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WHEN: Tuesday, July 19, 2005
9:00 a.m.–Noon

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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20439; Directorate Identifier 2005–CE–04–AD; Amendment 39–14102; AD 2005–10–24]

RIN 2120–AA64

Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd. Models N22B, N22S, and N24A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) to supersede AD 2003–14–20, which applies to all AeroSpace Technologies of Australia Pty Ltd. (ASTA) Models N22B and N24A airplanes. AD 2003–14–20 requires you to repetitively inspect, using either dye penetrant or magnetic particle methods, the rudder control lever shafts for cracks; inspect (one-time) all lever shaft side plates by measuring the thickness; and if cracks or discrepancies in thickness are found, replace unserviceable parts with new or serviceable parts. Since AD 2003–14–20 was issued, we determined that the AD should also affect Model N22S airplanes. The manufacturer has also revised the service information to include a rudder control lever shaft part number (P/N) that was not part of AD 2003–14–20. Consequently, this AD retains the actions of AD 2003–14–20, adds Model N22S airplanes to the applicability, and adds rudder control lever shaft P/N 1/N–45–1102 to the inspection requirements. We are issuing this AD to detect and correct cracks in the rudder control lever torque shafts and discrepancies in the thickness of the lever shaft side plates, which could result in failure of the rudder control lever torque shaft. Such failure could lead to reduced controllability of the airplane.

DATES: This AD becomes effective on June 30, 2005.

As of June 30, 2005, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

ADDRESSES: To get the service information identified in this AD, contact Nomad Operations, Aerospace Support Division, Boeing Australia, PO Box 767, Brisbane, QLD 4001 Australia; telephone 61 7 3306 3366; facsimile 61 7 3306 3111.

To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2005–20439; Directorate Identifier 2005–CE–04–AD.

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

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? Reports of cracking and other discrepancies on rudder control lever shaft assemblies on certain ASTA Models N22B and N24A airplanes caused us to issue AD 82–12–06, Amendment 39–4399. AD 82–12–06 required the following:

—Repetitively inspecting visually all rudder control lever shafts for cracking;
—If cracks are found, replacing with new or serviceable rudder control shafts;
—Checking for clearance of the fit of all rod end bearings in lever shafts; and
—Discontinuing the repetitive visual inspections when lever shafts are inspected either by magnetic particle inspection or dye penetrant methods

The Civil Aviation Safety Authority (CASA), which is the airworthiness authority for Australia notified FAA of the need to change AD 82–12–06. The CASA reported failures of the rudder control lever shaft. All the failures occurred during ground operations. Nosewheel steering/rudder loads are considered the primary cause of the failures.

Some of the failures occurred on airplanes where the terminating action of AD 82–12–06 had been incorporated. This caused us to issue AD 2003–14–20, Amendment 39–13239 (68 FR 42954, July 21, 2003).

AD 2003–14–20 currently requires the following on all ASTA Model N22B and N24A airplanes:

—Repetitively inspecting, using either dye penetrant or magnetic particle methods and measurements, certain rudder control lever shafts, part numbers (P/N) 2/N–45–1102, 1/N–45–1103, and 1/N–45–1104 (or FAA-approved equivalent part numbers), for cracks;
—Inspecting (one-time) all lever shaft side plates by measuring the thickness; and
—If cracks or discrepancies in thickness are found, replacing unserviceable parts with new or serviceable parts.

What has happened since AD 2003–14–20 to initiate this action? Since AD 2003–14–20 was issued, we determined that Model N22S airplanes should be included in the applicability.

The manufacturer has also revised the service information to include a rudder control lever shaft P/N that was not part of AD 2003–14–20.

What is the potential impact if FAA took no action? This condition, if not detected and corrected, could result in failure of the rudder control lever torque shaft. Such failure could lead to reduced controllability of the airplane.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all ASTA Model N22B, N22S, and N24A airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 16, 2005 (70 FR 12819). The NPRM proposed to supersede AD 2003–14–20 with a new AD that would retain the actions of AD 2003–14–20, add Model N22S airplanes to the applicability, and add rudder control lever shaft P/N 1/N–45–1102 to the inspection requirements.

Comments

Was the public invited to comment? We provided the public the opportunity to participate in developing this AD. We

received no comments on the proposal or on the determination of the cost to the public.

Conclusion

What is FAA's final determination on this issue? We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Changes to 14 CFR Part 39—Effect on the AD

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

Costs of Compliance

How many airplanes does this AD impact? We estimate that this AD affects 15 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to do the initial inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
12 workhours × $65 per hour = $780	Not Applicable	$780	15 × $780 = $11,700.

We estimate the following costs to do the necessary repetitive inspections:

Labor cost	Parts cost	Total cost per airplane
2 workhours × $65 per hour = $130	Not Applicable	$130.

We estimate the following costs to do any rudder control lever shaft replacement that will be required based on the results of the inspections. We have no way of determining the number of airplanes that may need such replacement:

Labor cost	Parts cost	Total cost per airplane
12 workhours × $65 per hour = $780	$930	$780 + $930 = $1710.

We estimate the following costs to do any lever shaft side plate replacements that will be required based on the results of the inspection. We have no way of determining the number of airplanes that may need such replacement:

Labor cost	Parts cost	Total cost per airplane
12 workhours × $65 per hour = $780	$930	$780 + $930 = $1710.

What is the difference between the cost impact of this AD and the cost impact of AD 2003–14–20? The only difference between AD 2003–14–20 and this AD is the addition of Model N22S airplanes to the applicability section. There are no additional actions required in this AD.

Authority for This Rulemaking

What authority does FAA have for issuing this rulemaking action? Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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

Regulatory Findings

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

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

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

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

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20439; Directorate Identifier 2005–CE–04–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2003–14–20, Amendment 39–13239 (68 FR 42954, July 21, 2003), and by adding a new AD to read as follows:

2005–10–24 Aerospace Technologies of Australia Pty Ltd.: Amendment 39–14102; Docket No. FAA–2005–20439; Directorate Identifier 2005–CE–04–AD; Supersedes AD 2003–14–20, Amendment 39–13239.

When Does This AD Become Effective?

(a) This AD becomes effective on June 30, 2005.

What Other ADs Are Affected By This Action?

(b) This AD supersedes AD 2003–14–20, Amendment 39–13239.

What Airplanes Are Affected By This AD?

(c) This AD affects Models N22B, N22S, and N24A airplanes, all serial numbers, that are certificated in any category.

What Is The Unsafe Condition Presented in This AD?

(d) This AD is the result of continuing airworthiness information (MCAI) issued by the airworthiness authority for Australia. The actions specified in this AD are intended to detect and correct cracks in the rudder control lever torque shafts and discrepancies in the thickness of the lever shaft side plates, which could result in failure of the rudder control lever torque shaft. Such failure could lead to reduced controllability of the airplane.

What Must I Do To Address This Problem?

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

Actions	Compliance	Procedures
(1) Inspect the following: (i) The rudder control level shafts, part numbers (P/N) 1/N–45–1102, 2/N–45–1102, 1/N–45–1103, and 1/N–45–1104 (or FAA-approved equivalent part numbers) for cracks. Use dye penetrant inspection while the shaft is installed. Use either dye penetrant or magnetic particle inspection if the shaft is removed; and (ii) All lever shaft side plates on P/Ns 1/N–45–1102, 2/N–45–1102, 1/N–45–1103, and 1/N–45–1104 (or FAA-approved equivalent part numbers) by measuring the thickness for discrepancies.	Initially inspect within the next 50 hours time-in-service (TIS) or 30 days after June 30, 2005 (the effective date of this AD), whichever occurs first, unless already done.	Following Nomad Alert Service Bulletin ANMD–27–51, Rev. 2, dated April 29, 2004, and the applicable maintenance manual.
(2) If no cracks are found in the rudder control lever shafts during the inspection required in paragraph (e)(1)(i) of this AD, repetitively inspect rudder control lever shafts P/Ns 1/N–45–1102, 2/N–45–1102, 1/N–45–1103, ands 1/N–45–1104 (or FAA-approved equivalent part numbers) for cracks.	Repetitively inspect thereafter at intervals not to exceed 300 hours TIS after the initial inspection required in paragraph (e)(1) of this AD.	Following Nomad—Series N22 & N24 Inspection Requirements Manual, Temporary Revision 26, Fatigue Critical Areas, dated May 27, 2004.
(3) If cracks or discrepancies are found during any inspection required by this AD, do the following: (i) For rudder control lever shafts found with crack damage, replace with new or serviceable parts. After replacement, continue with the repetitive inspections required in paragraph (e)(2) of this AD. (ii) If the thickness of the lever shaft side plates is less than 0.050 inches, replace the lever shaft side plate with a new plate that measures at least 0.050 inches in thickness.	Before further flight after any inspection required by this AD in which cracks or discrepancies are found..	Following Nomad Alert Service Bulletin ANMD–27–51, Rev. 2, dated April 29, 2004, and the applicable maintenance manual.
(4) If at any time certain operating conditions occur that caused abnormal rudder pedal loads, inspect the rudder control lever shafts as specified in paragraph (e)(2) of this AD. Examples of such conditions are: heavy use of nosewheel steering over rough ground; excessive steering angle under towl; towing with rudder gust lock fitted; engine failure on takeoff; and aircraft left parked outside with rudder gust lock not fitted.	Before further flight	Following Nomad—Series N22 & N24 Inspection Requirements Manual, Temporary Revision 26, Fatigue Critical Areas, dated May 27, 2004.

Actions	Compliance	Procedures
(5) Do not install a new lever shaft side plate that is less than 0.050 inches in thickness.	As of June 30, 2005 (the effective date of this AD).	As specified in Nomad Alert Service Bulletin ANMD–27–51, Rev. 2, dated April 29, 2004; and Nomad—Series N22 & N24 Inspection Requirements Manual, Temporary Revision 26, Fatigue Critical Areas, dated May 27, 2004.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19.

(1) Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Doug Rudolph, Aerospace Engineer, Small Airplane Directorate, ACE–112, 901 Locust, Rm 301, Kansas City, Missouri, 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

(2) Alternative methods of compliance approved for AD 2003–14–20 are not considered approved as alternative methods of compliance for this AD.

Is There Other Information That Relates to This Subject?

(g) Australian AD GAF–N22/44, Amendment 2, dated November 2004, also addresses the subject of this AD.

Does This AD Incorporate Any Material By Reference?

(h) You must do the actions required by this AD following the instructions in Nomad—Series N22 & N24 Inspection Requirements Manual, Temporary Revision 26, Fatigue Critical Areas, dated May 27, 2004, and Nomad Alert Service Bulletin ANMD–27–51, Rev. 2, dated April 29, 2004, which incorporates the following pages:

Pages	Revision level	Date
1 and 3	2	April 29, 2004.
2	2	Jan. 29, 2004.
4	[1]	Sept. 13, 2002.

[1] Original issue.

(1) The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) To get a copy of this service information, contact Nomad Operations, Aerospace Support Division, Boeing Australia, PO Box 767, Brisbane, QLD 4001 Australia; telephone 61 7 3306 3366; facsimile 61 7 3306 3111. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html* or call (202) 741–6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov*. The docket number is FAA–2005–20439; Directorate Identifier 2005–CE–04–AD.

Issued in Kansas City, Missouri, on May 13, 2005.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–9976 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19959; Directorate Identifier 2004–CE–46–AD; Amendment 39–14101; AD 2005–10–23]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Model DG–500MB Sailplanes and Glaser-Dirks Flugzeugbau GmbH Model DG–800B Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) for all DG Flugzeugbau GmbH Model DG–500MB sailplanes equipped with a Solo engine and Glaser-Dirks Flugzeugbau GmbH Model DG–800B sailplanes equipped with a Solo engine. This AD requires you to inspect the propeller for damage, specifically foam core separation, and replace any damaged propeller. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to detect and correct damage to the propeller, which could result in failure of the propeller to perform properly. This failure could lead to reduced or loss of control of the sailplane.

DATES: This AD becomes effective on June 30, 2005.

As of June 30, 2005, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

ADDRESSES: To get the service information identified in this AD, contact DG Flugzeugbau, Postbox 41 20, 76625 Bruchsal, Germany; telephone, 49 7257 890; fax, 49 7257 8922.

To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov*. The docket number is FAA–2004–19959; Directorate Identifier 2004–CE–46–AD.

FOR FURTHER INFORMATION CONTACT: Gregory Davison, Aerospace Engineer, FAA, Small Airplane Directorate, ACE–112, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone: 816–329–4130; facsimile: 816–329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified FAA that an unsafe condition may exist on all DG Flugzeugbau GmbH Model DG–500MB sailplanes equipped with a Solo engine and all Glaser-Dirks Flugzeugbau GmbH Model DG–800B sailplanes equipped with a Solo engine. The LBA reports that a damaged propeller was found on a Model DG–800B sailplane.

The foam core inside the propeller separated and caused one blade to be thicker than the other. The propeller became overheated after the engine was retracted. This was possibly due to limited ventilation. The LBA reports three occurrences of this condition.

The propeller on Model DG–500MB sailplanes equipped with a Solo engine is of a similar design to Model DG–800B sailplanes equipped with a Solo engine.

What is the potential impact if FAA took no action? If not detected and corrected, damage to the propeller, specifically foam core separation, could cause the propeller to fail to perform properly. This failure could lead to reduced or loss of control of the sailplane.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all DG Flugzeugbau GmbH Model DG–500MB sailplanes equipped with a Solo engine and Glaser-Dirks Flugzeugbau GmbH Model DG–800B sailplanes equipped with a Solo engine. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on February 14, 2005 (70 FR 7443). The NPRM proposed to require you to inspect the propeller for damage, specifically foam core separation, and replace any damaged propeller.

Comments

Was the public invited to comment? We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion

What is FAA's final determination on this issue? We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Changes to 14 CFR Part 39—Effect on the AD

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

Costs of Compliance

How many sailplanes does this AD impact? We estimate that this AD affects 31 sailplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected sailplanes? We estimate the following costs to accomplish the inspection:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
1 work hour × $65 per hour = $65	Not applicable	$65	$65 × 31 = $2,015.

We estimate the following costs to do any necessary replacements that will be required based on the results of the inspection. We have no way of determining the number of sailplanes that may need this replacement:

Labor cost	Parts cost	Total cost per sailplane
1 work hour × $65 per hour = $65	$4,000	$4,065.

Authority for This Rulemaking

What authority does FAA have for issuing this rulemaking action? Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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

Regulatory Findings

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

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

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

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

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

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2004–19959; Directorate Identifier 2004–CE–46–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by adding a new AD to read as follows:

2005–10–23 DG Flugzeugbau GmbH and Glaser-Dirks Flugzeugbau GmbH: Amendment 39–14101; Docket No. FAA–2004–19959; Directorate Identifier 2004–CE–46–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on June 30, 2005.

What Other ADs Are Affected By This Action?

(b) None.

What Sailplanes Are Affected By This AD?

(c) This AD affects all Model DG–500MB and DG–800B sailplanes that are:

(1) Certificated in any category; and

(2) Equipped with a Solo engine.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified in this AD are intended to detect and correct damage to the propeller, which could result in failure of the propeller to perform properly. This failure could lead to reduced or loss of control of the sailplane.

What Must I Do To Address This Problem?

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

Actions	Compliance	Procedures
(1) Inspect the propeller for any signs of damage.	Within 25 hours time-in-service (TIS) after June 30, 2005 (the effective date of this AD).	Follow DG Flugzeugbau Technical Note No. 843/19 (LBA approved on April 7, 2004; EASA approved on April 26, 2004); and DG Flugzeugbau Technical Note 873/29 (LBA approved on April 7, 2004; EASA approved April 26, 2004), as applicable.
(2) If any damage is found during the inspection required in paragraph (e)(1) of this AD, replace the propeller.	Before further flight after the inspection required in paragraph (e)(1) approved on this AD.	Follow DG Flugzeugbau Technical Note No. 843/19 (LBA approved on April 7, 2004; EASA approved on April 26, 2004); and DG Flugzeugbau Technical Note 873/29 (LBA approved on April 7, 2004; EASA approved April 26, 2004), as applicable.
(3) Insert the following language in the Limitations Section of the AFM:. "Caution: With high temperatures (temperature on ground above 25 °C/77 °F) there is the risk of overheating the propeller after engine retraction. To avoid damage, extend the engine again via the manual switch (approx. 1 second) to open the engine doors. Retract again after 5 minutes."	Within 25 hours TIS after June 30, 2005 (the effective date of this AD).	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do the flight manual changes requirement of this AD. Make an entry in the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

Note: For Model DG–500MB sailplanes, FAA recommends you install a polyurethane shock absorber at the retaining cable mounting in the fuselage. This is specified in DG Flugzeugbau Technical Note No. 843/19 (LBA approved on April 7, 2004; EASA approved on April 26, 2004). The approximate cost to install the shock absorber is $520 (4 work hours × $65 per hour for labor = $260 + $260 for parts).

Starting with serial number 5E243B20 and on, this shock absorber is being installed at production.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Gregory Davison, Aerospace Engineer, FAA, Small Airplane Directorate, ACE–112, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone: 816–329–4130; facsimile: 816–329–4090.

Is There Other Information That Relates to This Subject?

(g) German AD Number D–2004–195 and AD Number D–2004–196, both dated April 23, 2004, also address the subject of this AD.

Does This AD Incorporate Any Material by Reference?

(h) You must do the actions required by this AD following the DG Flugzeugbau Technical Note No. 843/19 (LBA approved on April 7, 2004; EASA approved on April 26, 2004); and DG Flugzeugbau Technical Note 873/29 (LBA approved on April 7, 2004; EASA approved April 26, 2004). The Director of the Federal Register approved the incorporation by reference of these service bulletins in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact DG Flugzeugbau, Postbox 41 20, 76625 Bruchsal, Germany; telephone, 49 7257 890; fax, 49 7257 8922. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html* or call (202) 741–6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov*. The docket number is FAA–2004–19959; Directorate Identifier 2004–CE–46–AD.

Issued in Kansas City, Missouri, on May 13, 2005.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–9975 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20024; Directorate Identifier 2004–NM–66–AD; Amendment 39–14100; AD 2005–10–22]

RIN 2120–AA64

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

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Boeing Model 747–200C and 747–200F series airplanes. This AD requires repetitive inspections for cracking of the left and right C–3 frame upper closure fittings of the nose cargo door, and

corrective actions if necessary. This AD also provides an optional modification that, if done, terminates inspections in certain areas. This AD is prompted by reports indicating that fatigue cracking was found in the inboard flange above the flight deck floor on the C–3 frame upper closure fittings of the nose cargo door. We are issuing this AD to detect and correct cracking of the C–3 frame upper closure fittings, which could extend and result in rapid depressurization of the airplane.

DATES: This AD becomes effective June 27, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of June 27, 2005.

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

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Washington, DC. This docket number is FAA–2005–20024; the directorate identifier for this docket is 2004–NM–66–AD.

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

Examining the Docket

The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with an AD for all Boeing Model 747–200C and 747–200F series airplanes. That action, published in the **Federal Register** on January 18, 2005 (70 FR 2826), proposed to require repetitive inspections for cracking of the left and right C–3 frame upper closure fittings of the nose cargo door, and corrective actions if necessary. That action also provides an optional modification that, if done, would terminate inspections in certain areas.

Comments

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

Support for the Proposed AD

One commenter concurs with the proposed AD.

Request for Credit for Actions Accomplished Previously

Another commenter has no technical objection to the proposed AD, but requests that we recognize inspections accomplished before the effective date of the AD as acceptable for compliance with the initial inspection requirement. The commenter states that it has previously accomplished the proposed requirements on some of its airplanes during scheduled maintenance visits.

We agree with the commenter that any applicable inspection accomplished before the effective date of this AD should be acceptable for compliance with the initial inspection requirement. However, we find that no change is necessary to meet the intent of the commenter's request. Credit is always given for actions accomplished before the effective date of an AD, as allowed by paragraph (e) of this AD: ''You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.'' The phrase ''unless the actions have already been done,'' gives the credit that the commenter is seeking. We have not changed the AD in this regard.

