans' community will be held at the East Orange Campus VAMC.

Any member of the public wishing to attend should contact Ms. Rebecca Schiller at the Department of Veterans Affairs, Center for Women Veterans (OOW), 810 Vermont Avenue, NW., Washington, DC 20420. Ms. Schiller may be contacted either by phone at (202) 273–6193, fax at (202) 273–7092, or e-mail at *OOW@mail.va.gov*. Interested persons may attend, appear before, or file statements with the Committee. Written statements must be filed before the meeting or within 10 days after the meeting.

Dated: May 10, 2005.

By direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 05–9651 Filed 5–13–05; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 70, No. 93

Monday, May 16, 2005

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive or Partially Exclusive Licensing of U.S. Patent Concerning Electrospun Fibers and an Apparatus Therefor

Correction

In notice document 05–9311 appearing on page 24556 in the issue of Tuesday, May 10, 2005, make the following correction:

On page 24556, in the first column, under the heading **FOR FURTHER INFORMATION CONTACT**, in the sixth line, ''Robert.Rosenkrans@nantick.army.mil'' should read ''Robert.Rosenkrans@natick.army.mil''.

[FR Doc. C5–9311 Filed 5–13–05; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
May 16, 2005

Part LXII

Department of Defense

Office of the Secretary

Base Closures and Realignments (BRAC); Notice

DEPARTMENT OF DEFENSE

Office of the Secretary

Base Closures and Realignments (BRAC)

AGENCY: Department of Defense.

ACTION: Notice of Recommended Base Closures and Realignments.

SUMMARY: The Secretary of Defense is authorized to recommend military installations inside the United States for closure and realignment in accordance with Section 2914(a) of the Defense Base Closure and Realignment Act of 1990, as amended (Pub. L. 101–510; 10 U.S.C. 2687 note). The Secretary is required to publish his list of recommendations in the **Federal Register** by May 16, 2005. The list of recommendations is included in the Supplementary Information section.

EFFECTIVE DATE: May 16, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Mike McAndrew, Base Realignment and Closure Office, ODUSD(I&E), (703) 614–5356.

SUPPLEMENTARY INFORMATION:

A. List of Recommendations

Department of the Army Recommendations

Fort Wainwright, AK

Recommendation: Realign Fort Wainwright, AK, by relocating the Cold Regions Test Center (CRTC) headquarters from Fort Wainwright, AK, to Fort Greely, AK.

Fort Gillem, GA

Recommendation: Close Fort Gillem, GA. Relocate the Headquarters, 1st U.S. Army to Rock Island Arsenal, IL. Relocate the 2nd Recruiting Brigade to Redstone Arsenal, AL. Relocate the 52nd Explosive Ordnance Disposal (EOD) Group to Fort Campbell, KY. Relocate the 81st RRC Equipment Concentration Site to Fort Benning, GA. Relocate the 3rd U.S. Army Headquarters support office to Shaw Air Force Base, SC. Relocate the Headquarters U.S. Forces Command (FORSCOM) VIP Explosive Ordnance Support to Pope Air Force Base, NC. Close the Army-Air Force Exchange System (AAFES) Atlanta Distribution Center and establish an enclave for the Georgia Army National Guard, the remainder of the 81st RRC units and the Criminal Investigation Division (CID) Forensics Laboratory.

Fort McPherson, GA

Recommendation: Close Fort McPherson, GA. Relocate the Headquarters U.S. Army Forces Command (FORSCOM), and the Headquarters U.S. Army Reserve Command (USARC) to Pope Air Force Base, NC. Relocate the Headquarters 3rd U.S. Army to Shaw Air Force Base, SC. Relocate the Installation Management Agency Southeastern Region Headquarters and the U.S. Army Network Enterprise Technology Command (NETCOM) Southeastern Region Headquarters to Fort Eustis, VA. Relocate the Army Contracting Agency Southern Region Headquarters to Fort Sam Houston.

Operational Army (IGPBS)

Recommendation: Realign Fort Bliss, TX by relocating air defense artillery units to Fort Sill and relocating 1st Armored Division and various echelon above division units from Germany and Korea to Fort Bliss, TX. Realign Fort Sill by relocating an artillery (Fires) brigade to Fort Bliss. Realign Fort Hood, TX by relocating maneuver battalions, a support battalion, and aviation units to Fort Bliss, TX. Realign Fort Riley, KS by inactivating various units, activating a Brigade Combat Team (BCT) and relocating 1st Infantry Division units and various echelons above division units from Germany and Korea to Fort Riley, KS. Realign Fort Campbell, KY, by relocating an attack aviation battalion to Fort Riley, KS.

Maneuver Training

Recommendation: Realign Fort Knox, KY, by relocating the Armor Center and School to Fort Benning, GA, to accommodate the activation of an Infantry Brigade Combat Team (BCT) at Fort Knox, KY, and the relocation of engineer, military police, and combat service support units from Europe and Korea. Realign Fort McCoy, WI, by relocating the 84th Army Reserve Regional Training Center to Fort Knox, KY.

U.S. Army Garrison Michigan (Selfridge)

Recommendation: Close United States Army Garrison Michigan at Selfridge, which is located on Selfridge Air National Guard Base. Retain an enclave to support the Dynamic Structural Load Simulator (Bridging) Laboratory and the Water Purification Laboratory on Selfridge.

Fort Monmouth, NJ

Recommendation: Close Fort Monmouth, NJ. Relocate the U.S. Army Military Academy Preparatory School to West Point, NY. Relocate the Joint Network Management System Program Office to Fort Meade, MD. Relocate the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items to Defense Supply Center Columbus, OH, and reestablish them as Defense Logistics Agency Inventory Control Point functions; relocate the procurement management and related support functions for Depot Level Reparables to Aberdeen Proving Ground, MD, and designate them as Inventory Control Point functions, detachment of Defense Supply Center Columbus, OH, and relocate the remaining integrated materiel management, user, and related support functions to Aberdeen Proving Ground, MD. Relocate Information Systems, Sensors, Electronic Warfare, and Electronics Research and Development & Acquisition (RDA) to Aberdeen Proving Ground, MD. Relocate the elements of the Program Executive Office for Enterprise Information Systems and consolidate into the Program Executive Office, Enterprise Information Systems at Fort Belvoir, VA.

Realign Fort Belvoir, VA by relocating and consolidating Sensors, Electronics, and Electronic Warfare Research, Development and Acquisition activities to Aberdeen Proving Ground, MD, and by relocating and consolidating Information Systems Research and Development and Acquisition (except for the Program Executive Office, Enterprise Information Systems) to Aberdeen Proving Ground, MD.

Realign Army Research Institute, Fort Knox, KY, by relocating Human Systems Research to Aberdeen Proving Ground, MD.

Realign Redstone Arsenal, AL, by relocating and consolidating Information Systems Development and Acquisition to Aberdeen Proving Ground, MD.

Realign the PM Acquisition, Logistics and Technology Enterprise Systems and Services (ALTESS) facility at 2511 Jefferson Davis Hwy, Arlington, VA, a leased installation, by relocating and consolidating into the Program Executive Office, Enterprise Information Systems at Fort Belvoir, VA.

Fort Bragg, NC

Recommendation: Realign Fort Bragg, NC, by relocating the 7th Special Forces Group (SFG) to Eglin AFB, FL, and by activating the 4th Brigade Combat Team (BCT), 82d Airborne Division and

relocating European-based forces to Fort Bragg, NC.

Single Drill Sergeant School

Recommendation: Realign Fort Benning, GA, and Fort Leonard Wood, MO, by relocating the Drill Sergeant School at each location to Fort Jackson, SC.

Fort Hood, TX

Recommendation: Realign Fort Hood, TX, by relocating a Brigade Combat Team (BCT) and Unit of Employment (UEx) Headquarters to Fort Carson, CO.

Red River Army Depot, TX

Recommendation: Close Red River Army Depot, TX. Relocate the storage and demilitarization functions of the Munitions Center to McAlester Army Ammunition Plant, OK. Relocate the munitions maintenance functions of the Munitions Center to McAlester Army Ammunition Plant, OK, and Blue Grass Army Depot, KY. Relocate the depot maintenance of Armament and Structural Components, Combat Vehicles, Depot Fleet/Field Support, Engines and Transmissions, Fabrication and Manufacturing, Fire Control Systems and Components, and Other to Anniston Army Depot, AL. Relocate the depot maintenance of Powertrain Components, and Starters/Generators to Marine Corps Logistics Base Albany, GA. Relocate the depot maintenance of Construction Equipment to Anniston Army Depot, AL, and Marine Corps Logistics Base Albany, GA. Relocate the depot maintenance of Tactical Vehicles to Tobyhanna Army Depot, PA and Letterkenny Depot, PA. Relocate the depot maintenance of Tactical Missiles to Letterkenny Army Depot, PA. Disestablish the supply, storage, and distribution functions for tires, packaged Petroleum, Oil, and Lubricants, and compressed gases. Relocate the storage and distribution functions and associated inventories of the Defense Distribution Depot to the Defense Distribution Depot, Oklahoma City, OK.

Fort Monroe, VA

Recommendation: Close Fort Monroe, VA. Relocate the U.S. Army Training & Doctrine Command (TRADOC) Headquarters, the Installation Management Agency (IMA) Northeast Region Headquarters, the U.S. Army Network Enterprise Technology Command (NETCOM) Northeast Region Headquarters and the Army Contracting Agency Northern Region Office to Fort Eustis, VA. Relocate the U.S. Army Accessions Command and U.S. Army Cadet Command to Fort Knox, KY.

USAR Command and Control—Southwest

Recommendation: Realign the Joint Force Training Base Los Alamitos, CA by disestablishing the 63rd Regional Readiness Command (RRC) Headquarters, Robinson Hall, USARC and activating a Southwest Regional Readiness Command headquarters at Moffett Field, CA in a new AFRC. Realign Camp Pike Reserve Complex, Little Rock, AR by disestablishing the 90th RRC and activating a Sustainment Brigade. Close the Major General Harry Twaddle United States Armed Forces Reserve Center, Oklahoma City, OK, and relocate the 95th DIV (IT) to Fort Sill, OK. Realign Camp Parks Reserve Forces Training Area, CA, by relocating the 91st Div (TSD) to Fort Hunter Liggett, CA.

USAR Command and Control—Southeast

Recommendation: Realign Birmingham Armed Forces Reserve Center Alabama by disestablishing the 81st Regional Readiness Command, and establishing the Army Reserve Southeast Regional Readiness Command in a new Armed Forces Reserve Center on Fort Jackson, SC. Close Louisville United States Army Reserve Center and relocate the 100th DIV(IT) headquarters to Fort Knox, KY.

USAR Command and Control New England

Recommendation: Close the Westover Armed Forces Reserve Center, Chicopee, Massachusetts, the MacArthur United States Army Reserve Center, Springfield, Massachusetts, the United States Army Reserve Area Maintenance Support Activity, Windsor Locks, Connecticut, and realign the Malony United States Army Reserve Center on Devens Reserve Forces Training Area by disestablishing the 94th Regional Readiness Command, and relocate all units from the closed facilities to a new Armed Forces Reserve Center on Westover Air Reserve Base. Establish an Army Reserve Sustainment Brigade headquarters in the new Armed Forces Reserve Center on Westover Air Reserve Base. Realign Devens Reserve Forces Training Area by relocating the 5th JTF, 654th ASG and the 382nd MP Battalion to the new Armed Forces Reserve Center on Westover Air Reserve Base. The new Armed Forces Reserve Center shall have the capability to accommodate Massachusetts Army National Guard units from the Massachusetts Army National Guard Armory in Agawam Massachusetts, if the state decides to relocate those National Guard units.

USAR Command and Control—Northeast

Recommendation: Realign Pitt USARC, Coraopolis, PA by disestablishing the HQ 99th Regional Readiness Command and establishing a Northeast Regional Readiness Command Headquarters at Fort Dix, NJ. Close Camp Kilmer, NJ and relocate the HQ 78th Division at Fort Dix, NJ. Realign Fort Totten, NY by disestablishing the HQ 77th Regional Readiness Command and establishing a Maneuver Enhancement Brigade at Fort Dix, NJ. Realign Fort Sheridan IL by relocating the 244th Aviation Brigade to Fort Dix, NJ. Realign Fort Dix, NJ by relocating Equipment Concentration Site 27 to the New Jersey Army National Guard Mobilization and Training Equipment Site joint facility at Lakehurst, NJ. Close Charles Kelly Support Center and relocate units to Pitt U.S. Army Reserve Center, PA. Close Carpenter USARC, Poughkeepsie, NY, close McDonald USARC, Jamaica, NY, close Fort Tilden USARC, Far Rockaway, NY, close Muller USARC, Bronx, NY, and relocate units to a new Armed Forces Reserve Center at Fort Totten, NY. Close the United States Army Reserve Center on Fort Hamilton, NY and relocate the New York Recruiting Battalion Headquarters and Army Reserve units into a new Armed Forces Reserve Center on Fort Hamilton, NY. The new AFRC shall have the capacity to accommodate units from the NYARNG 47th Regiment Marcy Armory, Brooklyn and the Brooklyn Bedford Armory/OMS, Brooklyn NY if the state decides to relocate those National Guard units.

USAR Command and Control—Northwest

Recommendation: Close Vancouver Barracks and relocate the 104th Division (IT) to Fort Lewis, WA. Relocate all other units to a new Armed Forces Reserve Center in Vancouver, WA. Close Fort Lawton by disestablishing the 70th Regional Readiness Command, relocate all other units to a new Armed Forces Reserve Center on Fort Lewis, WA and establish a Maneuver Enhancement Brigade. Realign Fort Snelling, MN by disestablishing the 88th Regional Readiness Command and establish the Northwest Regional Readiness Command Headquarters at Fort McCoy, WI. Realign the Wichita U.S. Army Reserve Center by disestablishing the 89th Regional Readiness Command and establishing a Sustainment Unit of Action at the Wichita Army Reserve Center in support of the Northwest Regional Readiness Command at Fort McCoy, WI. Realign Fort Douglas, UT by

disestablishing the 96th Regional Readiness Command and establishing a Sustainment Unit of Action in support of the Northwest Regional Readiness Command at Fort McCoy, WI.

RC Transformation in Alabama

Recommendation: Realign Birmingham Armed Forces Reserve Center, Birmingham, Alabama, by relocating Detachment 1, 450th Military Police Company into a new Armed Forces Reserve Center(AFRC) on or near Birmingham Air National Guard Base, Birmingham, Alabama, if the Army is able to acquire land suitable for the construction of the facility. The new AFRC shall have the capability to accommodate the Alabama National Guard units from the following Alabama ARNG Readiness Centers: Fort Graham, Fort Hanna and Fort Terhune, Birmingham, Alabama, if the state decides to relocate those National Guard units.

Close the Wright United States Army Reserve Center, Mobile, Alabama and relocate units into a new Armed Forces Reserve Center in Mobile, Alabama, if the Army is able to acquire land suitable for the construction of the facility. The new AFRC shall have the capability to accommodate Alabama National Guard units from the following Alabama ARNG Readiness Centers: Fort Ganey, and Fort Hardeman, Mobile, Alabama, if the state decides to relocate those National Guard units.

Close the Faith Wing United States Army Reserve Center on Fort McClellan, Alabama and relocate units into a new Armed Forces Reserve Center on Pelham Range in Anniston, Alabama.

Close the Finnell United States Army Reserve Center and the Area Maintenance Support Activity, Tuscaloosa, Alabama, and the Vicksburg United States Army Reserve Center, Vicksburg, Mississippi, and relocate units into a new Armed Forces Reserve Center and Area Maintenance Support Activity (AMSA) in Tuscaloosa, Alabama, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC and AMSA shall have the capability to accommodate the 31st Chemical Brigade from the Northport Alabama Army National Guard Readiness Center, and units from the Fort Powell-Shamblin Alabama Army National Guard Readiness Center, Tuscaloosa, Alabama, if the state decides to relocate those National Guard units.

Close the Screws Army Reserve Center in Montgomery, Alabama; close the Cleveland Abbot Army Reserve Center, Tuskegee, Alabama; close the Harry Gary, Jr. Army Reserve Center, in Enterprise, Alabama; close the Quarles-Flowers Army Reserve Center in Decatur, Alabama; close the Grady Anderson Army Reserve Center, Troy, Alabama; and relocate all units to a new Armed Forces Reserve Center (AFRC) at the Alabama Army National Guard Joint Forces Headquarters Complex in Montgomery, AL, if the Army is able to acquire suitable property for the construction of the facilities. The new AFRC shall have the capability to accommodate ARNG units currently located on the Alabama Army National Guard Joint Forces Headquarters Complex in Montgomery, Alabama, if the state decides to relocate those National Guard units.

RC Transformation in Arizona

Recommendation: Close the United States Army Reserve Center, Allen Hall near Tucson Arizona and the Area Maintenance Support Activity 18 on Fort Huachuca, Arizona by relocating all units from the closed facilities to an Armed Forces Reserve Center and maintenance facility on the Arizona Army National Guard Silverbell Army Heliport/Pinal Air Park in Marana, Arizona, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate the Arizona National Guard 860th MP Company and the 98th Troop Command from Papago Park Readiness Center, if the State of Arizona decides to relocate those units.

Close the Deer Valley United States Army Reserve Center (#2) in Phoenix and re-locate units to a new Armed Forces Reserve Center on the Arizona Army National Guard Buckeye Training Site. The new AFRC shall have the capability to accommodate units from the Army National Guard Phoenix Readiness Center, if the State of Arizona decides to relocate those units.

RC Transformation in Arkansas

Recommendation: Close the United States Army Reserve Center, Arkadelphia, Arkansas and re-locate units into a new Armed Forces Reserve Center in Arkadelphia, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Arkansas National Guard units from the Arkansas Army National Guard Readiness Center, Arkadelphia if the State of Arkansas decides to relocate those units.

Close the United States Army Reserve Center, Camden, Arkansas and relocate units into an Armed Forces Reserve Center by converting the Arkansas Army National Guard Readiness Center, Camden if the state decides to alter their facility.

Close the United States Army Reserve Center, El Dorado, Arkansas and re-locate units into a new Armed Forces Reserve Center in El Dorado, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Arkansas National Guard units from the Arkansas Army National Guard Readiness Center, El Dorado if the state decides to relocate those National Guard units.

Realign the Army Reserve Center, Darby, Arkansas, by relocating the 341st Engineer Company and elements of the 75th Division (Exercise) from buildings #2552–2560, 2516, and 2519, Fort Chaffee, AR into a new Armed Forces Reserve Center, on Fort Chaffee, AR. The new AFRC shall have the capability to accommodate Arkansas National Guard units from the following Arkansas National Guard Readiness Centers: the Arkansas Army National Guard Readiness Center, Charleston, AR, the Arkansas Army National Guard Readiness Center, Van Buren, AR, and the Arkansas Army National Guard Readiness Center, Fort Smith, AR, if the state decides to relocate those National Guard units.

Close the Army Reserve Equipment Concentration Site (ECS), Barling, Arkansas and relocate units to a new Joint Maintenance Facility on Fort Chaffee, Arkansas. The new Joint Maintenance Facility shall have the capability to accommodate Arkansas National Guard units from the Arkansas Army National Guard Combined Support Maintenance Shop (CSMS) on Fort Chaffee if the State of Arkansas decides to relocate those units.

Close the United States Army Reserve Center, Hot Springs, Arkansas and the United States Army Reserve Organizational Maintenance Activity (OMS), Malvern, AR and relocate units to a new Armed Forces Reserve Center on property located in Hot Springs, AR, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Arkansas Army National Guard units from the Arkansas Army National Guard Readiness Center in Hot Springs, AR if the State of Arkansas decides to relocate those units.

Close the United States Army Reserve Center, Jonesboro, Arkansas and relocate units into a new Armed Forces Reserve Center and Field Maintenance Site in Jonesboro, AR if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to

accommodate Arkansas National Guard units from the Arkansas Army National Guard Readiness Center, Jonesboro, AR, the Arkansas Army National Guard Readiness Center, Paragould, AR and the Field Maintenance Site (FMS), Jonesboro, if the state decides to relocate those National Guard units. Close the Pond United States Army Reserve Center, Fayetteville, Arkansas and re-locate units into a new Armed Forces Reserve Center in Northwest Arkansas, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Arkansas National Guard units from the Arkansas Army National Guard Readiness Centers in Fayetteville, Springdale, Rogers and Bentonville, Arkansas if the State of Arkansas decides to relocate those units.

Close the Stone United States Army Reserve Center, Pine Bluff, Arkansas and re-locate units into a new Armed Forces Reserve Center on Pine Bluff Arsenal, Arkansas. The new AFRC shall have the capability to accommodate Arkansas National Guard units from the Arkansas Army National Guard Readiness Center, Pine Bluff if the state decides to relocate those National Guard units.

RC Transformation in California

Recommendation: Close the United States Army Reserve Center, Moffett Field, California, the George Richey United States Army Reserve Center, San Jose, California, and the Jones Hall United States Army Reserve Center, Mountain View, California and relocate units to a new Armed Forces Reserve Center with an Organizational Maintenance Shop on existing Army Reserve property on Moffett Field, California. The new AFRC shall have the capability to accommodate California National Guard Units from the following California ARNG Readiness Centers: Sunnyvale, California, San Lorenzo, California, Redwood City, California, and the Organizational Maintenance Shop, San Jose, California, if the state decides to relocate those National Guard units.

Close the Desiderio United States Army Reserve Center, Pasadena, California, the Schroeder Hall United States Army Reserve Center, Long Beach, California, the Hazard Park United States Army Reserve Center, Los Angeles, California, and relocate units to a new Armed Forces Reserve Center on property being transferred to the Army Reserve from the General Services Administration at Bell, California. The new AFRC shall have the capability to accommodate California National Guard Units from the following California ARNG Readiness Centers: Bell, California, and Montebello, California, if the state decides to relocate those National Guard units.

RC Transformation in Connecticut

Recommendation: Close Turner U.S. Army Reserve Center, Fairfield, CT, close Sutcovey U.S. Army Reserve Center, Waterbury, CT; close Danbury U.S. Army Reserve Center Danbury, CT, and relocate units to a new Armed Forces Reserve Center and Maintenance Facility in Newtown, CT, if the Army is able to acquire land suitable for the construction of the facilities adjacent to the existing CT Army National Guard Armory in Newtown, CT. The new AFRC and OMS shall have the capability to accommodate units from the following facilities: Connecticut Army National Guard Armories in Naugatuck, Norwalk and New Haven, CT, if the state decides to relocate those National Guard units.

Close the U.S. Army Reserve Center, Middletown, CT, the Organizational Maintenance Shop, Middletown, CT; the SGT Libby U.S. Army Reserve Center, New Haven, CT; the Organizational Maintenance Shop, New Haven, CT; the Army Reserve Area Maintenance Support Activity #69, Milford, CT and relocate units to a new Armed Forces Reserve Center, Organizational Maintenance Shop and Army Maintenance Support Activity in Middletown, Connecticut, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC, OMS and AMSA shall have the capability to accommodate units from the following facilities: Connecticut Army National Guard Armories in Putnam, Manchester, New Britain and the CTARNG facility in Newington, CT if the state decides to relocate those National Guard units.

RC Transformation in Delaware

Recommendation: Close the Major Robert Kirkwood United States Army Reserve Center and its organizational maintenance shop in Newark, DE and relocate units to a new Armed Forces Reserve Center and organizational maintenance support facility in Newark, DE, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Delaware Army National Guard units from the William Nelson Armory in Middletown, DE, if the state decided to relocate those units.

RC Transformation in Georgia

Recommendation: Close the United States Army Reserve Center, Columbus, GA and relocate and consolidate those units together with Army Reserve Units currently on Fort Benning into a new United States Army Reserve Center on Fort Benning, GA.

RC Transformation in Hawaii

Recommendation: Close the United States Army Reserve Center, Hilo (SFC Minoru Kunieda), HI and relocate units to a new Armed Forces Reserve Center on Keaukaha Military Reservation if the Army can acquire suitable land for the construction of the new facilities. The New AFRC shall have the capability to accommodate Hawaii National Guard units from the following Hawaii ARNG Armories: Keaau and Honokaa if the state decides to relocate those units.

RC Transformation in Illinois

Recommendation: Close the United States Army Reserve Center in Marion, IL, and relocate units to a new Armed Forces Reserve Center in Carbondale, IL, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Illinois National Guard Units from the following Army National Guard Readiness Centers: Cairo, IL and Carbondale, IL, if the State of Illinois decides to relocate those units.

Close the United States Army Reserve Center in Centralia, IL and the United States Army Reserve Center in Fairfield, IL, and relocate units to a new Armed Forces Reserve Center in Mt. Vernon, IL. The new AFRC shall have the capability to accommodate Illinois National Guard Units from the following Army National Guard Readiness Centers: Mt. Vernon (17B75), IL, Mt. Vernon (17B73), IL, and Salem (17C65), IL, if the State of Illinois decides to relocate those units.

Close the Armed Forces Reserve Center in Waukegan, IL and relocate units into a new Armed Forces Reserve Center in Lake County, IL, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Illinois National Guard Units from the Army National Guard Readiness Center in Waukegan, IL, if the State of Illinois decides to relocate those units.

RC Transformation in Indiana

Recommendation: Close Lafayette United States Army Reserve Center in Lafayette, IN and relocate units into a new Armed Forces Reserve Center (AFRC) on the site of the existing Indiana Army Guard Armory (18B75) Lafayette, IN, if the Army is able to acquire land suitable for the construction of the facility. The new

AFRC shall have the capability to accommodate the Indiana National Guard units from the following Indiana ARNG Readiness Centers: Boswell, IN, Attica, IN, Delphi, IN, Remington, IN, Monticello, IN, and Darlington, IN, if the state decides to relocate those National Guard units.

Realign Charles H. Seston United States Army Reserve Center by relocating the 402nd Engineer Company and Detachment 1 of the 417th Petroleum Company into a new Armed Forces Reserve Center in the vicinity of Greenwood and Franklin, IN, if the Army is able to acquire land suitable for the construction of the facility. The new AFRC shall have the capability to accommodate the Indiana National Guard units from the Camp Atterbury Army National Guard Readiness Center (building #500), and the 219th Area Support Group Readiness Center (Building #4), Camp Atterbury, IN, if the state decides to relocate those National Guard units.

RC Transformation in Iowa

Recommendation: Close the Recruiting Battalion Headquarters and Military Entrance Processing Station (MEPS) leased facilities in Des Moines and relocate units into a new Armed Forces Reserve Center and MEPS at Camp Dodge, IA. The new AFRC shall have the capability to accommodate units from the Army National Guard Readiness Center located at Camp Dodge, IA, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center and the Area Maintenance Support Activity in Middletown, IA and relocate units into a new Armed Forces Reserve Center (AFRC) with an Organizational Maintenance and Vehicle Storage Facility on Iowa Army Ammunition Plant, IA. The new AFRC shall have the capability to accommodate units from the Burlington Army National Guard Readiness Center located in Burlington, IA, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center in Muscatine, IA and relocate units into a new Armed Forces Reserve Center (AFRC) in Muscatine, IA, if the Army is able to acquire land suitable for the construction of the facility. The new AFRC shall have the capability to accommodate units from the Muscatine Army National Guard Readiness Center located in Muscatine, IA, if the state decides to relocate those National Guard units.

Close the Armed Forces Reserve Center in Cedar Rapids, IA and relocate units into a new Armed Forces Reserve Center (AFRC) with an Organizational Maintenance Facility (OMF) in Cedar Rapids, IA, if the Army is able to acquire land suitable for the construction of the facility. The new AFRC shall have the capability to accommodate units from the Cedar Rapids Army National Guard Readiness Center and its Organizational Maintenance Facility located in Cedar Rapids, IA, if the state decides to relocate those National Guard units.

RC Transformation in Kentucky

Recommendation: Close the Richmond U.S. Army Reserve Center, Maysville U.S. Army Reserve Center and relocate and consolidate those units with Army Reserve units currently on Bluegrass Army Depot into a new Armed Forces Reserve Center (AFRC) and Field Maintenance Facility (FMS) on Blue Grass Army Depot, KY. The new AFRC shall have the capability to accommodate Kentucky National Guard units located on Bluegrass Army Depot, KY, if the state decides to relocate those National Guard units.

Close the Paducah Memorial United States Army Reserve Center and the Paducah #2 United States Army Reserve Center and relocate units into a new Armed Forces Reserve Center (AFRC) and Field Maintenance Shop (FMS) adjacent to the Paducah Airport, Paducah, KY, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC and FMS shall have the capability to accommodate units from the Paducah Army National Guard Readiness Center and the Kentucky Army National Guard Organizational Maintenance Shop (OMS) #2, Paducah, KY, if the state decides to relocate those National Guard units.

RC Transformation in Louisiana

Recommendation: Close the Roberts United States Army Reserve Center Baton Rouge, LA and the Navy-Marine Corps Reserve Center, Baton Rouge, LA, and relocate units to a new Armed Forces Reserve Center and Field Maintenance Shop on suitable state property adjacent to the Baton Rouge Airport (State Property). The new AFRC shall have the capability to accommodate Louisiana National Guard Units from the Army National Guard Readiness Center located in Baton Rouge, LA and the Army National Guard Organizational Maintenance Shop #8 located in Baton Rouge, LA if the State of Louisiana decides to relocate those National Guard units.

Close United States Army Reserve Center, Shreveport, LA, and the United States Army Reserve Center, Bossier City, LA and relocate all Reserve Component units to a new Armed Forces Reserve Center that will be constructed on or adjacent to the Naval-Marine Corps Reserve Center, Shreveport in Bossier City, LA if the Army is able to acquire suitable property for construction of the facilities.

RC Transformation in Maryland (AFRC Frederick, MD)

Recommendation: Close the Flair Memorial Armed Forces Reserve Center and its organizational maintenance shop in Frederick, MD and relocate U.S. Army Reserve and U.S. Marine Corps Reserve units to new consolidated Armed Forces Reserve Center and organizational maintenance support facility on Fort Detrick, MD.

RC Transformation in Massachusetts

Recommendation: Close the Army Reserve Equipment Concentration Site 65 Annex, Ayer, MA and relocate units to a new Armed Forces Reserve Center in Ayer, MA; realign the Devens Reserve Forces Training Area, MA, by relocating the 323d Maintenance Facility, and the Regional Training Site Maintenance to a new Armed Forces Reserve Center complex in Ayer, MA; realign Ayer Area 3713 by relocating storage functions to a new Armed Forces Reserve Center complex in Ayer, MA. Realign the Marine Corps Reserve Center Ayer, MA, by relocating the 1/25th Marines Maintenance Facility, Marine Corps Reserve Electronic Maintenance Section, and Maintenance Company/4th Marine Battalion to a new Armed Forces Reserve Center complex in Ayer, MA. The new Armed Forces Reserve Center complex shall have the capability to accommodate all Reserve units affected by this recommendation including Army National Guard units from the Ayer Armory and Consolidated Support Maintenance Shop, Ayer, MA, if the state decides to relocate the National Guard units.

RC Transformation in Michigan

Recommendation: Close the U.S. Army Reserve Center Stanford C. Parisian in Lansing, MI, close the Army Reserve Area Maintenance Support Activity #135 in Battle Creek, MI, and relocate units to a new Armed Forces Reserve Center on Fort Custer Reserve Training Center, MI.

RC Transformation in Minnesota

Recommendation: Close U.S. Army Reserve Center Faribault, MN and relocate units to a new Armed Forces Reserve Center at Faribault Industrial Park if the Army is able to acquire

suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate units from the Faribault Minnesota Army National Guard Armory, if the state decides to relocate those units.

Close U.S. Army Reserve Center Cambridge, MN and relocate units to a new Armed Forces Reserve Center in Cambridge, MN if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Minnesota ARNG units from the Cambridge Minnesota Army National Guard Armory, if the state decides to relocate those units.

RC Transformation in Missouri

Recommendation: Close the United States Army Reserve Center in Greentop, MO, and relocate units to a new United States Army Reserve Center in Kirksville, MO, if the Army is able to acquire suitable land for the construction of the facilities.

Close the Jefferson Barracks United States Army Reserve Center, and relocate units into a new consolidated Armed Forces Reserve Center on Jefferson Barracks, MO, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Missouri Army National Guard Units from the Readiness Center in Jefferson Barracks if the State of Missouri decides to relocate those units.

RC Transformation in Montana

Recommendation: Close Galt Hall Army Reserve Center in Great Falls, MT and relocate units to a new Armed Forces Reserve Center on Malmstrom Air Force Base, Great Falls, MT.

Close Army Reserve Center Veuve Hall (building #26) and Area Maintenance Support Activity #75 on Fort Missoula, MT, and relocate units to a new Armed Forces Reserve Center in Missoula, MT if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Montana National Guard units from the Montana Army National Guard Armory in Missoula, MT, if the state decides to relocate those National Guard units.

RC Transformation in Nebraska

Recommendation: Close the United States Army Reserve Center in Wymore, NE, and relocate units to a new Armed Forces Reserve Center with an organizational maintenance facility in the vicinity of Beatrice, NE, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate Nebraska National Guard Units from the following Nebraska ARNG Readiness Centers: Fairbury, NE, Falls City, NE and Troop C, 1–167th Cavalry in Beatrice, NE, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center in Columbus, NE, and relocate units to a new Armed Forces Reserve Center in Columbus, NE. The new AFRC shall have the capability to accommodate Nebraska National Guard Units from the Nebraska ARNG Readiness Center, Columbus, NE, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center in Hastings, NE, and relocate units to a new Armed Forces Reserve Center on Greenlief Training Site in Nebraska. The new AFRC shall have the capability to accommodate Nebraska National Guard Units from the following Nebraska ARNG Readiness Centers: Grand Island, NE, Crete, NE, and Hastings, NE, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center in Kearney, NE, and relocate units to a new Armed Forces Reserve Center in Kearney, NE if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Nebraska National Guard Units from the Nebraska ARNG Readiness Center, Kearney, NE, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center in McCook, NE, and relocate units to a new Armed Forces Reserve Center in McCook, NE, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Nebraska National Guard Units from the Nebraska ARNG Readiness Center, McCook, NE, if the state decides to relocate those National Guard units.

RC Transformation in New Hampshire

Recommendation: Close Paul Doble Army Reserve Center in Portsmouth, NH; and relocate units to a new Armed Forces Reserve Center and associated training and maintenance facilities adjacent to Pease Air National Guard Base, NH, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC and complex will have the capability to accommodate New Hampshire National Guard units from the following New Hampshire ARNG Armories: Rochester, Portsmouth, Somersworth and Dover, NH, if the state decides to relocate those National Guard units.

RC Transformation in New Jersey

Recommendation: Close the Nelson Brittin Army Reserve Center in Camden, NJ and relocate units to a new consolidated Armed Forces Reserve Center in Camden, NJ, if the Army can acquire suitable land for the construction of the new facilities. The New AFRC shall have the capability to accommodate units from the New Jersey ARNG Armory, Burlington, if the state decides to relocate those units.

RC Transformation in New Mexico

Recommendation: Close the Jenkins Armed Forces Reserve Center located in Albuquerque, New Mexico and relocate the units into a new Armed Forces Reserve Center on Kirtland Air Force Base.

RC Transformation in New York

Recommendation: Close the United States Army Reserve Center, Stewart-Newburg, NY and relocate units to a new Armed Forces Reserve Center on Stewart Army Sub Post adjacent to Stewart Air National Guard Base, NY. The new AFRC shall have the capability to accommodate New York National Guard units from the Readiness Center at Newburg, NY, if the State of New York decides to relocate those National Guard units.

Close the United States Army Reserve Center and Army Maintenance Support Activity, Niagara Falls, NY and construct a new Armed Forces Reserve Center on the existing site in Niagara Falls, NY. The New AFRC shall have the capability to accommodate the NY National Guard units from the Niagara Falls Readiness Center, if the state of New York decides to relocate those National Guard units.

Close the BG Theodore Roosevelt United States Army Reserve Center, Uniondale, NY, the Amityville Armed Forces Reserve Center (Army Reserve and Marine Corps Reserve), Amityville, NY, and relocate units into a new Armed Forces Reserve Center with an Organizational Maintenance Shop on federal property licensed to the New York Army National Guard in Farmingdale, NY. The new AFRC shall have the capability to accommodate New York National Guard units from the following New York Army National Guard Readiness Centers: Bayshore, Freeport, Huntington Station, Patchogue and Riverhead, and Organizational Maintenance Shop 21, Bayshore, NY, if the State of New York decides to relocate those National Guard units.

RC Transformation in North Carolina

Recommendation: Close the Army Reserve Adrian B. Rhodes Armed Forces Reserve Center in Wilmington, NC, close the Rock Hill Armed Forces Reserve Center in Rock Hill, South Carolina, close the Niven Armed Forces Reserve Center in Albermarle, NC and relocate all Army and Navy units to a new Armed Forces Reserve Center (AFRC) and Organizational Maintenance Shop (OMS) in Wilmington, NC, if the Army is able to acquire suitable land for the construction of the facilities.

RC Transformation in North Dakota

Recommendation: Close 96th RRC David Johnson USARC in Fargo, ND and relocate into a new Reserve Center on Hector Field Air National Guard Base.

RC Transformation in Ohio

Recommendation: Close the Scouten Army Reserve Center, Mansfield, OH and the Parrott Army Reserve Center, Kenton, OH, and relocate all units to a new AFRC at Mansfield Air National Guard Base located at Mansfield-Lahm Airport. The new AFRC shall have the capability to accommodate units from the following facilities: Ohio ARNG Armories in Mansfield and Ashland, OH, if the state decides to relocate those National Guard units.

Close U.S. Army Reserve Center, Springfield OH, and relocate all units to a new Armed Forces Reserve Center on the Springfield Air National Guard Base, Springfield, OH. The new AFRC shall have the capability to accommodate units from the following facility: Ohio ARNG Readiness Center, Springfield, OH; if the state decides to relocate those National Guard units.

Close Fort Hayes U.S. Army Reserve Center, Columbus, OH and Whitehall U.S. Army Reserve Center, Whitehall, OH and relocate units to a new Armed Forces Reserve Center on Defense Supply Center Columbus, OH. The new AFRC shall have the capability to accommodate units from the following facilities: Ohio ARNG Armories Howey (Columbus), Sullivant (Columbus), Newark, Westerville and Oxford, OH, Rickenbacker Air National Guard Base, Building #943 if the state decides to relocate those National Guard units.

RC Transformation in Oklahoma

Recommendation: Close the Armed Forces Reserve Center (AFRC) Broken Arrow located in Broken Arrow, OK and relocate the Army Reserve, Marine Corps Reserve and Naval Reserve units into a new Armed Forces Reserve Center and consolidated maintenance facility in Broken Arrow, OK if the Army is able to acquire suitable land for the construction of the facility. The new AFRC shall have the capability to accommodate Oklahoma Army National Guard units from the following Oklahoma Army National Guard Readiness Centers: Broken Arrow, Eufaula, Okmulgee, Tahlequah, Haskell, Cushing, Wagoner and the Field Maintenance Shop (FMS 14) located in Okmulgee, if the State of Oklahoma decides to relocate those National Guard units.

Close the Keathley and Burris United States Army Reserve Centers located in Lawton and Chickasha, OK; close the Wichita Falls United States Army Reserve Center in Wichita Falls, TX; close the 1st, 3rd, 5th, and 6th United States Army Reserve Centers and Equipment Concentration Site (ECS) located on Fort Sill and relocate units into a new Armed Forces Reserve Center on Fort Sill, OK and a new United States Army Reserve Equipment Concentration Site to be collocated with the Oklahoma Army National Guard Maneuver Area Training Equipment Site on Fort Sill. The new AFRC shall have the capability to accommodate Oklahoma Army National Guard units from the following Oklahoma Army National Guard Readiness Centers: Lawton, Frederick, Anadarko, Chickasha, Marlow, Walters, and Healdton; realign B/1–158 Field Artillery (MLRS) from the Oklahoma Army National Guard Readiness Center located in Duncan if the State of Oklahoma decides to relocate those National Guard units.

Close the Floyd Parker United States Army Reserve Center in McAlester, OK and relocate units into a new Armed Forces Reserve Center and Consolidated Field Maintenance Shop on the McAlester Army Ammunition Plant, McAlester, OK. The new AFRC shall have the capability to accommodate Oklahoma Army National Guard units from the following Oklahoma Army National Guard Readiness Centers: The Field Maintenance Shop in Durant, OK; the Oklahoma Army National Guard Readiness Centers in Atoka, Allen, Hartshorne, Madill, McAlester and Tishomingo, OK; the Oklahoma Army National Guard Readiness Center and Field Maintenance Shop in Edmond, OK if the State of Oklahoma decides to relocate those National Guard units.

Close the Ashworth United States Army Reserve Center located in Muskogee, OK and relocate units into a new Armed Forces Reserve Center in Muskogee, OK, if the Army is able to acquire suitable land for the construction of the facility. The new AFRC shall have the capability to accommodate Oklahoma Army National Guard units from the following Oklahoma Army National Guard Readiness Centers: Henryetta, Muskogee, Okemah, Pryor, and Stilwell, OK if the State of Oklahoma decides to relocate those National Guard units.

Close the Farr United States Army Reserve Center, Antlers, OK, the Roush United States Army Reserve Center, Clinton, OK, the Smalley United States Army Reserve Center, Norman, OK and relocate units into a new Armed Forces Reserve Center and Consolidated Maintenance Facility on the Norman Military Complex, Norman, OK. The new AFRC shall have the capability to accommodate Oklahoma Army National Guard units from the following Oklahoma Army National Guard facilities: Oklahoma Army National Guard Readiness Centers in Tonkawa, OK, Konawa, OK, Wewoka, OK, Oklahoma City (23rd Street), OK, the 23d Street Field Maintenance Shop in Oklahoma City, the Consolidated Maintenance Facility on the Norman Military Complex, Norman, OK and C CO, 700th Support Battalion from the Readiness Center, Edmond, OK if the State of Oklahoma decides to relocate those National Guard units.

Close the Manuel Perez and Billy Krowse United States Army Reserve Centers located in Oklahoma City, OK. Relocate units into a new Armed Forces Reserve Center in West Oklahoma City, OK, if the Army is able to acquire suitable land for the construction of the facility. The new AFRC shall have the capability to accommodate Oklahoma Army National Guard units from the following Oklahoma Army National Guard facilities: Readiness Centers located in Southwest Oklahoma City (44th Street), El Reno, Minco, and Pawnee, the Oklahoma Army National Guard 1345 Transportation Company and the 345th Quartermaster Water Support Battalion from Midwest City if the State of Oklahoma decides to relocate those National Guard units.

Close the Robbins United States Army Reserve Center located in Enid, OK and relocate units into a new Armed Forces Reserve Center and Consolidated Field Maintenance Shop on Vance Air Force Base, OK. The new AFRC shall have the capability to accommodate Oklahoma Army National Guard units from the following Oklahoma Army National Guard facilities: Enid, Alva, Woodward, Blackwell, Cherokee, Watonga, and the National Guard Field Maintenance Shop in Enid, OK if the State of Oklahoma decides to relocate those National Guard units.

RC Transformation in Oregon

Recommendation: Close Sears Hall United States Army Reserve Center in Portland, OR, close Sharff Hall United States Army Reserve Center in Portland, OR, and relocate units to a new Armed Forces Reserve Center on Camp Withycombe, OR. The new Armed Forces Reserve Center (AFRC) shall have the capability to accommodate Oregon National Guard units currently on Camp Withycombe and from the following Oregon ARNG Armories: Lake Oswego Armory, Maison Armory, and Jackson Band Armory, OR, if the state decides to relocate those National Guard units.

RC Transformation in Pennsylvania

Recommendation: Close the United States Army Reserve Center in Lewisburg, PA, the United States Army Reserve Center in Bloomsburg, PA, the United States Army Reserve Organizational Maintenance Shop in Bloomsburg, PA, and relocate units to a new Armed Forces Reserve Center with an organizational maintenance facility in the Lewisburg/Bloomsburg, PA area, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate PA National Guard Units from the following Army National Guard Readiness Centers: Lewisburg, PA, Sunbury, PA, and Berwick, PA, if the Commonwealth of PA decides to relocate those units.

Close the United States Army Reserve Center in Williamsport, PA, the United States Army Reserve Organizational Maintenance Shop in Williamsport, PA, and relocate units to a new Armed Forces Reserve Center with an organizational maintenance facility in Williamsport, PA, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Pennsylvania National Guard Units from the Army National Guard Readiness Center in Williamsport, PA, if the Commonwealth of Pennsylvania decides to relocate those units.

Close the Reese United States Army Reserve Center in Chester, PA, the United States Army Reserve Organizational Maintenance Shop in Chester, PA, the Germantown Veterans Memorial United States Army Reserve Center in Philadelphia, PA, the Horsham Memorial United States Army Reserve Center in Horsham, PA, the 1LT Ray S. Musselman Memorial United States Army Reserve Center in Norristown, PA, and the North Penn memorial United States Army Reserve Center in Norristown, PA, and relocate units to a new Armed Forces Reserve Center with an organizational maintenance facility at Willow Grove Joint Reserve Base, PA. The Army shall establish an enclave at Willow Grove Joint Reserve Base, PA, to retain essential facilities to support activities of the Reserve Components.

Close the Wilson Kramer United States Army Reserve Center in Bethlehem, PA, and the United States Army Reserve Organizational Maintenance Shop in Bethlehem, PA, and relocate units to a new United States Army Reserve Center with an organizational maintenance facility in the Allentown/ Bethlehem, PA area, if the Army is able to acquire suitable land for the construction of the facilities.

Close the Philadelphia Memorial United States Armed Forces Reserve Center in Philadelphia, PA, the Philadelphia Memorial United States Armed Forces Reserve Center Organizational Maintenance Shop in Philadelphia, PA, and relocate Army Reserve and Marine Corps Reserve units to a new Armed Forces Reserve Center with an organizational maintenance facility in Bristol, PA, on the existing Bristol Veterans Memorial Reserve Center site.

Close the Serrenti Memorial United States Army Reserve Center in Scranton, PA, the Serrenti Memorial United States Army Reserve Organizational Maintenance Shop in Scranton, PA, the United States Army Reserve Center in Wilkes-Barre, PA, the United States Army Reserve Organizational Maintenance Shop in Wilkes-Barre, PA, and relocate units to a new Armed Forces Reserve Center with an organizational maintenance facility in Scranton, PA, if the Army is able to acquire suitable land for the construction of the facilities.

RC Transformation in Rhode Island

Recommendation: Close the Bristol Army Reserve Center, Bristol, RI, the Harwood Army Reserve Center, Providence, RI, the Warwick Army Reserve Center and Organizational Maintenance Shop, Warwick, RI. Relocate all units to a new Army Reserve Center on Newport Naval Base, RI.

RC Transformation in Tennessee

Recommendation: Close the Guerry United States Army Reserve Center, Chattanooga, TN, and Bonney Oaks United States Army Reserve Center, Chattanooga, TN, and relocate units into a new Armed Forces Reserve Center (AFRC) on Volunteer Army Ammunition Plant, Chattanooga, TN.

Close the Kingsport Armed Forces Reserve Center (AFRC), the Kingsport Organizational Maintenance Shop (OMS), and the Army Maintenance Support Activity (AMSA), Kingsport, TN, and relocate units into a new Armed Forces Reserve Center and Field Maintenance Shop on Holston Army Ammunition Plant, Kingsport, TN. The new AFRC shall have the capability to accommodate Tennessee National Guard units from the Kingsport Armed Forces Reserve Center, Kingsport, TN, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center outside of Fort Campbell (located in Clarksville TN), KY, and relocate units, along with units currently in buildings #6912 and #2907 on Fort Campbell into a new Armed Forces Reserve Center (AFRC) and Organizational Maintenance Shop (OMS) on Fort Campbell, KY. The new AFRC shall have the capability to accommodate units from the Clarksville Army National Guard Readiness Center, Clarksville, TN, if the state decides to relocate those National Guard units.

RC Transformation in Texas

Recommendation: Close the Tharp United States Army Reserve Center, Amarillo, TX and relocate units to a new Armed Forces Reserve Center in Amarillo, TX, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Amarillo, Pampa, and Hale Co, TX, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center, Brownsville, TX and relocate units to a new Armed Forces Reserve Center in Brownsville, TX, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the Texas ARNG Readiness Center in Brownsville, TX, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center, Boswell, TX and the United States Army Reserve Center, Callaghan, TX and relocate units to a new Armed Forces Reserve Center on existing Federal property on Camp Bullis, TX. The new AFRC shall have the capability to accommodate Texas National Guard Units from the Texas ARNG Readiness Center in Hondo, TX, A Company and Headquarters Company, 1st of the 141st Infantry, the Fifth Army ITAAS, the Regional Training Site-Intelligence, and

the Texas Army National Guard Area Support Medical Battalion, if the state decides to relocate those National Guard units.

Close the Grimes United States Army Reserve Center, Abilene, TX and relocate B Company of the 413th Civil Affairs Battalion and the Area Maintenance Support Activity 11 Sub-Shop to a new Armed Forces Reserve Center with a Field Maintenance Shop on Dyess Air Force Base, TX. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Abilene, Coleman, and Snyder, TX, and the Texas Army National Guard Field Maintenance Shop, Abilene, TX, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center, Seguera, TX, the United States Army Reserve Center, Benavidez, TX, the United States Army Reserve Center, Fort Bliss, TX, the United States Army Reserve Center, McGregor Range, TX and the United States Army Reserve Equipment Concentration Site, McGregor Range, TX and relocate units to a new Armed Forces Reserve Center with a Consolidated Equipment Concentration Site and Maintenance Facility on Fort Bliss, TX. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Fort Bliss and Hondo Pass, TX, if the state decides to relocate those National Guard units.

Close the Herzog United States Army Reserve Center, Dallas, TX and relocate units to a new Armed Forces Reserve Center on the existing Grand Prairie Reserve Complex, Grand Prairie, TX. Realign the 490th Civil Affairs Battalion from the Grimes United States Army Reserve Center and relocate the unit into the new AFRC. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Arlington, TX, and California Crossing, TX, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center, Pasadena, TX and relocate units to a new Armed Forces Reserve Center with a Field Maintenance Shop in (East) Houston, TX, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Baytown, Pasadena, and Ellington Field, TX, and the Texas Army National Guard Field Maintenance Shop located on Ellington Field, TX, if the state decides to relocate those National Guard units.