Conclusion

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

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

ESTIMATED COSTS

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2005–10–22 Boeing: Amendment 39–14100. Docket No. FAA–2005–20024; Directorate Identifier 2004–NM–66–AD.

Effective Date

(a) This AD becomes effective June 27, 2005.

Affected ADs

(b) None.

Applicability

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

Unsafe Condition

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

Compliance

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

Repetitive Inspections

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

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

Repair/Replacement

(g) If any cracking is found during any inspection required by this AD: Before further flight, do applicable repairs or replace the fitting with a new fitting, according to the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2495, dated December 18, 2003; except, where the bulletin specifies to contact Boeing for appropriate action, before further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the certification basis of the airplane approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who the Manager, Seattle ACO, has authorized to make this finding. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Optional Modification

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

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

No Threshold Adjustment

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

Alternative Methods of Compliance (AMOCs)

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

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

Material Incorporated by Reference

(k) You must use Boeing Alert Service Bulletin 747–53A2495, dated December 18, 2003, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get copies of the service information, go to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC. To review copies of the service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on May 12, 2005.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–9981 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

17 CFR Part 450

RIN 1505–AB06

[Docket No. BPD GSRS 05–01]

Government Securities Act Regulations: Custodial Holdings of Government Securities

AGENCY: Office of the Assistant Secretary for Financial Markets, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (''Treasury,'' ''We,'' or ''Us'') is issuing in final form an amendment to the regulations issued under the Government Securities Act of 1986, as amended (''GSA''), that are applicable to depository institutions that hold government securities as fiduciary, custodian, or otherwise for the account of customers. The provisions of the GSA regulations for custodial holding of government securities held by depository institutions generally provide an exemption from these rules for a depository institution's holdings of such government securities that are subject to the fiduciary standards of the Board of Governors of the Federal Reserve System (''the Board''), the Federal Deposit Insurance Corporation (''FDIC''), or the Office of the Comptroller of the Currency (''OCC''). We published a proposed rule amendment to the exemption on September 23, 2004, and are now adopting the change as proposed. Specifically, this amendment modifies the exemption to include savings associations subject to the fiduciary standards of the Office of Thrift Supervision (''OTS'').

EFFECTIVE DATE: May 23, 2005.

ADDRESSES: You may download this final rule from the Bureau of the Public Debt's Web site at *http://www.publicdebt.treas.gov* or from the Electronic Code of Federal Regulations (e-CFR) Web site at *http://www.gpoaccess.gov/ecfr.* It is also available for public inspection and copying at the Treasury Department Library, Room 1318, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. To visit the library, call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena (Executive Director), Lee Grandy (Associate Director), or Kevin Hawkins (Government Securities Specialist), Bureau of the Public Debt, Government Securities Regulations Staff, (202) 504–3632 or e-mail us at *govsecreg@bpd.treas.gov.*

SUPPLEMENTARY INFORMATION: On October 6, 2003, we received a letter from the OTS requesting that the exemption at 17 CFR 450.3 of the GSA regulations for holdings subject to fiduciary standards be expanded to include OTS-regulated savings associations.[1] On September 23, 2004, we published a proposed amendment to § 450.3 that would make OTS-regulated savings associations eligible for the exemption under the same conditions that apply to depository institutions regulated by the OCC, the FDIC and the Board.[2] We received one comment letter that strongly supported the proposed amendment. Therefore, as explained in more detail below, we are adopting the rule as proposed.

I. Background

A. GSA Regulations

Title II of the GSA[3] requires Treasury to prescribe, by regulation, standards for the safeguarding and use of government securities. The standards apply to depository institutions that hold government securities as fiduciary, custodian, or otherwise for the account of a customer. The regulations are to provide for the adequate segregation of government securities, including government securities subject to repurchase transactions. Prior to the adoption of regulations, Treasury is required to determine, with respect to each appropriate regulatory agency, whether its ''rules and standards adequately meet the purposes of the regulations''[4] to be issued, and if Treasury so determines, it must exempt any depository institution subject to those rules or standards from the regulations.

Treasury issued regulations under Title II of the GSA in 1987 at 17 CFR part 450.[5] Based on the information provided by the appropriate regulatory agencies[6] and Treasury's own analysis, Treasury determined in 1987 that the rules and standards of the OCC, the FDIC, and the Board adequately met the purposes of the regulations.[7] Consequently, Treasury provided an exemption in § 450.3 for depository institutions[8] subject to these standards with respect to their holdings in a fiduciary capacity.[9]

B. OTS Request

In 1987, when Treasury developed the GSA regulations, savings associations were not eligible for the exemption because the Federal Home Loan Bank Board, OTS's predecessor, had not completed its examination procedures or guidance related to the GSA regulations. Savings associations were not included in the exemption and, therefore, were required to comply with the requirements contained in part 450 with respect to all government securities held for the account of customers in a capacity as a fiduciary or a custodian, as well as the requirements under applicable fiduciary law, including OTS fiduciary regulations at 12 CFR part 550.

On October 6, 2003, the OTS submitted a written request that the exemption at § 450.3 be extended to include OTS-regulated savings associations that meet its conditions.[10] The OTS request states that when Congress gave Federal savings associations trust powers in 1980, the intent was to provide them with the ability to offer trust services on the same basis as national banks.[11] Without this same ability, the OTS states that savings associations are at a competitive disadvantage and subject to duplicative rules.

The OTS further states in its request that it now has examination procedures for the GSA regulations in place, and

[1] See Letter from Scoot M. Albinson, Managing Director, Office of Thrift Supervision, Department of the Treasury, to Van Zeck, Commissioner of the Public Debt, Bureau of the Public Debt, Department of the Treasury (October 6, 2003).

[2] 69 FR 56968 (September 23, 2004).

[3] Pub. L. 99–571, 100 Stat. 3208 (1986).

[4] 31 U.S.C. 3121(h)(4) & 9110(d).

[5] The GSA implementing regulations were published as a final rule on July 24, 1987 (52 FR 27901). The regulations, as amended, are codified at 17 CFR chapter IV. The requirements for depository institutions that hold government securities as a fiduciary, custodian, or otherwise are set out in subchapter B (17 CFR part 450).

[6] See 17 CFR 450.2(a).

[7] 52 FR 5677 (February 25, 1987).

[8] See 17 CFR 450.2(c). The GSA regulations at § 450.2(c) define ''depository institution'' as having the meaning stated in clauses (i) through (vi) of § 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461 (b)(1)(A)(i)–(vi)). Savings associations are included in the definition of depository institutions at 12 U.S.C. 461(b)(1)(A)(vi).

[9] The exemption also extends to government securities held in a custodial capacity, provided the institutions have adopted policies and procedures that would apply to such custodial holdings all of the requirements imposed by their appropriate regulatory agency on government securities held in a fiduciary capacity, and the custodial holdings are subject to examination by the appropriate regulatory agency for compliance with such fiduciary requirements. Whether or not they are exempt under § 450.3, depository institutions that retain custody of government securities subject to a repurchase agreement are required to comply with the confirmation requirements for hold-in-custody repurchase agreements in the regulations under Title I of the GSA at § 403.5(d). See 17 CFR 403.5(a)(2) & 401.4(b)(1)(ii).

[10] See *supra* note 2.

[11] See § 5(n) of Home Owners' Loan Act (HOLA) 12 U.S.C. 1464(n) for thrifts and 12 U.S.C. 92a for banks.

that OTS's regulation of fiduciary, custodial and other holdings of government securities adequately protects customer accounts. Further, the OTS states that the regulatory oversight of fiduciary activities of savings associations is the same as other Federal banking agencies, and its trust regulations, policies and procedures are similarly aligned with those of the OCC.

II. Comments Received in Response to the Proposed Rule

On September 23, 2004, we issued a proposed amendment to the GSA regulations to make savings associations regulated by the OTS eligible for the exemption in § 450.3.[12] We received one comment letter on the proposed rule amendment, from America's Community Bankers (''ACB''), which strongly supported the proposal.[13] ACB stated that ''extending the exemption to savings associations supervised by the OTS would ensure that savings associations are not subject to duplicative requirements and would meet the objectives of the GSA regulations.''

III. Analysis

After considering the comment letter, and based on the information provided by the OTS and our analysis, we are amending the GSA regulations to add savings associations regulated by the OTS to the exemption in § 450.3 under the same conditions that currently apply to depository institutions regulated by the OCC, the FDIC and the Board. We are not changing any other provisions of the current rule.

The OTS is responsible for ensuring that fiduciary powers are exercised by savings associations in a manner consistent with the best interests of fiduciary beneficiaries and other parties at interest through conformity with applicable Federal and State law and sound fiduciary principles. The OTS also is responsible for ensuring that in the safekeeping of fiduciary assets, such assets are kept separate from the savings association's assets.[14] Accordingly, based on the information provided by the OTS and Treasury's own analysis, we have determined that the rules and standards of the OTS adequately meet the purposes of part 450.

We believe this change will ensure that savings associations subject to the jurisdiction of the OTS are not subject to duplicative requirements. In developing this amendment, we have consulted with the staffs of the bank regulatory agencies and the Securities and Exchange Commission.

While the Treasury does not anticipate that subsequent modifications of the applicable OTS rules and standards will make this exemption inappropriate, we expect (as provided in § 450.3(b)) that the OTS would inform us of any material revisions to such rules and standards.

IV. Special Analysis

This final rule makes a technical amendment to the GSA regulations that expands the exemption from the part 450 requirements, thus making OTS-regulated savings associations eligible for the exemption. This amendment does not meet the criteria for a ''significant regulatory action'' for the purposes of Executive Order 12866.

In addition, pursuant to the Regulatory Flexibility Act,[15] we certify that the regulation, if adopted, will not have a significant economic impact on a substantial number of small entities. The rule is deregulatory in that it provides a basis for exempting OTS-regulated savings associations from the requirements of part 450. Accordingly, a regulatory flexibility analysis is not required.

The Office of Management and Budget previously approved the collections of information contained in this final rule in accordance with the Paperwork Reduction Act under Control Number 1535–0089.[16] Under the Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

The collections of information related to this final rule are contained in part 450 of the GSA regulations. This rule expands the exemption at § 450.3 to include savings associations regulated by the OTS that meet the conditions of the exemption. The OTS estimates that 132 savings associations will qualify for the exemption, thus making them no longer subject to part 450.

List of Subjects in 17 CFR Part 450

Banks, banking, Depository institutions, Government securities, Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble, 17 CFR part 450 is amended as follows:

PART 450—CUSTODIAL HOLDINGS OF GOVERNMENT SECURITIES BY DEPOSITORY INSTITUTIONS

■ 1. The authority citation for part 450 continues to read as follows:

Authority: Sec. 201, Pub. L. 99–571, 100 Stat. 3222–23 (31 U.S.C. 3121, 9110); Sec. 101, Pub. L. 99–571, 100 Stat. 3208 (15 U.S.C. 78o-5(b)(1)(A), (b)(4), (b)(5)(B)).

■ 2. Section 450.3 is amended by revising paragraph (a) to read as follows:

§ 450.3 Exemption for holdings subject to fiduciary standards.

(a) The Secretary has determined that the rules and standards of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision governing the holding of government securities in a fiduciary capacity by depository institutions subject thereto are adequate. Accordingly, such depository institutions are exempt from this part with respect to their holdings of government securities in a fiduciary capacity and their holdings of government securities in a custodial capacity provided that:

(1) Such institution has adopted policies and procedures that would apply to such custodial holdings all the requirements imposed by its appropriate regulatory agency that are applicable to government securities held in a fiduciary capacity, and

(2) Such custodial holdings are subject to examination by the appropriate regulatory agency for compliance with such fiduciary requirements.

* * * * *

Dated: May 18, 2005.

Timothy S. Bitsberger,

Assistant Secretary for Financial Markets.

[FR Doc. 05–10217 Filed 5–20–05; 8:45 am]

BILLING CODE 4810–39–P

[12] See *supra* note 2.

[13] The proposed rule and the comment letter, dated October 25, 2004, are available for downloading from *http://www.publicdebt.treas.gov* and for inspection and copying at the Treasury Department Library at the address provided earlier in this final rule.

[14] See 12 U.S.C. 1464(n)(2), also 12 CFR part 550. Savings associations regulated by the OTS are also subject to examination procedures that require a review of the institution's systems and procedures to ensure that assets are adequately protected; review of applicable laws, regulations and fiduciary principles governing the safekeeping of assets; review of the institution's accounting system to insure that records are accurate and reliable; and review of the adequacy of the institution's audit program. Additionally, the OTS has confirmation requirements that are consistent with those of the other bank regulators. All savings associations must comply with 12 CFR part 551, subpart A, which established recordkeeping and confirmation requirements for securities transactions. 67 FR 76293 (December 12, 2002).

[15] 5 U.S.C. 601, *et. seq.*

[16] 44 U.S.C. 3507(d).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Pyrantel Pamoate Paste

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Phoenix Scientific, Inc. The NADA provides for the oral use of pyrantel pamoate paste for the removal and control of mature infections of tapeworms in horses and ponies.

DATES: This rule is effective May 23, 2005.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7543, e-mail: *melanie.berson@fda.gov*.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th Street Ter., St. Joseph, MO 64503, filed supplemental NADA 200–342 that provides for the use of Pyrantel Pamoate Paste for the removal and control of mature infections of tapeworms (*Anoplocephala perfoliata*) in horses and ponies. The supplemental NADA is approved as of April 18, 2005, and the regulations are amended in 21 CFR 520.2044 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval qualifies for 3 years of marketing exclusivity beginning April 18, 2005.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Section 520.2044 is revised to read as follows:

§ 520.2044 Pyrantel pamoate paste.

(a) *Specifications*—(1) Each milliliter (mL) contains 180 milligrams (mg) pyrantel base (as pyrantel pamoate).

(2) Each mL contains 226 mg pyrantel base (as pyrantel pamoate).

(3) Each mL contains 171 mg pyrantel base (as pyrantel pamoate).

(b) *Sponsors*. See sponsors in § 510.600(c) of this chapter.

(1) No. 000069 for use of product described in paragraph (a)(1) of this section as in paragraph (d)(1)(i) and (d)(2) of this section.

(2) No. 059130 for use of product described in paragraph (a)(2) of this section as in paragraph (d) of this section.

(3) No. 061623 for use of product described in paragraph (a)(3) of this section as in paragraph (d)(1)(i) and (d)(2) of this section.

(c) *Special considerations*. See § 500.25 of this chapter.

(d) *Conditions of use*. It is used in horses and ponies as follows:

(1) *Amounts and indications for use*—(i) 3 mg per pound (/lb) body weight as single oral dose for removal and control of infections from the following mature parasites: large strongyles (*Strongylus vulgaris*, *S. edentatus*, *S. equinus*); small strongyles; pinworms (*Oxyuris equi*); and large roundworms (*Parascaris equorum*).

(ii) 6 mg/lb body weight as single oral dose for the removal and control of mature infections of tapeworms (*Anoplocephala perfoliata*).

(2) *Limitations*. Not for use in horses intended for food.

Dated: May 11, 2005.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 05–10221 Filed 5–20–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9204]

RIN 1545–BC59

Mortgage Revenue Bonds

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that provide guidance regarding the limitation on the effective rate of mortgage interest for purposes of mortgage revenue bonds issued by State and local governments. These regulations provide guidance to State and local governments that issue tax-exempt mortgage revenue bonds.

DATES: *Effective Date:* These regulations are effective May 23, 2005.

Applicability Date: For dates of applicability, see § 1.143(g)-1(d) of these regulations.

FOR FURTHER INFORMATION CONTACT: Michael P. Brewer, (202) 622–3980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document amends the Income Tax Regulations (26 CFR part 1) under section 143(g) of the Internal Revenue Code by providing rules regarding the limitation on the effective rate of mortgage interest for purposes of mortgage revenue bonds issued by State and local governments. On November 5, 2003, the IRS published in the **Federal Register** a notice of proposed rulemaking (REG–146692–03)(68 FR 62549)(the proposed regulations). The proposed regulations would add § 1.143(g)–1 to provide rules for calculating the effective rate of mortgage interest. A public hearing on the proposed regulations was scheduled for January 28, 2004. The public hearing was cancelled because no requests to speak were received. Written comments were received regarding the proposed regulations. After consideration of the written comments, the proposed regulations are adopted by this Treasury decision without change (other than

certain clarifying changes to the effective date provisions).

A. Mortgage Revenue Bonds

Section 103(a) of the Internal Revenue Code of 1986 (Code) provides that, generally, interest on any State or local bond is not included in gross income. However, this exclusion does not apply to any private activity bond that is not a qualified bond.

Section 141(e)(1) provides that a qualified mortgage bond or a qualified veterans' mortgage bond (together, mortgage revenue bonds) issued under section 143 may be a qualified bond.

Sections 143(a)(2)(A)(ii) and 143(b) provide, in part, that for an issue to be an issue of qualified mortgage bonds or qualified veterans' mortgage bonds, respectively, the issue must satisfy the requirements of section 143(g). Section 143(g)(1) provides that an issue will meet the requirements of section 143(g) if the issue satisfies the requirements of section 143(g)(2) and, in the case of an issue 95 percent or more of the net proceeds of which are to be used to provide residences for veterans, if the issue satisfies the requirements of section 143(g)(3).

Section 143(g)(2)(A) provides that an issue will meet the requirements of section 143(g)(2) only if the excess of (1) the effective interest rate on the mortgages provided under the issue, over (2) the yield on the issue, is not greater than 1.125 percentage points.

Section 143(g)(2)(B)(i) provides that in determining the effective rate of interest on any mortgage for purposes of section 143(g)(2), all fees, charges, and other amounts borne by the mortgagor that are attributable to the mortgage or the bond issue are taken into account as additional interest paid.

Section 143(g)(2)(B)(ii) provides that, for purposes of determining the effective rate of mortgage interest, the following items (among others) shall be treated as borne by the mortgagor: (1) All points or similar charges paid by the seller of the property; and (2) the excess of the amounts received from any person other than the mortgagor by any person in connection with the acquisition of the mortgagor's interest in the property over the usual and reasonable acquisition costs of a person acquiring like property when owner-financing is not provided through the use of mortgage revenue bonds.

Section 143(g)(2)(B)(iii) provides that, for purposes of determining the effective rate of mortgage interest, the following items shall not be taken into account: (1) Any expected rebate of arbitrage profits; and (2) any application fee, survey fee, credit report fee, insurance charge, or similar amount to the extent such amount does not exceed amounts charged in such area in cases when owner-financing is not provided through the use of mortgage revenue bonds. The exclusion for application fees, survey fees, credit report fees, insurance charges, or similar amounts does not apply to origination fees, points, or similar amounts.

In the case of an issue 95 percent or more of the net proceeds of which are to be used to provide residences for veterans, section 143(g)(3) provides that certain earnings on nonpurpose investments must either be paid or credited to mortgagors, or paid to the United States, in certain circumstances.

In the Tax Reform Act of 1986, Public Law 99–514 (the 1986 Act), Congress reorganized sections 103 and 103A of the Internal Revenue Code of 1954 (1954 Code) regarding tax-exempt bonds into sections 103 and 141 through 150 of the Code. Congress intended that to the extent not amended by the 1986 Act, all principles of pre-1986 Act law would continue to apply to the reorganized provisions. 2 H.R. Conf. Rep. No. 841, 99th Cong., 2d Sess. II–686 (1986), 1986–3 (Vol. 4) C.B. 686.

Interpreting section 103A(i)(2)(B)(iii) of the 1954 Code, which is substantially identical to section 143(g)(2)(B)(iii) of the Code, § 6a.103A–2(i)(2)(ii)(C) of the Temporary Income Tax Regulations provides the following: ''For example, amounts paid for FHA, VA, or similar private mortgage insurance on an individual's mortgage need not be taken into account so long as such amounts do not exceed the amounts charged in the area with respect to a similar mortgage that is not financed with qualified mortgage bonds. Premiums charged for pool mortgage insurance will be considered amounts in excess of the usual and reasonable amounts charged for insurance in cases where owner financing is not provided through the use of qualified mortgage bonds.'' Pool mortgage insurance is not defined in the regulations.

B. Qualified Guarantees

Under § 1.148–4(f), for purposes of computing yield on an issue, fees paid for a qualified guarantee for the issue are treated as additional interest on the issue. In general, a guarantee is a qualified guarantee if: (1) As of the date the guarantee is obtained, the issuer reasonably expects that the present value of the fees for the guarantee will be less than the present value of the expected interest savings on the issue as a result of the guarantee; (2) the arrangement creates a guarantee in substance; and (3) the fees for the guarantee do not exceed a reasonable, arm's-length charge for the transfer of credit risk. The regulations provide that the guarantee of a loan of proceeds of an issue, as opposed to a guarantee of the issue, may constitute a qualified guarantee, but this rule does not apply to guarantees of mortgages financed with mortgage revenue bonds.

Explanation of Provisions

A. Pool Mortgage Insurance

Prior to the issuance of the proposed regulations, questions arose regarding whether an issuer should be required to treat the portion of the interest payments on a pool of mortgages used to pay fees for a guarantee of a pass-through security backed by the pool of mortgages as an amount borne by the mortgagors that must be taken into account in determining the effective rate of interest on the mortgages for purposes of section 143(g). Taking the guarantee fees into account results in a higher effective rate of interest on the mortgages than if the fees were not taken into account.

The IRS and Treasury Department have determined that the guarantee fees should not be treated as amounts borne by the mortgagors that must be taken into account in determining the effective rate of interest on the mortgages for purposes of section 143(g). An issuer may achieve substantially the same result as not taking the guarantee fees into account in computing the effective rate of interest on the mortgages by substituting a qualified guarantee on the bonds for the guarantee of the pool of mortgages. If an issuer does not take the mortgage guarantee fees into account in computing the effective rate of interest on the mortgages, the difference between the bond yield and the effective rate on the mortgages is reduced because the effective rate on the mortgages is reduced. A qualified guarantee of the bonds accomplishes the same result by increasing bond yield, rather than reducing the effective rate of interest on the mortgages. Issuers should not be required to change the form of their transactions in these circumstances.

Accordingly, to the extent the amounts charged for a guarantee of a pool of mortgages do not exceed amounts charged in the area in cases when owner-financing is not provided through the use of mortgage revenue bonds, the proposed regulations would provide that such amounts are not treated as borne by the mortgagors and are not taken into account in determining the effective rate of interest

on the mortgages for purposes of section 143(g).

B. Proposed Regulations

The proposed regulations propose a new § 1.143(g)–1. The proposed regulations provide that an issue satisfies the requirements of section 143(g) only if the issue meets the requirements of § 1.143(g)–1(b) and, in the case of an issue 95 percent or more of the net proceeds of which are to be used to provide residences for veterans, the issue also meets the requirements of § 1.143(g)–1(c). The requirements of section 143(g) and the proposed regulations are applicable in addition to the requirements of section 148 and §§ 1.148–0 through 1.148–11.

The proposed regulations provide that an issue shall be treated as meeting the requirements of § 1.143(g)–1(b) only if the excess of (1) the effective rate of interest on the mortgages financed by the issue, over (2) the yield on the issue, is not greater over the term of the issue than 1.125 percentage points.

In determining the effective rate of interest on any mortgage, the proposed regulations provide that all fees, charges, and other amounts borne by the mortgagor that are attributable to the mortgage or to the bond issue are taken into account. Such amounts include points, commitment fees, origination fees, servicing fees, and prepayment penalties paid by the mortgagor.

The proposed regulations provide that items that are treated as borne by the mortgagor and are taken into account in calculating the effective rate of interest also include: (1) All points, commitment fees, origination fees, or similar charges borne by the seller of the property; and (2) the excess of any amounts received from any person other than the mortgagor by any person in connection with the acquisition of the mortgagor's interest in the property over the usual and reasonable acquisition costs of a person acquiring like property where owner-financing is not provided through the use of mortgage revenue bonds.

The proposed regulations further provide that the following items are not treated as borne by the mortgagor and are not taken into account in calculating the effective rate of interest: (1) Any expected rebate of arbitrage profit; and (2) any application fee, survey fee, credit report fee, insurance charge or similar settlement or financing cost to the extent such amount does not exceed amounts charged in the area in cases where owner-financing is not provided through the use of mortgage revenue bonds.

With respect to insurance charges, the proposed regulations provide that amounts paid for Federal Housing Administration, Veterans' Administration, or similar private mortgage insurance on an individual's mortgage, or amounts paid for pool mortgage insurance on a pool of mortgages, are not taken into account so long as such amounts do not exceed the amounts charged in the area with respect to a similar mortgage, or pool of mortgages, that is not financed with mortgage revenue bonds. Moreover, for this purpose, amounts paid for pool mortgage insurance include amounts paid to an entity (for example, the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or other mortgage insurer) to directly guarantee the pool of mortgages financed with the bonds, or to guarantee a pass-through security backed by the pool of mortgages financed with the bonds.

The proposed regulations do not provide guidance regarding all aspects of the application of section 143(g)(2). The proposed regulations provide that to the extent not inconsistent with the 1986 Act or subsequent law, the provisions of § 6a.103A–2(i)(2) (other than paragraphs (i)(2)(i) and (i)(2)(ii)(A) through (C)) apply to provide additional rules relating to compliance with the requirement that the effective rate of mortgage interest not exceed the bond yield by more than 1.125 percentage points.

The proposed regulations also do not provide guidance regarding the application of section 143(g)(3). The proposed regulations provide that to the extent not inconsistent with the 1986 Act or subsequent law, the provisions of § 6a.103A–2(i)(4) apply to provide guidance regarding the application of section 143(g)(3).

C. Final Regulations

All of the public comments expressed support for the proposed regulations as proposed, and the proposed regulations are adopted by this Treasury decision without change other than certain changes to the effective date provisions to reflect that the regulations are being issued in final form.

Effective Dates

The final regulations apply to bonds sold on or after May 23, 2005, that are subject to section 143. Issuers may apply the final regulations in whole, but not in part, to bonds sold before May 23, 2005, that are subject to section 143. Subject to the applicable effective dates for the corresponding statutory provisions, issuers may apply the final regulations, in whole, but not in part, to bonds that are subject to section 103A(i) of the Internal Revenue Code of 1954. To the extent that an issuer applies the final regulations to bonds that were issued before July 1, 1993, § 6a.103A–2(i)(3) also applies.

Special Analyses

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

Drafting Information

The principal authors of these regulations are Timothy L. Jones and Michael P. Brewer, Office of Associate Chief Counsel (Tax-exempt and Government Entities), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

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

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.143(g)–1 is added to read as follows:

§ 1.143(g)–1 Requirements related to arbitrage.

(a) *In general.* Under section 143, for an issue to be an issue of qualified mortgage bonds or qualified veterans' mortgage bonds (together, mortgage revenue bonds), the requirements of section 143(g) must be satisfied. An issue satisfies the requirements of section 143(g) only if such issue meets the requirements of paragraph (b) of this

section and, in the case of an issue 95 percent or more of the net proceeds of which are to be used to provide residences for veterans, such issue also meets the requirements of paragraph (c) of this section. The requirements of section 143(g) and this section are applicable in addition to the requirements of section 148 and §§ 1.148–0 through 1.148–11.

(b) *Effective rate of mortgage interest not to exceed bond yield by more than 1.125 percentage points*—(1) *Maximum yield.* An issue shall be treated as meeting the requirements of this paragraph (b) only if the excess of the effective rate of interest on the mortgages financed by the issue, over the yield on the issue, is not greater over the term of the issue than 1.125 percentage points.

(2) *Effective rate of interest.* (i) In determining the effective rate of interest on any mortgage for purposes of this paragraph (b), there shall be taken into account all fees, charges, and other amounts borne by the mortgagor that are attributable to the mortgage or to the bond issue. Such amounts include points, commitment fees, origination fees, servicing fees, and prepayment penalties paid by the mortgagor.

(ii) Items that shall be treated as borne by the mortgagor and shall be taken into account in calculating the effective rate of interest also include—

(A) All points, commitment fees, origination fees, or similar charges borne by the seller of the property; and

(B) The excess of any amounts received from any person other than the mortgagor by any person in connection with the acquisition of the mortgagor's interest in the property over the usual and reasonable acquisition costs of a person acquiring like property when owner-financing is not provided through the use of mortgage revenue bonds.

(iii) The following items shall not be treated as borne by the mortgagor and shall not be taken into account in calculating the effective rate of interest—

(A) Any expected rebate of arbitrage profit under paragraph (c) of this section; and

(B) Any application fee, survey fee, credit report fee, insurance charge or similar settlement or financing cost to the extent such amount does not exceed amounts charged in the area in cases when owner-financing is not provided through the use of mortgage revenue bonds. For example, amounts paid for Federal Housing Administration, Veterans' Administration, or similar private mortgage insurance on an individual's mortgage, or amounts paid for pool mortgage insurance on a pool of mortgages, are not taken into account so long as such amounts do not exceed the amounts charged in the area with respect to a similar mortgage, or pool of mortgages, that is not financed with mortgage revenue bonds. For this purpose, amounts paid for pool mortgage insurance include amounts paid to an entity (for example, the Government National Mortgage Association, the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation, or other mortgage insurer) to directly guarantee the pool of mortgages financed with the bonds, or to guarantee a pass-through security backed by the pool of mortgages financed with the bonds.

(C) The following example illustrates the provisions of this paragraph (b)(2)(iii):

Example. Housing Authority X issues bonds intended to be qualified mortgage bonds under section 143(a). At the time the bonds are issued, X enters into an agreement with a group of mortgage lending institutions (lenders) under which the lenders agree to originate and service mortgages that meet certain specified requirements. After originating a specified amount of mortgages, each lender issues a ''pass-though security'' (each, a PTS) backed by the mortgages and sells the PTS to X. Under the terms of the PTS, the lender pays X an amount equal to the regular monthly payments on the mortgages (less certain fees), whether or not received by the lender (plus any prepayments and liquidation proceeds in the event of a foreclosure or other disposition of any mortgages). FNMA guarantees the timely payment of principal and interest on each PTS. From the payments received from each mortgagor, the lender pays a fee to FNMA for its guarantee of the PTS. The amounts paid to FNMA do not exceed the amounts charged in the area with respect to a similar pool of mortgages that is not financed with mortgage revenue bonds. Under this paragraph (b)(2)(iii), the fees for the guarantee provided by FNMA are an insurance charge because the guarantee is pool mortgage insurance. Because the amounts charged for the guarantee do not exceed the amounts charged in the area with respect to a similar pool of mortgages that is not financed with mortgage revenue bonds, the amounts charged for the guarantee are not taken into account in computing the effective rate of interest on the mortgages financed with X's bonds.

(3) *Additional rules.* To the extent not inconsistent with the Tax Reform Act of 1986, Public Law 99–514 (the 1986 Act), or subsequent law, § 6a.103A–2(i)(2) (other than paragraphs (i)(2)(i) and (i)(2)(ii)(A) through (C)) of this chapter applies to provide additional rules relating to compliance with the requirement that the effective rate of mortgage interest not exceed the bond yield by more than 1.125 percentage points.

(c) *Arbitrage and investment gains to be used to reduce costs of owner-financing.* As provided in section 143(g)(3), certain earnings on nonpurpose investments must either be paid or credited to mortgagors, or paid to the United States, in certain circumstances. To the extent not inconsistent with the 1986 Act or subsequent law, § 6a.103A–2(i)(4) of this chapter applies to provide guidance relating to compliance with this requirement.

(d) *Effective dates*—(1) *In general.* Except as otherwise provided in this section, § 1.143(g)–1 applies to bonds sold on or after May 23, 2005, that are subject to section 143.

(2) *Permissive retroactive application in whole.* Except as provided in paragraph (d)(4) of this section, issuers may apply § 1.143(g)–1, in whole, but not in part, to bonds sold before May 23, 2005, that are subject to section 143.

(3) *Bonds subject to the Internal Revenue Code of 1954.* Except as provided in paragraph (d)(4) of this section and subject to the applicable effective dates for the corresponding statutory provisions, an issuer may apply § 1.143(g)–1, in whole, but not in part, to bonds that are subject to section 103A(i) of the Internal Revenue Code of 1954.

(4) *Special rule for pre-July 1, 1993 bonds.* To the extent that an issuer applies this section to bonds issued before July 1, 1993, § 6a.103A–2(i)(3) of this chapter also applies to the bonds.

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: May 12, 2005.

Eric Solomon,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 05–10163 Filed 5–20–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 9206]

RIN 1545–BE12

Information Returns by Donees Relating to Qualified Intellectual Property Contributions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations that provide guidance for the filing of information returns by donees relating to qualified intellectual property contributions. These temporary regulations affect donees receiving net income from qualified intellectual property contributions made after June 3, 2004. The text of these temporary regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section in this issue of the **Federal Register**.

DATES: *Effective date:* These regulations are effective May 23, 2005.

FOR FURTHER INFORMATION CONTACT: Donnell M. Rini-Swyers, (202) 622–4910 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

These temporary regulations are being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in these regulations has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget under control number 1545–1932. Responses to this collection of information are required to obtain a tax benefit.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. For further information concerning this collection of information, and where to submit comments on the collection of information and the accuracy of the estimated burden, and suggestions for reducing this burden, please refer to the preamble to the cross referencing notice of proposed rulemaking published in the Proposed Rules section of this issue of the **Federal Register**.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and return information are confidential, as required by 26 U.S.C. 6103.

Explanation of Provisions

This document contains temporary Income Tax Regulations under the American Jobs Creation Act of 2004 (Pub. L. 108–357, 118 Stat. 1418) (the Act). They are necessary to implement section 882 of the Act, which directs that regulations be issued regarding information returns by donees relating to qualified intellectual property contributions made after June 3, 2004.

The Act provides rules that under specified conditions enable taxpayers who donate qualified intellectual property to receive additional charitable contribution deductions if and when their donated property produces net income for the donee (qualified donee income). Section 170(m)(2), (8), (9). Under the Act, a taxpayer who contributes a ''patent, copyright (other than a copyright described in section 1221(a)(3) or 1231(b)(1)(C)), trademark, trade name, trade secret, know-how, software (other than software described in section 197(e)(3)(A)(i)), or similar property, or applications or registrations of such property,'' to a donee described in section 170(c) (other than to a private foundation referred to in section 170(e)(1)(B)(ii)) may be allowed an initial charitable contribution deduction limited to the lesser of the taxpayer's basis or the fair market value of the qualified intellectual property. In addition, the taxpayer may be permitted to deduct certain additional amounts in the year of contribution or in subsequent taxable years based on a specified percentage of the qualified donee income received by the donee with respect to the qualified intellectual property.

Section 882(c)(1) of the Act amended section 6050L to require donees to make an annual information return that reports the qualified donee income for the taxable year and other specified information relating to qualified intellectual property contributions. The Service expects to issue a new Form 8899 on which donees will report qualified donee income.

Under section 170(m)(8)(B), a donor must notify the donee of the donor's intent to treat a charitable contribution as a qualified intellectual property contribution under sections 170(m) and 6050L. For rules relating to donor notification see section 170(m)(8)(B) and Notice 2005–XX issued thereunder. Unless timely notice is provided, the donor has not made a qualified intellectual property contribution, and the donee has no reporting obligation under section 6050L or these regulations.

The donee is not required to make an information return if the qualified intellectual property produced no net income for the donee's taxable year. Under section 170(m)(5) and (m)(6), income received or accrued during the donee's taxable year is not treated as allocated to qualified intellectual property if such income is received or accrued after the 10-year period beginning on the date of the contribution or after the expiration of the legal life of the qualified intellectual property. Thus, the donee is not required to make a return with regard to a qualified intellectual property contribution for taxable years beginning after the expiration of the legal life of such qualified intellectual property. Additionally, section 6050L(b) requires a return only for specified taxable years of the donee, which years are defined in section 6050L(b)(2)(B) as any taxable year any portion of which is part of the 10-year period beginning on the date of contribution of the qualified intellectual property. Therefore, the donee is not required to make a return for taxable years beginning more than 10 years after the date of the qualified intellectual property contribution.

Under these regulations, the donee generally is required to file an information return (with a copy of such return to the donor) on or before the last day of the first full month following the close of the donee's taxable year. *See* section 7701(a)(23) for the definition of taxable year. Transition rules are provided to take into account these filing requirements before a form is prescribed by the Internal Revenue Service and for donees' taxable years ending prior to or on the date of issuance of these regulations.

Special Analyses

It has been determined that these temporary regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. For the applicability of the Regulatory Flexibility Act (5 U.S.C. chapter 6) refer to the Special Analyses section of the preamble of the cross-reference notice of proposed rulemaking published in the Proposed Rules section in this issue of the **Federal Register**. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Donnell M. Rini-Swyers, Office of Associate Chief Counsel (Procedure and Administration).

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Amendments to the Regulations

■ Accordingly, 26 CFR parts 1 and 602 are amended as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.6050L–2T is added to read as follows:

§ 1.6050L–2T Information returns by donees relating to qualified intellectual property contributions (temporary).

(a) *In general.* Each donee organization described in section 170(c), except a private foundation (as defined in section 509(a)), other than a private foundation described in section 170(b)(1)(E), that receives or accrues net income during a taxable year from any qualified intellectual property contribution (as defined in section 170(m)(8)) must make an annual information return on the form prescribed by the Internal Revenue Service. The information return is required for any taxable year of the donee that includes any portion of the 10-year period beginning on the date of the contribution, but not for taxable years beginning after the expiration of the legal life of the qualified intellectual property.

(b) *Information required to be provided on return.* The information return required by section 6050L and paragraph (a) of this section shall include the following—

(1) The name, address, taxable year, and employer identification number of the donee making the information return;

(2) The name, address, and taxpayer identification number of the donor;

(3) A description of the qualified intellectual property in sufficient detail to identify the qualified intellectual property received by such donee;

(4) The date of the contribution to the donee;

(5) The amount of net income of the donee for the taxable year that is properly allocable to the qualified intellectual property (determined without regard to paragraph (10)(B) of section 170(m) and with the modifications described in paragraphs (5) and (6) of such section); and

(6) Such other information as may be specified by the form or its instructions.

(c) *Special rule—statement to be furnished to donors*—(1) *In general.* Every donee making an information return under section 6050L and this section with respect to a qualified intellectual property contribution shall furnish a copy of the information return to the donor of the property. The information return required by section 6050L and this section shall be furnished to the donor on or before the date the donee is required to file the return with the Internal Revenue Service.

(2) *Before a form is prescribed by the Internal Revenue Service.* Before a form is prescribed by the Internal Revenue Service, every donee required to make an information return under section 6050L and this section with respect to qualified intellectual property contributions shall furnish, in lieu of the prescribed form, a statement to the donor that includes all information required by paragraphs (b)(1) through (b)(5) of this section. This statement shall be furnished to the donor on or before the date the donee would have been required to file the return with the Internal Revenue Service under paragraph (d)(2)(i) of this section had a form been prescribed.

(3) *Donee taxable years ending prior to or on the date of issuance of regulations.* If the donee's taxable year to which net income from the qualified intellectual property is properly allocable ends prior to or on May 23, 2005, the donee shall furnish the information required under section 6050L and this section to the donor on or before the 90th day following May 23, 2005.

(d) *Place and time for filing information return*—(1) *Place for filing.* The information return required by section 6050L and this section shall be filed with the Internal Revenue Service location listed on the prescribed form or in its instructions.