Close United States Army Reserve Center #2, Perimeter Park, TX and United States Army Reserve Center #3, Houston, TX and relocate units to a new Armed Forces Reserve Center with a consolidated Field Maintenance Shop in (Northwest) Houston, TX, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Beaumont, Port Arthur, Port Neches, and Orange, TX, and the Texas Army National Guard Field Maintenance Shop located in Port Neches, TX if the state decides to relocate those National Guard units.

Close the Miller United States Army Reserve Center, Huntsville, TX and relocate units to a new Armed Forces Reserve Center in Huntsville, TX, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the Texas ARNG Readiness Center in Huntsville, TX, if the state decides to relocate those National Guard units.

Close the Muchert United States Army Reserve Center, Dallas, TX and relocate units to a new Armed Forces Reserve Center Lewisville, TX, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Denton, Irving, and Denison, TX, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center, Lufkin, TX and relocate units to a new Armed Forces Reserve Center in Lufkin, TX, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Lufkin and Nacogdoches, TX, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center, Alice, TX and the United States Army Reserve Center, NAS Kingsville, TX and relocate units to a new Armed Forces Reserve Center on NAS Kingsville, TX, if the Army determines the property is suitable for construction. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Alice and Kingsville, TX, if the state decides to relocate those National Guard units.

Close the Watts-Guillot United States Army Reserve Center, Texarkana, TX and realign the Hooks Army Reserve Center on Red River Army Depot by relocating units to a new Armed Forces Reserve Center on Red River Army Depot, TX. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Atlanta, and Texarkana, if the state decides to relocate those National Guard units.

Close Round Rock United States Army Reserve Center (leased) and relocate units to a new Armed Forces Reserve Center with a consolidated Field Maintenance Shop in Round Rock, TX, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the Texas ARNG Readiness Centers in Austin and Taylor, TX, and the Texas Army National Guard Field Maintenance Shop in Austin, TX, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center, San Marcos, TX, and relocate units to a new Armed Forces Reserve Center in San Marcos, TX, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: San Marcos, Sequin, and New Braunfels, TX, if the state decides to relocate those National Guard units. Close the Hanby-Hayden United States Army Reserve Center, Mesquite, TX and relocate units to a new Armed Forces Reserve Center with an Organizational Maintenance Shop on United States Army Reserve property in Seagoville, TX. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Dallas #2, Kaufman and Terrell (including the Organizational Maintenance Shop), TX, if the state decides to relocate those National Guard units.

Close the United States Army Reserve Center, Tyler, TX and the United States Army Reserve Center, Marshall, TX and relocate units to a new Armed Forces Reserve Center with a Field Maintenance Shop in Tyler, TX, if the Army is able to acquire suitable land for the construction of the facilities. The new AFRC shall have the capability to accommodate Texas National Guard Units from the following Texas ARNG Readiness Centers: Athens, Tyler, Henderson, Kilgore, Marshall, and Corsicana, TX, and the Field

Maintenance Shop in Marshall, TX, if the state decides to relocate those National Guard units.

RC Transformation in Vermont

Recommendation: Close Chester Memorial Army Reserve Center and Organizational Maintenance Shop, Chester, VT and Berlin Army Reserve Center, Berlin, VT and relocate all units to a new Armed Forces Reserve Center with an Organizational Maintenance Facility in the vicinity of White River Junction, VT if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC and OMS shall have the capability to accommodate units from the following facilities: Vermont Army National Guard Armories in Ludlow, North Springfield and Windsor, VT, if the state decides to relocate those National Guard units.

Close Army Reserve Center, Courcelle Brothers and associated Organizational Maintenance Shop, Rutland, VT; close Army Reserve Army Maintenance Support Activity, Rutland, VT and relocate all units to a new Armed Forces Reserve Center and Organizational Maintenance Facility in the vicinity of Rutland, VT, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC and Maintenance Activity shall have the ability to accommodate units from the following facility: Vermont Army National Guard Armory Rutland, VT; if the state decides to relocate those National Guard units.

RC Transformation in Washington

Recommendation: Close Mann Hall Army Reserve Center, Area Maintenance Support Shop #80 and Walker Army Reserve Center in Spokane, WA and relocate units to a new consolidated Armed Forces Reserve Center and Organizational Maintenance Shop on Fairchild Air Force Base. The new AFRC shall have the capability to accommodate units from the following Washington ARNG facilities: Washington ARNG Armory and Organizational Maintenance Shop, Geiger Field, WA, if the state decides to relocate those units.

Close Wagenaar Army Reserve Center Pasco, WA and relocate units to a new consolidated Armed Forces Reserve Center on Yakima Training Center. Realign Pendleton Army Reserve Center on Yakima Training Center by moving all assigned units to the new Armed Forces Reserve Center on Yakima Training Center. The new AFRC shall have the capability to accommodate units from the following Washington ARNG facility: Washington ARNG Ellensburg Readiness Center, if the state decides to relocate those units.

Close the Oswald United States Army Reserve Center, Everett, WA, and relocate units to a new Armed Forces Reserve Center in the Everett, WA area if the Army is able to acquire suitable land for construction of the new facility. The new AFRC shall have the capability to accommodate units from the following Washington ARNG facilities: Washington ARNG Everett Readiness Center and Snohomish Readiness Center, if the state decides to relocate those units.

RC Transformation in West Virginia

Recommendation: Close the Elkins U.S. Army Reserve Center and its supporting Maintenance Shop in Beverly, WV and relocate units into a new Armed Forces Reserve Center in the vicinity of Elkins, WV, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate West Virginia Army National Guard Units from the Readiness Center in Elkins, WV if the State decides to relocate those National Guard units.

Close the 1LT Harry Colburn U.S. Army Reserve Center and its supporting Maintenance Shop in Fairmont, WV and re-locate units into a new Armed Forces Reserve Center in the vicinity of Fairmont, WV, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate West Virginia National Guard Units from the Readiness Center in Fairmont, WV if the State decides to relocate those National Guard units.

Close SSG Roy Kuhl U.S. Army Reserve Center and Maintenance Facility in Ripley and the MAJ Elbert Bias USAR Center, Huntington, WV and re-locate units into a new Armed Forces Reserve Center in the vicinity of Ripley, WV, if the Army is able to acquire land suitable for the construction of the facilities. The new AFRC shall have the capability to accommodate West Virginia National Guard Units from the West Virginia Army National Guard Readiness Center in Spencer, West Virginia if the State of West Virginia decides to relocate those National Guard units.

RC Transformation in Wisconsin

Recommendation: Close the Truman Olson and G.F. O'Connell U.S. Army Reserve Centers in Madison, WI and relocate units to a new Armed Forces Reserve Center (AFRC) in Madison, WI, if the Army can acquire suitable land for the construction of the new facilities. The new AFRC shall have the capability to accommodate Army National Guard units from the following Wisconsin Army National Guard Armories; the Madison Armory (Bowman Street), Madison Armory/OMS 9, and the Madison Armory (2400 Wright Street), if the state decides to relocate those units.

RC Transformation in Wyoming

Recommendation: Close Wyoming Army National Guard (WYARNG) Army Aviation Support Facility (AASF) in Cheyenne, WY (DA leased facility) and relocate Army National Guard units and aviation functions to a new WYARNG AASF, Readiness Center, and Field Maintenance Shop (FMS) on F.E. Warren Air Force Base, WY. The new readiness center/FMS shall have the capability to accommodate Army National Guard units from the Joint Force Headquarters Complex in Cheyenne, WY, if the state decides to relocate those units.

RC Transformation in Puerto Rico

Recommendation: Close the U.S. Army Reserve Center 1st Lieutenant Paul Lavergne, Bayamon, PR and relocate the 973rd Combat Support (CS) Company into a new Armed Forces Reserve Center on United States Army Reserve property in Ceiba, PR, and relocate all other units into a new Armed Forces Reserve Center (AFRC) on Fort Buchanan, PR. Realign the U.S. Army Reserve Center Captain E. Rubio Junior, Puerto Nuevo, PR, by relocating the 807th Signal Company into a new Armed Forces Reserve Center on Fort Buchanan, PR. The new AFRC on Fort Buchanan, PR shall have the capability to accommodate units from the Puerto Rico Army Guard San Juan Readiness Center, San Juan, PR, if Puerto Rico decides to relocate those National Guard units. The new AFRC facility in Ceiba, PR shall have the capability to accommodate Puerto Rico National Guard units from the following PRARNG Readiness Centers: Humacao, Juncos, and Ceiba, PR, if Puerto Rico decides to relocate those National Guard units.

Realign United States Army Reserve Center Captain E. Rubio Junior, Puerto Nuevo, PR, by relocating the 8th Brigade, 108th DIV (IT) to a new Armed Forces Reserve Center on Fort Allen, PR.

Realign United States Army Reserve Center Ramey, Aguadilla, PR by relocating the 249th Quartermaster Company into a new Armed Forces Reserve Center in Mayaguez, PR, if the Army is able to acquire suitable land. The new facility shall have the capability to accommodate Puerto Rico National Guard units from the Puerto

Rico Army National Guard Readiness Center Mayaguez, if Puerto Rico decides to relocate those National Guard units.

Department of the Navy Recommendations

Recommendation for Closure

Naval Weapons Station Seal Beach Detachment, Concord, CA

Recommendation: Close the Inland area of Naval Weapons Station Seal Beach Detachment, Concord CA, except retain such property and facilities as are necessary to support operations in the Tidal area of Naval Weapons Station Seal Beach Detachment Concord. The Tidal area of Naval Weapons Station Seal Beach Detachment Concord, along with the retained portion of the Inland area, shall be transferred to the Army.

Recommendation for Closure

Navy Reserve Centers

Recommendation: Close the following Navy Reserve Centers:

Tuscaloosa, AL
St. Petersburg, FL
Pocatello, ID
Forest Park, IL
Evansville, IN
Cedar Rapids, IA
Sioux City, IA
Lexington, KY
Bangor, ME
Adelphi, MD
Duluth, MN
Cape Girardeau, MO
Lincoln, NE
Glens Falls, NY
Horseheads, NY
Watertown, NY
Asheville, NC
Central Point, OR
Lubbock, TX
Orange, TX

Close the following Navy Reserve Facility:

Marquette, MI

Close the following Navy Marine Corps Reserve Centers:

Grissom Air Reserve Base, Peru, IN
Tacoma, WA

Recommendation for Closure

Navy and Marine Corps Reserve Centers

Recommendation: Close Navy Marine Corps Reserve Center Encino, CA and relocate the Marine Corps units to Marine Corps Reserve Center Pasadena, CA.

Close Navy Marine Corps Reserve Center Moundsville, WV and relocate the Marine Corps units to Navy Marine Corps Reserve Center Pittsburgh, PA.

Close Navy Marine Corps Reserve Center Reading, PA and relocate the Navy and Marine Corps units to Navy Marine Corps Reserve Centers Lehigh Valley, PA.

Close Navy Marine Corps Reserve Center Los Angeles, CA and relocate the Navy and Marine Corps units to Armed Forces Reserve Center Bell, CA.

Close Navy Marine Corps Reserve Center Akron, OH and Navy Reserve Center Cleveland, OH and relocate the Navy and Marine Corps units to Armed Forces Reserve Center Akron, OH.

Close Navy Marine Corps Reserve Center Madison, WI, Navy Reserve Center Lacrosse, WI and Navy Reserve Center Dubuque, IA and relocate the Navy and Marine Corps units to Armed Forces Reserve Center Madison, WI.

Close Navy Marine Corps Reserve Center Baton Rouge, LA and relocate the Marine Corps units to Armed Forces Reserve Center Baton Rouge, LA.

Close Navy Marine Corps Reserve Center Tulsa, OK and relocate the Navy and Marine Corps units to Armed Forces Reserve Center Broken Arrow, OK.

Close Navy Marine Corps Reserve Center Mobile, AL and relocate the Marine Corps units to Armed Forces Reserve Center Mobile, AL.

Close Inspector-Instructor West Trenton, NJ and relocate Marine Corps reserve units and support staff to Navy Reserve Center Ft. Dix, NJ.

Close Inspector-Instructor Rome, GA, and relocate Marine Corps reserve units and support staff to Navy Marine Corps Reserve Center Atlanta, GA.

Recommendation for Closure and Realignment

Naval Station Ingleside, TX and Naval Air Station Corpus Christi, TX

Recommendation: Close Naval Station Ingleside, TX. Relocate its ships along with dedicated personnel, equipment and support to Naval Station San Diego, CA. Relocate the ship intermediate repair function to Shore Intermediate Maintenance Activity San Diego, CA. Consolidate Mine Warfare Training Center with Fleet Anti-submarine Warfare Training Center San Diego, CA. Realign Naval Air Station Corpus Christi, TX. Relocate Commander Mine Warfare Command and Commander Mobile Mine Assembly Group to Fleet Anti-Submarine Warfare Center, Point Loma, CA. Relocate Helicopter Mine Countermeasures Squadron 15 (HM–15) and dedicated personnel, equipment and support to Naval Station Norfolk, VA. Disestablish Commander Helicopter Tactical Wing U.S. Atlantic Fleet Aviation Intermediate Maintenance Detachment Truax Field at Naval Air Station Corpus Christi, TX and relocate its intermediate maintenance function for Aircraft Components, Fabrication & Manufacturing, and Support Equipment to Fleet Readiness Center Mid-Atlantic Site Norfolk, VA.

Recommendation for Closure

Submarine Base New London, CT

Recommendation: Close Naval Submarine Base New London, CT. Relocate its assigned submarines, Auxiliary Repair Dock 4 (ARDM–4), and Nuclear Research Submarine 1 (NR–1) along with their dedicated personnel, equipment and support to Submarine Base Kings Bay, GA, and Naval Station Norfolk, VA. Relocate the intermediate submarine repair function to Shore Intermediate Repair Activity Norfolk, at Naval Shipyard Norfolk, VA, and Trident Refit Facility Kings Bay, GA. Relocate the Naval Submarine School and Center for Submarine Learning to Submarine Base Kings Bay, GA. Consolidate the Naval Security Group Activity Groton, CT with Naval Security Group Activity Norfolk, VA at Naval Station Norfolk, VA. Consolidate Naval Submarine Medical Research Laboratory Groton, CT, with Naval Medical Research Center at Walter Reed Army Medical Center Forest Glenn Annex, MD. Relocate Naval Undersea Medical Institute Groton, CT to Naval Air Station Pensacola, FL, and Fort Sam Houston, TX. Consolidate Navy Region Northeast, New London, CT, with Navy Region, Mid-Atlantic, Norfolk, VA.

Recommendation for Closure

Navy Regions

Recommendation: Realign Naval Air Station Pensacola, FL, by consolidating Navy Region Gulf Coast, with Navy Region Southeast at Naval Air Station Jacksonville, FL. Realign Naval Air Station Corpus Christi, TX by consolidating Navy Region South with Navy Region Midwest at Naval Station Great Lakes, IL and Navy Region Southeast at Naval Station Jacksonville, FL.

Recommendation for Closure

Navy Recruiting Districts

Recommendation: Close the following Navy Recruiting Districts:
Montgomery, AL
Indianapolis, IN
Kansas City, MO
Omaha, NE
Buffalo, NY

Recommendation for Closure

Naval Air Station Atlanta, GA

Recommendation: Close Naval Air Station Atlanta, GA. Relocate its aircraft

and necessary personnel, equipment and support to Naval Air Station Joint Reserve Base New Orleans, LA; Naval Air Station Joint Reserve Base Fort Worth, TX; and Robins Air Force Base, Robins, GA. Relocate Reserve Intelligence Area 14 to Fort Gillem, Forest Park, GA. Relocate depot maintenance Aircraft Components, Aircraft Engines, Fabrication and Manufacturing, and Support Equipment in support of F/A–18, C–9 and C–12 aircraft to Fleet Readiness Center West Site Fort Worth at Naval Air Station Joint Reserve Base Fort Worth, TX. Relocate intermediate maintenance in support of E–2C aircraft to Fleet Readiness Center Mid-Atlantic Site New Orleans at Naval Air Station Joint Reserve Base New Orleans, LA. Consolidate the Naval Air Reserve Atlanta with Navy Marine Corps Reserve Center Atlanta located at Dobbins Air Reserve Base, Marietta, GA. Retain the Windy Hill Annex.

Recommendation for Closure

Engineering Field Division/Activity

Recommendation: Close Naval Facilities Engineering Field Division South leased space in Charleston, SC. Consolidate Naval Facilities Engineering Field Division South, Charleston, SC, with Naval Facilities Engineering Field Activity Southeast, Jacksonville, FL, at Naval Air Station Jacksonville, FL; Naval Facilities Midwest, Great Lakes, IL, at Naval Station Great Lakes, IL; and Naval Facilities Atlantic, Norfolk, VA at Naval Station Norfolk, VA. Close Naval Facilities Engineering Field Activity Northeast leased space in Lester, PA. Consolidate Naval Facilities Engineering Field Activity Northeast, Philadelphia, PA, with Naval Facilities Atlantic, Norfolk, VA at Naval Station Norfolk, VA and relocate Navy Crane Center Lester, PA, to Norfolk Naval Shipyard, Norfolk, VA.

Recommendation for Realignment

Navy Reserve Readiness Commands

Recommendation: Realign Naval Air Station Joint Reserve Base Fort Worth, TX, by consolidating Navy Reserve Readiness Command South with Naval Reserve Readiness Command Midwest at Naval Station Great Lakes, IL. Realign Naval Station Newport, RI, and the Washington Navy Yard, Washington, DC, by consolidating Naval Reserve Readiness Command Northeast with Naval Reserve Readiness Command Mid-Atlantic and relocating the consolidated commands to Naval Station, Norfolk, VA.

Recommendation for Closure and Realignment

Naval Air Station Joint Reserve Base Willow Grove, PA and Cambria Regional Airport, Johnstown, PA

Recommendation: Close Naval Air Station Joint Reserve Base Willow Grove, PA. Relocate all Navy and Marine Corps squadrons, their aircraft and necessary personnel, equipment and support to McGuire Air Force Base, Cookstown, NJ. Relocate the minimum amount of manpower and equipment to support intermediate maintenance workload and capacity for Tire and Wheel, non-destruction inspections, and Aviation Life Support System equipment to McGuire Air Force Base. Relocate intermediate maintenance workload and capacity for Aircraft Components, Aircraft Engines, Fabrication & Manufacturing, and Support Equipment to Fleet Readiness Center East, Marine Corps Air Station Cherry Point, NC. Deactivate the 111th Fighter Wing (Air National Guard) and relocate assigned A–10 aircraft to the 124th Wing (Air National Guard), Boise Air Terminal Air Guard Station, Boise, ID (three primary aircraft authorized); 175th Wing (Air National Guard), Martin State Airport Air Guard Station, Baltimore, MD, (three primary aircraft authorized); 127th Wing (Air National Guard), Selfridge Air National Guard Base, Mount Clemens, MI (three primary aircraft authorized) and retired (six primary aircraft authorized). Relocate Armed Forces Reserve Center Expeditionary Combat Support manpower to Eglin Air Force Base, FL. Relocate Co A/228th Aviation to Fort Dix, Trenton, NJ. Relocate Reserve Intelligence Area 16 to Fort Dix. Establish an enclave for the Army Reserve units remaining on or relocating to Willow Grove and the Air National Guard 270th Engineering Installation Squadron. Realign Cambria Regional Airport, Johnstown, PA, by relocating Marine Light Attack Helicopter Squadron 775 Detachment A, to include all required personnel, equipment, and support, to McGuire Air Force Base.

Recommendation for Realignment

Officer Training Command, Pensacola, FL

Recommendation: Realign Naval Air Station Pensacola, FL by relocating Officer Training Command Pensacola, FL to Naval Station Newport, RI, and consolidating with Officer Training Command Newport, RI.

Recommendation for Closure

Navy Supply Corps School Athens, GA

Recommendation: Close the naval installation at Athens, GA. Relocate the Navy Supply Corps School and the Center for Service Support to Naval Station Newport, RI. Disestablish the Supply Corps Museum.

Recommendation for Closure

Naval Shipyard Portsmouth, Kittery, ME

Recommendation: Close the Naval Shipyard Portsmouth, Kittery, ME. Relocate the ship depot repair function to Naval Shipyard Norfolk, VA, Naval Shipyard and Intermediate Maintenance Facility Pearl Harbor, HI and Naval Shipyard Puget Sound, WA. Relocate the Submarine Maintenance, Engineering, Planning and Procurement Command to Naval Shipyard Norfolk.

Recommendation for Realignment

Naval Air Station Brunswick, ME

Recommendation: Realign Naval Air Station Brunswick, ME to a Naval Air Facility and relocate its aircraft along with dedicated personnel, equipment and support to Naval Air Station Jacksonville, FL. Consolidate Aviation Intermediate Maintenance with Fleet Readiness Center Southeast Jacksonville, FL.

Recommendation for Closure

Marine Corps Support Activity Kansas City, MO

Recommendation: Close Marine Corps Support Activity, Kansas City, MO. Relocate Marine Corps Reserve Support Command element of Mobilization Command to Naval Air Station Joint Reserve Base New Orleans, LA, and consolidate with Headquarters, Marine Forces Reserve. Retain an enclave for the 9th Marine Corps District and the 24th Marine Regiment.

Recommendation for Closure

Naval Support Activity New Orleans, LA

Recommendation: Close Naval Support Activity New Orleans, LA. Relocate the Navy Reserve Personnel Command and the Enlisted Placement and Management Center to Naval Support Activity Mid-South, Millington, TN and consolidate with the Navy Personnel Command at Naval Support Activity Mid-South, Millington, TN. Relocate the Naval Reserve Recruiting Command to Naval Support Activity Mid-South, Millington, TN and consolidate with the Navy Recruiting Command at Naval Support Activity Mid-South, Millington, TN. Relocate the Navy Reserve Command to Naval

Support Activity Norfolk, VA, except for the installation management function, which consolidates with Navy Region Southwest, Naval Station San Diego, CA, Navy Region Northwest, Submarine Base Bangor, WA, and Navy Region Midwest, Naval Station Great Lakes, IL. Relocate Headquarters, Marine Forces Reserve to Naval Air Station Joint Reserve Base New Orleans, LA, and consolidate with Marine Corps Reserve Support Command element of Mobilization Command, which is relocating from Marine Corps Support Activity, Kansas City, MO. Relocate Naval Air Systems Command Support Equipment Facility New Orleans, LA, Navy Recruiting District New Orleans, LA, and the Navy Reserve Center New Orleans, LA, to Naval Air Station Joint Reserve Base New Orleans, LA. Relocate 8th Marine Corps District to Naval Air Station Joint Reserve Base Fort Worth, TX. Consolidate Naval Support Activity New Orleans, LA installation management function with Naval Air Station Joint Reserve Base New Orleans, LA.

Recommendation for Closure

Naval Support Activity Corona, CA

Recommendation: Close Naval Support Activity Corona, CA. Relocate Naval Surface Warfare Center Division Corona, CA to Naval Base Ventura County (Naval Air Station Point Mugu), CA.

Recommendation for Realignment

Marine Corps Logistics Base, Barstow, CA

Recommendation: Realign Marine Corps Logistics Base Barstow, CA. Disestablish the depot maintenance of Aircraft Other Components, Aircraft Rotary, and Strategic Missiles. Consolidate depot maintenance of Engines/Transmissions, Other Components, and Small Arms/Personal Weapons at Anniston Army Depot, AL. Consolidate the depot maintenance of Conventional Weapons, Engines/Transmissions, Material Handling, Powertrain Components, Starters/Alternators/Generators, Test Measurement Diagnostic Equipment, and Wire at Marine Corps Logistics Base Albany, GA. Consolidate depot maintenance of Electronic Components (Non-Airborne), Electro-Optics/Night Vision/Forward-Looking-Infrared, Generators, Ground Support Equipment, Radar, and Radio at Tobyhanna Army Depot, PA. Consolidate depot maintenance of Tactical Missiles at Letterkenny Army Depot, PA. Realign Fleet Support Division Maintenance Center Barstow and Marine Corps Logistics Base Barstow operations to increase efficiencies and reduce infrastructure.

Recommendation for Realignment

Naval Station Newport, RI

Recommendation: Realign Naval Station Newport, RI by relocating the Navy Warfare Development Command to Naval Station Norfolk, VA.

Recommendation for Closure

Naval Station Pascagoula, MS

Recommendation: Close Naval Station Pascagoula, MS. Relocate its ships along with dedicated personnel, equipment, and support to Naval Station Mayport, FL. Relocate the ship intermediate repair function to Shore Intermediate Maintenance Activity Mayport, FL.

Department of the Air Force Recommendations

Birmingham International Airport Air Guard Station, AL

Recommendation: Realign Birmingham International Airport Air Guard Station (AGS), AL. Distribute the 117th Air Refueling Wing's (ANG) KC–135R aircraft to the 101st Air Refueling Wing (ANG), Bangor International Airport AGS, ME (two aircraft); the 134th Air Refueling Wing (ANG), McGhee-Tyson Airport AGS, TN (four aircraft); and the 161st Air Refueling Wing (ANG), Phoenix Sky Harbor International Airport AGS, AZ (two aircraft). The 117th Air Refueling Wing's firefighter positions will move to Dannelly Field AGS, AL, and the remaining expeditionary combat support (ECS) will remain in place.