(2) *Time for filing*—(i) *In general.* A donee is required to file the return required by section 6050L and this section on or before the last day of the first full month following the close of the donee's taxable year to which net income from the qualified intellectual property is properly allocable.

(ii) *Before a form is prescribed by the Internal Revenue Service.* If the information return required by section 6050L and this section is required to be filed before a form is prescribed by the Internal Revenue Service, then an information return for such taxable year shall be filed on or before the last day of the second full month following the release of such prescribed form by the Internal Revenue Service.

(e) *Penalties.* For penalties for failure to comply with the requirements of this section, see sections 6721 through 6724.

(f) *Effective date.* The rules of this section apply to qualified intellectual property contributions made after June 3, 2004.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 8.** The authority citation for part 602 continues to read as follows:

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

■ **Par. 9.** In § 602.101, paragraph (b) is amended by adding an entry to the table in numerical order to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
1.6050L–2T	1545–1932
* * * * *	

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: May 16, 2005.

Eric Solomon,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 05–10229 Filed 5–20–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9203]

RIN 1545–BC32

Deemed Election To Be an Association Taxable as a Corporation for a Qualified Electing S Corporation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that deem certain eligible entities that file timely S corporation elections to have elected to be classified as associations taxable as corporations. These regulations affect certain eligible entities filing timely elections to be S corporations on or after July 20, 2004.

DATES: *Effective Date:* These regulations are effective July 20, 2004.

FOR FURTHER INFORMATION CONTACT: Rebekah A. Myers, (202) 622–3050 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to 26 CFR part 301. On July 20, 2004, temporary regulations (TD 9139) relating to entity classification elections for entities that elect to be S corporations under section 1362(a) were published in the **Federal Register** (69 FR 43317). A notice of proposed rulemaking (REG–131786–03) cross-referencing the temporary regulations also was published in the **Federal Register** on July 20, 2004. No public hearing was requested or held. No written or electronic comments responding to the notice of proposed rulemaking were received. The proposed regulations are adopted by this Treasury decision, and the corresponding temporary regulations are removed.

Section 301.7701–3(a) provides that an eligible entity with two or more owners may elect to be classified as an association (and thus a corporation under § 301.7701–2(b)(2)) or a partnership, and an eligible entity with a single owner may elect to be classified as an association or to be disregarded as an entity separate from its owner. Section 301.7701–3(b) provides that, unless the entity elects otherwise, a domestic eligible entity is a partnership if it has two or more owners or is disregarded as an entity separate from its owner if it has a single owner. Section 301.7701–3(c) describes the time and place for filing an entity classification election. Section 301.7701–3(c)(1)(i) provides that an eligible entity may elect to be classified as other than its default classification or to change its classification by filing Form 8832, ''Entity Classification Election'', with the service center designated on the form.

A taxpayer whose default classification is a partnership or a disregarded entity may seek to be classified as an S corporation. For S elections that were filed prior to the effective date of these regulations, the taxpayer was required to elect to be classified as an association under § 301.7701–3(c)(1)(i) by filing Form 8832 and to elect to be an S corporation under section 1362(a) by filing Form 2553, ''Election by a Small Business Corporation.'' These regulations simplify these paperwork requirements by eliminating, in certain cases, the requirement that the entity elect to be classified as an association. Instead, an eligible entity that makes a timely and valid election to be classified as an S corporation will be deemed to have elected to be classified as an association taxable as a corporation.

If the S election and the entity classification election are filed late, the entity may need to submit a ruling request under § 301.9100–3 to file a late entity classification election and under section 1362(b)(5) to file a late S corporation election. However, Rev. Proc. 2004–48 (2004–32 I.R.B. 172) provides relief for these entities in some cases.

Effective Dates

These final regulations apply to elections to be an S corporation filed on or after July 20, 2004. However, eligible entities that timely filed S elections before July 20, 2004 may also rely on the provisions of the regulation.

Special Analysis

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

Drafting Information

The principal author of this regulation is Rebekah A. Myers, Office of Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate and excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 continues to read, in part, as follows:

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

■ **Par. 2.** Section 301.7701–3 is amended by revising paragraphs (c)(1)(v)(C) and (h)(3) to read as follows:

§ 301.7701–3 Classification of certain business entities.

* * * * *

(c) * * *

(1) * * *

(v) * * *

(C) *S corporations.* An eligible entity that timely elects to be an S corporation under section 1362(a)(1) is treated as having made an election under this section to be classified as an association, provided that (as of the effective date of the election under section 1362(a)(1)) the entity meets all other requirements to qualify as a small business corporation under section 1361(b). Subject to § 301.7701–3(c)(1)(iv), the deemed election to be classified as an association will apply as of the effective date of the S corporation election and will remain in effect until the entity makes a valid election, under § 301.7701–3(c)(1)(i), to be classified as other than an association.

* * * * *

(h) * * *

(3) *Deemed elections for S corporations.* Paragraph (c)(1)(v)(C) of this section applies to timely S corporation elections under section 1362(a) filed on or after July 20, 2004. Eligible entities that filed timely S elections before July 20, 2004 may also rely on the provisions of the regulation.

§ 301.7701–3T [Removed]

■ **Par. 3.** Section 301.7701–3T is removed.

Mark E. Mattews,

Deputy Commissioner for Services and Enforcement.

Approved: May 12, 2005.

Eric Solomon,

Acting Deputy Assistant Secretary for Tax Policy.

[FR Doc. 05–10165 Filed 5–20–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 356

[Docket No. BPD GSRS 05–02]

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds—Bidder Definitions

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (''Treasury,'' ''We,'' or ''Us'') is issuing in final form an amendment to 31 CFR part 356 (Uniform Offering Circular for the Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds) by modifying its definitions of different types of bidders in Treasury marketable securities auctions. This final amendment allows a certain business relationship between two entities that currently would be treated as a single bidder under the auction rules to be treated as separate bidders. Specifically, the amendment states that an entity that is more than 50-percent-owned by a corporation or partnership is not deemed to be an affiliate of the corporation or partnership if the ownership is for investment purposes only and certain other conditions are met. The amendment updates the auction rules to acknowledge a business practice that currently is not accommodated in the rules.

DATES: Effective July 22, 2005.

ADDRESSES: You may download this final rule from the Bureau of the Public Debt's Web site at *http://www.publicdebt.treas.gov* or from the Electronic Code of Federal Regulations (e–CFR) Web site at *http://www.gpoaccess.gov/ecfr*. It is also available for public inspection and copying at the Treasury Department Library, Room 1318, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. To visit the library, call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena (Executive Director) or Chuck Andreatta (Associate Director), Bureau of the Public Debt, Government Securities Regulations Staff, (202) 504–3632 or e-mail us at *govsecreg@bpd.treas.gov.*

SUPPLEMENTARY INFORMATION: The Uniform Offering Circular (UOC), in conjunction with the announcement for each auction, provides the terms and conditions for the sale and issuance in an auction to the public of marketable Treasury bills, notes and bonds.[1] For the most part, these terms and conditions apply to ''bidders''[2] in an auction.[3] In this document, we provide some background on the bidder definitions in Appendix A of the UOC. Then we discuss why certain ''merchant banking'' relationships should be excluded from the definition of an ''affiliate'' in the ''Corporation'' and ''Partnership'' bidder categories. Next we discuss the public comment we received in response to a proposed rule amendment of the bidder definitions published on September 8, 2004.[4] We then describe the final amendment.

I. Background

Appendix A of the UOC provides bidder definitions that describe the categories of bidders eligible to bid in Treasury auctions. We provide these definitions so that persons and entities can use them to determine whether they are considered to be one bidder or more than one bidder for the purpose of bidding in auctions, and for compliance purposes.

Two of the bidder categories in Appendix A are ''Corporations'' and ''Partnerships.'' We consider a corporation or partnership and all of its ''affiliates''—in other words, the entire corporate or partnership structure—collectively to be one bidder. Using the ''Corporation'' category as an example, Appendix A defines an ''affiliate'' as ''any:

- Entity that is more than 50-percent owned, directly or indirectly, by the corporation;
- Entity that is more than 50-percent owned, directly or indirectly, by any other affiliate of the corporation;
- Person or entity that owns, directly or indirectly, more than 50 percent of the corporation;
- Person or entity that owns, directly or indirectly, more than 50 percent of any other affiliate of the corporation; or
- Entity, a majority of whose board of directors or a majority of whose general partners are directors or officers of the corporation, or of any affiliate of the corporation.''[5]

The more-than-50-percent ownership standard is an important part of the definition because it implies at least potential, if not actual, control of an entity.

Appendix A also provides a mechanism by which a major organizational component (for example, a parent or a subsidiary), or group of components, in a corporate or partnership structure may obtain recognition by us as a bidder separate from the larger corporate or partnership structure. Separate-bidder status may be sought for a variety of reasons, the most common being that it simplifies the process of net long position reporting that applies to large competitive bidders.[6]

To obtain recognition as a separate bidder, each component or group of components must request such recognition from us, provide a description of the component or group and its position within the corporate or partnership structure, meet certain criteria, and provide a certification that it has policies or procedures in place designed to prevent any improper exchanges of information about participation in an auction or in any way acting together with respect to participating in an auction.[7] As previously noted, these requests for separate-bidder status come from the component or group of components seeking to be separated from the larger corporation or partnership structure. In general, these entities requesting separate-bidder status are financial in nature and are likely to participate in Treasury auctions.

II. Discussion

We have become aware that a business relationship, commonly referred to as ''merchant banking,'' can under certain circumstances make technical compliance with the auction rules impractical. In this business relationship, a corporation or partnership typically makes investments in other commercial enterprises, not for the purpose of actually engaging in the business of the enterprise, but rather to seek a return on the investment. Usually these other commercial enterprises are

[1] The Uniform Offering Circular was published as a final rule on January 5, 1993 (58 FR 411). The circular, as amended, is codified at 31 CFR part 356. A final rule converting the UOC to plain language and making certain other minor changes was published in the **Federal Register** on July 28, 2004 (69 FR 45202).

[2] See § 356.2 and Appendix A of 31 CFR part 356.

[3] For example, we will not award more than 35 percent of an auction's offering amount to any particular competitive bidder to help ensure broad distribution of Treasury securities at original issuance. See § 356.22(b).

[4] 69 FR 54251 (September 8, 2004).

[5] The ''Partnership'' category uses the same definition of ''affiliate'' except that ''partnership'' is used in place of ''corporation.''

[6] See § 356.13. A bidder must report its net long position when the total of all of its bids in an auction plus its net long position in the security being auctioned equals or exceeds the net long position reporting threshold amount stated in the offering announcement, generally 35 percent of the offering amount.

[7] See Appendix A, section II.

not financial in nature, although they may, on occasion, purchase and hold Treasury securities.

It is during those instances when a corporation's or partnership's investment in another enterprise causes its ownership percentage to exceed 50 percent that the complications can arise. For example, if the corporation or partnership is a large enough bidder in Treasury securities auctions that it has to calculate and possibly report its net long position, under the auction rules it is supposed to contact the acquired enterprise and find out if it has any position in the security being auctioned. This can be impractical since the net long position must be calculated as of one-half hour prior to the deadline for competitive bidding and enterprises acquired through merchant banking activities generally do not participate in Treasury securities auctions.

We believe entities acquired through merchant-banking activities pose much less potential for acting in concert with their acquiring corporation or partnership in regard to transactions in, and holdings of, Treasury securities. Corporations or partnerships invest in such entities generally to seek a return on investment and not to engage in the business of the entity, they do not exercise any control over or make operational or investment decisions for such entities and, in general, such entities are not engaged in the securities business and generally do not participate in Treasury securities auctions. Therefore, we believe the public interest is served by allowing the exclusion of merchant-banking activities from a corporate or partnership structure, as described below.

III. Comments Received in Response to the Proposed Rule

On September 8, 2004, we published a proposed rule amendment [8] in which we proposed that an entity that is more than 50-percent-owned by a corporation or partnership be deemed not to be an affiliate of the corporation or partnership if the ownership is for investment purposes only. Such entities would be deemed to be separate bidders from the corporation or partnership that owns them.

Because majority ownership still carries the potential for the acquiring corporation or partnership to exercise management control of the acquired entity, we further proposed that any corporations or partnerships that intend to make use of this proposed change in the bidder definitions notify us in advance in writing. This written communication would have included a certification that the corporation or partnership does not exercise any control over or make operational or investment decisions for such acquired entities, and that it has written policies in place to prevent any inappropriate exchange of information concerning participation in Treasury marketable securities auctions. We did not intend, however, to prevent a corporation or partnership from submitting bids on behalf of acquired entities, as long as the corporation or partnership met these certification requirements, and the transaction was otherwise in compliance with the regulations.

We received one comment letter on the proposed rule amendment, from The Bond Market Association (''TBMA''), which supported the proposal.[9] ''The Association fully supports the objective of the Rule Proposal because it makes the administrative burden of complying with the NLP reporting requirements much more reasonable for firms that engage in merchant banking or private equity investment activities,'' TBMA commented.

TBMA asserted, however, that the proposed required certification was overly broad given the purpose of the rule. Specifically, TBMA said that it was concerned with the certification language that states that ''the bidder does not exercise *any* control over or make operational or investment decisions for the entity (emphasis added).'' TBMA contended that this language was too broad given that the certification's purpose was to ensure that the entities involved will not act in concert with respect to a Treasury securities auction. Merchant-banking firms reserve the right, TBMA pointed out, ''to influence or control certain material operations and investment decisions of their merchant banking and private equity-type investments. These include occasionally firing senior management of the company, approving the purchase of another company by the investment and making a decision to sell the company or partnership to another company.'' [10]

IV. Analysis

We agree with TBMA's comment. We do not intend to restrict merchant-banking firms' ability to exercise non-routine influence or control over operational or management aspects of their investments, or even over investments that are not related to Treasury securities. After considering the comment letter received, we are amending the proposed certification to specify that the corporation or partnership does not routinely exercise operational or management control over entities acquired through merchant-banking activities. In addition, we are adding a new certification statement that the corporation or partnership does not exercise any control over investment decisions of such entities regarding U.S. Treasury securities.

This final rule becomes effective July 22, 2005. This will provide sufficient time for corporations or partnerships that intend to make use of the change in the bidder definitions to notify us in writing and submit the required certifications. In the meantime, we do not expect any such corporations or partnerships to change their current practices regarding the reporting of positions of majority-owned entities.

Procedural Requirements

This final rule is not a significant regulatory action for purposes of Executive Order 12866. Although we issued a proposed rule on September 8, 2004, to benefit from public comment, the notice and public procedures requirements of the Administrative Procedure Act do not apply, under 5 U.S.C. 553(a)(2).

Since a notice of proposed rulemaking is not required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

The Office of Management and Budget previously approved the collections of information in this final amendment in accordance with the Paperwork Reduction Act under control number 1535–0112. We are not making substantive changes to these requirements that would impose additional burdens on auction bidders.

List of Subjects in 31 CFR Part 356

Bonds, Federal Reserve System, Government Securities, Securities.

■ For the reasons stated in the preamble, 31 CFR part 356 is amended as follows:

PART 356—SALE AND ISSUE OF MARKETABLE BOOK—ENTRY TREASURY BILLS, NOTES, AND BONDS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 1–93)

■ 1. The authority citation for part 356 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3102 *et seq.*; 12 U.S.C. 391.

[8] 69 FR 54251 (September 8, 2004).

[9] Treasury's proposed rule amendment and TBMA's comment letter, dated November 23, 2004, are available for downloading from *http://www.publicdebt.treas.gov* and for inspection and copying at the Treasury Department Library at the address provided earlier in this final rule.

[10] Ibid.

■ 2. In Appendix A to Part 356, amend section I by revising the introductory text and paragraphs (a) and (b) to read as follows:

Appendix A to Part 356—Bidder Categories

I. Categories of Eligible Bidders

We describe below various categories of bidders eligible to bid in Treasury auctions. You may use them to determine whether we consider you and other persons or entities to be one bidder or more than one bidder for auction bidding and compliance purposes. For example, we use these definitions to apply the competitive and noncompetitive award limitations and for other requirements. Notwithstanding these definitions, we consider any persons or entities that intentionally act together with respect to bidding in a Treasury auction to collectively be one bidder. Even if an auction participant does not fall under any of the categories listed below, it is our intent that no auction participant receives a larger auction award by acquiring securities through others than it could have received had it been considered one of these types of bidders.

(a) *Corporation*—We consider a corporation to be one bidder. A corporation includes all of its affiliates, which may be persons, partnerships, or other entities. We consider a business trust, such as a Massachusetts or Delaware business trust, to be a corporation. We use the term ''corporate structure'' to refer to the collection of affiliates that we consider collectively to be one bidder. An affiliate is any:

- Entity that is more than 50-percent owned, directly or indirectly, by the corporation;
- Entity that is more than 50-percent owned, directly or indirectly, by any other affiliate of the corporation;
- Person or entity that owns, directly or indirectly, more than 50 percent of the corporation;
- Person or entity that owns, directly or indirectly, more than 50 percent of any other affiliate of the corporation; or
- Entity, a majority of whose board of directors or a majority of whose general partners are directors or officers of the corporation, or of any affiliate of the corporation.

An entity that is more than 50-percent owned as described in this definition is not an affiliate, however, if:

- The purpose of such ownership is to seek a return on investment and not to engage in the business of the entity;
- The owner does not routinely exercise operational or management control over the entity;
- The owner does not exercise any control over investment decisions of the entity regarding U.S. Treasury securities;
- The corporation has written policies or procedures, including ongoing compliance monitoring processes, that are designed to prevent it from acting together with the entity regarding participation in Treasury auctions or investment strategies regarding Treasury securities being auctioned; and
- The corporation submits notice and certification to us, as provided in this appendix A.

A corporation that plans to make use of this exception to the definition of ''affiliate'' must inform us of this fact in writing and provide the following certification:

[Name of corporation] hereby certifies that, with regard to any entity of which it owns more than 50 percent as defined in appendix A to 31 CFR part 356, but for which the purpose of such ownership is to seek a return on investment and not to engage in the business of the entity:

- We do not routinely exercise operational or management control over the entity;
- We do not exercise any control over investment decisions of the entity regarding U.S. Treasury securities;
- We have written policies or procedures, including ongoing compliance monitoring processes, that are designed to prevent the corporation from acting together with the entity regarding participation in Treasury auctions or investment strategies regarding Treasury securities being auctioned; and
- We will continue to meet the terms of this certification until we notify the Treasury of a change.

(b) *Partnership*—We consider a partnership to be one bidder if it is a partnership for which the Internal Revenue Service has assigned a tax-identification number. A partnership includes all of its affiliates, which may be persons, corporations, general partners acting on behalf of the partnership, or other entities. We use the term ''partnership structure'' to refer to the collection of affiliates that we consider collectively to be one bidder. We may consider a partnership structure that contains one or more corporations as a ''partnership'' or a ''corporation,'' but not both.

An affiliate is any:

- Entity that is more than 50-percent owned, directly or indirectly, by the partnership;
- Entity that is more than 50-percent owned, directly or indirectly, by any other affiliate of the partnership;
- Person or entity that owns, directly or indirectly, more than 50 percent of the partnership;
- Person or entity that owns, directly or indirectly, more than 50 percent of any other affiliate of the partnership; or
- Entity, a majority of whose general partners or a majority of whose board of directors are general partners or directors of the partnership or of any affiliate of the partnership.

An entity that is more than 50-percent owned as described in this definition is not an affiliate, however, if:

- The purpose of such ownership is to seek a return on investment and not to engage in the business of the entity;
- The owner does not routinely exercise operational or management control over the entity;
- The owner does not exercise any control over investment decisions of the entity regarding U.S. Treasury securities;
- The partnership has written policies or procedures, including ongoing compliance monitoring processes, that are designed to prevent it from acting together with the entity regarding participation in Treasury auctions or investment strategies regarding Treasury securities being auctioned; and
- The partnership submits notice and certification to us, as provided in this appendix A.