Eielson Air Force Base, AK, Moody Air Force Base, GA, and Shaw Air Force Base, SC

Recommendation: Realign Eielson Air Force Base, AK. The 354th Fighter Wing's assigned A–10 aircraft will be distributed to the 917th Wing Barksdale Air Force Base, LA (three aircraft); to a new active duty unit at Moody Air Force Base, GA (12 aircraft); and to backup inventory (three aircraft). The 354th Fighter Wing's F–16 aircraft will be distributed to the 57th Wing, Nellis Air Force Base, NV (18 aircraft). The Air National Guard Tanker unit and rescue alert detachment will remain as tenant on Eielson. Realign Moody Air Force Base, by relocating base-level ALQ–184 intermediate maintenance to Shaw Air Force Base, SC, establishing a Centralized Intermediate Repair Facility (CIRF) at Shaw Air Force Base, SC for ALQ–184 pods. Realign Shaw Air Force Base, relocating base-level TF–34 engine intermediate maintenance to Moody Air Force Base, establishing a CIRF at Moody Air Force Base for TF–34 engines.

Kulis Air Guard Station, AK, and Elmendorf Air Force Base, AK

Recommendation: Close Kulis Air Guard Station (AGS), AK. Relocate the 176th Wing (ANG) and associated aircraft (eight C–130Hs, three HC–130Ns, and five HH–60s) and Expeditionary Combat Support (ECS) to Elmendorf Air Force Base, AK. Realign Elmendorf Air Force Base. With the addition of four aircraft from another installation (see Air Force recommendation for Ellsworth Air Force Base and Dyess Air Force Base), the 176th Wing at Elmendorf will form an ANG/active duty association with 12 C–130H aircraft. The 3d Wing at Elmendorf Air Force Base will distribute 24 of 42 assigned F–15C/D aircraft to the 1st Fighter Wing, Langley Air Force Base, VA.

Fort Smith Air Guard Station, AR, and Luke Air Force Base, AZ

Recommendation: Realign Fort Smith Municipal Airport (MAP) Air Guard Station (AGS), AR. Distribute the 188th Fighter Wing's (ANG) F–16s to the 144th Fighter Wing (ANG) Fresno Air Terminal AGS, CA (seven aircraft) and retirement (eight aircraft). The 144th Fighter Wing's F–16s (15 aircraft) retire. The wing's expeditionary combat support (ECS) elements remain in place. Fire fighter positions realign to Tulsa, OK, and the Home Station Training Site moves to Savannah, GA. Realign Luke Air Force Base, AZ. The 56th Fighter Wing, Luke Air Force Base, AZ, distributes its F–16 Block 25s (13 aircraft) and F–16 Block 42s (24 aircraft) to retirement. The 944th Fighter Wing distributes its F–16s to the 144th Fighter Wing at Fresno (11 aircraft).

Beale Air Force Base, CA, and Selfridge Air National Guard Base, MI

Recommendation: Realign Beale Air Force Base, CA. The 940th Air Refueling Wing (AFR) will realign its KC–135R tanker aircraft while its expeditionary combat support (ECS) elements will remain in place. Beale's KC–135R aircraft will be distributed to the Air National Guard at Selfridge ANGB, MI (four aircraft) and 134th Air Refueling Wing (ANG), McGhee-Tyson Airport Air Guard Station, TN (four aircraft). Realign Selfridge Air Reserve Base, MI. The 927th Air Refueling Wing (AFR) at Selfridge will distribute its eight KC–135 aircraft to the 127th Wing (ANG) at Selfridge. The 127th Wing will retire its 15 F–16 aircraft and eight C–130E

aircraft, and will convert to A–10 and KC–135R aircraft.

March Air Reserve Base, CA

Recommendation: Realign March Air Reserve Base, CA. The 163d Air Refueling Wing (ANG) will distribute its nine KC–135R aircraft to the 452d Air Mobility Wing (AFR), March Air Reserve Base (four aircraft); the 157th Air Refueling Wing (ANG), Pease International Tradeport Air Guard Station, NH (three aircraft); the 134th Air Refueling Wing (ANG), McGhee-Tyson Airport Air Guard Station, TN (one aircraft); and the 22d Air Refueling Wing, McConnell Air Force Base, KS (one aircraft). The 163d Air Refueling Wing's expeditionary combat support (ECS) will remain in place.

Onizuka Air Force Station, CA

Recommendation: Close Onizuka Air Force Station, CA. Relocate the Air Force Satellite Control Network (AFSCN) mission and tenant Defense Information Systems Agency (DISA) Defense Satellite Communication System (DSCS) mission and equipment to Vandenberg Air Force Base, CA.

Bradley International Airport Air Guard Station, CT, Barnes Air Guard Station, MA, Selfridge Air National Guard Base, MI, Shaw Air Force Base, SC, and Martin State Air Guard Station, MD

Recommendation: Realign Bradley International Airport Air Guard Station, CT. The A–10s assigned to the 103d Fighter Wing will be distributed to the 104th Fighter Wing, Barnes Municipal Airport Air Guard Station, MA (nine aircraft) and retirement (six aircraft). The wing's expeditionary combat support (ECS) elements will remain in place at Bradley and Bradley will retain capability to support a Homeland Defense mission. Realign Barnes Air Guard Station, MA; Selfridge ANGB, MI; Shaw Air Force Base, SC; and Martin State Airport Air Guard Station, MD, by relocating base-level TF–34 engine intermediate maintenance to Bradley, establishing a Centralized Intermediate Repair Facility (CIRF) at Bradley for TF–34 engines.

New Castle Airport Air Guard Station, DE

Recommendation: Realign New Castle County Airport Air Guard Station (AGS), DE. Distribute the wing's eight C–130H aircraft to the 145th Airlift Wing (ANG), Charlotte/Douglas International Airport (IAP) AGS, NC (four aircraft), and 165th Airlift Wing (ANG), Savannah IAP AGS, GA (four aircraft). Move flying related Expeditionary Combat Support (ECS) to McGuire Air Force Base, NJ (Aeromedical Squadron), and Dover Air Force Base, DE (aerial port and fire fighters). Other ECS remains in place at New Castle.

Robins Air Force Base, GA

Recommendation: Realign Robins Air Force Base, GA. The 19th Air Refueling Group's KC–135R aircraft will be distributed to the 22nd Air Refueling Wing, McConnell Air Force Base, KS (nine aircraft), and to backup aircraft inventory (three aircraft). The 202d Engineering Installation Squadron (ANG), a geographically separated unit at Middle Georgia Regional Airport, will be relocated into available space at Robins Air Force Base.

Boise Air Terminal Air Guard Station, ID

Recommendation: Realign Boise Air Terminal Air Guard Station (AGS), ID. Distribute the four C–130H aircraft of the 124th Wing (ANG) to the 153rd Airlift Wing (ANG), Cheyenne, WY. The new, larger unit at Cheyenne will create an active duty/ANG association.

Mountain Home Air Force Base, ID, Nellis Air Force Base, NV, and Elmendorf Air Force Base, AK

Recommendation: Realign Mountain Home Air Force Base, ID. Distribute the 366th Fighter Wing assigned F–15Cs (18 aircraft) to the 57th Fighter Wing, Nellis Air Force Base, NV (nine aircraft), to the 125th Fighter Wing, Jacksonville International Airport AGS, FL (six aircraft), and to retirement (three aircraft). The 366th Fighter Wing will distribute assigned F–16 Block 52 aircraft to the 169th Fighter Wing McEntire AGS, SC (nine aircraft), the 57th Wing, Nellis Air Force Base, NV (five aircraft), and to backup inventory (four aircraft). Realign Nellis Air Force Base. The 57th Wing, Nellis Air Force Base, NV, will distribute F–16 Block 42 aircraft to the 138th Fighter Wing Tulsa International Airport AGS, OK (three aircraft), and retire the remaining F–16 Block 42 aircraft (15 aircraft). The 57th Wing also will distribute F–16 Block 32 aircraft (six aircraft) to the 144th Fighter Wing Fresno Air Terminal AGS, CA, and to retirement (one aircraft). Realign Elmendorf Air Force Base. The 366th Fighter Wing, Mountain Home Air Force Base, ID, will receive F–15E aircraft from the 3d Wing, Elmendorf Air Force Base, AK (18 aircraft), and attrition reserve (three aircraft).

Capital Air Guard Station, IL, and Hulman Regional Airport Air Guard Station, IN

Recommendation: Realign Capital Airport Air Guard Station, IL. Distribute the 183d Fighter Wing's F–16s to the 122d Fighter Wing, Fort Wayne International Airport Air Guard Station, IN, (15 aircraft). The 122d Fighter Wing's F–16s (15 aircraft) retire. The wing's expeditionary combat support (ECS) elements, the Illinois ANG State Headquarters, and the 217th Engineering Installation Squadron remain in place. Realign Hulman Regional Airport Air Guard Station, IN. The 181st Fighter Wing's F–16s are distributed to the 122d Fighter Wing, Fort Wayne International Airport Air Guard Station, IN (nine aircraft), and retirement (six aircraft). The 181st Fighter wing's ECS elements remain in place. Realign Dane County Regional Air Guard Station/Truax Field, WI; Joe Foss Field Air Guard Station, SD; Des Moines Air Guard Station, IA; Fort Wayne Air Guard Station, IN; and Lackland Air Force Base, TX; by relocating base-level F–110 intermediate maintenance to Capital, establishing a Centralized Intermediate Repair Facility (CIRF) at Capital for F–110 engines.

New Orleans Air Reserve Station, LA

Recommendation: Realign NAS New Orleans ARS, LA. Distribute the 926th Fighter Wing's A–10 aircraft to the 442d Fighter Wing (AFR), Whiteman Air Force Base, MO (nine aircraft), and the 917th Wing (AFR) at Barksdale Air Force Base, LA (six aircraft). The 442 wing HQ element realigns to Nellis Air Force Base, NV, and the wing Expeditionary Combat Support realigns to Buckley Air Force Base, CO.

Andrews Air Force Base, MD, Will Rogers Air Guard Station, OK, Tinker Air Force Base, OK, and Randolph Air Force Base TX

Recommendation: Realign Andrews Air Force Base, MD, by relocating the Air Force Flight Standards Agency (AFFSA) and its two C–21 aircraft to Will Rogers World Airport Air Guard Station, OK. Realign Randolph Air Force Base, TX, by relocating the USAF Advanced Instrument School (AIS) to Will Rogers Air Guard Station. Realign Tinker Air Force Base, OK, by relocating the Global Air Traffic Operations Program Office (GATOPO) to Will Rogers Air Guard Station. Realign Will Rogers Air Guard Station by relocating the 137th Airlift Wing (ANG) to Tinker Air Force Base and associate with the 507th Air Refueling Wing (AFR). The 137th's C–130H aircraft are distributed

to the 136th Airlift Wing (ANG), Naval Air Station Joint Reserve Base Fort Worth, TX (4 aircraft), and 139th Airlift Wing (ANG), Rosecrans Memorial Airport Air Guard Station, MO (4 aircraft). The aerial port squadron at Will Rogers moves to Naval Air Station Joint Reserve Base Fort Worth, the Aeromedical Squadron and fire fighters move to Rosecrans AGB. Other elements of the 137th's Expeditionary Combat Support remain in place at Will Rogers.

Martin State Air Guard Station, MD

Recommendation: Realign Martin State Air Guard Station (AGS), MD. Distribute the eight C–130J aircraft of the 175th Wing (ANG) to the 146th Airlift Wing (ANG), Channel Islands AGS, CA (four aircraft), and 143d Airlift Wing (ANG), Quonset State Airport AGS, RI (four aircraft). The Aerial Port Squadron will move to Andrews Air Force Base, MD. The 143d and 146th Airlift Wings will each retire two C–130E aircraft (total of four).

Otis Air National Guard Base, MA, Lambert St. Louis International Airport Air Guard Station, MO, and Atlantic City Air Guard Station, NJ

Recommendation: Close Otis ANGB, MA. The 102d Fighter Wing's F–15s will be distributed to the 125th Fighter Wing, Jacksonville International Airport Air Guard Station, FL (three aircraft), and 177th Fighter Wing, Atlantic City International Airport Air Guard Station, NJ (12 aircraft). The 253d Combat Communications Group, and 267th Communications Squadron will remain in place at Otis, with 104th Fighter Wing at Barnes providing administrative support as the parent wing. An air sovereignty alert (ASA) facility will be constructed at Bradley International Airport Air Guard Station, CT. Firefighter positions from Otis will move to Barnes Municipal Airport Air Guard Station, MA.

Realign Lambert-St. Louis International Airport Air Guard Station, St. Louis, MO. The 131st Fighter Wing's F–15s (15 aircraft) will distribute to the 57th Fighter Wing, Nellis Air Force Base, NV (nine aircraft), and 177th Fighter Wing, Atlantic City International Airport Air Guard Station, NJ (six aircraft). Realign Atlantic City International Airport Air Guard Station, NJ. The 177th Fighter Wing's F–16s will be distributed to the 158th Fighter Wing, Burlington International Airport Air Guard Station, VT (three aircraft), and retire (12 aircraft). The wing's expeditionary combat support (ECS) elements will remain in place. Firefighter positions move to Scott Air Force Base, IL. The 157Air Operations Group (AOG) and the 218th Engineering Installation Group (EIG) will relocate from Jefferson Barracks geographically separated unit (GSU) into space at Lambert International. Jefferson Barracks real property accountability will transfer to the Army.

W.K. Kellogg Airport Air Guard Station, MI

Recommendation: Close W.K. Kellogg Airport Air Guard Station, MI. Distribute the 110th Fighter Wing's A–10s (15 aircraft) to the 127th Wing (ANG), Selfridge ANGB, MI.

Duluth International Airport Air Guard Station, MN

Recommendation: Realign Duluth International Airport Air Guard Station, MN, by retiring the 148th Fighter Wing's F–16s (15 aircraft).

Key Field Air Guard Station, MS

Recommendation: Realign Key Field Air Guard Station, MS. Distribute the 186th Air Refueling Wing's KC–135R aircraft to the 128th Air Refueling Wing (ANG), General Mitchell Air Guard Station, WI (three aircraft); the 134th Air Refueling Wing (ANG), McGhee-Tyson Airport Air Guard Station, TN (three aircraft); and 101st Air Refueling Wing (ANG), Bangor International Airport Air Guard Station, ME (two aircraft). One aircraft will revert to backup aircraft inventory. The 186th Air Refueling Wing's fire fighter positions move to the 172d Air Wing at Jackson International Airport, MS, and the expeditionary combat support (ECS) will remain in place.

Great Falls International Airport Air Guard Station, MT

Recommendation: Realign Great Falls International Airport Air Guard Station, MT. Distribute the 120th Fighter Wing's F–16s to the 187th Fighter Wing, Dannelly Field Air Guard Station, AL (three aircraft); the 132d Fighter Wing, Des Moines International Airport Air Guard Station, IA (three aircraft); and retire (nine aircraft). The wing's expeditionary combat support (ECS) elements remain in place.

Reno-Tahoe International Airport Air Guard Station, NV

Recommendation: Realign Reno-Tahoe International Airport Air Guard Station, NV. Distribute the eight C–130H aircraft of the 152d Airlift Wing (ANG) to the 189th Airlift Wing (ANG), Little Rock Air Force Base, AR. Flying related Expeditionary Combat Support (ECS) moves to Channel Islands Air Guard Station, CA (aerial port), and Fresno Air Guard Station, CA (fire fighters). The remaining ECS elements and the Distributed Common Ground System (DCGS) remain in place.

Cannon Air Force Base, NM

Recommendation: Close Cannon Air Force Base, NM. Distribute the 27th Fighter Wing's F–16s to the 115th Fighter Wing, Dane County Regional Airport, Truax Field Air Guard Station, WI (three aircraft); 114th Fighter Wing, Joe Foss Field Air Guard Station, SD (three aircraft); 150th Fighter Wing, Kirtland Air Force Base, NM (three aircraft); 113th Wing, Andrews Air Force Base, MD (nine aircraft); 57th Fighter Wing, Nellis Air Force Base, NV (seven aircraft), the 388th Wing at Hill Air Force Base, UT (six aircraft), and backup inventory (29 aircraft).

Niagara Falls Air Reserve Station, NY

Recommendation: Close Niagara Falls Air Reserve Station (ARS), NY. Distribute the eight C–130H aircraft of the 914th Airlift Wing (AFR) to the 314th Airlift Wing, Little Rock Air Force Base, AR. The 914th's headquarters moves to Langley Air Force Base, VA, the Expeditionary Combat Support (ECS) realigns to the 310th Space Group (AFR) at Schriever Air Force Base, CO, and the Civil Engineering Squadron moves to Lackland Air Force Base, TX. Also at Niagara, distribute the eight KC–135R aircraft of the 107th Air Refueling Wing (ANG) to the 101st Air Refueling Wing (ANG), Bangor International Airport Air Guard Station, ME. The 101st will subsequently retire its eight KC–135E aircraft and no Air Force aircraft remain at Niagara.

Schenectady County Airport Air Guard Station, NY

Recommendation: Realign Schenectady County Airport Air Guard Station (Air Guard Station), NY. The 109th Airlift Wing (ANG) will transfer four C–130H aircraft to the 189th Airlift Wing (ANG), Little Rock Air Force Base, AR.

Pope Air Force Base, NC, Pittsburgh International Airport Air Reserve Station, PA, and Yeager Air Guard Station, WV

Recommendation: Realign Pope Air Force Base (Air Force Base), NC. Distribute the 43d Airlift Wing's C–130E aircraft (25 aircraft) to the 314th Airlift Wing, Little Rock Air Force Base, AR; realign the 23d Fighter Group's A–10 aircraft (36 aircraft) to Moody Air Force Base, GA; transfer real property accountability to the Army; disestablish the 43rd Medical Group and establish a medical squadron. At Little Rock Air Force Base, AR, realign eight C–130E

aircraft to backup inventory; retire 27 C–130Es; realign one C–130J aircraft to the 143d Airlift Wing (ANG), Quonset State Airport Air Guard Station, RI; two C–130Js to the 146th Airlift Wing (ANG), Channel Islands Air Guard Station, CA; and transfer four C–130Js from the 314th Airlift Wing (AD) to the 189th Airlift Wing (ANG), Little Rock Air Force Base. Realign Yeager Airport Air Guard Station (AGS), WV, by realigning eight C–130H aircraft to Pope/Fort Bragg to form a 16 aircraft Air Force Reserve/active duty associate unit, and by relocating flying-related expeditionary combat support (ECS) to Eastern West Virginia Regional Airport/Shepherd Field AGS (aerial port and fire fighters). Close Pittsburgh International Airport (IAP) Air Reserve Station (ARS), PA, and relocate 911th Airlift Wing's (AFRC) eight C–130H aircraft to Pope/Fort Bragg to form a 16 aircraft Air Force Reserve/active duty associate unit. Relocate AFRC operations and maintenance manpower to Pope/Fort Bragg. Relocate flight related ECS (aeromedical squadron) to Youngstown-Warren Regional APT ARS. Relocate all remaining Pittsburgh ECS and headquarters manpower to Offutt Air Force Base, NE. Air National Guard units at Pittsburgh are unaffected.

Grand Forks Air Force Base, ND

Recommendation: Realign Grand Forks Air Force Base (AFB), ND. Distribute the 319th Air Refueling Wing's KC–135R aircraft to the 126th Air Refueling Wing (ANG), Scott AFB, IL (12 aircraft), which retires its eight KC–135E aircraft; the 916th Air Refueling Wing (AFR), Seymour-Johnson AFB, NC (eight aircraft), which will host an active duty associate unit; the 6th Air Mobility Wing, MacDill AFB, FL (four aircraft), which will host a Reserve association with 927th Air Refueling Wing (AFR) manpower realigned from Selfridge ANGB, MI; the 154th Wing (ANG), Hickam AFB, HI (four aircraft), which will host an active duty associate unit; and the 22d Air Refueling Wing, McConnell AFB, KS (eight aircraft), which currently associates with the 931st Air Refueling Group (AFR). Grand Forks will remain an active Air Force installation with a new active duty/Air National Guard association unit created in anticipation of emerging missions at Grand Forks.

Realign McConnell Air National Guard (ANG) Base by relocating the 184th Air Refueling Wing (ANG) nine KC–135R aircraft to the 190th Air Refueling Wing at Forbes Field AGS, KS, which will retire its eight assigned KC–135E aircraft. The 184th Air Refueling Wing's operations and maintenance manpower will transfer with the aircraft to Forbes, while the wing's expeditionary combat support (ECS) elements will remain at McConnell.

Hector International Airport Air Guard Station, ND

Recommendation: Realign Hector International Airport Air Guard Station, ND. The 119th Fighter Wing's F–16s (15 aircraft) retire. The wing's expeditionary combat support elements remain in place.

Mansfield-Lahm Municipal Airport Air Guard Station, OH

Recommendation: Close Mansfield-Lahm Municipal Airport Air Guard Station (AGS), OH. Distribute the eight C–130H aircraft of the 179th Airlift Wing (ANG) to the 908th Airlift Wing (AFR), Maxwell Air Force Base, AL (four aircraft), and the 314th Airlift Wing, Little Rock Air Force Base, AR (four aircraft). Flying related Expeditionary Combat Support (ECS) moves to Louisville International Airport AGS, KY (aerial port) and Toledo Express Airport AGS, OH (fire fighters).

Springfield-Beckley Municipal Airport Air Guard Station, OH

Recommendation: Realign Springfield-Beckley Municipal Airport Air Guard Station, OH. Distribute the 178th Fighter Wing's F–16 aircraft to the 132d Fighter Wing, Des Moines International Airport Air Guard Station, IA (nine aircraft); the 140th Wing (ANG), Buckley Air Force Base, CO (three aircraft) and 149th Fighter Wing (ANG), Lackland Air Force Base, TX (six aircraft), but retain The wing's expeditionary combat support (ECS) elements, the 251st Combat Communications Group (ANG) and 269th Combat Communications Squadron (ANG) in place, and relocate the wing's firefighter positions will move to Rickenbacker Air Guard Station, OH.

Portland International Airport Air Guard Station, OR

Recommendation: Realign Portland International Airport Air Guard Station, OR. Realign the 939th Air Refueling Wing (AFR) by distributing the wing's KC–135R aircraft to the 507th Air Refueling Wing (AFR), Tinker Air Force Base, OK (four aircraft); the 190th Air Refueling Wing (ANG), Forbes Field Air Guard Station, KS (three aircraft); and by reverting one aircraft to backup inventory. Operations and maintenance manpower for four aircraft from the 939th Air Refueling Wing is realigned with the aircraft to Tinker Air Force Base. The 939th Air Refueling Wing's remaining manpower, to include expeditionary combat support, is realigned to Vandenberg Air Force Base, CA. Realign the 142d Fighter Wing (ANG) by distributing the wing's F–15 aircraft to the 177th Fighter Wing (ANG), Atlantic City, NJ (six aircraft) and the 159th Fighter Wing (ANG), New Orleans ARS, LA (nine aircraft). The 142d Fighter Wing's expeditionary combat support elements, along with the 244th and 272d Combat Communications Squadrons (ANG), will remain at Portland and Portland will continue to support a Homeland Defense alert commitment. The 304th Rescue Squadron (AFR) at Portland is realigned to McChord Air Force Base, WA, with no aircraft involved. The 214th Engineering Installation Squadron (ANG), a geographically separated unit at Jackson Barracks, LA, is relocated onto available facilities at New Orleans.

Ellsworth Air Force Base, SD, and Dyess Air Force Base, TX

Recommendation: Close Ellsworth Air Force Base, SD. The 24 B–1 aircraft assigned to the 28th Bomb Wing will be distributed to the 7th Bomb Wing, Dyess Air Force Base, TX. Realign Dyess Air Force Base, TX. The C–130 aircraft assigned to the 317th Airlift Group will be distributed to the active duty 314th Airlift Wing (22 aircraft) and Air National Guard 189th Airlift Wing (two aircraft), Little Rock Air Force Base, AR; the 176th Wing (ANG), Elmendorf Air Force Base, AK (four aircraft); and the 302d Airlift Wing (AFR), Peterson Air Force Base, CO (four aircraft). Peterson Air Force Base will have an active duty/Air Force Reserve association in the C–130 mission. Elmendorf Air Force Base will have an active duty/Air National Guard association in the C–130 mission.

Nashville International Airport Air Guard Station, TN

Recommendation: Realign Nashville International Airport (IAP) Air Guard Station (AGS), TN. This recommendation distributes the C–130H aircraft of the 118th Airlift Wing (ANG) to the 182d Airlift Wing (ANG), Greater Peoria Airport AGS, IL (four aircraft), and the 123d Airlift Wing (ANG), Louisville IAP AGS, KY (four aircraft). Flying related ECS (aerial port and fire fighters) moves to Memphis IAP AGS. The Aeromedical Squadron from Nashville moves to Naval Air Station Joint Reserve Base Fort Worth. Other ECS remains in place at Nashville.

Ellington Air Guard Station, TX

Recommendation: Realign Ellington Field Air Guard Station, TX. The 147th Fighter Wing's F–16s (15 aircraft) will retire. The wing's expeditionary combat support (ECS) elements will remain in place. Ellington retains the capability to support the Homeland Defense mission. The 272d Engineering Installation Squadron, an ANG geographically separated unit moves into available space on Ellington.

Lackland Air Force Base, TX

Recommendation: Realign Lackland Air Force Base, TX. Relocate the Standard Air Munitions Package (STAMP)/Standard Tank, Rack, Adaptor, and Pylon Packages (STRAPP) function from Lackland Air Force Base, Medina Annex to McConnell Air Force Base, KS, and transfer the mission to the Air National Guard.

Hill Air Force Base, UT Edwards Air Force Base, CA, Mountain Home Air Force Base, ID, Luke Air Force Base, AZ, and Nellis Air Force Base, NV

Recommendation: Realign Hill Air Force Base, UT. Distribute the 419th Fighter Wing F–16s to the 482d Fighter Wing, Homestead Air Reserve Base, FL (six aircraft) and the 301st Fighter Wing, Naval Air Station Joint Reserve Base Fort Worth, TX (nine aircraft). The AFMC F–16s at Hill will remain in place. Realign Edwards Air Force Base, CA; Mountain Home Air Force Base, ID; and Luke Air Force Base, AZ, by relocating base-level LANTIRN intermediate maintenance to Hill, establishing a Centralized Intermediate Repair Facility (CIRF) for Low Altitude Navigation and Targeting Infrared for Night (LANTIRN) pods at Hill. Realign Naval Air Station Joint Reserve Base Fort Worth, TX, and Nellis Air Force Base, NV, by relocating base-level F110 engine intermediate maintenance to Hill, establishing a CIRF for F110 engines at Hill.

Langley Air Force Base, VA

Recommendation: Realign Langley Air Force Base, VA. Realign base-level F–15 avionics intermediate maintenance from Langley Air Force Base to Tyndall Air Force Base, FL, by establishing a Centralized Intermediate Repair Facility (CIRF) at Tyndall Air Force Base, FL, for F–15 avionics.

Richmond Air Guard Station, VA, and Des Moines International Airport Air Guard Station, IA

Recommendation: Realign Richmond International Airport Air Guard Station, VA. Distribute the 192d Fighter Wing's F–16s to the 132d Fighter Wing, Des Moines International Airport Air Guard Station, IA (six aircraft); 482d Fighter Wing Homestead Air Reserve Base, FL (three aircraft) and to backup inventory (six aircraft). Richmond International Airport Air Guard Station real property accountability will transfer to the Department of the Army. The 192d Fighter Wing's manpower will associate with the 1st Fighter Wing. Realign Des Moines International Airport Air Guard Station, IA. The F–16 aircraft currently assigned to the 132d Fighter Wing at Des Moines are redistributed to the 180th Fighter Wing, Toledo Express Airport Air Guard Station, OH (nine aircraft) and 138th Fighter Wing, Tulsa International Airport Air Guard Station, OK (six aircraft).

Fairchild Air Force Base, WA

Recommendation: Realign Fairchild Air Force Base, WA. The 141st Air Refueling Wing (ANG) will associate with the 92d Air Refueling Wing at Fairchild Air Force Base, and the 141st Air Refueling Wing's eight KC–135R aircraft are distributed to the 185th Air Refueling Wing (ANG), Sioux Gateway Airport Air Guard Station, IA. The 256th Combat Communications Squadron and 242d Combat Communications Squadron, which are ANG geographically separated units at Four Lakes and Spokane, are relocated into available facilities at Fairchild Air Force Base.

General Mitchell Air Reserve Station, WI

Recommendation: Close General Mitchell Air Reserve Station (ARS). Distribute the eight C–130H aircraft of the 440th Airlift Wing to the 94th Airlift Wing (AFR), Dobbins Air Reserve Base (ARB), GA (four aircraft) and to the 314th Airlift Wing, Little Rock Air Force Base, AR (four aircraft). Realign the 440th Airlift Wing's operations, maintenance and Expeditionary Combat Support (ECS) manpower to Fort Bragg, NC. Air National Guard units at Mitchell are unaffected by this recommendation.

Air Force Logistics Support Centers

Recommendation: Realign Altus Air Force Base, OK; Hickam Air Force Base, HI; Hurlburt Field, FL; Langley Air Force Base, VA; Little Rock Air Force Base, AR; Luke Air Force Base, AZ; and Scott Air Force Base, IL. Establish Air Force Logistics Support Centers (LSCs) at Langley Air Force Base and Scott Air Force Base by combining five major command (MAJCOM) Regional Supply Squadrons (RSS) into two LSCs.

Combat Air Forces (CAF): Establish a CAF LSC at Langley Air Force Base by realigning RSS positions from Hickam Air Force Base and Sembach, Germany (non-BRAC programmatic) as well as base-level Logistics Readiness Squadron (LRS) positions from Luke Air Force Base.

Mobility Air Forces (MAF): Establish a MAF LSC at Scott Air Force Base by realigning RSS positions from Hurlburt Field and Sembach (non-BRAC programmatic) and LRS positions from Little Rock Air Force Base and Altus Air Force Base.

F100 Engine Centralized Intermediate Repair Facilities

Recommendation: Realign Langley Air Force Base, VA; Tyndall Air Force Base, FL; and Jacksonville International Airport Air Guard Station, FL. Establish a Centralized Intermediate Repair Facility (CIRF) for F100 engines at Seymour Johnson Air Force Base, NC by realigning base-level F100 engine intermediate maintenance from Langley Air Force Base. Establish a CIRF for F100 engines at New Orleans Air Reserve Station, LA (Air National Guard unit) by realigning base-level F100 engine intermediate maintenance from Tyndall Air Force Base and Jacksonville Air Guard Station.

Education and Training Joint Cross-Service Group Recommendations

Joint Center of Excellence for Religious Training & Education

Recommendation: Realign Maxwell Air Force Base, AL; Naval Air Station Meridian, MS; and Naval Station Newport, RI, by relocating religious training and education to Fort Jackson, SC, establishing a Joint Center of Excellence for religious training and education.

Joint Center of Excellence for Culinary Training

Recommendation: Realign Lackland Air Force Base, TX, by relocating Culinary Training to Fort Lee, VA, establishing it as a Joint Center of Excellence for Culinary Training.

Prime Power to Fort Leonard Wood, MO

Recommendation: Realign Fort Belvoir, VA, by relocating Army Prime Power School training to Fort Leonard Wood, MO.

Undergraduate Pilot and Navigator Training

Recommendation: Realign Moody Air Force Base, GA, as follows: relocate the Primary Phase of Fixed-wing Pilot Training to Columbus Air Force Base, MS, Laughlin Air Force Base, TX, and Vance Air Force Base, OK; relocate Introduction to Fighter Fundamentals

Training for Pilots to Columbus Air Force Base, MS, Laughlin Air Force Base, TX, Randolph Air Force Base, TX, Sheppard Air Force Base, TX, and Vance Air Force Base, OK; relocate Introduction to Fighter Fundamentals Training for Weapons Systems Officers to Columbus Air Force Base, MS, Laughlin Air Force Base, TX, Sheppard Air Force Base, TX, and Vance Air Force Base, OK; and relocate Introduction to Fighter Fundaments Training for Instructor Pilots to Randolph Air Force Base, TX.

Realign Randolph Air Force Base, TX, by relocating Undergraduate Navigator Training to Naval Air Station, Pensacola, FL.

Joint Strike Fighter Initial Joint Training Site

Recommendation: Realign Luke Air Force Base, AZ, by relocating to Eglin Air Force Base, FL, a sufficient number of instructor pilots and operations support personnel to stand up the Air Force's portion of the Joint Strike Fighter (JSF) Initial Joint Training Site, hereby established at Eglin Air Force Base, FL. Realign Marine Corps Air Station Miramar, CA, by relocating to Eglin Air Force Base, FL, a sufficient number of instructor pilots and operations support personnel to stand up the Marine Corps' portion of the JSF Initial Joint Training Site, hereby established at Eglin Air Force Base, FL. Realign Naval Air Station Oceana, VA, by relocating to Eglin Air Force Base, FL, a sufficient number of instructor pilots, operations, and maintenance support personnel to stand up the Navy's portion of the JSF Initial Joint Training Site, hereby established at Eglin Air Force Base, FL. Realign Sheppard Air Force Base, TX, by relocating to Eglin Air Force Base, FL, a sufficient number of front-line and instructor-qualified maintenance technicians and logistics support personnel to stand up the Air Force's portion of the JSF Initial Joint Training Site, hereby established at Eglin Air Force Base, FL. Realign Naval Air Station Pensacola, FL, by relocating to Eglin Air Force Base, FL, a sufficient number of front-line and instructor-qualified maintenance technicians and logistics support personnel to stand up the Department of the Navy's portion of the JSF Initial Joint Training Site hereby established at Eglin Air Force Base, FL.

Joint Center for Consolidated Transportation Management Training

Recommendation: Realign Lackland Air Force Base, TX, by relocating the Transportation Management training to Fort Lee, VA.

Net Fires Center

Recommendation: Realign Fort Bliss, TX, by relocating the Air Defense Artillery (ADA) Center & School to Fort Sill, OK. Consolidate the Air Defense Artillery Center & School with the Field Artillery Center & School to establish a Net Fires Center.

Aviation Logistics School

Recommendation: Realign Fort Eustis by relocating the Aviation Logistics School and consolidating it with the Aviation Center and School at Fort Rucker.

Combat Service Support Center

Recommendation: Realign Fort Eustis, VA, by relocating the Transportation Center and School to Fort Lee, VA. Realign Aberdeen Proving Ground, MD by relocating the Ordnance Center and School to Fort Lee, VA. Realign Redstone Arsenal, AL, by relocating the Missile and Munitions Center to Fort Lee, VA. Consolidate the Transportation Center and School and the Ordnance Center and School with the Quartermaster Center & School, the Army Logistic Management College, and Combined Arms Support Command, to establish a Combat Service Support Center at Fort Lee, VA.

Headquarters and Support Activities Recommendations

Joint Basing

Recommendation: Realign McChord Air Force Base (AFB), WA, by relocating the installation management functions to Fort Lewis, WA, establishing Joint Base Lewis-McChord.

Realign Fort Dix, NJ, and Naval Air Engineering Station Lakehurst, NJ, by relocating the installation management functions to McGuire AFB, NJ, establishing Joint Base McGuire-Dix-Lakehurst.

Realign Naval Air Facility Washington, MD, by relocating the installation management functions to Andrews AFB, MD, establishing Joint Base Andrews-Naval Air Facility Washington, MD.

Realign Bolling AFB, DC, by relocating the installation management functions to Naval District Washington at the Washington Navy Yard, DC, establishing Joint Base Anacostia-Bolling-Naval Research Laboratory (NRL), DC.

Realign Henderson Hall, VA, by relocating the installation management functions to Fort Myer, VA, establishing Joint Base Myer-Henderson Hall, VA.

Realign Fort Richardson, AK, by relocating the installation management functions to Elmendorf AFB, AK, establishing Joint Base Elmendorf-Richardson, AK.

Realign Hickam AFB, HI, by relocating the installation management functions to Naval Station Pearl Harbor, HI, establishing Joint Base Pearl Harbor-Hickam, HI.

Realign Fort Sam Houston, TX, and Randolph AFB, TX, by relocating the installation management functions to Lackland AFB, TX.

Realign Naval Weapons Station Charleston, SC, by relocating the installation management functions to Charleston AFB, SC.

Realign Fort Eustis, VA, by relocating the installation management functions to Langley AFB, VA.

Realign Fort Story, VA, by relocating the installation management functions to Commander Naval Mid-Atlantic Region at Naval Station Norfolk, VA.

Realign Andersen AFB, Guam, by relocating the installation management functions to Commander, U.S. Naval Forces, Marianas Islands, Guam.

Defense Finance and Accounting Service

Recommendation: Close the Defense Finance and Accounting Service (DFAS) sites at Rock Island IL; Pensacola Saufley Field, FL; Norfolk Naval Station, VA; Lawton, OK; Pensacola Naval Air Station, FL; Omaha, NE; Dayton, OH; St. Louis, MO; San Antonio, TX; San Diego, CA; Pacific Ford Island, HI; Patuxent River, MD; Limestone, ME; Charleston, SC; Orlando, FL; Rome, NY; Lexington, KY; Kansas City, MO; Seaside, CA; San Bernardino, CA; and Oakland, CA. Relocate and consolidate business, corporate and administrative functions to the Defense Supply Center-Columbus, OH, the Buckley Air Force Base Annex, Denver, CO, or the MG Emmett J. Bean Federal Center, Indianapolis, IN.

Realign DFAS Arlington, VA, by relocating and consolidating business, corporate, and administrative functions to the Defense Supply Center-Columbus, OH, the Buckley Air Force Base Annex, Denver, CO, or the MG Emmett J. Bean Federal Center, Indianapolis, IN. Retain a minimum essential DFAS liaison staff to support the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Military Service Chief Financial Officers, and Congressional requirements.

Realign DFAS Cleveland, OH, by relocating and consolidating business, corporate, and administrative functions to the Defense Supply Center-Columbus, OH, the Buckley Air Force Base Annex, Denver, CO, or the MG Emmett J. Bean Federal Center, Indianapolis, IN. Retain an enclave for the Military Retired and

Annuitant Pay Services contract function and government oversight.

Realign DFAS Columbus, OH, by relocating up to 55 percent of the Accounting Operation functions and associated corporate and administrative functions to DFAS Denver, CO, or DFAS Indianapolis, IN, and up to 30 percent of the Commercial Pay function and associated corporate and administrative functions to DFAS Indianapolis, IN, for strategic redundancy.

Realign DFAS Denver, CO, by relocating up to 25 percent of the Accounting Operation functions and associated corporate and administrative functions to DFAS Columbus, OH, or DFAS Indianapolis, IN, and up to 35 percent of the Military Pay function and associated corporate and administrative functions to DFAS Indianapolis, IN, for strategic redundancy.

Realign DFAS Indianapolis, IN, by relocating up to 10 percent of the Accounting Operation functions and associated corporate and administrative functions to DFAS Columbus, OH or DFAS Denver, CO, and up to 20 percent of the Commercial Pay function and associated corporate and administrative functions to DFAS Columbus, OH, for strategic redundancy.

Consolidate Civilian Personnel Offices (CPOs) Within Each Military Department and the Defense Agencies

Recommendation: Realign Fort Richardson, AK, by relocating the Civilian Personnel Operations Center to Fort Huachuca, AZ, and consolidating it with the Civilian Personnel Operations Center at Fort Huachuca, AZ. Realign Rock Island Arsenal, IL, by relocating the Civilian Personnel Operations Center to Fort Riley, KS, and Aberdeen Proving Ground, MD, and consolidating with the Civilian Personnel Operations Center at Fort Riley, KS, and Aberdeen Proving Ground, MD.

Realign Human Resource Service Center-Northeast, 111 S. Independence Mall, East, Bourse Bldg, a leased installation in Philadelphia, PA, by relocating the Civilian Personnel Office to the Naval Support Activity Philadelphia, PA. Realign Human Resource Service Center-Southeast, 9110 Leonard Kimble Road, a leased installation at Stennis Space Center, MS, by relocating the Civilian Personnel Office to the Naval Support Activity Philadelphia, PA, and consolidating it with the relocated Human Resource Service Center-Northeast at the Naval Support Activity, Philadelphia, PA. Realign Human Resource Service Center-Southwest, 525 B Street, Suite 600, a leased installation in San Diego, CA, by relocating the Civilian Personnel Office to Naval Air Station North Island or Marine Corps Air Station Miramar, CA. Realign Human Resource Service Center-Pacific, 178 Main Street, Bldg 499, Honolulu, HI, by relocating the Civilian Personnel Office to the Human Resource Service Center-Northwest, 3230 NW Randall Way, Silverdale, WA, and Naval Air Station North Island or Marine Corps Air Station Miramar, CA and consolidating with the Human Resource Service Centers at Silverdale, WA and Naval Air Station North Island or Marine Corps Air Station Miramar, CA.

Realign Wright-Patterson Air Force Base, OH, by relocating the Civilian Personnel Office to Randolph Air Force Base, TX. Realign Robins Air Force Base, GA, by relocating the Civilian Personnel Office to Randolph Air Force Base, TX. Realign Hill Air Force Base, UT, by relocating the Civilian Personnel Office to Randolph Air Force Base, TX. Realign Tinker Air Force Base, OK, by relocating the Civilian Personnel Office to Randolph Air Force Base, TX. Realign Bolling Air Force Base, DC, by relocating the Civilian Personnel Office to Randolph Air Force Base, TX. Consolidate the relocated civilian personnel offices with the Civilian Personnel Office at Randolph Air Force Base, TX.

Realign 2521 Jefferson Davis Hwy, a leased installation in Arlington, VA, by relocating the transactional functions of the Defense Commissary Agency Human Resource Division and the Washington Headquarters Services Civilian Personnel Office to the Defense Logistics Agency, 3990 East Broad Street, Columbus, OH, and consolidating them with the Customer Support Office of the Defense Logistics Agency. Realign the Department of Defense Education Activity, 4040 North Fairfax Drive, a leased installation in Arlington, VA, by relocating the transactional functions of the Civilian Personnel Office to the Defense Logistics Agency 3990 East Broad Street, Columbus, OH, and consolidating them with the Customer Support Office of the Defense Logistics Agency. Realign the Defense Information Systems Agency, 701 S. Courthouse Road, Arlington, VA, by relocating the transactional functions of the Civilian Personnel Office to the Defense Finance and Accounting Service, 8899 E. 56th Street, Indianapolis, IN, and consolidating them with the Civilian Personnel Office of the Defense Finance and Accounting Service at Indianapolis, IN.

Consolidate Defense Information Systems Agency and Establish Joint C4ISR D&A Capability

Recommendation: Close 5600 Columbia Pike and Skyline Place (Skyline VII), leased installations in Falls Church, VA, and 1010 Gause Boulevard, a leased installation in Slidell, LA. Relocate all components of the Defense Information Systems Agency (DISA) to Fort Meade, MD.

Close the Logicon Building, a leased installation in Arlington, Virginia. Relocate the Joint Task Force-Global Network Operation (JTF–GNO) to Fort Meade, MD.

Realign Skyline IV and Skyline V, leased installations in Falls Church, VA, and GSA Franconia Warehouse Depot, a leased installation in Springfield, VA, by relocating all components of DISA to Fort Meade, MD.

Realign Arlington Service Center, VA, by relocating all components of DISA and the JTF–GNO to Fort Meade, MD.

Realign Naval Support Activity Panama City, Florida by relocating the Deployable Joint Command and Control (DJC2) Program Office of the Naval Surface Warfare Center to Fort Meade, MD.

Realign Rosslyn Plaza North, a leased location in Arlington, VA, by relocating the Joint Tactical Radio System (JTRS) Program Office to Fort Meade, MD.

Collocate Missile and Space Defense Agencies

Recommendation: Close the Suffolk Building, a leased installation in Falls Church, VA. Relocate all Missile Defense Agency (MDA) functions, except the Ballistic Missile Defense System Sensors Directorate, to Redstone Arsenal, AL.

Close the Space and Missile Defense Command (SMDC) Building, a leased installation in Huntsville, AL. Relocate all functions of the Missile Defense Agency to Redstone Arsenal, AL.

Realign Federal Office Building 2, Arlington, VA, by relocating a Headquarters Command Center for the Missile Defense Agency to Fort Belvoir, VA, and by relocating all other functions of the Missile Defense Agency, except the Command and Control Battle Management and Communications Directorate, to Redstone Arsenal, AL.

Realign Crystal Square 2, a leased installation in Arlington, VA, by relocating all functions of the Missile Defense Agency and the Headquarters component of the USA Space and Missile Defense Command to Redstone Arsenal, AL.

Realign Crystal Mall 4, a leased installation in Arlington, VA, by

relocating the Headquarters component of the USA Space and Missile Defense Command to Redstone Arsenal, AL.

Collocate Miscellaneous OSD, Defense Agency, and Field Activity Leased Locations

Recommendation: Close 1010 North Glebe Road, 1515 Wilson Boulevard, 4850 Mark Center Drive, the Crown Ridge Building at 4035 Ridgetop, and 1901 N. Beauregard, leased installations in Northern VA, by relocating the Office of the Secretary of Defense to Fort Belvoir, VA.

Close North Tower at 2800 Crystal Drive, a leased installation in Arlington, VA, by relocating the DoD Inspector General to Fort Belvoir, VA.

Close 1600 Wilson Boulevard, a leased installation in Arlington, VA, by relocating the Defense Human Resources Activity to Fort Belvoir, VA.

Close 1500 Wilson Boulevard and Presidential Towers, leased installations in Arlington, VA, by relocating offices accommodating Pentagon Renovation temporary space to Fort Belvoir, VA.

Close Metro Park III and IV (6350 and 6359 Walker Lane), a leased installation in Alexandria, VA, by relocating the Defense Contract Management Agency Headquarters to Fort Lee, VA.

Realign 400 Army Navy Drive, a leased installation in Arlington, VA, by relocating the Office of the Secretary of Defense, Washington Headquarters Services, and the DoD Inspector General to Fort Belvoir, VA.

Realign the Webb Building, a leased installation in Arlington, VA, by relocating the Department of Defense Education Activity and the Defense Human Resources Activity to Fort Belvoir, VA.

Realign Rosslyn Plaza North, a leased installation in Arlington, VA, by relocating offices accommodating Pentagon Renovation temporary space, Washington Headquarters Services and the Defense Human Resources Activity to Fort Belvoir, VA.

Realign Crystal Gateway North, a leased installation in Arlington, VA, by relocating the Office of the Secretary of Defense, Washington Headquarters Services, and the DoD Inspector General to Fort Belvoir, VA.

Realign 2001 North Beauregard Street, 621 North Payne Street, Ballston Metro Center, Crystal Square 4, Crystal Square 5, Crystal Plaza 6, 4015 Wilson Boulevard, Skyline 5, and Skyline 6, leased installations in Northern VA, by relocating the Office of the Secretary of Defense to Fort Belvoir, VA.

Realign Crystal Mall 3, a leased installation in Arlington, VA, by relocating the Office of the Secretary of Defense and the Defense Finance and Accounting Service at Fort Belvoir, VA.

Realign Hoffman 1, Crystal Gateway 1, Crystal Gateway 2, Crystal Gateway 3, and the James K. Polk Building, leased installations in Northern VA, by relocating the Office of the Secretary of Defense and Washington Headquarters Services to Fort Belvoir, VA.

Realign the Nash Street Building, a leased installation in Arlington, VA, by relocating the Defense Human Resources Activity to Fort Belvoir, VA.

Realign Alexandria Tech Center IV, a leased installation in Alexandria, VA, by relocating the Defense Technology Security Administration to Fort Belvoir, VA.

Realign 1400–1450 South Eads Street, a leased installation in Arlington, VA, by relocating the DoD Inspector General to Fort Belvoir, VA.

Realign 1401 Wilson Boulevard, a leased installation in Arlington, VA, by relocating the Office of the Secretary of Defense, Washington Headquarters Services, and Defense Human Resources Activity to Fort Belvoir, VA.

Realign 1555 Wilson Boulevard, a leased installation in Arlington, VA, by relocating offices of the Office of the Secretary of Defense and Defense Human Resources Activity to Fort Belvoir, VA.

Realign Crystal Mall 2–3–4 and Skyline 4, leased installations in Northern VA, by relocating Washington Headquarters Services to Fort Belvoir, VA.

Consolidate Army Test and Evaluation Command (ATEC) Headquarters

Recommendation: Realign Park Center Four, a leased installation in Alexandria, VA, by relocating and consolidating Army Test and Evaluation Command (ATEC) with its sub-components at Aberdeen Proving Ground (APG), MD.

Collocate Miscellaneous Army Leased Locations

Recommendation: Realign Ballston Metro Center, a leased installation in Arlington, VA, by relocating the U.S. Army Legal Agency to Fort Belvoir, VA.

Realign Park Center Office 1, a leased installation in Alexandria, VA, by relocating the U.S. Army Audit Agency to Fort Belvoir, VA.

Realign Skyline VI, a leased installation in Falls Church, VA, by relocating the Administrative Assistant to the Secretary of the Army (SAAA) to Fort Belvoir, VA.

Realign the Zachary Taylor Building, a leased installation in Arlington, VA, by relocating the U.S. Army G6/DISC4, the G8/Force Development, the G1/Army Research Institute, the U.S. Army Network Enterprise Technology Command, and the Administrative Assistant to the Secretary of the Army (SAAA) to Fort Belvoir, VA.

Realign Crystal Square 2, a leased installation in Arlington, VA, by relocating U.S. Army NISA–P, the U.S. Army Environmental Policy Institute, and Senior Executive Public Affairs Training to Fort Belvoir, VA.

Realign Crystal Gateway 2, a leased installation in Arlington, VA, by relocating the Deputy Under Secretary of the Army—Operations Research to Fort Belvoir, VA.

Realign the Hoffman 1 and 2 Buildings, leased installations in Alexandria, VA, by relocating U.S. Army G1/Civilian Personnel Office, G1/Personnel Transformation, the Administrative Assistant to the Secretary of the Army(SAAA), and the Communication and Electronics Command to Fort Belvoir, VA.

Realign Rosslyn Metro Center, a leased installation in Arlington, VA, by relocating the Administrative Assistant to the Secretary of the Army (SAAA) to Fort Belvoir, VA.

Realign Jefferson Plaza 1 and 2, leased installations in Arlington, VA, by relocating the U.S. Army Office of the Chief Army Reserve, Assistant Secretary of the Army Financial Management and Comptroller/CEAC, the Administrative Assistant to the Secretary of the Army (SAAA), and Chief of Chaplains to Fort Belvoir, VA.

Realign Crystal Gateway North, a leased installation in Arlington, VA, by relocating the U.S. Army G3/Army Simulation to Fort Belvoir, VA.