A partnership that plans to make use of this exception to the definition of ''affiliate'' must inform us of this fact in writing and provide the following certification:

[Name of partnership] hereby certifies that, with regard to any entity of which it owns more than 50 percent as defined in appendix A to 31 CFR part 356, but for which the purpose of such ownership is to seek a return on investment and not to engage in the business of the entity:

- We do not routinely exercise operational or management control over the entity;
- We do not exercise any control over investment decisions of the entity regarding U.S. Treasury securities;
- We have written policies or procedures, including ongoing compliance monitoring processes, that are designed to prevent the partnership from acting together with the entity regarding participation in Treasury auctions or investment strategies regarding Treasury securities being auctioned; and
- We will continue to meet the terms of this certification until we notify the Treasury of a change.

* * * * *

Dated: May 17, 2005.

Donald V. Hammond,

Fiscal Assistant Secretary.

[FR Doc. 05–10218 Filed 5–20–05; 8:45 am]

BILLING CODE 4810–39–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1802

RIN AD10

Head of Contracting Activity (HCA) Change for Exploration Systems Directorate

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule revises the NASA FAR Supplement (NFS) by amending the definition of ''head of contracting activity'' consistent with the realignment of program management responsibilities between NASA Headquarters and the field centers.

DATES: Effective May 23, 2005.

FOR FURTHER INFORMATION CONTACT: Tom Russell, NASA, Office of Procurement, Program Operations Division; (202) 358–0484; e-mail: *trussell@nasa.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

On June 16, 2004, the Assistant Administrator for Procurement approved a deviation to NFS 1802.101 to designate the Associate Administrator for Exploration Systems as head of the contracting activity in lieu of the Center Director(s) for all contracts that directly support the Exploration Systems Mission Directorate (ESMD). This deviation was approved in support of the Headquarters transformation and the realignment of program management responsibilities between NASA Headquarters and the field centers. This final rule implements that deviation.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS Part 1802 in accordance with 5 U.S.C. 610.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 1802

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

PART 1802—DEFINITIONS OF WORDS AND TERMS

■ Accordingly, 48 CFR part 1802 is amended as follows:

■ 1. The authority citation for 48 CFR part 1802 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

■ 2. Amend section 1802.101 by revising the definition of ''head of the contracting activity (HCA)'' to read as follows:

1802.101 Definitions.

* * * * *

Head of the contracting activity (HCA) means, for field installations, the Director or other head and, for NASA Headquarters, the Assistant Administrator for Management Systems. For International Space Station (ISS) and Space Shuttle Program contracts, the HCA is the Headquarters Deputy Associate Administrator for ISS and Shuttle Programs in lieu of the field Center Director(s). For Exploration Systems Mission Directorate (ESMD) contracts, the HCA is the Associate Administrator for ESMD in lieu of the field Center Director(s).

* * * * *

[FR Doc. 05–9953 Filed 5–20–05; 8:45 am]

BILLING CODE 7510–01–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Applicability of Cost Accounting Standards Coverage

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Interim rule with request for comment.

SUMMARY: The Cost Accounting Standards (CAS) Board is revising the criteria applicable to United Kingdom (UK) contractors for filing a Disclosure Statement, Form No. CASB DS–1. This rulemaking is authorized pursuant to section 26 of the Office of Federal Procurement Policy Act. The Board is promulgating this interim rule in order to comply with a specific request by the UK Ministry of Defence to simplify the compliance process with CAS Board disclosure requirements for UK contractors.

DATES: *Effective Date:* This rule is effective May 23, 2005.

Comment Date: Comments upon this interim rule must be in writing and must be received by July 22, 2005.

ADDRESSES: Comments should be addressed to Dr. Rein Abel, Director of Research, Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW., Room 9013, Washington, DC 20503. Comments should be faxed to Rein Abel, at 202–395–5105.

FOR FURTHER INFORMATION CONTACT: Rein Abel, Director of Research, Cost Accounting Standards Board (telephone: 202–395–3254).

SUPPLEMENTARY INFORMATION:

A. Background

Unlike certain other foreign contractors (*e.g.*, German and Canadian), UK contractors currently have to file a regular CAS Board Disclosure Statement (DS–1) in accordance with CAS regulations. The UK Ministry of Defence initially approached the Board with a request to use the corresponding UK form ''Questionnaire on Method of Allocation of Costs'' (QMAC), in lieu of the DS–1. After a review of the content of the QMAC, the UK and U.S. representatives agreed that it did not have the same scope as the DS–1. Therefore, it was agreed that to cover the gap in the coverage a ''Supplemental QMAC'' was needed.

The CAS Board has approved a Supplemental QMAC that is acceptable to the UK Ministry of Defence, and the CAS Board has received a request from the UK Ministry of Defence to allow UK contractors to submit their basic QMAC, together with the Supplemental QMAC, in lieu of the DS–1. At its meeting on February 23, 2005, the Board agreed to this change in the CAS requirements so that UK contractors with CAS-covered contracts will be allowed to file the UK QMAC together with its Supplement in lieu of the DS–1 required of U.S. contractors.

The Board believes that an interim rule with request for comment is an appropriate mode for the promulgation of this rule. It is based on a request by the UK Ministry of Defense for a specific action regarding the CAS disclosure statement to be used by the UK defense contractors. The Board believes that its response to this request as incorporated in this rule is straight forward and, in essence, non controversial. Therefore, the Board believes that in this instance the Board's usual ''four step'' promulgation process is not necessary or appropriate.

To effect this change, the interim rule includes the following revisions:

(1) The deletion of 9903.201–1(b)(12) (all foreign contractors, including UK contractors, are subject to the requirements at 9903.201–1(b)(4));

(2) The deletion of 9903.201–4(d); and

(3) An amendment to 9903.202–1(e) to add the U.K. to the list of the countries whose contractors may file a disclosure form adopted by an agency of their own Government in lieu of the DS–1.

B. Paperwork Reduction Act

The Paperwork Reduction Act, Public Law 96–511, does not apply to this rulemaking, because this rule imposes no paperwork burden on offerors, affected contractors and subcontractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

C. Executive Order 12866 and the Regulatory Flexibility Act

The economic impact of this rule on contractors and subcontractors is expected to be minor. As a result, the Board has determined that this interim rule will not result in the promulgation of a ''major rule'' under the provisions of Executive Order 12866, and that a

regulatory impact analysis will not be required. Furthermore, this rule will not have a significant impact on a substantial number of small businesses because small businesses are exempt from the application of the Cost Accounting Standards. Therefore, this rule does not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980.

D. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to this interim rule. All comments must be in writing and submitted to the address indicated in the **ADDRESSES** section.

List of Subjects in 48 CFR Part 9903

Accounting, Government procurement.

David H. Safavian,

Chair, Cost Accounting Standards Board.

■ For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is amended as set forth below:

PART 9903—CONTRACT COVERAGE

Subpart 9903.2—CAS Program Requirements

9903.201–1 [Amended]

■ 1. Section 9903.201–1 is amended by removing and reserving paragraph (b)(12).

9903.201–4 [Amended]

■ 2. Section 9903.201–4 is amended by removing and reserving paragraph (d).

■ 3. Section 9903.202–1 is amended by revising paragraph (e) to read as follows:

9903.202–1 General requirements.

* * * * *

(e) Foreign contractors and subcontractors who are required to submit a Disclosure Statement may, in lieu of filing a Form No CASB–DS–1, make disclosure by using a disclosure form prescribed by an agency of its Government, provided that the Cost Accounting Standards Board determines that the information disclosed by that means will satisfy the objectives of Public Law 100–679. The use of alternative forms has been approved for the contractors of the following countries:

(1) Canada.

(2) Federal Republic of Germany.

(3) United Kingdom.

* * * * *

[FR Doc. 05–9847 Filed 5–20–05; 8:45 am]

BILLING CODE 3110–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AT65

Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: We, the Fish and Wildlife Service (Service), are correcting a typographical error in the final rule promulgated on April 7, 2005, to establish an additional manatee protection area in Lee County, Florida (Pine Island—Estero Bay Manatee Refuge). This correction is not substantive.

DATES: Effective April 4, 2005.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours from 8 a.m. to 4:30 p.m. at the South Florida Field Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960.

FOR FURTHER INFORMATION CONTACT: Jay Slack or Kalani Cairns (see **ADDRESSES** section), telephone 772/562–3909; or visit our Web site at *http://verobeach.fws.gov*.

SUPPLEMENTARY INFORMATION: On April 7, 2005, we, the Service, promulgated a final rule (70 FR 17864) to establish the Pine Island—Estero Bay Manatee Refuge in Lee County, Florida. Because we made a typographical error in the regulatory text of the rule, we introduced an incorrect coordinate into the description of the Pine Island—Estero Bay Manatee Refuge. We correct this error now. This change is not substantive.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Correction

■ For reasons set forth in the preamble, we correct 50 CFR part 17 by making the following correcting amendment:

PART 17—[CORRECTED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.108 [Corrected]

■ 2. In § 17.108, amend paragraph (c)(13)(B) by removing ''81°05′09″ West'' and adding in its place 82°05′09″ West''.

Dated: May 17, 2005.

Sara Prigan,

Fish and Wildlife Service Federal Register Liaison.

[FR Doc. 05–10176 Filed 5–20–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332–5039–02; I.D. 051705F]

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for yellowfin sole in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2005 yellowfin sole total allowable catch (TAC) in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 19, 2005, through 2400 hrs, A.l.t., December 31, 2005.

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

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

The 2005 yellowfin sole TAC in the BSAI is 77,083 metric tons (mt) as established by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2005 yellowfin sole

TAC in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 74,583 mt, and is setting aside the remaining 2,500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for yellowfin sole in the BSAI, resulting in total harvests of yellowfin sole exceeding the amount specified for the fishery.

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

Classification

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

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

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

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

Dated: May 18, 2005.

Margo Schulze-Haugen,

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

[FR Doc. 05–10219 Filed 5–18–05; 3:16 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 98
Monday, May 23, 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 THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–158138–04]

RIN 1545–BE11

Information Returns by Donees Relating to Qualified Intellectual Property Contributions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains proposed regulations that provide guidance for the filing of information returns by donees relating to qualified intellectual property contributions. The text of the temporary regulations published in the Rules and Regulations section of this issue of the **Federal Register** also serves as the text of these proposed regulations. The regulations affect donees receiving qualified intellectual property contributions after June 3, 2004.

DATES: Written or electronic comments and requests for a public hearing must be received by August 22, 2005.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–158138–04), Room 5203, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–158138–04), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically, via the IRS Internet site at *http://www.irs.gov/regs*, or via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS–REG–158138–04). A public hearing may be scheduled if requested by any person who timely submits comments.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Donnell M. Rini-Swyers, (202) 622–4910; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Guy Traynor, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, SE:W:CAR:MP:T:T:SP, Washington, DC 20224. Comments on the collection of information should be received by July 22, 2005. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the IRS, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. The collections of information in this proposed regulation are in 1.6050L–2. Section 6050L(b) requires certain donees of qualified intellectual property to annually report certain information regarding the qualified intellectual property to the Internal Revenue Service and to provide the information to the donor of the qualified intellectual property. Section 1.6050L–2 provides guidance for the filing of information returns by donees relating to qualified intellectual property contributions. These collections of information are required to obtain a tax benefit. The likely respondents are tax-exempt organizations.

Estimated total annual reporting and/or recordkeeping burden: 200 hours. Estimated average annual burden per respondent and/or recordkeeper is two hours.

Estimated number respondents and/or recordkeepers: 100.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and return information are confidential, as required by 26 U.S.C. 6103.

Background

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR part 1) relating to section 6050L. The temporary regulations provide guidance for filing information returns by donees relating to qualified intellectual property contributions.

This document contains proposed Income Tax Regulations under the American Jobs Creation Act of 2004 (Pub. L. 108–357, 118 Stat. 1418) (the Act). They are necessary to implement section 882 of that Act, which directs that regulations be issued regarding information returns by donees relating to qualified intellectual property contributions made after June 3, 2004.

The Act provides rules that enable taxpayers who donate qualified intellectual property to receive additional charitable contribution deductions if and when their donated property produces net income for the donee (qualified donee income), under specified conditions. Section 170(m)(2), (8), (9). Under the Act, a taxpayer who contributes a ''patent, copyright (other than a copyright described in section 1221(a)(3) or 1231(b)(1)(C)), trademark, trade name, trade secret, know-how, software (other than software described in section 197(e)(3)(A)(i)), or similar property, or applications or registrations

of such property,'' to a donee described in section 170(c) (other than to a private foundation referred to in section 170(e)(1)(B)(ii)) may be allowed an initial charitable contribution deduction limited to the lesser of the taxpayer's basis or the fair market value of the qualified intellectual property. In addition, the taxpayer may be permitted to deduct certain additional amounts in the year of contribution or in subsequent taxable years based on a specified percentage of the qualified donee income received by the donee with respect to the qualified intellectual property.

Section 882(c)(1) of the Act amended section 6050L to require donees to make an annual information return that reports the qualified donee income for the taxable year and other specified information relating to qualified intellectual property contributions. The IRS expects to issue a new Form 8899 on which donees will report qualified donee income.

Under section 170(m)(8)(B), a donor must notify the donee of the donor's intent to treat a charitable contribution as a qualified intellectual property contribution under sections 170(m) and 6050L. For rules relating to donor notification see section 170(m)(8)(B) and Notice 2005–41, I.R.B. 2005–23 issued thereunder. Unless timely notice is provided, the donor has not made a qualified intellectual property contribution, and the donee has no reporting obligation under section 6050L or these regulations.

The donee is not required to make an information return if the qualified intellectual property produced no net income for the donee's taxable year. Under section 170(m)(5) and (m)(6), income received or accrued during the donee's taxable year is not treated as allocated to qualified intellectual property if such income is received or accrued after the 10-year period beginning on the date of the contribution or after the expiration of the legal life of the qualified intellectual property. Thus, the donee is not required to make a return with regard to a qualified intellectual property contribution for taxable years beginning after the expiration of the legal life of such qualified intellectual property. Additionally, section 6050L(b) requires a return only for specified taxable years of the donee, which years are defined in section 6050L(b)(2)(B) as any taxable year any portion of which is part of the 10-year period beginning on the date of contribution of the qualified intellectual property. Therefore, the donee is not required to make a return for taxable years beginning more than 10 years after the date of the qualified intellectual property contribution.

Under these regulations, the donee generally is required to file an information return (with a copy of such return to the donor) on or before the last day of the first full month following the close of the donee's taxable year. See section 7701(a)(23) for the definition of taxable year. Transition rules are provided to take into account these filing requirements before a form is prescribed by the Internal Revenue Service and for donees' taxable years ending prior to or on the date of issuance of these regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that few, if any, small entities will be required to file under these regulations. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and 8 copies) or electronic comments that are submitted timely to the IRS. The IRS and Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Donnell M. Rini-Swyers, Office of Assistant Chief Counsel (Procedure & Administration).

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.6050L–2 is added to read as follows:

§ 1.6050L–2 Information returns by donees relating to qualified intellectual property contributions.

[The text of § 1.6050L–2 is the same as the text of § 1.6050L–2T published elsewhere in this issue of the **Federal Register**].

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 05–10228 Filed 5–20–05; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R06–OAR–2005–TX–0011; FRL–7916–4]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the Austin Early Action Compact Area; Vehicle Inspection and Maintenance Program for Travis and Williamson Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the Chairman of the Texas Commission on Environmental Quality (TCEQ) on December 6, 2004. The proposed revisions include the modeled attainment demonstration of the 8-hour ozone standard and the Clean Air Action Plan (CAAP) for the Austin Early Action Compact (EAC) area. EPA is proposing approval of the photochemical modeling in support of the attainment demonstration of the 8-hour ozone standard within the Austin EAC area. EPA is proposing approval of the Austin EAC CAAP and related control measures. EPA is also proposing

approval of a vehicle inspection and maintenance (I/M) program for Travis and Williamson Counties, which are within the Austin EAC area. EPA is proposing approval of these actions as a strengthening of the SIP in accordance with the requirements of sections 110 and 116 of the Federal Clean Air Act (the Act), which will result in emission reductions needed to help ensure attainment of the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone.

DATES: Comments must be received on or before June 22, 2005.

ADDRESSES: Submit comments, identified by Regional Material in EDocket (RME) ID No. R06–OAR–2005–TX–0011, 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 Material 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 on-line instructions for submitting comments.

U.S. 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 cc 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 Regional Material in EDocket (RME) ID No. R06–OAR–2005–TX–0011. The 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 Material 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 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, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the Regional Material 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 docket materials 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: Carrie Paige, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–6521, *paige.carrie@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''our,'' and ''us'' is used, we mean EPA.

Outline

I. What action are we proposing?
II. What is an EAC?
III. What is a SIP?
IV. What is the content of the Austin 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 is the vehicle I/M program we are proposing to approve?
VIII. What happens if the area does not meet the EAC milestones?
IX. Proposed Action
X. Statutory and Executive Order Reviews

I. What Action Are We Proposing?

Today we are proposing to approve revisions to the Texas SIP under sections 110 and 116 of the Act. The revisions include an attainment demonstration of the 8-hour ozone standard within the Austin EAC area and the Austin EAC CAAP and related control measures. The EAC is a voluntary agreement between the TCEQ, the EPA, the five counties of Bastrop, Caldwell, Hays, Travis and Williamson, and the cities of Austin, Bastrop, Elgin, Lockhart, Luling, Round Rock and San Marcos. The intent of this agreement, known as the Austin EAC or the EAC, is to reduce ozone pollution and thereby maintain the 8-hour ozone standard. The EAC sets forth a schedule to develop technical information about local ozone pollution, and adopt and implement a clean air action plan, consisting of emissions control measures to ensure that the EAC area achieves compliance with the 8-hour ozone standard by December 31, 2007.

The revisions also include a vehicle inspection and maintenance (I/M) program for Travis and Williamson Counties, within the Austin EAC area. The I/M rule revision is an emission control strategy that will assist the

Austin EAC area in achieving the 8-hour ozone standard by December 31, 2007.

The EPA designated the Austin EAC area as attainment for the 8-hour ozone standard on April 30, 2004 (69 FR 23858). During the summer of 2004 the Austin EAC area monitored a violation of the Federal 8-hour ozone standard. The design value (three year average of the annual fourth highest 8-hour ozone readings) for 2002–2004 was 85 parts per billion (ppb). The TCEQ submitted these revisions to the SIP as preventive and progressive measures to avoid continued violation, to ensure long term maintenance of the 8-hour ozone standard within the affected area, and to prevent a redesignation to nonattainment. Section VI of this rulemaking describes the control measures that will be implemented within the Austin EAC area.

II. What Is an EAC?

The Early Action Compact program was developed to allow communities an opportunity to reduce emissions of ground level ozone pollution sooner than the Act requires. The program was designed for areas that approach or monitor exceedances of the 8-hour standard, but are in attainment for the 1-hour ozone standard. Areas that adopted EACs must establish a clean air action plan, 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 participating State and local entities to make decisions that will accelerate meeting the new 8-hour standard using locally tailored pollution controls instead of Federally mandated measures. Early planning and early implementation of control measures that improve air quality will likely accelerate protection of public health. The EPA believes this program provides an incentive for early planning, early implementation, and early reductions of emissions leading to 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 Act. In December 2002, a number of States submitted compact agreements pledging to reduce emissions earlier than required by the Act 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 plans by December 31, 2004 for meeting the 8-hour ozone standard, rather than June 15, 2007, the deadline for all other areas not meeting the 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. Greater details of the EAC program are explained in EPA's December 16, 2003 (68 FR 70108) proposed **Federal Register** notice entitled ''Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas.''

On April 15, 2004, EPA designated all areas for the 8-hour ozone standard. The EPA deferred the effective date of nonattainment designations for EAC areas that were violating the 8-hour standard, but continue to meet the compact milestones. Details of this deferral were announced on April 15, 2004 as part of the Clean Air Rules of 2004, and published in the **Federal Register** on April 30, 2004 in the notice entitled ''Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates'' (69 FR 23858).