Realign Crystal Plaza 5, a leased installation in Arlington, VA, by relocating the U.S. Army Safety Office and OSAA to the Fort Belvoir, VA.

Realign Crystal Mall 4, a leased installation in Arlington, VA, by relocating the Assistant Secretary of the Army Manpower and Reserve Affairs/Amy Review Board/Equal Opportunity Office to the Fort Belvoir, VA.

Realign Crystal Gateway 1, a leased installation in Arlington, VA, by relocating U.S. Army Office of Environmental Technology to Fort Belvoir, VA.

Consolidate Media Organizations Into a New Agency for Media and Publications

Recommendation: Realign Fort Belvoir, VA, by relocating Soldier Magazine to Fort Meade, MD. Realign Anacostia Annex, District of Columbia, by relocating the Naval Media Center to Fort Meade, MD. Realign 2320 Mill Road, a leased installation in Alexandria, VA, by relocating Army

Broadcasting-Soldier Radio/TV to Fort Meade, MD. Realign 103 Norton Street, a leased installation in San Antonio, TX, by relocating Air Force News Agency-Army/Air Force Hometown News Service (a combined entity) to Fort Meade, MD. Close 601 North Fairfax Street, a leased installation in Alexandria, VA, by relocating the American Forces Information Service and the Army Broadcasting-Soldier Radio/TV to Fort Meade, MD. Consolidate Soldier Magazine, Naval Media Center, Army Broadcasting-Soldier Radio/TV, and the Air Force News Agency-Army/Air Force Hometown News Service into a single DoD Media Activity at Fort Meade, MD.

Relocate Miscellaneous Department of Navy Leased Locations

Recommendation: Close Crystal Park 3 and Crystal Square 3, leased installations in Arlington, VA, and 214191 Great Mills Road and 21535 Pacific Drive, leased installations in Lexington Park, MD. Relocate all Department of the Navy organizations to DoD owned space in the National Capital Region. Realign Crystal Gateway 3, Crystal Gateway 4, Crystal Mall 2, Crystal Mall 3, Crystal Park 1, Crystal Park 5, Crystal Square 2, 1400–1450 S. Eads Street, and 2300 Clarendon Blvd, all leased installations in Arlington, VA, and any other Department of the Navy occupied leased space in the National Capital Region, by relocating all Department of the Navy organizations to DoD owned space in the National Capital Region. Realign Federal Office Building 2, Arlington, VA, by relocating all Department of the Navy organizations to DoD owned space in the National Capital Region.

Relocate Army Headquarters and Field Operating Agencies

Recommendation: Realign the Zachary Taylor Building, a leased installation in Arlington, VA, by relocating the Army Installation Management Agency headquarters to Fort Sam Houston, TX.

Realign Rock Island Arsenal, Illinois, as follows: Relocate the Army Installation Management Agency Northwest Region headquarters to Fort Sam Houston, TX, and consolidate it with the Army Installation Management Agency Southwest Region headquarters to form the Army Installation Management Agency Western Region; and relocate the Army Network Enterprise Technology Command Northwest Region headquarters to Fort Sam Houston, TX, and consolidate it with the Army Network Enterprise Technology Command Southwest Region headquarters to form the Army Network Enterprise Technology Command Western Region.

Realign Crystal Square 2, a leased installation in Arlington, VA, by relocating the Army HR XXI office to Fort Knox, KY.

Realign the Park Center IV Building, a leased installation in Falls Church, VA, by relocating the Army Center for Substance Abuse to Fort Knox, KY.

Realign Seven Corners Corporate Center, a leased installation in Falls Church, VA, and 4700 King Street, a leased installation in Alexandria, VA, by relocating the Army Community and Family Support Center to Fort Sam Houston, TX.

Realign Rosslyn Metro Center, a leased installation in Arlington, VA, by relocating the Army Family Liaison Office to Fort Sam Houston, TX.

Realign Skyline Six, a leased installation in Falls Church, VA, by relocating the Army Contracting Agency headquarters to Fort Sam Houston, TX.

Realign the Hoffman 1 Building, a leased installation in Alexandria, VA, by relocating the Army Contracting Agency E-Commerce Region headquarters to Fort Sam Houston, TX.

Realign Fort Buchanan, Puerto Rico, by relocating the Army Contracting Agency Southern Hemisphere Region headquarters to Fort Sam Houston, TX.

Realign Aberdeen Proving Ground, MD, by relocating the Army Environmental Center to Fort Sam Houston, TX.

Realign Fort Belvoir, VA by relocating Army Materiel Command (AMC) and the Security Assistance Command (USASAC, an AMC major subordinate command) to Redstone Arsenal, AL.

Collocate Defense/Military Department Adjudication Activities

Recommendation: Close 21820 Burbank Boulevard, a leased installation in Woodland Hills, CA. Relocate all components of the Defense Office of Hearings and Appeals Western Hearing Office to Fort Meade, MD.

Close 800 Elkridge Landing Road, a leased installation in Linthicum, MD. Relocate all components of the National Security Agency Central Adjudication Facility to Fort Meade, MD.

Realign 2780 Airport Drive, a leased installation in Columbus, OH, by relocating all components of the Defense Industrial Security Clearance Office and the Defense Office of Hearings and Appeals Personal Security Division to Fort Meade, MD.

Realign 1777 N. Kent Street, a leased installation in Arlington, VA, by relocating all components of the Washington Headquarters Service Central Adjudication Facility to Fort Meade, MD.

Realign 875 N. Randolph Street, a leased installation in Arlington, VA, by relocating all components of the Defense Office of Hearings and Appeals Headquarters to Fort Meade, MD.

Realign 10050 North 25th Avenue, a leased installation in Phoenix, AZ, by relocating all components of the Defense Office of Hearings and Appeals Arizona office to Fort Meade, MD.

Realign the Washington Navy Yard, DC, by relocating all components of the Navy Central Adjudication Facility to Fort Meade, MD.

Realign Bolling Air Force Base, DC, by relocating all components of the Air Force Central Adjudication Facility and the Defense Intelligence Agency Central Adjudication Facility to Fort Meade, MD.

Realign the Pentagon, Washington, DC, by relocating all components of the Joint Staff Central Adjudication Facility to Fort Meade, MD.

Realign the U.S. Army Soldiers Systems Center Garrison, Natick, MA, by relocating all components of the Defense Office of Hearings and Appeals Boston Hearing office to Fort Meade, MD.

Collocate Military Department Investigation Agencies With DoD Counterintelligence and Security Agency

Recommendation: Close 1919 South Eads Street, and 1801 South Bell Street, leased installations in Arlington, VA; 1340 Braddock Place, a leased installation in Alexandria, VA; and 938 Elridge Landing, a leased installation in Linthicum, MD. Relocate all components of the Counterintelligence Field Activity (CIFA) and Defense Security Service (DSS) to Marine Corps Base Quantico, VA.

Realign Crystal Square 2, Crystal Square 4, and 251 18th Street South, leased installations in Arlington, VA; and 6845 and 6856 Deerpath Road, leased installations in Elkridge, MD; 1 World Trade Center, a leased installation in Long Beach, California; 2300 Lake Park Drive, a leased installation in Smyrna, GA; and 2780 Airport Drive, a leased installation in Columbus, OH, by relocating all components of CIFA and DSS to Marine Corps Base Quantico, VA.

Realign 121 Tejon, a leased installation in Colorado Springs, CO, by relocating all components of CIFA to Peterson Air Force Base, CO.

Disestablish CIFA and DSS, and consolidate their components into the newly created Department of Defense

Counterintelligence and Security Agency.

Realign Washington Navy Yard, Washington, DC, by relocating the Naval Criminal Investigation Service (NCIS) to Marine Corp Base Quantico, VA.

Realign Andrews Air Force Base, MD by relocating the Air Force Office of Special Investigations (AFOSI) to Marine Corps Base Quantico, VA.

Realign Fort Belvoir, VA, by relocating the Army Criminal Investigation Command (CID) to Marine Corp Base Quantico, VA.

Consolidate Defense Commissary Agency Eastern, Midwestern Regional, and Hopewell, VA Offices

Recommendation: Close 300 AFCOMS Way, a leased installation in San Antonio, TX; 5258 Oaklawn Boulevard, a leased installation in Hopewell, VA; and 5151 Bonney Road, a leased installation in Virginia Beach, VA. Relocate all components of the Defense Commissary Agency (DeCA) to Fort Lee, VA.

Consolidate Transportation Command Components

Recommendation: Realign Fort Eustis, VA, by relocating the Army Surface Deployment and Distribution Command to Scott Air Force Base, IL, and consolidating it with the Air Force Air Mobility Command Headquarters and Transportation Command (TRANSCOM) Headquarters at Scott Air Force Base, IL.

Realign Hoffman 2, a leased installation in Alexandria, VA, by relocating the U.S. Army Surface Deployment and Distribution Command to Scott Air Force Base, IL, and consolidating it with the Air Force Air Mobility Command Headquarters and Transportation Command Headquarters at Scott Air Force Base, IL.

Realign U.S. Army Surface Deployment and Distribution Command—Transportation Engineering Agency facility in Newport News, VA, by relocating U.S. Army Surface Deployment and Distribution Command—Transportation Engineering Agency to Scott Air Force Base, IL, and consolidating it with the Air Force Air Mobility Command Headquarters and Transportation Command Headquarters at Scott Air Force Base, IL.

Relocate Air Force Real Property Agency (AFRPA)

Recommendation: Realign Rosslyn Center and the Nash Street Building, leased installations in Arlington, VA, by relocating the Air Force Real Property Agency to Lackland Air Force Base, San Antonio, TX.

Collocate Navy Education and Training Command and Navy Education and Training Professional Development & Technology Center

Recommendation: Realign Naval Air Station Pensacola, FL, by relocating Navy Education and Training Command to Naval Support Activity Millington, TN.

Realign Saufley Field, FL, by relocating Navy Education and Training Professional Development & Technology Center to Naval Support Activity Millington, TN.

Collocate Miscellaneous Air Force Leased Locations and National Guard Headquarters Leased Locations

Recommendation: Close 1501 Wilson Blvd, a leased installation in Arlington, VA. Relocate the Air Force-Judge Advocate General to Andrews Air Force Base, MD.

Close 1560 Wilson Blvd, a leased installation in Arlington, VA. Relocate the Secretary of the Air Force-Acquisition to Andrews Air Force Base, MD.

Close Arlington Plaza, a leased installation in Arlington, VA. Relocate the Secretary of the Air Force-Auditor General to Andrews Air Force Base, MD.

Realign 1401 Wilson Blvd, the Nash Street Building, and 1919 Eads Street, leased installations in Arlington, VA, by relocating Air Force-Operations to Andrews Air Force Base, MD.

Realign 1815 N. Fort Myer Drive, a leased installation in Arlington, VA, by relocating Air Force-Operations, the Secretary of the Air Force-Administrative Assistant, and the Secretary of the Air Force-Auditor General to Andrews Air Force Base, MD.

Realign Ballston Metro Center, a leased installation in Arlington, VA, by relocating the Secretary of the Air Force-Public Affairs and the Secretary of the Air Force-Small Business to Andrews Air Force Base, MD.

Realign Crystal Gateway 1, a leased installation in Arlington, VA, by relocating Air Force-Personnel, Air Force-Installation and Logistics, Air Force-Operations, and Air Force-Personnel Operations to Andrews Air Force Base, MD.

Realign Crystal Gateway 2 and Jefferson Plaza 2, leased installations in Arlington, VA, by relocating Air Force-Installation and Logistics to Andrews Air Force Base, MD.

Realign Crystal Gateway North, a leased installation in Arlington, VA, by relocating Air Force-Installation and Logistics and the Secretary of the Air Force-Financial Management to Andrews Air Force Base, MD.

Realign Crystal Park 5 and Crystal Plaza 6, leased installations in Arlington, VA, by relocating the Secretary of the Air Force-Administrative Assistant to Andrews Air Force Base, MD.

Realign Crystal Plaza 5, a leased installation in Arlington, VA, by relocating the Air Force-Chief Information Officer and Air Force-Operations to Andrews Air Force Base, MD.

Realign Crystal Square 2, a leased installation in Arlington, VA, by relocating Air Force-Personnel and Air Force-Personnel Operations to Andrews Air Force Base, MD.

Realign the Webb Building, a leased installation in Arlington, VA, by relocating Air Force-Personnel and the Secretary of the Air Force/General Counsel to Andrews Air Force Base, MD.

Realign Jefferson Plaza-1, Arlington, VA, by relocating the National Guard Bureau Headquarters, the Air National Guard Headquarters, and elements of the Army National Guard Headquarters to the Army National Guard Readiness Center, Arlington, VA, and Andrews Air Force Base, MD.

Create Joint Mobilization Sites

Recommendation: Realign Aberdeen Proving Ground, MD, Washington Navy Yard, DC, and Naval Submarine Base New London, CT, by relocating all mobilization functions to Fort Dix, NJ, designating it as Joint Pre-Deployment/Mobilization Site Dix/McGuire/Lakehurst. Realign Submarine Base Bangor, WA, by relocating all mobilization processing functions to Ft Lewis, WA, designating it as Joint Pre-Deployment/Mobilization Site Lewis/McChord. Realign Ft Huachuca, AZ, by relocating all mobilization processing functions to Ft Bliss, TX, designating it as Joint Pre-Deployment/Mobilization Site Bliss/Holloman. Realign Ft Eustis, VA, Ft Jackson, SC, and Ft Lee, VA, by relocating all mobilization processing functions to Ft Bragg, NC, designating it as Joint Pre-Deployment/Mobilization Site Bragg/Pope.

Consolidate Correctional Facilities Into Joint Regional Correctional Facilities

Recommendation: Realign Edwards Air Force Base, CA, Kirtland Air Force Base, NM, and Marine Corps Base Camp Pendleton, CA, by relocating the correctional function of each to Marine Corps Air Station, Miramar, CA, and consolidating them with the correctional function already at Marine Corps Air Station Miramar, CA, to form a single Level II Southwest Joint Regional Correctional Facility.

Realign Lackland Air Force Base, TX, Fort Knox, KY, and Fort Sill, Oklahoma by relocating the correctional function of each to Fort Leavenworth, KS, and consolidating them with the correctional function already at Fort Leavenworth, KS, to form a single Level II Midwest Joint Regional Correctional Facility.

Realign Naval Air Station Jacksonville, FL, and Naval Air Station Pensacola, FL, by relocating the correctional function of each to Naval Weapons Station Charleston, SC, and consolidating them with the correctional function already at Naval Weapons Station Charleston, SC, to form a single Level II Southeastern Joint Regional Correctional Facility.

Realign Naval Support Activity Norfolk, VA, Marine Corps Base Quantico, VA, and Camp LeJeune, NC, by relocating the correctional function of each and consolidating them at Naval Support Activity, Northwest Annex, Chesapeake, VA, to form a single Level II Mid-Atlantic Joint Regional Correctional Facility.

Realign Fort Lewis, WA, by relocating the management of correctional functions to Submarine Base Bangor, WA. The correctional facilities at Submarine Base Bangor, WA, and Fort Lewis, WA, will together form the Level II Northwestern Joint Regional Correctional Facility.

Consolidate/Collocate Active and Reserve Personnel & Recruiting Centers for Army and Air Force

Recommendation: Realign Army Human Resources Command leased facilities in Alexandria, VA, Indianapolis, IN, and St. Louis, MO. Relocate and consolidate all functions at Fort Knox, KY.

Realign the Air Reserve Personnel Center (Buckley Annex), CO, by relocating the Air Reserve Personnel Center processing functions to Randolph Air Force Base, TX, and consolidating them with the Air Force Personnel Center at Randolph Air Force Base, TX, and by relocating the Individual Mobilization Augmentee operational management functions to Robins Air Force Base, GA, and consolidating them with the Air Force Reserve Command at Robins Air Force Base, GA.

Realign Robins Air Force Base, GA, by relocating Air Force Reserve Recruiting Service to Randolph Air Force Base, TX.

Industrial Joint Cross-Service Group Recommendations

Fleet Readiness Centers

Recommendation: Realign Naval Air Station Oceana, VA, by disestablishing the Aircraft Intermediate Maintenance Department Oceana, the Naval Air Depot Cherry Point Detachment, and the Naval Air Depot Jacksonville Detachment; establishing Fleet Readiness Center Mid Atlantic, Naval Air Station Oceana, VA; and transferring all intermediate maintenance workload and capacity to Fleet Readiness Center Mid Atlantic, Naval Air Station Oceana, VA.

Realign Naval Air Station Patuxent River, MD, by disestablishing the Aircraft Intermediate Maintenance Department at Naval Air Warfare Center Aircraft Division; establishing Fleet Readiness Center Mid Atlantic Site Patuxent River, Naval Air Station Patuxent River, MD; and transferring all intermediate maintenance workload and capacity to Fleet Readiness Center Mid Atlantic Site Patuxent River, Naval Air Station Patuxent River, MD.

Realign Naval Air Station Norfolk, VA, by disestablishing the Aircraft Intermediate Maintenance Department Norfolk VA, the Naval Air Depot Jacksonville Detachment, and Naval Air Warfare Center Aircraft Division Lakehurst Detachment; establishing Fleet Readiness Center Mid Atlantic Site Norfolk, Naval Air Station Norfolk, VA; and transferring all intermediate and depot maintenance workload and capacity to Fleet Readiness Center Mid Atlantic Site Norfolk, Naval Air Station Norfolk, VA.

Realign Naval Air Station Joint Reserve Base New Orleans, LA, by disestablishing the Aircraft Intermediate Maintenance Department, establishing Fleet Readiness Center Mid Atlantic Site New Orleans, Naval Air Station Joint Reserve Base New Orleans, LA; and transfer all intermediate maintenance workload and capacity to Fleet Readiness Center Mid Atlantic Site New Orleans, Naval Air Station Joint Reserve Base New Orleans, LA.

Realign Marine Corps Air Station Cherry Point, NC, as follows: disestablish Naval Air Depot Cherry Point; establish Fleet Readiness Center East, Marine Corps Air Station Cherry Point, NC; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 39 K DLHs), Aircraft Hydraulic Components (approximately 69 K DLHs), Aircraft Landing Gear Components (approximately 8 K DLHs), Aircraft Other Components (approximately 23 K DLHs), and Aircraft Structural Components (approximately 126 K DLHs) to Fleet Readiness Center Mid Atlantic, Naval Air Station Oceana, VA; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 11 K DLHs), Aircraft Hydraulic Components (approximately 19 K DLHs), Aircraft Landing Gear Components (approximately 2 K DLHs), Aircraft Structural Components (approximately 35 K DLHs), and Aircraft Other Components (approximately 6 K DLHs) to Fleet Readiness Center Mid Atlantic Site Norfolk, Naval Air Station Norfolk, VA; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 6 K DLHs), Aircraft Hydraulic Components (approximately 10 K DLHs), Aircraft Landing Gear Components (approximately 1 K DLHs), Aircraft Other Components (approximately 3 K DLHs), and Aircraft Structural Components (approximately 18 K DLHs) to Fleet Readiness Center Mid Atlantic Site Patuxent River, Naval Air Station Patuxent River, MD; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 2 K DLHs), Aircraft Hydraulic Components (approximately 3 K DLHs), Aircraft Landing Gear Components (approximately 0.4K DLHs), Aircraft Other Components (approximately 1 K DLHs), and Aircraft Structural Components (approximately 6 K DLHs) to FRC Mid Atlantic Site New Orleans, Naval Air Station JRB New Orleans, LA.; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 9 K DLHs), Aircraft Hydraulic Components (approximately 16 K DLHs), Aircraft Landing Gear Components (approximately 2 K DLHs), Aircraft Other Components (approximately 6 K DLHs) and Aircraft Structural Components (approximately 30 K DLHs) to the Fleet Readiness Center East Site Beaufort, hereby established at Marine Corps Air Station Beaufort, SC; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 11 K DLHs), Aircraft Hydraulic Components (approximately 20 K DLHs), Aircraft Landing Gear Components (approximately 2 K DLHs), Aircraft Other Components (approximately 6 K DLHs), Aircraft Structural Components (approximately 36 K DLHs), Aircraft Rotary (approximately 1 K DLHs), Aircraft VSTOL (approximately 2 K DLHs), Aircraft Cargo/Tanker (approximately 0.02 K DLHs,), Aircraft Other (approximately 18 K DLHs), Aircraft Structural Components (approximately 0.001K DLHs), Calibration (approximately 0.15 K DLHs) and ''Other'' Commodity

(approximately 0.3 K DLHs) to Fleet Readiness Center East Site New River, hereby established at Marine Corps Air Station New River, Camp Lejeune, NC; and transfer all remaining depot maintenance workload and capacity to Fleet Readiness Center East, Marine Corps Air Station Cherry Point, NC.

Realign Marine Corps Air Station Beaufort, SC, by disestablishing Naval Air Depot Jacksonville Detachment Beaufort and transferring all depot maintenance workload and capacity to Fleet Readiness Center East Site Beaufort, Marine Corps Air Station Beaufort, SC.

Realign Naval Air Station Jacksonville, FL, as follows: disestablish Naval Air Depot Jacksonville, Naval Air Depot Jacksonville Detachment Jacksonville, and Aircraft Intermediate Maintenance Department Jacksonville; establish Fleet Readiness Center Southeast, Naval Air Station, Jacksonville, FL; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 8 K DLHs), Aircraft Hydraulic Components (approximately 6 K DLHs), Aircraft Landing Gear Components (approximately 3 K DLHs), Aircraft Other Components (approximately 27 K DLHs), and Aircraft Structural Components (approximately 9 K DLHs) to Fleet Readiness Center Southeast Site Mayport, hereby established at Naval Air Station, Mayport, FL; transfer all remaining intermediate and depot maintenance workload and capacity to Fleet Readiness Center Southeast, Naval Air Station Jacksonville, FL.

Realign Naval Air Station Mayport, FL, by disestablishing Aircraft Intermediate Maintenance Department, Naval Air Depot Jacksonville Detachment Mayport, and Naval Air Warfare Center Aircraft Division Lakehurst Voyage Repair Team Detachment Mayport and transferring all intermediate maintenance workload and capacity to Fleet Readiness Center Southeast Site Mayport, Naval Air Station Mayport, FL.

Realign Naval Air Station Lemoore, CA, by disestablishing Aircraft Intermediate Maintenance Department Lemoore and Naval Air Depot North Island Detachment; establishing Fleet Readiness Center West, Naval Air Station Lemoore, CA; and transferring all intermediate and depot maintenance workload and capacity to Fleet Readiness Center West, Naval Air Station Lemoore, CA.

Realign Naval Air Station Fallon, NV, by disestablishing the Aircraft Intermediate Maintenance Department Fallon and the Naval Air Depot North Island Detachment Fallon; establishing Fleet Readiness Center West Site Fallon, Naval Air Station Fallon, NV; and transferring all intermediate and depot maintenance workload and capacity to Fleet Readiness Center West Site Fallon, Naval Air Station Fallon, NV.

Realign Naval Air Warfare Center Weapons Division China Lake, CA, by disestablishing the Aircraft Intermediate Maintenance Department and relocating its maintenance workload and capacity for Aircraft (approximately 3 K DLHs), Aircraft Components (approximately 45 K DLHs), Fabrication & Manufacturing (approximately 6 K DLHs) and Support Equipment (approximately 16 K DLHs) to Fleet Readiness Center West, Naval Air Station Lemoore, CA.

Realign Naval Air Station Joint Reserve Base Fort Worth, TX, by disestablishing the Aircraft Intermediate Maintenance Department, establishing Fleet Readiness Center West Site Fort Worth, Naval Air Station Fort Worth, TX, and transferring all intermediate maintenance workload and capacity to Fleet Readiness Center West Site Fort Worth, Naval Air Station Joint Reserve Base Fort Worth, TX.

Realign Naval Air Station Whidbey Island, WA, by disestablishing the Aircraft Intermediate Maintenance Department, establishing Fleet Readiness Center Northwest, Naval Air Station Whidbey Island, WA, and transferring all intermediate maintenance workload and capacity to Fleet Readiness Center Northwest, Naval Air Station Whidbey Island, WA.

Realign Naval Support Activity Crane, IN, by relocating the depot maintenance workload and capacity for ALQ–99 Electronic Warfare to Fleet Readiness Center Northwest, Naval Air Station Whidbey Island, WA.

Realign Naval Air Station North Island, Naval Base Coronado, CA, as follows: disestablish Naval Air Depot North Island, COMSEACONWINGPAC (AIMD), and NADEP North Island Detachment North Island; establish Fleet Readiness Center Southwest, Naval Air Station North Island, Naval Base Coronado, CA; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 6 K DLHs), Aircraft Hydraulic Components (approximately 2 K DLHs), Aircraft Landing Gear Components (approximately 3 K DLHs), Aircraft Other Components (approximately 13 K DLHs), and Aircraft Structural Components (approximately 4 K DLHs) from Naval Air Depot North Island to Fleet Readiness Center Southwest Site Point Mugu, hereby established at Naval Air Station Point Mugu, Naval Base Ventura, CA; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 26 K DLHs), Aircraft Hydraulic Component (approximately 8 K DLHs), Aircraft Landing Gear Components (approximately 13 K DLHs), Aircraft Other Components (approximately 55 K DLHs), Aircraft Structural Components (approximately 16 K DLHs) from Naval Air Depot North Island to Fleet Readiness Center Southwest Site Miramar, hereby established at Marine Corps Air Station Miramar, CA; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 8 K DLHs), Aircraft Hydraulic Components (approximately 2 K DLHs), Aircraft Landing Gear Components (approximately 4 K DLHs), Aircraft Other Components (approximately 17 K DLHs), and Aircraft Structural Components (approximately 5 K DLHs) from Naval Air Depot North Island to Fleet Readiness Center Southwest Site Pendleton, hereby established at Marine Corps Air Station Camp Pendleton, CA; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 6 K DLHs), Aircraft Hydraulic Components (approximately 2 K DLHs), Aircraft Landing Gear Components (approximately 3 K DLHs), Aircraft Other Components (approximately 12 K DLHs), Aircraft Structural Components (approximately 3 K DLHs) from Naval Air Depot North Island to Fleet Readiness Southwest Site Yuma, hereby established at Marine Corps Air Station Yuma, AZ; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 6 K DLHs), Aircraft Hydraulic Components (approximately 2 K DLHs), Aircraft Landing Gear Components (approximately 3 K DLHs), Aircraft Other Components (approximately 12 K DLHs), and Aircraft Structural Components (approximately 3 K DLHs) from Naval Air Depot North Island to Fleet Readiness Center West Site Fort Worth, Fort Worth TX; relocate depot maintenance workload and capacity for Aircraft Avionics/Electronics Components (approximately 25 K DLHs), Aircraft Hydraulic Components (approximately 8 K DLHs), Aircraft Landing Gear Components (approximately 13 K DLHs), Aircraft Other Components (approximately 53 K DLHs), and Aircraft Structural Components (approximately 15 K DLHs), from Naval Air Depot North Island to Fleet Readiness Center Northwest, Naval Air Station Whidbey

Island, WA; and transfer all remaining intermediate and depot maintenance workload and capacity to Fleet Readiness Center Southwest, Naval Air Station North Island, Naval Base Coronado, CA.

Realign Naval Air Station Point Mugu, Naval Base Ventura, CA, by disestablishing the Aircraft Intermediate Maintenance Department and transferring all intermediate maintenance workload and capacity to Fleet Readiness Center Southwest Site Point Mugu, Naval Base Ventura, CA.

Realign Marine Corps Air Station Miramar, CA, by transferring depot maintenance workload and capacity for Aircraft Other (approximately 28 K DLHs) and Aircraft Fighter/Attack (approximately 39 K DLHs) and intermediate maintenance workload and capacity for Aircraft Components, Aircraft Engines, Fabrication & Manufacturing and Support Equipment from Marine Aviation Logistics Squadron (MALS)–11 and 16 to Fleet Readiness Center Southwest Site Miramar, Marine Corps Air Station Miramar, CA.

Realign Marine Corps Air Station Camp Pendleton, CA, by transferring depot maintenance workload and capacity for Aircraft Other (approximately 22 K DLHs) and Aircraft Rotary (approximately 102 K DLHs) and intermediate maintenance workload and capacity for Aircraft Components, Aircraft Engines, Fabrication & Manufacturing and Support Equipment from MALS–39 to Fleet Readiness Center Southwest Site Camp Pendleton, Marine Corps Air Station Camp Pendleton, CA.

Realign Marine Corps Air Station Yuma, AZ, by transferring depot maintenance workload and capacity for Aircraft Fighter/Attack, Aircraft Other and Aircraft Rotary and intermediate maintenance workload and capacity for Aircraft Components, Aircraft Engines, Communication/Electronics Equipment, Ordnance Weapons & Missiles, Software and Support Equipment from MALS–13 to Fleet Readiness Center Southwest Site Yuma, Marine Corps Air Station Yuma, AZ.

Lackland Air Force Base, TX

Recommendation: Realign Lackland Air Force Base, TX, by relocating the depot maintenance of Computers, Crypto, Electronic Components (Non-Airborne), and Radio to Tobyhanna Army Depot, PA; and disestablishing all depot maintenance capabilities.

Rock Island Arsenal, IL

Recommendation: Realign Rock Island Arsenal, IL, by relocating the depot maintenance of Combat Vehicles and Other to Anniston Army Depot, AL, and the depot maintenance of Other Equipment and Tactical Vehicles to Letterkenny Army Depot, PA.

Naval Weapons Station Seal Beach, CA

Recommendation: Realign Naval Weapons Station Seal Beach, CA, as follows: relocate the depot maintenance of Electronic Components (Non-Airborne), Fire Control Systems and Components, Radar, and Radio to Tobyhanna Army Depot, PA; relocate the depot maintenance of Material Handling to Marine Corps Logistics Base Albany, GA; relocate the depot maintenance of Other Components to Anniston Army Depot, AL; and relocate the depot maintenance of Tactical Missiles to Letterkenny Army Depot, PA.

Kansas Army Ammunition Plant, KS

Recommendation: Close Kansas Army Ammunition Plant (AAP), KS. Relocate Sensor Fuzed Weapon/Cluster Bomb function and Missile warhead production to McAlester AAP, OK; 155MM ICM Artillery and 60MM, 81MM, and 120MM Mortar functions to Milan, TN; 105MM HE, 155MM HE, and Missile Warhead functions to Iowa AAP, IA; and Detonators/relays/delays to Crane Army Ammunition Activity, IN.

Hawthorne Army Depot, NV

Recommendation: Close Hawthorne Army Depot, NV. Relocate Storage and Demilitarization functions to Tooele Army Depot, UT.

Mississippi Army Ammunition Plant, MS

Recommendation: Close Mississippi Army Ammunition Plant, MS. Relocate the 155MM ICM artillery metal parts functions to Rock Island Arsenal, IL.

Riverbank Army Ammunition Plant, CA

Recommendation: Close Riverbank Army Ammunition Plant, CA. Relocate the artillery cartridge case metal parts functions to Rock Island Arsenal, IL.

Sierra Army Depot, CA

Recommendation: Realign Sierra Army Depot, CA. Relocate Storage to Tooele Army Depot, NV and Demilitarization to Crane Army Ammunition Activity, IN, and McAlester Army Ammunition Plant, OK.

Watervliet Arsenal, NY

Recommendation: Realign Watervliet Arsenal, NY, by disestablishing all capabilities for Other Field Artillery Components.

Lima Tank Plant, OH

Recommendation: Realign Lima Tank Plant, OH. Retain the portion required to support the manufacturing of armored combat vehicles to include Army Future Combat System (FCS) program, Marine Corps Expeditionary Force Vehicle (EFV) chassis, and M1 Tank recapitalization program.

Deseret Chemical Depot, UT

Recommendation: Close Deseret Chemical Depot, UT. Transfer the storage igloos and magazines to Tooele Army Depot, UT.

Newport Chemical Depot, IN

Recommendation: Close Newport Chemical Depot, IN.

Umatilla Chemical Depot, OR

Recommendation: Close Umatilla Chemical Depot, OR.

Lone Star Army Ammunition Plant, TX

Recommendation: Close Lone Star Army Ammunition Plant (AAP), TX. Relocate the Storage and Demilitarization functions to McAlester AAP, IL. Relocate the 105MM and 155MM ICM Artillery, MLRS Artillery, Hand Grenades, 60MM and 81MM Mortars functions to Milan AAP, TN. Relocate Mines and Detonators/Relays/Delays functions to Iowa AAP, IA. Relocate Demolition Charges functions to Crane Army Ammunition Activity (AAA), IN.

Naval Shipyard Detachments

Recommendation: Realign Puget Sound Naval Shipyard Detachment Boston, MA, by relocating the ship repair function to Puget Sound Naval Shipyard, WA.

Realign Naval Station Annapolis, MD, by relocating the Norfolk Naval Shipyard Detachment, Naval Sea Systems Command Plant Equipment Support Office ship repair function to Norfolk Naval Shipyard, VA.

Realign the Navy Philadelphia Business Center, PA, by relocating the Norfolk Naval Shipyard Detachment, Naval Sea Systems Command Shipbuilding Support Office ship repair function to Norfolk Naval Shipyard, VA.

Ship Intermediate Maintenance Activity Norfolk, VA

Recommendation: Realign Ship Intermediate Maintenance Activity (SIMA) Norfolk, VA, by relocating intermediate ship maintenance function to Naval Shipyard Norfolk, VA.

Intelligence Joint Cross-Service Group Recommendations

Defense Intelligence Agency (A Classified Version of This Recommendation Identifies Specific Functions To Be Moved)

Recommendation: Realign Defense Intelligence Analysis Center, Bolling Air Force Base, DC, by relocating select Defense Intelligence Agency intelligence analysis functions to a new facility at Rivanna Station, VA. Realign Crystal Park 5, a leased facility in Arlington, VA, by relocating the Defense Intelligence Agency analysis function to the Defense Intelligence Analysis Center, Bolling Air Force Base, DC.

National Geospatial-Intelligence Agency Activities

Recommendation: Close National Geospatial-Intelligence Agency (NGA) Dalecarlia and Sumner sites, Bethesda, MD; Reston 1, 2 and 3, leased installations in Reston, VA; Newington buildings 8510, 8520, and 8530, Newington, VA; and Building 213 a leased installation at the South East Federal Center, Washington, DC. Relocate all functions to a new facility at Fort Belvoir, VA. Realign the National Reconnaissance Office facility, Westfields, VA, by relocating all NGA functions to a new facility at the Fort Belvoir, VA. Consolidate all NGA National Geospatial-Intelligence College functions on Fort Belvoir into the new facility at Fort Belvoir, VA.

Medical Joint Cross-Service Group Recommendations

Walter Reed National Military Medical Center, Bethesda, MD

Recommendation: Realign Walter Reed Army Medical Center, Washington, DC, as follows: relocate all tertiary (sub-specialty and complex care) medical services to National Naval Medical Center, Bethesda, MD, establishing it as the Walter Reed National Military Medical Center Bethesda, MD; relocate Legal Medicine to the new Walter Reed National Military Medical Center Bethesda, MD; relocate sufficient personnel to the new Walter Reed National Military Medical Center Bethesda, MD, to establish a Program Management Office that will coordinate pathology results, contract administration, and quality assurance and control of DoD second opinion consults worldwide; relocate all non-tertiary (primary and specialty) patient care functions to a new community hospital at Ft Belvoir, VA; relocate the Office of the Secretary of Defense supporting unit to Fort Belvoir, VA; disestablish all elements of the Armed Forces Institute of Pathology except the National Medical Museum and the Tissue Repository; relocate the Armed Forces Medical Examiner, DNA Registry, and Accident Investigation to Dover Air Force Base, DE; relocate enlisted histology technician training to Fort Sam Houston, TX; relocate the Combat Casualty Care Research sub-function (with the exception of those organizational elements performing neuroprotection research) of the Walter Reed Army Institute of Research (Forest Glen Annex) and the Combat Casualty Care Research sub-function of the Naval Medical Research Center (Forest Glen Annex) to the Army Institute of Surgical Research, Fort Sam Houston, TX; relocate Medical Biological Defense Research of the Walter Reed Army Institute of Research (Forest Glen Annex) and Naval Medical Research Center (Forest Glen Annex) to Fort Detrick, MD, and consolidate it with U.S. Army Medical Research Institute of Infectious Diseases; relocate Medical Chemical Defense Research of the Walter Reed Army Institute of Research (Forest Glen Annex) to Aberdeen Proving Ground, MD, and consolidate it with the U.S. Army Medical Research Institute of Chemical Defense; and close the main post.

San Antonio Regional Medical Center, TX

Recommendation: Realign Lackland Air Force Base, TX, by relocating the inpatient medical function of the 59th Medical Wing (Wilford Hall Medical Center) to the Brooke Army Medical Center, Ft Sam Houston, TX, establishing it as the San Antonio Regional Military Medical Center, and converting Wilford Hall Medical Center into an ambulatory care center.

Realign Naval Air Station Great Lakes, IL, Sheppard Air Force Base, TX, Naval Medical Center Portsmouth, Naval Medical Center San Diego, CA, by relocating basic and specialty enlisted medical training to Fort Sam Houston, TX.

McChord Air Force Base, WA

Recommendation: Realign McChord Air Force Base, WA, by relocating all medical functions to Fort Lewis, WA.

Joint Centers of Excellence for Chemical, Biological, and Medical Research and Development and Acquisition

Recommendation: Realign Building 42, 8901 Wisconsin Ave, Bethesda, MD, by relocating the Combat Casualty Care Research sub-function of the Naval Medical Research Center to the Army Institute of Surgical Research, Fort Sam Houston, TX.

Realign Naval Station Great Lakes, IL, by relocating the Army Dental Research Detachment, the Air Force Dental Investigative Service, and the Naval Institute for Dental and Biomedical Research to the Army Institute of Surgical Research, Fort Sam Houston, TX.

Realign 13 Taft Court and 1600 E. Gude Drive, Rockville, MD, by relocating the Walter Reed Army Institute of Research, Division of Retrovirology to the Walter Reed Army Institute of Research, Walter Reed Army Medical Center—Forest Glen Annex, MD, establishing it as a Center of Excellence for Infectious Disease.

Realign Naval Air Station Pensacola, FL, by relocating the Naval Aeromedical Research Laboratory to Wright-Patterson AFB, OH.

Realign 12300 Washington Ave, Rockville, MD, by relocating the Medical Biological Defense Research sub-function to the U. S. Army Medical Research Institute of Infectious Diseases, Ft. Detrick, MD.

Realign Potomac Annex-Washington, DC, by relocating Naval Bureau of Medicine, Code M2, headquarters-level planning, investment portfolio management and program and regulatory oversight of DoD Biomedical Science and Technology programs and FDA-regulated medical product development within the biomedical RDA function to a new Joint Biomedical Research, Development and Acquisition Management Center at Fort Detrick, MD.

Realign 64 Thomas Jefferson Drive, Frederick, MD, by relocating the Joint Program Executive Office for Chemical Biological Defense, Joint Project Manager for Chemical Biological Medical Systems headquarters-level planning, investment portfolio management and program and regulatory oversight of DoD Biomedical Science and Technology programs and FDA-regulated medical product development within the RDA function to a new Joint Biomedical Research, Development and Acquisition Management Center at Fort Detrick, MD.

Realign Fort Belvoir, VA, by relocating the Chemical Biological Defense Research component of the Defense Threat Reduction Agency to Edgewood Chemical Biological Center, Aberdeen Proving Ground, MD.

Realign Tyndall AFB, FL, by relocating Non-medical Chemical Biological Defense Research to Edgewood Chemical Biological Center, Aberdeen Proving Ground, MD, and consolidating it with Air Force Research Laboratory.

Realign Naval Surface Warfare Center, Dahlgren Division, VA, by relocating Non-medical Chemical Biological Defense Research and Development & Acquisition to Edgewood Chemical Biological Center, Aberdeen Proving Ground, MD.

Realign Naval Surface Warfare Center, Crane Division, IN, by relocating the Non-medical Chemical Biological Defense Development and Acquisition to Edgewood Chemical Biological Center, Aberdeen Proving Ground, MD.

Realign Skyline 2 and 6, Falls Church, VA, by relocating the Joint Program Executive Office for Chemical Biological Defense to Edgewood Chemical Biological Center, Aberdeen Proving Ground, MD.

Convert Inpatient Services to Clinics

Recommendation: Realign Marine Corps Air Station Cherry Point, NC by disestablishing the inpatient mission at Naval Hospital Cherry Point; converting the hospital to a clinic with an ambulatory surgery center.

Realign Fort Eustis, VA, by disestablishing the inpatient mission at the Fort Eustis Medical Facility; converting the hospital to a clinic with an ambulatory surgery center.

Realign the United States Air Force Academy, CO, by relocating the inpatient mission of the 10th Medical Group to Fort Carson Medical Facility, CO; converting the 10th Medical Group into a clinic with an ambulatory surgery center.

Realign Andrews Air Force Base, MD, by disestablishing the inpatient mission at the 89th Medical Group; converting the hospital to a clinic with an ambulatory surgery center.

Realign MacDill Air Force Base, FL, by disestablishing the inpatient mission at the 6th Medical Group; converting the hospital to a clinic with an ambulatory surgery center.

Realign Keesler Air Force Base, MS, by disestablishing the inpatient mission at the 81st Medical Group; converting the medical center to a clinic with an ambulatory surgery center.

Realign Scott Air Force Base, IL, by disestablishing the inpatient mission at the 375th Medical Group; converting the hospital to a clinic with an ambulatory surgery center.

Realign Naval Station Great Lakes, IL, by disestablishing the inpatient mission at Naval Hospital Great Lakes; converting the hospital to a clinic with an ambulatory surgery center.

Realign Fort Knox, KY, by disestablishing the inpatient mission at Fort Knox's Medical Facility; converting the hospital to a clinic with an ambulatory surgery center.

Brooks City Base, TX

Recommendation: Close Brooks City Base, San Antonio, TX. Relocate the Air Force Audit Agency and 341st Recruiting Squadron to Randolph AFB. Relocate the United States Air Force School of Aerospace Medicine, the Air Force Institute of Occupational Health, the Naval Health Research Center Electro-Magnetic Energy Detachment, the Human Systems Development and Acquisition function, and the Human Effectiveness Directorate of the Air Force Research Laboratory to Wright Patterson Air Force Base, OH. Consolidate the Human Effectiveness Directorate with the Air Force Research Laboratory, Human Effectiveness Directorate at Wright Patterson Air Force Base, OH. Relocate the Air Force Center for Environmental Excellence, the Air Force Medical Support Agency, Air Force Medical Operations Agency, Air Force Element Medical Defense Agency, Air Force Element Medical-DoD, Air Force-Wide Support Element, 710th Information Operations Flight and the 68th Information Operations Squadron to Lackland Air Force Base, TX. Relocate the Army Medical Research Detachment to the Army Institute of Surgical Research, Fort Sam Houston, TX. Relocate the Non-Medical Chemical Biological Defense Development and Acquisition to Edgewood Chemical Biological Center, Aberdeen Proving Ground, MD. Disestablish any remaining organizations.

Realign Holloman AFB by disestablishing the high-onset gravitational force centrifuge and relocating the physiological training unit (49 ADOS/SGGT) to Wright-Patterson AFB.

Supply and Storage Joint Cross-Service Group Recommendations

Supply, Storage, and Distribution Management Reconfiguration

Recommendation: Realign Defense Supply Center Columbus, OH, by disestablishing the Defense Distribution Depot Columbus, OH. Relocate the storage and distribution functions and associated inventories to the Defense Distribution Depot Susquehanna, PA, hereby designated the Susquehanna Strategic Distribution Platform.

Realign Tobyhanna Army Depot, PA, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot Tobyhanna, PA, with all other supply, storage, and distribution functions and inventories that exist at Tobyhanna Army Depot to support depot operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support Tobyhanna Army Depot, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the Susquehanna Strategic Distribution Platform.

Realign Naval Station Norfolk, VA, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot Norfolk, VA, with all other supply, storage, and distribution functions and inventories that exist at Norfolk Naval Base and at Norfolk Naval Shipyard to support shipyard operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support Norfolk Naval Shipyard operations, maintenance and production, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the Susquehanna Strategic Distribution Platform.

Realign Defense Supply Center Richmond, VA, by relocating the storage and distribution functions and associated inventories of the Defense Distribution Depot Richmond, VA, to the Susquehanna Strategic Distribution Platform. Retain the minimum necessary storage and distribution functions and associated inventories at Defense Distribution Depot Richmond, VA, to serve as a wholesale Forward Distribution Point.

Realign Marine Corps Air Station, Cherry Point, NC by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot, Cherry Point, NC, with all other supply, storage, and distribution functions and inventories that exist at Naval Aviation Depot Cherry Point, NC, to support depot operations, maintenance and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support Naval Air Depot Cherry Point, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the Defense Distribution Depot Warner Robins, GA, hereby designated the Warner Robins Strategic Distribution Platform.

Realign Robins Air Force Base, GA, by consolidating the supply, storage, and distribution functions and associated inventories supporting depot

operations, maintenance, and production at the Warner Robins Air Logistics Center with the supply, storage, and distribution functions at the Warner Robins Strategic Distribution Platform.

Realign Marine Corps Logistics Base, Albany, GA, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot Albany, GA, with all other supply, storage, and distribution functions and inventories that exist at the Maintenance Center Albany, GA, to support depot operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support the Maintenance Center Albany, GA, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the Warner Robins Strategic Distribution Platform.

Realign Naval Air Station Jacksonville, FL, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot, Jacksonville, FL, with all other supply, storage, and distribution functions and inventories that exist at the Naval Aviation Depot, Jacksonville, FL, to support depot operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support the Naval Aviation Depot, Jacksonville, FL, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the Warner Robins Strategic Distribution Platform.

Realign Anniston Army Depot, AL, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot Anniston, AL, with all other supply, storage, and distribution functions and inventories that exist at Anniston Army Depot, AL, to support depot operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support Anniston Army Depot, AL, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the Warner Robins Strategic Distribution Platform.

Realign Corpus Christi Army Depot, TX, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot, Corpus Christi, TX, with all other supply, storage, and distribution functions and inventories that exist at Corpus Christi Army Depot, TX, to support depot operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support Corpus Christi Army Depot, TX, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the Defense Distribution Depot Oklahoma City, hereby designated the Oklahoma City Strategic Distribution Platform.

Realign Tinker AFB, OK, by consolidating the supply, storage, and distribution functions and associated inventories supporting depot operations, maintenance, and production at the Air Logistics Center, Oklahoma City, OK, with the supply, storage, and distribution functions and inventories at the Oklahoma City Strategic Distribution Platform.

Realign Hill AFB, UT, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot, Hill, UT, with all other supply, storage, and distribution functions and inventories that exist at the Ogden Air Logistics Center, UT, to support depot operations, maintenance, and production. Retain the necessary supply, storage, and distribution functions and inventories required to support the Ogden Air Logistics Center, UT, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the Defense Distribution Depot, San Joaquin, CA, hereby designated the San Joaquin Strategic Distribution Platform.

Realign Naval Station Bremerton, WA, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot, Puget Sound, WA, with all other supply, storage and distribution functions and inventories that exist at Puget Sound Naval Shipyard, WA, to support shipyard operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support Puget Sound Naval Shipyard, WA, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the San Joaquin Strategic Distribution Platform.

Realign Naval Station, San Diego, CA, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot, San Diego, CA, with all other supply, storage and distribution functions and inventories that exist at Naval Aviation Depot, North Island, CA, to support depot operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories required to support Naval Aviation Depot, North Island, CA, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the San Joaquin Strategic Distribution Platform.

Realign Marine Corps Logistics Base, Barstow, CA, by consolidating the supply, storage, and distribution functions and associated inventories of the Defense Distribution Depot Barstow CA, with all other supply, storage, and distribution functions and inventories that exist at the Maintenance Center Barstow, CA, to support depot operations, maintenance, and production. Retain the minimum necessary supply, storage, and distribution functions and inventories at Defense Distribution Depot Barstow, CA, that are required to support the Maintenance Center Barstow, CA, and to serve as a wholesale Forward Distribution Point. Relocate all other wholesale storage and distribution functions and associated inventories to the San Joaquin Strategic Distribution Platform.

Commodity Management Privatization

Recommendation: Realign Detroit Arsenal, MI, by relocating the supply contracting function for tires to the Inventory Control Point at Defense Supply Center Columbus, OH, and disestablishing all other supply functions for tires.

Realign Hill Air Force Base, UT, as follows: Relocate the supply contracting function for tires to the Inventory Control Point at Defense Supply Center Columbus, OH; disestablish all other supply functions for tires; and disestablish the storage, and distribution functions for tires, packaged petroleum, oils, and lubricants, and compressed gases.

Realign Naval Support Activity, Mechanicsburg, PA, by relocating the supply contracting function for packaged petroleum, oils, and lubricants to the Inventory Control Point at Defense Supply Center, Richmond, VA, and disestablishing all other supply functions for packaged petroleum, oils, and lubricants.

Realign Defense Supply Center, Richmond, VA by disestablishing storage and distribution functions for tires, and the supply, storage, and distribution functions for packaged petroleum, oils, and lubricants, and compressed gases. Retain the supply contracting function for packaged petroleum, oils, and lubricants, and compressed gases.

Realign Defense Supply Center Columbus, OH, Tobyhanna Army Depot, PA, Defense Distribution Depot Susquehanna, PA, Naval Station Norfolk, VA, Marine Corps Air Station Cherry Point, NC, Marine Corps Logistics Base, Albany, GA, Robins Air Force Base, GA, Anniston Army Depot, AL, Naval Air Station Jacksonville, FL, Tinker Air Force Base, OK, Corpus Christi Army Depot, TX, Naval Station Bremerton, WA, Naval Station San Diego, CA, Defense Distribution Depot Barstow, CA, Defense Distribution Depot San Joaquin, CA, and Naval Station Pearl Harbor, HI, by disestablishing storage and distribution functions for tires, packaged petroleum, oils, and lubricants, and compressed gases at each location.

Depot Level Reparable Procurement Management Consolidation

Recommendation: Realign Lackland Air Force Base, TX, as follows: relocate the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items to Defense Supply Center Columbus, OH, and reestablish them as Defense Logistics Agency Inventory Control Point functions; relocate the procurement management and related support functions for Depot Level Reparables to Robins Air Force Base, GA, and designate them as Defense Supply Center Columbus, OH, Inventory Control Point functions; relocate the remaining integrated materiel management, user, and related support functions to Robins Air Force Base, GA.