III. What Is a SIP?

The SIP is a set of air pollution regulations, control strategies and technical analyses developed by the state, to ensure that the state meets the NAAQS. These ambient standards are established under section 109 of the Act 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 Act. 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 Austin EAC Attainment Demonstration?

In support of this proposal, the State conducted an ozone photochemical modeling study developed for the Austin 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 Austin EAC area and (2) an identified set of measures which will result in the required emissions reductions. See the Technical Support Document (TSD) for a detailed description of the control measures included in the model. 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, which was supported by results of photochemical modeling and technical documentation, predicts that the 8-hour ozone standard should be attained in the Austin EAC area by 2007 and maintained through 2012.

We believe this study meets EPA's modeling requirements and guidelines, including such items as the base year inventory development, the growth rate projections, and the performance of the model. See Attachment B of our TSD for more information about this modeling study and EPA's evaluation of these items. The modeling submitted in support of this proposal demonstrates that the Austin EAC area would be in attainment with the 8-hour ozone NAAQS in 2007. The modeling results for the Austin EAC area predict a maximum ozone design value of 83 ppb in 2007. This predicted maximum design value is below the 8-hour ozone limit of 85 ppb. See section VI of this document for a list of measures that will be implemented within the Austin EAC area. We are proposing to approve the 8-hour ozone attainment demonstration for the Austin 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 Austin 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 control measures included in the attainment demonstration are quantified, surplus, permanent, and, if approved, will be Federally enforceable SIP revisions. We have reviewed the submittals and determined that they are consistent with the requirements of the Act, EPA's policy, and the EAC protocol. Our TSD contains detailed information concerning this rulemaking action.

Approving Austin's CAAP into the SIP will also mean that measures and controls identified in the CAAP become Federally enforceable and the Austin EAC communities will start to benefit from reductions in air pollution. See section VI of this rulemaking action for the description of air pollution control

measures. EPA has determined that the State and local area have fulfilled the milestones and obligations of the EAC Program to date.

VI. What Measures Are Included in This EAC SIP Submittal?

The attainment demonstration relied upon existing state and Federal requirements as well as new state and local control strategies, each of which will contribute to reductions in nitrogen oxides (NO_X) and volatile organic compounds (VOCs) in the Austin EAC area. NO_X and VOCs are precursors to and aid in the formation of ozone. While the implementation of the local control strategies is estimated to reduce NO_X and VOCs, the Austin EAC area has demonstrated attainment through the implementation of Federal and statewide rules, without including the effects of the local control measures in the photochemical modeling.

To help ensure the Austin EAC area's compliance with the 8-hour ozone standard by December 31, 2007, the CAAP includes State rule revisions as well as local control measures. EPA is acting on the vehicle inspection and maintenance rule in this proposal and has taken separate actions on the remaining revisions, including lowering the Stage I Vapor Recovery exemption, degreasing requirements and cutback asphalt restrictions (see 70 FR 15769, published March 29, 2005) and idling restrictions (see 70 FR 18308, published April 11, 2005), the gas can rule (see 70 FR 7041, published February 10, 2005), and the Texas Emission Reduction Plan (TERP, see 70 FR 25008, published May 12, 2005).

The control measures in the Austin EAC CAAP are expected to provide the following reductions: annual vehicle I/M program in Travis and Williamson Counties, projected to reduce NO_X by 3.22 tons per day (tpd) and VOCs by 3.83 tpd; lowering the Stage I Vapor Recovery exemption to 25,000 gallons/month throughput in the five county EAC area, projected to reduce VOCs by 4.88 tpd; degreasing requirements in the five county EAC area, projected to reduce VOCs by 5.55 tpd or 59.2% for degreasing (cold cleaning) sources; seasonal cutback asphalt restrictions in the five county EAC area, projected to reduce VOCs by 1.03 tpd or 38.4% for asphalt applications; and a rule prohibiting heavy-duty diesel vehicle idling in jurisdictions that sign enforcement agreements with the TCEQ, projected to reduce NO_X by 0.67 tpd when adopted throughout the EAC area. See the TSD for further details.

Additional control measures that have been included in the photochemical modeling and will be implemented throughout the EAC area include: A statewide rule to reduce emission of VOCs from portable fuel containers that spill, leak, and/or allow permeation, projected to reduce VOCs by 0.89 tpd (70 FR 7041); the TERP, a comprehensive set of grant programs to improve air quality in Texas, for which funds to reduce NO_X by 2 tpd have been allocated to the Austin EAC area (70 FR 25008); and Transportation Emission Reduction Measures (TERMs), which are transportation projects designed to reduce vehicle use, improve traffic flow, and/or reduce congested conditions throughout the EAC area.

The specific TERMs have been described in detail in Appendix L of the State's SIP submittal and will be incorporated by reference in the Code of Federal Regulations in the final approval action. Detailed information is necessary for emission reduction measures in the SIP to ensure that they are specific and enforceable as required by the Act and the EAC protocol. The TERMs description in the SIP includes identification of each project, location, a brief project description, implementation date, status of project, and emissions reductions for both VOCs and NO_X. The TERMs are projected to reduce NO_X by 0.72 tpd and VOCs by 0.83 tpd and we here propose approval of the TERMs control measure.

The CAAP includes additional local control measures that were not included in the attainment demonstration. Power plant emission reductions which will be effective by December 31, 2005 are projected to reduce NO_X by 341 tons per year (tpy) in the EAC area. These reductions are scheduled for the Sim Gideon, Holly Street and Decker Lake facilities in Bastrop and Travis Counties and are in addition to those required by existing state-wide NO_X rules. Acceleration of emission reductions required by a Flexible Air Permit from October 2012 to December 31, 2006 in Fayette County (on the east border of the EAC area) is projected to reduce NO_X by 972 tpy. Improved controls at the University of Texas facility in Travis County, scheduled for implementation by December 31, 2006, are estimated to reduce NO_X by an additional 353 tpy.

The control measures which were included in the attainment demonstration meet the requirements of the EAC protocol: They are specific, quantified, permanent and will be Federally enforceable when approved by EPA. In compliance with the next EAC program milestone, each of the control measures included in the attainment demonstration are scheduled to be implemented on or before December 31, 2005. The TSD contains detailed information on each of these control measures, as well as information on additional locally-implemented measures whose expected emission reductions have not been quantified or included in the photochemical modeling, but will assist the area in attainment and maintenance of the 8-hour ozone standard in 2007.

According to the EAC protocol, the CAAP must also include a component to address maintenance for growth at least 5 years beyond 2007, ensuring the area will remain in attainment of the 8-hour ozone standard through 2012. The Austin EAC area has developed an emissions inventory for the year 2012, as well as a continuing planning process to address this essential part of the plan. The emissions inventory predicted an overall reduction in emissions through 2012 and 2015: for point sources, VOC emissions are predicted to be 37 percent lower and NO_X emissions are estimated to be 42 percent lower in 2012 than 1999. Area sources are projected to increase by 14.2% from 1999 to 2012. For on-road mobile sources, VOC emissions (without the I/M program) are predicted to be 48 percent lower and NO_X emissions are estimated to be 68 percent lower in 2012 than 1999; with the I/M program, VOC emissions are predicted to be 58 percent lower and NO_X emissions are estimated to be 74 percent lower in 2012 than 1999. For non-road mobile sources, emissions of VOCs are estimated to be 10 percent lower and NO_X emissions are estimated to be 4 percent higher in 2012 than 1999. Despite the growth estimated for the EAC area, the more stringent Federal emission standards are projected to substantially reduce emissions of NO_X and VOCs in the newer fleet of vehicles. The Federal controls include area measures (*e.g.,* auto body refinishing) as well as onroad and non-road (*e.g.,* lawn and garden, recreational marine, locomotives) measures. State point source reductions in emissions from power plants, as well as smaller scale, locally-implemented control measures will also contribute to the area's reductions in NO_X and VOCs. See the TSD for a detailed list of these measures. Using air quality models to anticipate the impact of growth, as well as the Federal, state-assisted and locally-implemented measures to reduce emissions, the State has projected the area will be in attainment of the 8-hour ozone standard in 2007 and will remain in attainment through 2012 and 2015. The elements of the demonstration that address maintenance for growth meet the EAC protocol.

To enhance the air quality planning process, the TCEQ has committed to continue to work with local stakeholders to find additional measures to further reduce ozone precursor emissions, to ensure that the Austin EAC area will maintain the 8-hour ozone standard through 2012. In addition, the EAC signatories and implementing agencies will review all EAC activities and report on these results in their semi-annual reports, beginning in June 2005. This semi-annual review will track and document, at a minimum, control strategy implementation and results, monitoring data and future plans. After review, additional control measures may be considered and adopted through revisions to this SIP, if necessary.

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 NO_X and VOCs in the Austin EAC area. 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. EPA proposes to approve the demonstration of attainment, the CAAP and related control measures.

VII. What Is the Vehicle I/M Program We Are Proposing To Approve?

Vehicle I/M programs focus on reducing emissions of NO_X and VOCs through automobile inspections that lead to repair and maintenance of vehicles covered by the program. I/M programs are mandatory requirements of the Federal CAA Section 182 for certain ozone nonattainment areas. However, state and local governments may initiate I/M programs voluntarily in order to reduce emissions of NO_X and VOCs from automobiles. Texas has adopted rules in Chapter 114, Subchapter C for an I/M program that applies only in EAC areas where participation is requested by the participating county and the most populous municipality in the county. This EAC I/M program is distinct from the State's SIP-approved I/M program in Chapter 114, Subchapter B applicable to nonattainment areas. See Attachment A of our TSD for further details. Resolutions requesting EAC I/M programs were approved and signed by Travis County on March 23, 2004, the City of Austin on March 25, 2004, Williamson County on March 23, 2004, and the City of Round Rock on March 25, 2004.

The EAC I/M program becomes effective September 1, 2005. All gasoline-powered motor vehicles between 2 and 24 years old, registered and primarily operated in Travis and Williamson Counties, are required to have an annual emissions inspection starting with the first safety inspection. Military tactical vehicles, motorcycles, diesel-powered vehicles, dual-fueled vehicles that cannot operate using gasoline, and antique vehicles registered with the Texas Department of Transportation are excluded from this program. Test-on-resale is required for title transfer within the two counties if the sale vehicle is registered in a non-I/M county, with the exception of all 1996 or newer vehicles with less than 50,000 miles. All subject 1996 and newer model year vehicles equipped with On-board Diagnostic (OBD) systems will undergo EPA OBD test procedures. All pre-1996 subject vehicles will undergo a two-speed idle (TSI) test. All test facilities must offer both emission tests. Test facilities can be either test and repair or test only.

The emissions inspection fee will not exceed $16. A portion of each emission inspection fee goes to the Department of Public Safety for program oversight with regard to compliance and enforcement. Program funds are also made available for these counties to participate in the Low Income Repair Assistance Program if they adopt that program. Vehicle inspection certificate in the EAC area counties is mandated, along with provisions for limited exclusions, waivers and extensions, and prohibitions of program fraud.

MOBILE6 was used to calculate emission reductions that this program will achieve. The program is projected to reduce VOCs by 3.83 tons per day and NO_X by 3.22 tons per day, which is slightly more than 10% for each pollutant from this source category (gas-powered automobiles). See the TSD for an in-depth analysis. A technical review of the I/M rule revisions resulted in a recommendation to approve the rule revisions with one exclusion, which follows.

To be consistent with our previous approval of Texas' I/M program for nonattainment areas, we are not approving section 114.82(b) as part of the Texas EAC I/M program. This provision places an additional reporting burden upon commanders at Federal facilities regarding affected Federal vehicles, which is not imposed upon any other affected non-federal vehicle. See 66 FR 57261 for further details.

The I/M program we are proposing to approve today is not being submitted to meet I/M requirements of the CAA as defined in EPA's final I/M rule published November 5, 1992 at 57 FR 52950. Rather, this rule is being submitted for approval into the Texas SIP as part of the State's EAC control strategies to reduce emissions of NO_X and VOCs from automobiles in the Austin EAC area. Accordingly, this rule is not being reviewed pursuant to requirements set forth in EPA's final I/M rule at 40 CFR part 51, subpart S, but rather as a strengthening of the SIP. EPA's review of the material submitted indicates that the rule is approvable to achieve emission reductions within a range of those represented in the State's modeling study and attainment demonstration. EPA is proposing to approve the SIP revision as stated above, to include vehicle I/M for Travis and Williamson Counties.

VIII. What Happens If the Area Does Not Meet the EAC Milestones?

The measures outlined in this submittal provide sufficient information to conclude that the Austin EAC area will complete each of the EAC milestone requirements, including attainment of the 8-hour standard in 2007. 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, as outlined in our guidance and in 40 CFR 81.300, an EAC 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 the approved SIP elements would remain in effect. If the design value for the EAC area exceeds the 8-hour ozone standard and the area has missed an EAC milestone, we would also consider factors in section 107(d)(3)(A) of the Act in deciding whether to redesignate the area to nonattainment.

IX. Proposed Action

EPA is proposing to approve the vehicle I/M program for Travis and Williamson Counties. In addition, EPA is proposing to approve the attainment demonstration, the Austin EAC CAAP, and the related control measures and incorporate these revisions into the Texas SIP as a strengthening of the SIP. 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. The modeling of ozone and ozone precursor emissions from sources in the five county Austin EAC area demonstrate that the specified control strategies will provide for attainment of the 8-hour ozone NAAQS by December 31, 2007.

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 choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 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 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 13, 2005.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 05–10194 Filed 5–20–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R06–OAR–2005–TX–0010; FRL–7916–5]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration for the San Antonio Early Action Compact Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the Chairman of the Texas Commission on Environmental Quality (TCEQ) on December 6, 2004. The proposed revisions will demonstrate attainment of the 8-hour ozone standard and incorporate the San Antonio Early Action Compact (EAC) Clean Air Plan into the Texas SIP. EPA is proposing approval of the photochemical modeling in support of the attainment demonstration of the 8-hour ozone standard within the San Antonio EAC area and is proposing approval of the associated control measures. EPA is proposing these actions as a strengthening of the SIP in accordance with the requirements of sections 110 and 116 of the Federal Clean Air Act (the Act), which will result in emission reductions needed to help achieve attainment and maintenance of the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone.

DATES: Comments must be received on or before June 22, 2005.

ADDRESSES: Submit comments, identified by Regional Material in EDocket (RME) ID No. R06–OAR–2005–TX–0010, 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 Material 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 on-line instructions for submitting comments.

U.S. 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 cc 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 Regional Material in EDocket (RME) ID No. R06–OAR–2005–TX–0010. The 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 Material 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 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, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the Regional Material 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 docket materials 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: Carrie Paige, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–6521, *paige.carrie@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''our,'' and ''us'' is used, we mean EPA.

Outline

I. What Action Are We Proposing?
II. What Is an EAC?
III. What Is a SIP?
IV. What Is the Content of the San Antonio 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. Proposed Action
IX. Statutory and Executive Order Reviews

I. What Action Are We Proposing?

Today we are proposing to approve revisions to the Texas SIP under sections 110 and 116 of the Act. These revisions demonstrate attainment and maintenance of the 8-hour ozone standard within the San Antonio EAC area and incorporate the San Antonio EAC Clean Air Plan (CAP) into the Texas SIP. The EAC is a voluntary agreement between the TCEQ, the Alamo Area Council of Governments (AACOG), the EPA, Bexar, Comal, Guadalupe and Wilson Counties, and the cities of Floresville, New Braunfels, San Antonio and Seguin. The intent of this agreement is to reduce ozone pollution earlier than the Act requires and thereby maintain the 8-hour ozone standard. The San Antonio EAC sets forth a schedule to develop technical information about local ozone pollution, and adopt and implement a clean air plan, consisting of emissions control measures to ensure that the EAC area achieves compliance with the 8-hour ozone standard by December 31, 2007. Section VI of this rulemaking describes the control measures that will be implemented within the San Antonio EAC area.

II. What Is an EAC?

The Early Action Compact program was developed to allow communities an opportunity to reduce emissions of ground level ozone pollution sooner than the Act requires. The program was designed for areas that approach or monitor exceedances of the 8-hour standard, but are in attainment for the 1-hour ozone standard. The compact is a voluntary agreement between local communities, State and Tribal air quality officials and EPA, which allows participating State and local entities to make decisions that will accelerate meeting the new 8-hour standard using locally tailored pollution controls instead of federally mandated measures. Early planning and early implementation of control measures that improve air quality will likely accelerate protection of public health. The EPA believes this program provides an incentive for early planning, early implementation, and early reductions of emissions leading to 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 Act. In December 2002, a number of States submitted compact agreements pledging to reduce emissions earlier than required by the Act 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 plans by December 31, 2004 for meeting the 8-hour ozone standard, rather than June 15, 2007, the deadline for all other areas not meeting the 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. Greater details of the EAC program are explained in EPA's December 16, 2003 (68 FR 70108) proposed **Federal Register** notice entitled ''Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality

Standards for Early Action Compact Areas.''

On April 15, 2004, EPA designated all areas for the 8-hour ozone standard. The EPA deferred the effective date of nonattainment designations for EAC areas that were violating the 8-hour standard, but continue to meet the compact milestones. Details of this deferral were announced on April 15, 2004 as part of the Clean Air Rules of 2004, and published in the **Federal Register** on April 30, 2004 in the notice entitled ''Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates' (69 FR 23858).

III. What Is a SIP?

The SIP is a set of air pollution regulations, control strategies and technical analyses 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 Act 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 Act. 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 San Antonio EAC Attainment Demonstration?

In support of this proposal, the TCEQ conducted an ozone photochemical modeling study developed for the San Antonio EAC area. The modeling study predicts whether or not the EAC area will attain the 8-hour ozone NAAQS in 2007. The attainment demonstration includes analyses which estimate whether selected emissions reductions will result in ambient concentrations that meet the 8-hour ozone standard in the San Antonio area and an identified set of measures which will result in the required emissions reductions. See the Technical Support Document (TSD) for a description of the control measures. 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 was supported by results of photochemical modeling and technical documentation for all monitors in the San Antonio EAC area. 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 modeling study demonstrates that the 8-hour ozone standard will 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 San Antonio 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 Attachment A of 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 San Antonio EAC area will be in attainment with the 8-hour ozone NAAQS in 2007. The latest modeling results for the San Antonio EAC area predict a maximum ozone design value of 84 ppb for 2007, which is below the 8-hour ozone limit of 85 ppb. See section VI of this document for a list of local control measures that will be implemented within the San Antonio EAC area. We are proposing to approve the 8-hour ozone attainment demonstration, the CAP and the local control measures within the CAP for the San Antonio EAC area.

V. Why Are We Proposing to Approve This EAC SIP Submittal?

On December 9, 2002, Texas signed an EAC for the four-county San Antonio Metropolitan Statistical Area, which was also signed by representatives of the local communities, State air quality officials and the EPA Region 6 Administrator. On April 15, 2004 (69 FR 23858), the EPA designated the 8-hour ozone nonattainment areas and designated the four-county San Antonio EAC area as nonattainment for the 8-hour ozone standard. To date, the San Antonio area has met all EAC milestones and, as long as the San Antonio EAC area continues to meet the agreed upon milestones, the impact of the nonattainment designation may be deferred until April 15, 2008.

We are proposing to approve this EAC SIP submittal because implementation of the requirements in this EAC will help ensure the San Antonio EAC area's compliance with the 8-hour ozone standard by December 31, 2007 and maintenance of that standard through 2012. We have reviewed the submittal and determined that it is consistent with the requirements of the Act, EPA's policy, and the EAC protocol. Our TSD contains detailed information concerning this rulemaking action.