Realign Soldier Systems Center, Natick, MA, by relocating the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items to Defense Supply Center Philadelphia, PA, and reestablishing them as Defense Logistics Agency Inventory Control Point functions and by disestablishing the procurement management and related support functions for Depot Level Reparables and designating them as Defense Supply Center Philadelphia, PA, Inventory Control Point functions.

Realign Detroit Arsenal, MI, by relocating the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items to Defense Supply Center Columbus, OH, and reestablishing them as Defense Logistics Agency Inventory Control Point functions, and by disestablishing the procurement management and related support functions for Depot Level Reparables and designating them as Defense Supply Center Columbus, OH, Inventory Control Point functions.

Realign Rock Island Arsenal, IL, as follows: Relocate the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items to Defense Supply Center Columbus, OH, and reestablish them as Defense Logistics Agency Inventory Control Point functions; relocate the procurement management and related support functions for Depot Level Reparables to Detroit Arsenal, MI, and designate them as Defense Supply Center Columbus, OH, Inventory Control Point functions; and relocate the remaining integrated materiel management, user, and related support functions to Detroit Arsenal, MI.

Realign Ft. Huachuca, AZ, as follows: Relocate the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items to Defense Supply Center Columbus, OH, and designate them as Defense Logistics Agency Inventory Control Point functions; relocate the procurement management and related support functions for Depot Level Reparables to Aberdeen Proving Ground, MD, and designate them as Defense Supply Center Columbus, OH, Inventory Control Point functions; and relocate the remaining integrated materiel management, user, and related support functions to Aberdeen Proving Ground, MD.

Realign Naval Support Activity Mechanicsburg, PA, as follows: Relocate the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items, except those Navy items associated with Nuclear Propulsion Support, Level 1/Subsafe and Deep Submergence System Program (DSSP) Management, Strategic Weapon Systems Management, Design Unstable/Preproduction Test, Special Waivers, Major End Items and Fabricated or Reclaimed items to Defense Supply Center Columbus, OH, and reestablish them as Defense Logistics Agency Inventory Control Point functions; disestablish the procurement management and related support functions for Depot Level Reparables and designate them as Defense Supply Center Columbus, OH, Inventory Control Point functions; and relocate the oversight of Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items and the oversight of procurement management and related support functions for Depot Level Reparables to the Defense Logistics Agency, Fort Belvoir, VA.

Realign Marine Corps Base, Albany, GA, as follows: Relocate the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for any residual Consumable Items to Defense Supply Center Columbus, OH, and reestablish them as Defense Logistics Agency Inventory Control Point functions; disestablish the procurement management and related support functions for Depot Level Reparables and designate them as Defense Supply Center Columbus, OH, Inventory Control Point functions; and relocate the oversight of Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer

Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items and the oversight of procurement management and related support functions for Depot Level Reparables to the Defense Logistics Agency, Fort Belvoir, VA.

Realign Naval Support Activity Philadelphia, PA, Tinker Air Force Base, OK, Hill Air Force Base, UT, and Robins Air Force Base, GA, by relocating the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items, except those Navy items associated with Design Unstable/Preproduction Test, Special Waivers and Major End Items to Defense Supply Center Richmond, VA, and reestablishing them as Defense Logistics Agency Inventory Control Point functions, and by disestablishing the procurement management and related support functions for Depot Level Reparables and designating them as Defense Supply Center Richmond, VA, Inventory Control Point functions.

Realign Redstone Arsenal, AL, as follows: Relocate the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Aviation Consumable Items to Defense Supply Center Richmond, VA, and reestablish them as Defense Logistics Agency Aviation Inventory Control Point functions; disestablish the procurement management and related support functions for Aviation Depot Level Reparables and designate them as Defense Supply Center Richmond, VA, Aviation Inventory Control Point functions; relocate the Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Missile Consumable Items to Defense Supply Center Columbus, OH; reestablish them as Defense Logistics Agency Missile Inventory Control Point functions; disestablish the procurement management and related support functions for Missile Depot Level Reparables and designate them as Defense Supply Center Columbus, OH, Missile Inventory Control Point functions; and realign a portion of the remaining integrated materiel management, user, and related support functions necessary to oversee the Inventory Control Point activities at Aberdeen Proving Ground, MD, Detroit Arsenal, MI, Soldier System Center, Natick, MA, and Redstone Arsenal, AL, to Headquarters Army Materiel Command (AMC).

Realign Wright-Patterson Air Force Base, OH, by relocating the oversight of Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items and the oversight of procurement management and related support functions for Depot Level Reparables to the Defense Logistics Agency, Fort Belvoir, VA.

Realign Fort Belvoir, VA, by assigning the oversight of Budget/Funding, Contracting, Cataloging, Requisition Processing, Customer Services, Item Management, Stock Control, Weapon System Secondary Item Support, Requirements Determination, Integrated Materiel Management Technical Support Inventory Control Point functions for Consumable Items and the oversight of procurement management and related support functions for Depot Level Reparables to the Defense Logistics Agency, Fort Belvoir, VA.

Technical Joint Cross-Service Group Recommendations

Defense Research Service Led Laboratories

Recommendation: Close the Air Force Research Laboratory, Mesa City, AZ. Relocate all functions to Wright Patterson Air Force Base, OH.

Realign Air Force Research Laboratory, Hanscom, MA, by relocating the Sensors Directorate to Wright Patterson Air Force Base, OH, and the Space Vehicles Directorate to Kirtland Air Force Base, NM.

Realign Rome Laboratory, NY, by relocating the Sensor Directorate to Wright Patterson Air Force Base, OH, and consolidating it with the Air Force Research Laboratory, Sensor Directorate at Wright Patterson Air Force Base, OH.

Realign Air Force Research Laboratory, Wright Patterson Air Force Base, OH, by relocating the Information Systems Directorate to Hanscom Air Force Base, MA.

Realign Army Research Laboratory Langley, VA, and Army Research Laboratory Glenn, OH, by relocating the Vehicle Technology Directorates to Aberdeen Proving Ground, MD.

Realign the Army Research Laboratory White Sands Missile Range, NM, by relocating all Army Research Laboratory activities except the minimum detachment required to maintain the Test and Evaluation functions at White Sands Missile Range, NM, to Aberdeen Proving Ground, MD.

Co-Locate Extramural Research Program Managers

Recommendation: Close the Office of Naval Research facility, Arlington, VA; the Air Force Office of Scientific Research facility, Arlington, VA; the Army Research Office facilities, Durham, NC, and Arlington, VA; and the Defense Advanced Research Project Agency facility, Arlington, VA. Relocate all functions to the National Naval Medical Center, Bethesda, MD. Realign Fort Belvoir, VA, by relocating the Army Research Office to the National Naval Medical Center, Bethesda, MD. Realign the Defense Threat Reduction Agency Telegraph Road facility, Alexandria, VA, by relocating the Extramural Research Program Management function (except conventional armaments and chemical biological defense research) to the National Naval Medical Center, Bethesda, MD.

Consolidate Ground Vehicle Development & Acquisition in a Joint Center

Recommendation: Realign Redstone Arsenal, Huntsville, AL, by relocating the joint robotics program development and acquisition activities to Detroit Arsenal, Warren, MI, and consolidating them with the Program Executive Office Ground Combat Systems, Program Executive Office Combat Support and Combat Service Support and Tank Automotive Research Development Engineering Center. Realign the USMC Direct Reporting Program Manager Advanced Amphibious Assault (DRPM AAA) facilities in Woodbridge, VA, by relocating the Ground Forces initiative D&A activities to Detroit Arsenal, Warren, MI.

Consolidate Navy Strategic Test & Evaluation

Recommendation: Realign Patrick Air Force Base, Cape Canaveral, FL, by relocating Nuclear Test and Evaluation at the Naval Ordnance Test Unit to Strategic Weapons Facility Atlantic, Kings Bay, GA.

Consolidate Sea Vehicle Development & Acquisition

Recommendation: Realign Detroit Arsenal, MI, by relocating Sea Vehicle Development and Acquisition to Naval Surface Warfare Center Carderock Division, Bethesda, MD, and Program Management and Direction of Sea Vehicle Development and Acquisition to Naval Sea Systems Command, Washington Navy Yard, DC.

Establish Centers for Rotary Wing Air Platform Development & Acquisition, Test & Evaluation

Recommendation: Realign Wright Patterson Air Force Base, OH, by relocating Air Force Materiel Command V–22 activities in rotary wing air platform development and acquisition to Patuxent River, MD. Realign the Naval Air Engineering Station Lakehurst, NJ, by relocating activities in rotary wing air platform development, acquisition, test and evaluation to Patuxent River, MD. Realign Ft. Rucker, AL, by relocating the Aviation Technical Test Center to Redstone Arsenal, AL, and consolidating it with the Technical Test Center at Redstone Arsenal, AL. Realign Warner-Robins Air Force Base, GA, by relocating activities in rotary wing air platform development and acquisition to Redstone Arsenal, AL.

Establish Centers for Fixed Wing Air Platform Research, Development & Acquisition, Test & Evaluation

Recommendation: Realign Tinker Air Force Base, OK, Robins, Air Force Base, GA, and Hill Air Force Base, UT, by relocating fixed wing related Air Platform Development and Acquisition to Wright Patterson Air Force Base, OH.

Realign Wright Patterson Air Force Base, OH, by relocating fixed wing related Live Fire Test and Evaluation to Naval Air Weapons Station China Lake, CA.

Create an Air Integrated Weapons & Armaments Research, Development & Acquisition, Test & Evaluation Center

Recommendation: Realign Hill Air Force Base, UT, by relocating Weapons and Armaments In-Service Engineering Research, Development & Acquisition, and Test and Evaluation to Eglin Air Force Base, FL. Realign Fort Belvoir, VA, by relocating Defense Threat Reduction Agency National Command Region conventional armament Research to Eglin Air Force Base, FL.

Create a Naval Integrated Weapons & Armaments Research, Development & Acquisition, Test & Evaluation Center

Recommendation: Realign Naval Surface Warfare Center Crane, IN, by relocating all Weapons and Armaments Research, Development & Acquisition, and Test & Evaluation, except gun/ammo, combat system security, and energetic materials to Naval Air Weapons Station China Lake, CA.

Realign Naval Surface Warfare Center Indian Head, MD, by relocating all Weapons and Armaments Research, Development & Acquisition, and Test & Evaluation, except gun/ammo, underwater weapons, and energetic materials, to Naval Air Weapons Station China Lake, CA.

Realign Naval Air Station Patuxent River, MD, by relocating all Weapons and Armaments Research, Development & Acquisition, and Test & Evaluation, except the Program Executive Office and Program Management Offices in Naval Air Systems Command, to Naval Air Weapons Station China Lake, CA.

Realign Naval Base Ventura County, Point Mugu, CA, by relocating all Weapons and Armaments Research, Development & Acquisition, and Test & Evaluation to Naval Air Weapons Station China Lake, CA.

Realign Naval Weapons Station Seal Beach, CA, by relocating all Weapons and Armaments Research, Development & Acquisition, and Test & Evaluation, except underwater weapons and energetic materials, to Naval Air Weapons Station China Lake, CA.

Realign Naval Surface Warfare Center, Yorktown, VA, by relocating all Weapons and Armaments Research, Development & Acquisition, and Test & Evaluation to Naval Surface Warfare Center Indian Head, MD.

Realign Naval Base Ventura County, Port Hueneme, CA, by relocating all Weapons and Armaments Research, Development & Acquisition, and Test & Evaluation, except weapon system integration, to Naval Air Weapons Station China Lake, CA.

Realign Fleet Combat Training Center, CA (Port Hueneme Detachment, San Diego, CA), by relocating all Weapons and Armaments weapon system integration Research, Development & Acquisition, and Test & Evaluation to Naval Surface Warfare Center Dahlgren, VA.

Realign Naval Surface Warfare Center Dahlgren, VA, by relocating all Weapons & Armaments Research, Development & Acquisition, and Test & Evaluation, except guns/ammo and weapon systems integration to Naval Air Weapons Station China Lake, CA.

Create an Integrated Weapons & Armaments Specialty Site for Guns and Ammunition

Recommendation: Realign the Adelphi Laboratory Center, MD, by relocating gun and ammunition Research and Development & Acquisition to Picatinny Arsenal, NJ.

Realign Naval Surface Warfare Center Division Crane, IN, by relocating gun and ammunition Research and Development & Acquisition to Picatinny Arsenal, NJ.

Realign the Fallbrook, CA, detachment of Naval Surface Warfare Center Division Crane, IN, by relocating gun and ammunition Research and Development & Acquisition to Picatinny Arsenal, NJ.

Realign Naval Surface Warfare Center Division Dahlgren, VA, by relocating gun and Ammunition Research and Development & Acquisition to Picatinny Arsenal, NJ.

Realign the Louisville, KY, detachment of Naval Surface Warfare Center Division Port Hueneme, CA, by relocating gun and ammunition Research and Development & Acquisition to Picatinny Arsenal, NJ.

Realign Naval Air Warfare Center Weapons Division China Lake, CA, by relocating gun and ammunition Research and Development & Acquisition to Picatinny Arsenal, NJ.

Realign Naval Surface Warfare Center Division Indian Head, MD, by relocating gun and ammunition Research and Development & Acquisition to Picatinny Arsenal, NJ.

Realign Naval Surface Warfare Center Division Earle, NJ, by relocating weapon and armament packaging Research and Development & Acquisition to Picatinny Arsenal, NJ.

Consolidate Maritime C4ISR Research, Development & Acquisition, Test & Evaluation

Recommendation: Realign Washington Navy Yard, DC, by disestablishing the Space Warfare Systems Center Charleston, SC, detachment Washington Navy Yard and assign functions to the new Space Warfare Systems Command Atlantic Naval Amphibious Base, Little Creek, VA.

Realign Naval Station, Norfolk, VA, by disestablishing the Space Warfare Systems Center Norfolk, VA, and the Space Warfare Systems Center Charleston, SC, detachment Norfolk, VA, and assign functions to the new Space Warfare Systems Command Atlantic Naval Amphibious Base, Little Creek, VA.

Realign Naval Weapons Station Charleston, SC, as follows: Relocate

Surface Maritime Sensors, Electronic Warfare, and Electronics Research, Development & Acquisition, and Test & Evaluation of the Space Warfare Center to Naval Surface Warfare Center Division, Dahlgren, VA; relocate Subsurface Maritime Sensors, Electronic Warfare, and Electronics Research, Development & Acquisition, and Test & Evaluation of the Space Warfare Center to Naval Station Newport, RI; and relocate the Command Structure of the Space Warfare Center to Naval Amphibious Base, Little Creek, VA, and consolidate it with billets from Space Warfare Systems Command San Diego to create the Space Warfare Systems Command Atlantic, Naval Amphibious Base, Little Creek, VA. The remaining Maritime Information Systems Research, Development & Acquisition, and Test & Evaluation functions at Naval Weapons Station Charleston, SC, are assigned to Space Warfare Systems Command Atlantic, Naval Amphibious Base, Little Creek, VA.

Realign Naval Base Ventura County, CA, Naval Surface Warfare Center Division, Dahlgren, VA, and Naval Station Newport, RI, by relocating Maritime Information Systems Research, Development & Acquisition, and Test & Evaluation to Naval Submarine Base Point Loma, San Diego, CA, and consolidating with the Space Warfare Center to create the new Space Warfare Systems Command Pacific, Naval Submarine Base Point Loma, San Diego, CA.

Realign Naval Submarine Base Point Loma, San Diego, CA, as follows: Relocate Surface Maritime Sensors, Electronic Warfare, and Electronics Research, Development & Acquisition, and Test & Evaluation of the Space Warfare Center to Naval Surface Warfare Center Division, Dahlgren, VA; relocate Subsurface Maritime Sensors, Electronic Warfare, and Electronics Research, Development & Acquisition, and Test & Evaluation of the Space Warfare Center to Naval Station Newport, RI; disestablish Space Warfare Systems Center Norfolk, VA, detachment San Diego, CA, and assign functions to the new Space Warfare Systems Command Pacific, Naval Submarine Base Point Loma, San Diego, CA; disestablish Naval Center for Tactical Systems Interoperability, San Diego, CA, and assign functions to the new Space Warfare Systems Command Pacific, Naval Submarine Base Point Loma, San Diego, CA; and disestablish Space Warfare Systems Command San Diego, CA, detachment Norfolk, VA, and assign functions to the new Space Warfare Systems Command Atlantic, Naval Amphibious Base, Little Creek, VA.

Realign Naval Air Station Patuxent River, MD, by relocating Subsurface Maritime Sensors, Electronic Warfare, and Electronics Research, Development & Acquisition, and Test & Evaluation of the Naval Air Warfare Center, Aircraft Division to Naval Station Newport, RI.

Realign Naval Air Station Jacksonville, FL, by disestablishing the Space Warfare Systems Center Charleston, SC, detachment Jacksonville, FL.

Realign Naval Air Station Pensacola, FL, by relocating the Space Warfare Systems Center Charleston, SC, detachment Pensacola, FL, to Naval Weapons Station Charleston, SC.

Realign Naval Weapons Station Yorktown, VA, by relocating the Space Warfare Systems Center Charleston, SC, detachment Yorktown, VA, to Naval Station Norfolk, VA, and consolidating it into the new Space Warfare Systems Command Atlantic detachment, Naval Station Norfolk, VA.

Navy Sensors, Electronic Warfare, and Electronics Research, Development & Acquisition, Test & Evaluation

Recommendation: Realign Naval Air Warfare Center, Weapons Division, Point Mugu, CA. Relocate the Sensors, Electronic Warfare (EW), and Electronics Research, Development, Acquisition, Test & Evaluation (RDAT&E) functions to Naval Air Warfare Center, Weapons Division, China Lake, CA.

Consolidate Air and Space C4ISR Research, Development & Acquisition, Test & Evaluation

Recommendation: Realign Wright-Patterson Air Force Base, OH, Maxwell Air Force Base, AL, and Lackland Air Force Base, TX, by relocating Air & Space Information Systems Research and Development & Acquisition to Hanscom Air Force Base, MA. Realign Eglin Air Force Base, FL, by relocating Air & Space Sensors, Electronic Warfare & Electronics and Information Systems Test & Evaluation to Edwards Air Force Base, CA.

B. Previous ***Federal Register*** *References*

1. 56 FR 15184, April 15, 1991: Recommended Base Closures and Realignments.

2. 58 FR 14002, March 15, 1993: Recommended Base Closures and Realignments.

3. 60 FR 11414, March 1, 1995: Notice of recommended Base Closures and Realignments.

4. 59 FR 63769, December 9, 1994: Final selection criteria.

5. 68 FR 74221, December 23, 2003: Draft selection criteria and request for comments.

6. 69 FR 3335, January 23, 2004: Extend comment period on draft selection criteria.

7. 69 FR 6948, February 12, 2004: Final Selection Criteria.

Dated: May 12, 2005.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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H.J. Res. 20/P.L. 109–12

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37	(869–052–00133–3)	58.00	July 1, 2004
38 Parts:			
0–17	(869–052–00134–1)	60.00	July 1, 2004
18–End	(869–052–00135–0)	62.00	July 1, 2004
39	(869–052–00136–8)	42.00	July 1, 2004
40 Parts:			
1–49	(869–052–00137–6)	60.00	July 1, 2004
50–51	(869–052–00138–4)	45.00	July 1, 2004
52 (52.01–52.1018)	(869–052–00139–2)	60.00	July 1, 2004
52 (52.1019–End)	(869–052–00140–6)	61.00	July 1, 2004
53–59	(869–052–00141–4)	31.00	July 1, 2004
60 (60.1–End)	(869–052–00142–2)	58.00	July 1, 2004
60 (Apps)	(869–052–00143–1)	57.00	July 1, 2004
61–62	(869–052–00144–9)	45.00	July 1, 2004
63 (63.1–63.599)	(869–052–00145–7)	58.00	July 1, 2004
63 (63.600–63.1199)	(869–052–00146–5)	50.00	July 1, 2004
63 (63.1200–63.1439)	(869–052–00147–3)	50.00	July 1, 2004
63 (63.1440–63.8830)	(869–052–00148–1)	64.00	July 1, 2004
63 (63.8980–End)	(869–052–00149–0)	35.00	July 1, 2004
64–71	(869–052–00150–3)	29.00	July 1, 2004
72–80	(869–052–00151–1)	62.00	July 1, 2004
81–85	(869–052–00152–0)	60.00	July 1, 2004
86 (86.1–86.599–99)	(869–052–00153–8)	58.00	July 1, 2004
86 (86.600–1–End)	(869–052–00154–6)	50.00	July 1, 2004
87–99	(869–052–00155–4)	60.00	July 1, 2004
100–135	(869–052–00156–2)	45.00	July 1, 2004
136–149	(869–052–00157–1)	61.00	July 1, 2004
150–189	(869–052–00158–9)	50.00	July 1, 2004
190–259	(869–052–00159–7)	39.00	July 1, 2004
260–265	(869–052–00160–1)	50.00	July 1, 2004
266–299	(869–052–00161–9)	50.00	July 1, 2004
300–399	(869–052–00162–7)	42.00	July 1, 2004
400–424	(869–052–00163–5)	56.00	[8]July 1, 2004
425–699	(869–052–00164–3)	61.00	July 1, 2004
700–789	(869–052–00165–1)	61.00	July 1, 2004
790–End	(869–052–00166–0)	61.00	July 1, 2004
41 Chapters:			
1, 1–1 to 1–10		13.00	[3]July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3]July 1, 1984
3–6		14.00	[3]July 1, 1984
7		6.00	[3]July 1, 1984
8		4.50	[3]July 1, 1984
9		13.00	[3]July 1, 1984
10–17		9.50	[3]July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3]July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3]July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3]July 1, 1984
19–100		13.00	[3]July 1, 1984
1–100	(869–052–00167–8)	24.00	July 1, 2004
101	(869–052–00168–6)	21.00	July 1, 2004
102–200	(869–052–00169–4)	56.00	July 1, 2004
201–End	(869–052–00170–8)	24.00	July 1, 2004
42 Parts:			
1–399	(869–052–00171–6)	61.00	Oct. 1, 2004
400–429	(869–052–00172–4)	63.00	Oct. 1, 2004
430–End	(869–052–00173–2)	64.00	Oct. 1, 2004
43 Parts:			
1–999	(869–052–00174–1)	56.00	Oct. 1, 2004
1000–end	(869–052–00175–9)	62.00	Oct. 1, 2004
44	(869–052–00176–7)	50.00	Oct. 1, 2004
45 Parts:			
1–199	(869–052–00177–5)	60.00	Oct. 1, 2004
200–499	(869–052–00178–3)	34.00	Oct. 1, 2004
500–1199	(869–052–00179–1)	56.00	Oct. 1, 2004
1200–End	(869–052–00180–5)	61.00	Oct. 1, 2004
46 Parts:			
1–40	(869–052–00181–3)	46.00	Oct. 1, 2004
41–69	(869–052–00182–1)	39.00	Oct. 1, 2004
70–89	(869–052–00183–0)	14.00	Oct. 1, 2004
90–139	(869–052–00184–8)	44.00	Oct. 1, 2004
140–155	(869–052–00185–6)	25.00	Oct. 1, 2004
156–165	(869–052–00186–4)	34.00	Oct. 1, 2004
166–199	(869–052–00187–2)	46.00	Oct. 1, 2004
200–499	(869–052–00188–1)	40.00	Oct. 1, 2004
500–End	(869–052–00189–9)	25.00	Oct. 1, 2004
47 Parts:			
0–19	(869–052–00190–2)	61.00	Oct. 1, 2004
20–39	(869–052–00191–1)	46.00	Oct. 1, 2004
40–69	(869–052–00192–9)	40.00	Oct. 1, 2004
70–79	(869–052–00193–8)	63.00	Oct. 1, 2004
80–End	(869–052–00194–5)	61.00	Oct. 1, 2004
48 Chapters:			
1 (Parts 1–51)	(869–052–00195–3)	63.00	Oct. 1, 2004
1 (Parts 52–99)	(869–052–00196–1)	49.00	Oct. 1, 2004
2 (Parts 201–299)	(869–052–00197–0)	50.00	Oct. 1, 2004
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7–14	(869–052–00199–6)	56.00	Oct. 1, 2004
15–28	(869–052–00200–3)	47.00	Oct. 1, 2004
29–End	(869–052–00201–1)	47.00	Oct. 1, 2004

Title	Stock Number	Price	Revision Date
49 Parts:			
1–99	(869–052–00202–0)	60.00	Oct. 1, 2004
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186–199	(869–052–00204–6)	23.00	Oct. 1, 2004
200–399	(869–052–00205–4)	64.00	Oct. 1, 2004
400–599	(869–052–00206–2)	64.00	Oct. 1, 2004
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1000–1199	(869–052–00208–9)	28.00	Oct. 1, 2004
1200–End	(869–052–00209–7)	34.00	Oct. 1, 2004
50 Parts:			
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17.99(i)–end and 17.100–end	(869–052–00213–5)	47.00	Oct. 1, 2004
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CFR Index and Findings Aids	(869–052–00049–3)	62.00	Jan. 1, 2004
Complete 2005 CFR set		1,342.00	2005
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Complete set (one-time mailing)		298.00	2003

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2004, through January 1, 2005. The CFR volume issued as of January 1, 2004 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2004. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2004. The CFR volume issued as of July 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2002, through July 1, 2004. The CFR volume issued as of July 1, 2002 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2003, through July 1, 2004. The CFR volume issued as of July 1, 2003 should be retained.