Approving San Antonio's CAP into the SIP will also mean that measures and controls identified in the CAP are federally enforceable and the San Antonio EAC communities will start to benefit from reductions in air pollution earlier than the statutory deadlines. See section VI of this rulemaking action for a description of the air pollution control measures. Finally, it means that EPA has determined that the State and local area have continued to fulfill the milestones and obligations of the EAC Program. In a separate notice, EPA will take action to propose deferring the effective date of the nonattainment designation for areas that are participating in the Early Action Compacts until December 31, 2006, so long as the areas continue to fulfill the EAC obligations, including semi-annual reporting requirements, implementation of the measures in submitted clean air plans by December 31, 2005, and a progress assessment by June 30, 2006.

VI. What Measures Are Included in This EAC SIP Submittal?

The EPA designated the San Antonio EAC area as nonattainment for the 8-hour ozone standard on April 15, 2004 (69 FR 23858). The design value for 2001–2003 was 89 ppb. The TCEQ has submitted these revisions to the SIP, as progressive measures to avoid continued violation of the 8-hour ozone standard within the affected area and to be eligible for the opportunity for a second deferral of the effective date of nonattainment to December 31, 2006. While the implementation of the local control strategies is estimated to reduce emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO_X), the San Antonio EAC area has demonstrated attainment through the implementation of federal and statewide rules, without including the effects of these local measures in their photochemical modeling.

The TSD discusses the results of photochemical modeling and technical analyses that support a demonstration of attainment of the 8-hour ozone standard by December 31, 2007 and maintenance of that standard through 2012. To help achieve attainment, the San Antonio EAC CAP includes two rule revisions: Lowering the Stage I Vapor Recovery exemption and degreasing requirements, each of which will contribute to reductions in VOCs in the San Antonio EAC area. VOCs, as well as NO_X, are precursors to and aid in the formation of ozone. The rule revisions have been adopted by the State of Texas and

accompany this EAC SIP revision. Since these rule revisions apply to both the Austin and San Antonio EAC areas, EPA has taken action on them in a separate rulemaking (see 70 FR 15769, published March 29, 2005).

The rule revisions adopted as control measures in the San Antonio EAC CAP apply to all four counties in the EAC area and are as follows: Lowering the Stage I Vapor Recovery exemption to 25,000 gallons/month throughput, projected to reduce VOCs by 5.81 tpd; and degreasing requirements, projected to reduce VOCs by approximately 85% for degreasing (cold cleaning) sources.

Additional control measures that have been specified in the EAC CAP include: A statewide rule to reduce emissions of VOCs from portable fuel containers that spill, leak, and/or allow permeation (see 70 FR 7041, published February 10, 2005); the Texas Emissions Reduction Plan (TERP), a comprehensive set of grant programs to improve air quality in Texas, for which funds to reduce NO_X by 2.5 tpd have been allocated to the San Antonio EAC area (see 70 FR 25008, published May 12, 2005); and Transportation Emission Reduction Measures (TERMs), which are transportation projects designed to reduce vehicle use, improve traffic flow, and/or reduce congested conditions throughout the EAC area, projected to reduce NO_X by 0.32 tpd and VOCs by 0.92 tpd. These TERMs are described in detail in the TSD and will be incorporated by reference in the Code of Federal Regulations in the final approval action. Detailed information is necessary for emission reduction measures in the SIP to ensure that they are specific and enforceable as required by the Act and the EAC protocol. The description of these emission reduction measures includes the identification of each project, location, a brief project description, and emissions reductions for both VOCs and NO_X. Though many of these TERMs have been completed, any unfinished projects will be completed by 2007.

In general, the control measures in this section meet the requirements of the EAC protocol: They are specific, quantified, permanent and will be federally enforceable when approved by EPA. In compliance with the next EAC program milestone, all control measures needed to demonstrate attainment will be implemented by December 31, 2005. The TSD contains detailed information on each of these control measures, as well as information on additional planned and locally-implemented measures whose expected emission reductions were not quantified or included in the photochemical modeling, and therefore, are not necessary for the area to attain the standard in 2007.

According to the EAC protocol, the CAP must also include a component to address maintenance for growth at least 5 years beyond 2007, ensuring the area will remain in attainment of the 8-hour ozone standard through 2012. The San Antonio EAC area has developed an emissions inventory for the year 2012, as well as a continuing planning process to address this essential part of the plan. The emissions inventory predicted an overall reduction in emissions through 2012: VOCs are estimated to be 23 percent lower and NO_X are estimated to be 28 percent lower in 2007 than in 1999; and emissions predicted in 2012 are seven percent less than those modeled in 2007 for VOCs, and 22 percent less than those modeled in 2007 for NO_X. Despite the growth estimated for the EAC area, federal emission standards are projected to substantially reduce emissions of NO_X and VOCs in the newer fleet of vehicles. The federal measures include area measures (on-board refueling vapor recovery), as well as onroad and non-road (*e.g.*, lawn and garden, recreational marine and locomotives) measures. State point source reductions in emissions from power plants, as well as the continuation of the smaller scale, locally-implemented control measures, will also contribute to the area's reductions in NO_X and VOCs. See the TSD for a detailed list of these measures. Using air quality models to anticipate the impact of growth, as well as the federal, state-assisted and locally-implemented measures to reduce emissions, the State has projected the area will be in attainment of the 8-hr ozone standard in 2007 and will remain in attainment through 2012.

To enhance the planning process, the TCEQ has committed to continue to work with local stakeholders to find additional measures to further reduce ozone precursor emissions, to ensure that the San Antonio EAC area will continue to maintain the 8-hour ozone standard through 2012. In addition, the EAC signatories and implementing agencies will review all EAC activities and report on these results in their semi-annual reports, beginning in June 2005. This semi-annual review will track and document, at a minimum, control strategy implementation and results, monitoring data and future plans. After review, additional control measures may be considered and adopted through revisions to this SIP, if necessary.

The elements that address maintenance for growth meet the EAC protocol. EPA has reviewed the modeling and emission projections and proposes to approve the demonstration of attainment.

VII. What Happens If the Area Does Not Meet the EAC Milestones?

On April 15, 2004, EPA designated the San Antonio EAC area as nonattainment for the 8-hour ozone standard and deferred the effective date of nonattainment until September 30, 2005. 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, as outlined in our guidance and in 40 CFR 81.300, an EAC milestone is missed, we would take action to propose and promulgate a finding of failure to meet the milestone, and to withdraw the deferred effective date of the nonattainment designation, thereby triggering applicable statutory requirements.

VIII. Proposed Action

EPA is proposing to approve the attainment demonstration, the San Antonio EAC CAP and the related control measures and incorporate these into the Texas SIP as a strengthening of the SIP. The modeling of ozone and ozone precursor emissions from sources in the four county San Antonio EAC area demonstrate that the specified control strategies will provide for attainment of the 8-hour ozone NAAQS by December 31, 2007.

IX. 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 13, 2005.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 05–10193 Filed 5–20–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2005–20738; Notice 1]

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: Based on the agency's evaluation, the National Highway Traffic Safety Administration (NHTSA) denies a petition for rulemaking from Mercedes-Benz to amend the Federal lighting standard to permit the use of optional use of stoplamps that would flash under higher levels of deceleration. Mercedes-Benz has not demonstrated that this manufacturer-installed option would result in reduced crashes. NHTSA is denying the petition because it would take away from NHTSA the ability to use a potentially valuable rear signal for a higher safety purpose sometime in the future. NHTSA concludes that it would require more in-depth information than provided on the safety benefit of any such change before it would initiate a rulemaking on what rear signal lamp performance changes are appropriate or necessary to reduce the incidence or rear-end crashes.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590:

For Non-legal Issues: Mr. David Hines, Office of Crash Avoidance Standards, NVS–121, telephone (202) 366–5275, facsimile (202) 366–7002, electronic mail: *dhines@nhtsa.dot.gov.*

For Legal Issues: Mr. George Feygin, Office of the Chief Counsel, NCC–112, telephone (202) 366–2992, facsimile (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

Section S5.5.10 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps reflective devices and associated equipment,* establishes the wiring requirements for lighting equipment in use, and requires that all lamps be wired to be steady burning, unless otherwise stated. All stoplamps must be steady burning when in use. Steady means free from change or variation. This means that they must not modulate, flash, or vary in size, area, intensity or appearance.

Mercedes-Benz Petition

On April 4, 2003, Mercedes-Benz (MB) submitted a petition for rulemaking to revise Federal Motor Vehicle Safety Standard No. 108, *Lamps, reflective devices and associated equipment* to permit ''flashing red brake lights [1]'' to be installed on an optional basis as an emergency braking signal on motor vehicles. In support, MB provided information indicating that flashing stoplamps provide a non-ambiguous, intuitively interpreted signal of an emergency situation and it reduces braking reaction times (BRT) by up to 0.2 seconds compared with conventional stoplamps. MB believes that this is significant in terms of crash avoidance or crash severity reduction. Moreover, MB believes an even higher reduction (in BRT) can be expected in real world driving conditions, because it stated that its test subjects tended to react faster than real world drivers, since subjects who participate in experiments in a driving simulator or on a test track are generally more focused on the driving task than drivers on the road who are subject to many sources of distraction. Thus, MB claims that this reduction in BRT is likely to result in a meaningful reduction in the number and/or severity of rear end collisions.

Analysis

Based on the NHTSA policy statement published in the **Federal Register**, November 4, 1998, Volume 63, Number 213, pages 59482–59492, the MB submission, in order to be treated as a petition must have substantive data purporting to show positive safety benefits from the new idea. MB did provide data showing that BRT would be improved. Thus, NHTSA granted the petition and set out to evaluate the data

[1] MB uses the term, flashing red brake lights for its desired device. Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment used the term stoplamps. Thus, Mercedes-Benz is asking that the Standard be amended to permit existing stoplamps to flash on an optional basis for the purpose of a high deceleration rate signal.

to determine if it provides persuasive evidence of a positive safety benefit and value to the public.

In performing that evaluation, we reviewed all known research on flashing stoplamps. The only known real-world data in this area (NHTSA's large scale field study in 1981) indicates no statistically significant differences in rear-crash involvement between flashing stoplamps compared to steady-burning stoplamps. The study evaluated flashing at a steady rate, flashing at a rate proportional to deceleration, and steady-burning stoplamps.[2]

We note that shortening BRT would allow additional braking time for following drivers, but only if the following driver immediately applies the brakes fully upon seeing the stoplamps activated without waiting for any other cues from the lead stopping vehicle, such as the car pitching or the tires and/or brakes squealing. We noted that research by Daimler Chrysler AG using a vehicle simulator in Germany found that more than 90 percent of drivers do not fully apply the brakes even when they have these cues and the lead vehicle's stoplamps are activated. The article by Car and Driver Magazine, ''Brake Assist Systems: When ABS Isn't Enough'' December 1999, cited research results by Toyota, Nissan as well as the above Mercedes-Benz research. These other companies found similar results of slow reaction time and weak pedal application.

Taking the values mentioned above, and assuming that 8 percent of drivers are attentive enough to respond[3], and that 10 percent of those drivers respond with high braking effort, we achieve 0.8 percent of driver responses likely being appropriate for lowering crash risk. Taken together with MB's estimate of 5.5 such events per vehicle per year, we find that its idea might change the outcome of 0.044 such events per vehicle per year, or one event for every 22.7 years of a vehicle's life. Even if all vehicles were fitted with a braking force assistance device (as MB, Toyota, Nissan and others now do) to improve the likelihood of high brake-force application, the value to the public would still be small, especially because flashing stoplamps would be optional under the suggested amendment.

Our concern in such cases of optional signals is that we would be giving away a unique signal in return for a minor benefit, when it is possible that the same signal (flashing stoplamps) might be used in the future for a far greater benefit. As a matter of policy (*see* **Federal Register**, November 4, 1998, Volume 63, Number 213, pages 59482-59492), NHSTA will not permit optional signals to be used as additions or alternatives to existing signals, nor will we quickly permit the use of as yet unused signals until it is shown that the signal will afford a significant safety benefit.

With respect to signals for rapid deceleration, there are several alternatives to the MB solution that are also being considered. For example, upon sudden deceleration, some parties believe that stop lamps that get larger in area and more intense depending on the level of deceleration is a preferred signal, while others favor flashing the amber front and rear turn signal lamps to show sudden deceleration. The European Commission has proposed that the MB solution, plus these other approaches, all be permitted under the Economic Commission for Europe regulations. However, NHTSA is concerned that allowing alternative signal configurations violates the basic principle of standardization that is necessary to minimize driver confusion and to promote a quick and appropriate driver response to the condition that is being signaled, which in this case is a slowing lead vehicle. Thus, NHTSA believes that choosing the MB solution without evaluating the other approaches could either preclude the use of more effective signals or lead to a proliferation of competing signals.

Another reason to carefully consider whether a flashing stoplamp should be used as a signal for rapid deceleration is that the flashing stoplamp may have greater safety benefits if applied to more frequently occurring crash scenarios, such as stopped vehicle warnings. To help identify effective rear signal enhancements and when they should be activated, NHTSA has been conducting research at the Virginia Tech Transportation Institute. Findings to date indicate that some signal enhancements may have greater potential than simple flashing brake lamps to improve driver performance in the scenarios chosen for the study. We are continuing the research to determine whether the findings hold up under a broader range of driving scenarios. Additionally, we are analyzing crash and close call data from a 100-car naturalistic driving study to determine the potential of enhanced rear signaling as a means to reduce rear crashes. As such, it is premature at this time to permit the use of flashing stop lamps for rapid deceleration.

In accordance with 49 CFR part 552, and after considering the allocation of agency resources and agency priorities, NHTSA has decided to deny this petition for rulemaking.

(Authority: 49 U.S.C. 30162; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: May 16, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05–10136 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–59–M

[2] Mortimer, Rudolf G., ''Field Test Evaluation of Rear Lighting Deceleration Signals, II—Field Test'', DOT HS–806–125, October 198.

[3] NHTSA report on Intelligent Vehicle Highway System (IVHS) countermeasures to rear end crashes (DOT HS 807 995).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List a Karst Meshweaver, *Cicurina cueva*, as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Rule; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period for the status review initiated by the 90-day finding on a petition to list *Cicurina cueva* as an endangered species (February 1, 2005; 70 FR 5123). This action will allow all interested parties an opportunity to provide information on the status of the species under the Endangered Species Act of 1973, as amended (Act).

DATES: Comments must be submitted directly to the Service (see **ADDRESSES** section) on or before June 22, 2005. Any comments received after the closing date may not be considered in the 12-month finding.

ADDRESSES: If you wish to comment, you may submit your comments and materials by any one of the following methods:

1. You may submit written comments and information by mail to Robert Pine, Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite # 200, Austin, Texas 78758.

2. You may hand-deliver written comments and information to our Austin Ecological Services Field Office, at the above address, or fax your comments to 512–490–0974.

All comments and materials received, as well as supporting documentation used in preparation of the 90-day finding, will be available for public inspection, by appointment, during

normal business hours at our Austin Ecological Services Field Office at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Pine, Field Supervisor, Austin Ecological Services Office (telephone 512–490–0057, facsimile 512–490–0974).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Act requires that for any petition to revise the List of Threatened or Endangered Species that contains substantial scientific and commercial information that listing may be warranted, we make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is (a) not warranted, or (b) warranted, or (c) warranted but the immediate proposal of a regulation is precluded by other pending proposals to determine whether any species is threatened or endangered.

On July 8, 2003, we received a petition requesting that we list *Cicurina cueva* (no common name) as an endangered species with critical habitat. On May 25, 2004, Save Our Springs Alliance (SOSA) filed a complaint against the Secretary of the Interior and the Service for failure to make a 90-day petition finding under section 4 of the Act for *Cicurina cueva*. In our response to Plaintiff's motion for summary judgment on October 15, 2004, we informed the court that we believed that we could complete a 90-day finding by January 20, 2005, and if we determined that the 90-day finding provided substantial information that listing may be warranted, we could make a 12-month finding by December 8, 2005. On March 18, 2005, the District Court for the Western District of Texas, Austin Division, adopted our schedule and ordered the Service to issue a 12-month finding on or before December 8, 2005.

On February 1, 2005 (70 FR 5123), we published a 90-day finding and initiation of status review on a petition to list *Cicurina cueva* as an endangered species. Our 90-day finding stated that we found the petition presented substantial scientific and commercial information indicating that listing *Cicurina cueva* may be warranted. Additional background information, including information on the species, factors affecting the species, and our 90-day finding, is available in the February 1, 2005, publication. The comment period for providing information for our status review closed on May 15, 2005.

Pursuant to 50 CFR 424.16(c)(2), we may extend or reopen a comment period upon finding that there is good cause to do so. We are currently gathering information that will be used in making a determination whether *Cicurina cueva* should be listed as endangered. It is our intention to extend the public comment period as additional information from a genetic analysis and additional survey work for *Cicurina* species in southern Travis County became available near the end of the original comment period and information from the Texas Department of Transportation and the Regents School of Austin are in progress and may not be completed by May 15, 2005. The report is titled, ''Genetic and morphological analysis of species limits in Cicurina spiders (Araneae, Dictynidae) from southern Travis and northern Hays counties, with emphasis on *Cicurina cueva* Gertsch and relatives.'' We believe these documents contain significant information that may effect our determination of the status of the species and allowing the comment period to expire before they are available could result in hurried and incomplete comments. We deem these considerations as sufficient cause to reopen the comment period. This reopening of the comment period will not result in an extension of the court-ordered date by which the Service must make its 12-month finding.

Public Comments Solicited

We are required by court order to make a 12-month finding on whether to list *Cicurina cueva* by December 8, 2005. To meet this date, all information on the status of the species must be submitted by June 22, 2005, as specified in the **DATES** section of this document.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address, which we will honor to the extent allowable by law. If you wish us to withhold your name or address, you must state this request prominently at the beginning of your comments. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Comments and materials received, as well as supporting documentation used in preparation of the 12-month finding, will be available for public inspection, by appointment, during normal business hours at the Austin Ecological Services Field Office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 13, 2005.

Marshall Jones Jr.,

Acting Director, Fish and Wildlife Service.

[FR Doc. 05–10245 Filed 5–20–05; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 70, No. 98

Monday, May 23, 2005

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 18, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Food and Nutrition Service

Title: Feasibility of Computer Matching in the National School Lunch Program.

OMB Control Number: 0584–NEW.

Summary of Collection: Section 105(a) of the Child Nutrition and WIC Reauthorization Act of 2004, requires USDA to conduct a study on the feasibility of using computer technology to reduce errors, waste, fraud, and abuse in the National School Lunch Program (NSLP). The data collected will provide information on how States are currently using or planning to use computer matching for certification and verification of children in food stamp and Temporary Assistance for Needy Families (TANF) households to receive free meals under the NSLP and the School Breakfast Program (SBP). The data collected will also help the Food and Nutrition Service (FNS) assess the feasibility of expanding the use of computer matching in the NSLP to certify and verify the income-eligibility of other children for free or reduced-price meals, including children enrolled in Medicaid and other means-tested medical assistance programs. Computer matching can reduce burden on households and School Food Authorities (SFAs'), reduce error and fraud, and increase certification among eligible children.

Need and Use of the Information: FNS will collect information using surveys and in-depth telephone interviews with State Child Nutrition agencies, Medicaid agencies, and State and local administrators in six States. FNS will collect the following in order to assess the feasibility of computer matching for NSLP certification and verification: (1) Information about current computer matching activities by State CN agencies and about barriers to computer matching by those agencies; (2) information about the prevalence of statewide student information systems and the feasibility of using those systems for NSLP computer matching; and (3) information about the prevalence of statewide information systems containing eligibility information for Medicaid programs and SCHIP, and the appropriateness of those systems for NSLP computer matching.

Description of Respondents: State, local, or tribal government.

Number of Respondents: 225.

Frequency of Responses: Reporting: Other (one-time).

Total Burden Hours: 144.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–10206 Filed 5–20–05; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 18, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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: Importation of Poultry Meat and Other Poultry Products from Sinaloa and Sonora, Mexico.

OMB Control Number: 0579–0144.

Summary of Collection: Veterinary Services, a division within USDA's Animal and Plant Health Inspection Service (APHIS), is responsible for administering regulations intended to prevent the introduction of animal diseases, such as exotic Newcastle disease into the United States. APHIS currently has regulations in place that restrict the importation of poultry meat and other poultry products from Mexico due to the presence of exotic Newcastle disease in the country. However, APHIS does allow the importation of poultry meat and poultry products from the Mexican States of Sinaloa and Sonora because APHIS has determined that poultry meat and products from these two Mexican States pose a negligible risk of introducing exotic Newcastle disease into the United States. To ensure that these items are safe for importation, APHIS requires that certain data appear on the foreign meat inspection certificate that accompanies the poultry meat and other poultry products from Sinaloa and Sonora to the United States. APHIS also requires that serial numbered seals be applied to containers carrying the poultry meat and other poultry products.

Need and Use of the Information: APHIS will collect information to certify that the poultry meat or other poultry products were (1) derived from poultry born and raised in commercial breeding establishments in Sinaloa and Sonora; (2) derived from poultry that were slaughtered in Sinaloa or Sonora in a Federally-inspected slaughter plant approved to export these commodities to the united States in accordance with Food Safety & Inspection regulations; (3) processed at a Federally inspected processing plant in Sinaloa or Sonora; and (4) kept out of contact with poultry from any other State within Mexico. APHIS will also collect information to ensure that the poultry meat or poultry products from Sinaloa and Sonora pose the most negligible risk possible for introducing exotic Newcastle disease into the United States.

Description of Respondents: Business or other for-profit; Individuals or households; Not-for-profit institutions; Federal Government; State, Local or Tribal Government

Number of Respondents: 10.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 40.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–10207 Filed 5–20–05; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of Solicitation for Membership to the National Agricultural Research, Extension, Education, and Economics Advisory Board

AGENCY: Research, Education, and Economics, USDA.

ACTION: Solicitation for membership.

SUMMARY: In accordance with the Federal Advisory Committee Act, the United States Department of Agriculture announces solicitation for nominations of individuals to fill 10 vacancies on the National Agricultural Research, Extension, Education, and Economics Advisory Board (the Board). A nomination letter should be submitted to USDA and indicate the specific membership category or categories that the nominee is qualified to represent. Each nominee must fill out an AD–755 Form, called ''Advisory Committee Membership Background Information.'' This form may be obtained from the contact person below or may be printed out from the following Web site: *http://www.nareeeab.com* by selecting ''Nominations'' and then clicking on ''Form AD–755.'' All nominees will be vetted before consideration for appointment by the Secretary of Agriculture.

DATES: The deadline for submitting Advisory Board member nominations and the completed nominee Form AD–755 is July 29, 2005. Mail must be received or postmarked by this date to be considered.

ADDRESSES: A nomination letter and the completed AD–755 Form should be faxed and/or express mailed to the U.S. Department of Agriculture, National Agricultural Research, Extension, Education, and Economics Advisory Board Office, 1400 Independence Avenue, SW., Room 344–A, Jamie L. Whitten Building, Washington, DC 20250–2255. Standard mail will also be accepted but may be delayed significantly, because of security procedures.

FOR FURTHER INFORMATION CONTACT: Deborah Hanfman, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, 1400 Independence Avenue, SW., Room 344–A, Whitten Building, Washington, DC 20250–2255,telephone: 202–720–3684; fax: 202–720–6199; e-mail: *dhanfman@csrees.usda.gov*.

SUPPLEMENTARY INFORMATION: The National Agricultural Research, Extension, Education, and Economics Advisory Board (the Board) was established by the Federal Agricultural Improvement and Reform Act of 1996 (Pub. L. 104–127, commonly called the 1996 Farm Bill) to provide advice to the Secretary of Agriculture and land-grant colleges and universities on national priorities and policies related to agricultural research, education, extension, and economics. An amendment in the 2002 Farm Security and Rural Investment Act (Pub. L. 107–171) states that the Board shall also provide consultation to: ''the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Agriculture, Rural Development and Related Agencies of the Committee on Appropriations of the Senate.'' Also, this amendment added one new member category to the Board—''(R) 1 member representing a non-land grant college or university with a historic commitment to research in the food and agricultural sciences.'' This addition brings the total representation on the Advisory Board to 31 members. Each Board member is selected based on his/her leadership, affiliation, knowledge and expertise that represents a ''specific stakeholder category'' on the Advisory Board, as delineated in the 1996 Farm Bill. Since the Advisory Board's inception in 1996, members were appointed to serve staggered terms, so that every year, the terms for approximately one-third of the members expire. This notice is to solicit individuals who are qualified to represent at least one of the ten stakeholder categories listed below:

Category B. Farm Cooperatives

Category D. Plant Commodity Producer

Category G. National Aquaculture Association

Category J. National Food Science Organization

Category L. National Nutritional Science Society
Category M. 1862 Land-Grant Colleges and Universities
Category S. Member of Scientific Community not closely associated with Agriculture
Category BB. An Agency of USDA that Lacks Research Capabilities
Category CC. Research Agency of the Federal Government Other than USDA
Category EE. National Organizations directly concerned with Agricultural Research, Education, and Extension

The nominees submitted for these categories will be considered by the Secretary of Agriculture for appointment to the Advisory Board. The ten appointed members will serve a three-year term, beginning October 1, 2005 and ending September 30, 2008.

Nominations will be open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To assure that recommendations of the Advisory Board take into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Appointments to the National Agricultural Research, Extension, Education, and Economics Advisory Board will be made by the U.S. Secretary of Agriculture.

Done at Washington, DC, this 13th day of May, 2005.

Rodney J. Brown,

Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 05–10210 Filed 5–20–05; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service; Notice of Intent To Extend a Currently Approved Information Collection

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces the Cooperative State Research, Education, and Extension Services (CSREES) intention to request approval to extend the currently approved information collection for Children, Youth, and Families at Risk (CYFAR).

DATES: Written comments on this notice must be received by July 22, 2005 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments concerning this notice and requests for copies of the information collection may be submitted by any of the following methods to Jason Hitchcock, eGovernment Program Leader, Information Systems and Technology Management; Mail: CSREES, USDA, STOP 2216, 1400 Independence Avenue, SW., Washington, DC 20250–2216; Hand Delivery/Courier: 800 9th Street, SW, Waterfront Centre, Washington, DC 20024; Fax: 202–720–0857; or E-mail: *jhitchcock@csrees.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Jason Hitchcock, 202–720–4343 or via the above e-mail address.

SUPPLEMENTARY INFORMATION:

Title: Children, Youth, and Families at Risk (CYFAR) Year End Report.

OMB Number: 0524–0043.

Expiration Date of Approval: September 30, 2005.

Type of Request: Intent to request approval to extend an information collection.

Abstract: Funding for the Children, Youth, and Families at Risk (CYFAR) New Communities Project (NCP) is authorized under section 3(d) of the Smith-Lever Act (7 U.S.C. 341 *et seq.*), as amended, and other relevant authorizing legislation, which provides jurisdictional basis for the establishment and operation of Extension educational work for the benefit of youth and families in communities. The CYFAR funding program supports community-based programs serving children, youth, and families in at-risk environments. CYFAR funds are intended to support the development of high quality, effective programs based on research and to document the impact of these programs on intended audiences. The CYFAR Year End Report collects demographic and impact data from each community site to conduct impact evaluations of the programs on its intended audience.

The collection of information serves several purposes. It allows CSREES staff to gauge if the program is reaching the target audience and to make programmatic improvements. This collection also allows program staff to demonstrate the impacts and capacity that is developed in the locales where Federal assistance is provided.

The evaluation processes of CYFAR are consistent with the requirements of Congressional legislation and OMB. The Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103–62), the Federal Activities Inventory Reform Act (FAIR) (Pub. L. 105–107), and the Agricultural, Research, Extension and Education Reform Act (AREERA) of 1998 (Pub. L. 105–185), together with OMB requirements, support the reporting requirements requested in this information collection. One of the five Presidential Management Agenda initiatives, Budget and Performance Integration, builds on GPRA and earlier efforts to identify program goals and performance measures, and link them to the budget process. The FAIR act requires the development and implementation of a system to monitor and evaluate agricultural research and extension activities in order to measure the impact and effectiveness of research, extension, and education programs. AREERA requires a performance evaluation to be conducted to determine whether Federally funded agricultural, research, extension, and education programs result in public goods that have national or multi-state significance.

The immediate need of this information collection is to provide a means for satisfying accountability requirements. The long-term objective is to provide a means to enable the evaluation and assessment of the effectiveness of programs receiving Federal funds and to fully satisfy requirements of performance and accountability legislation in GPRA, the FAIR Act, and AREERA.

Estimate of Burden: There are currently CYFAR projects in 48 states and 2 territories. Each state and territory is required to submit an annual year-end report which includes demographic and impact data on each of the community projects. CSREES estimates the burden of this collection to be 322 hours per response. There are currently 50 respondents, thus making the total annual burden of this collection an estimated 16,100 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden 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 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.

Done in Washington, DC, this 12th day of May, 2005.

Rodney J. Brown,

Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 05–10208 Filed 5–20–05; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service; Notice of Intent To Extend a Currently Approved Information Collection

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

AGENCY: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces the Cooperative State Research, Education, and Extension Service's (CSREES) intention to request approval to extend the currently approved information collection in support of authorizations to use the 4–H Club Name and/or Emblem.

DATES: Written comments on this notice must be received by July 22, 2005 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments concerning this notice and requests for copies of the information collection may be submitted by any of the following methods to Jason Hitchcock, eGovernment Program Leader, Information Systems and Technology Management; Mail: CSREES, USDA, STOP 2216, 1400 Independence Avenue, SW., Washington, DC 20250–2216; Hand Delivery/Courier: 800 9th Street, SW., Waterfront Centre, Washington, DC 20024; Fax: 202–720–0857; or E-mail: *jhitchcock@csrees.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Jason Hitchcock, 202–720–4343 or via the above e-mail address. Information is also available at *http://www.national4-hheadquarters.gov/emblem/4h_name.htm.*

SUPPLEMENTARY INFORMATION: *Title:* Application for Authorization to Use the 4–H Club Name and/or Emblem.

OMB Number: 0524–0034.

Expiration Date of Approval: March 31, 2006.

Type of Request: Intent to request approval to extend an information collection.

Abstract: Use of the 4–H Club Name and/or Emblem is authorized by an Act of Congress (18 U.S.C. 707). Use of the 4–H Club Name and/or Emblem by anyone other than 4–H Clubs and those duly authorized by them, representatives of the United States Department of Agriculture, the land-grant colleges and universities, and persons authorized by the Secretary of Agriculture is prohibited by the provisions of 18 U.S.C. 707. The Secretary of Agriculture has delegated authority to the Administrator of CSREES to authorize others to use the 4–H Club Name and Emblem. The Administrator has promulgated regulations at 7 CFR part 8 that govern such use. The regulatory requirements for use of the 4–H Club Name and/or Emblem reflect the high standards of 4–H and its educational goals and objectives. Pursuant to provisions of 7 CFR part 8 anyone requesting authorization from the Administrator to use the 4–H Club Name and Emblem is asked to describe the proposed use in a formal application. The collection of this information is used to determine whether the applicant's proposed use will meet the regulatory requirements in 7 CFR part 8 and whether an authorization for use should be granted.

Need and Use of the Information: CSREES will collect information on the name of the individual, partnership, corporation, or association; the organizational address; the name of an authorized representative; the telephone number, facsimile number, and e-mail address; the proposed use of the 4–H Club Name and/or Emblem; and the plan for sale or distribution of the product bearing the 4–H Club Name and/or Emblem. The information collected by CSREES will be used to determine if those applying to use the 4–H Name and/or Emblem meet the regulatory requirements. If the information is not collected, it would not be possible to ensure that the products, services, and materials meet the regulatory requirements as well as 4–H educational goals and objectives.

Estimate of Burden: No changes have been proposed to this collection and the public reporting burden remains at the estimated average .5 hours per response.

Respondents: Individuals, households, business or other for-profit or not-for-profit institutions.

Estimated Number of Respondents: 60.

Estimated Number of Responses per Respondents: 2.

Estimated Total Annual Burden on Respondents: 60 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden 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 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.

Done in Washington, DC, this 16th day of May, 2005.

Rodney J. Brown,

Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 05–10209 Filed 5–20–05; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Forest Research Advisory Council; Solicitation for Membership

AGENCY: Cooperative State Research, Education, and Extension Service.

ACTION: Notice of solicitation for membership to the Forestry Research Advisory Council.

SUMMARY: In accordance with the Federal Advisory Committee Act, the United States Department of Agriculture (USDA) announces solicitation for nominations to fill nine anticipated vacancies on the Forestry Research Advisory Council. The terms of nine members expired on December 31, 2004. Nominations for a three-year appointment for all nine positions are sought.

DATES: Nominations must be received on or before June 17, 2005.

ADDRESSES: The address for hand-delivered nominations or nominations submitted using an express mail or overnight courier service is: Office of

the Forestry Research Advisory Council; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 3213 Waterfront Center; 800 9th Street, SW., Washington, DC 20024; fax: (202) 401–1706. Nominations sent via the U.S. Postal Service must be sent to the following address: Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Office of the Forestry Research Advisory Council; Mail Stop 2210; 1400 Independence Avenue, SW., Washington, DC 20250–2210.

FOR FURTHER INFORMATION CONTACT: Catalino A. Blanche, Designated Federal Officer, Forestry Research Advisory Council; Office of the Forestry Research Advisory Council; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Mail Stop 2210; 1400 Independence Avenue, SW., Washington, DC 20250–2210; telephone: (202) 401–4190; fax: (202) 401–1706; e-mail: *cblanche@csrees.usda.gov*, or contact Dr. Hao Tran, Staff Assistant, Research and Development, Forest Service, U.S. Department of Agriculture; telephone: (202) 205–1293; fax: (202) 205–1530; e-mail: *htran@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The Forestry Research Advisory Council was established to provide advice to the Secretary of Agriculture on efficiently accomplishing the purposes of the McIntire-Stennis Act of 1962 (16 U.S.C. 582a, *et seq.*). The Council also provides advice related to the Forest Service research program, authorized by the Forest and Rangeland Resources Research Act of 1978 (Pub. L. 95–307, 92 Stat. 353, as amended, 16 U.S.C. 1600 (note)). The Council is composed of 20 voting members from the following membership categories:

- Federal and State agencies concerned with developing and utilizing the Nation's forest resources which includes the National Forest System and Forest and Range Experiment Stations leaders, Forest Service;
- The forest industries;
- The forestry schools of the State certified eligible institutions and State agricultural experiment stations; and
- Volunteer public groups concerned with forests and related natural resources.

Nominees will be carefully reviewed for their broad expertise, leadership, and relevancy to a membership category. Nominations for one individual who fits several of the categories, or for more than one person who fits one category will be accepted. Please indicate the specific membership category for each nominee.

Each nominee must complete Form AD–755, Advisory Committee Membership Background Information (which can be obtained from the contact persons above) and will be vetted before selection. Send the nominee's name, resume, and the completed Form AD–755 as noted above. Please note: All nominations received in response to the November 12, 2004 notice, do not have to resubmit nominations. Applicants are strongly encouraged to submit nominations via overnight mail or delivery service to ensure timely receipt by the USDA.

Done at Washington, DC this 16th day of May, 2005.

Rodney J. Brown,

Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 05–10211 Filed 5–20–05; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lake County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lake County Resource Advisory Committee (RAC) will hold a meeting.

DATES: The meeting will be held on June 23, 2005, from 3:30 p.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Lake County Board of Supervisor's Chambers at 255 North Forbes Street, Lakeport.

FOR FURTHER INFORMATION CONTACT: Debbie McIntosh, Committee Coordinator, USDA, Mendocino National Forest, Upper Lake Ranger District, 10025 Elk Mountain Road, Upper Lake, CA 95485. (707) 275–2361: e-mail *dmcintosh@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Roll Call/Establish Quorum; (2) Review Minutes From the June 24, 2004 Meeting; (3) Discuss Other business for 2004; (4) Strategy for Attending the Lake Co. Board of Supervisor's Meeting; (5) Letters to Congress on Retaining the RACs; (6) Discuss Project Cost Accounting USFS/County of Lake; (7) Set Next Meeting Date; (8) Public Comment Period; Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time. (9) Adjourn.

Dated: May 11, 2005.

Blaine P. Baker,

Designated Federal Officer.

[FR Doc. 05–10199 Filed 5–20–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 21–2005]

Foreign-Trade Zone 105—North Kingstown, RI; Request for Manufacturing Authority; Southeastern New England Shipbuilding Corporation (Shipbuilding)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Rhode Island Economic Development Corporation (RIEDC), grantee of FTZ 105, pursuant to Section 400.28(a)(2) of the Board's regulations (15 CFR Part 400), requesting authority on behalf of Southeastern New England Shipbuilding Corporation (Senesco) to construct and repair oceangoing vessels under FTZ procedures within FTZ 105. It was formally filed on May 16, 2005.

The Senesco shipyard (450 employees, 31 acres, capacity: up to 4 vessels/year) is located at 10 MacNaught Street within the Quonset Business Park (FTZ Site 2), in North Kingstown, Rhode Island. Under FTZ procedures, Senesco would construct and repair tugboats (HTSUS 8901.90), double-hulled liquid barges (HTSUS 8901.20) and articulating tug barges for domestic and international customers. Foreign components that would be used at the shipyard (up to 30% of total purchases) include: diesel engines (HTSUS 8408.10), stern tubes (8483.30), reduction gears (8483.40), shaft grounding systems and seals (8483.90), generators (8501.62, 8501.63), overfill alarms (8531.90), tank washing machines (8537.10), valve remote operators (8537.10), tank gauging systems (8537.10), and ACCU automation/steering systems (8537.10) (duty rates: 1.3–4.5%). The request indicates that Senesco will not admit any foreign-origin steel mill products to the zone for use in FTZ manufacturing activity.

FTZ procedures would exempt Senesco from Customs duty payments on the foreign components (except steel mill products) used in export activity. On its domestic sales, the company would be able to choose the duty rate that applies to finished oceangoing vessels (duty free) for the foreign-origin components noted above. Duties would be deferred or reduced on foreign

production equipment admitted by Senesco to the zone until which time it becomes operational. The manufacturing and repair activity conducted under FTZ procedures would be subject to the ''standard shipyard restriction'' applicable to foreign-origin steel mill products (*e.g.*, angles, pipe, plate), which requires that all applicable Customs duties be paid on such items. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the following addresses:

1. Submissions via Express/Package Delivery Services: Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. Submissions via the U.S. Postal Service: Foreign-Trade Zones Board, U.S. Department of Commerce, FCB–4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

The closing period for their receipt is July 7, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 22, 2005).

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address No.1 listed above.

Dated: May 16, 2005.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–10243 Filed 5–20–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet June 7, 2005, 9 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman.
2. Identification of Duties and Election of RPTAC Chair.
3. Presentation of papers or comments by the Public.
4. Regulations update.
5. Update on proposed rule on ''knowledge'', ''red flags'', and ''safe harbor'' (RIN 0694–AC94).
6. Update on proposed rule on deemed export related regulatory requirements (RIN 0694–AD29).
7. Country policy update: Libya.
8. Country policy update: China.
9. Country group revision project update.
10. Encryption controls update.
11. AES update.
12. Office of Export Enforcement update.
13. Work group reports.

Closed Session

14. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Yvette Springer at *Yspringer@bis.doc.gov.*

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on May 17, 2005, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 §§ (10)(d)), that the portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public. For more information, call Yvette Springer at (202) 482–2583.

Dated: May 18, 2005.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 05–10213 Filed 5–20–05; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900, A–580–855]

Notice of Request for Information and Extension of the Deadline for Determining the Adequacy of the Petitions for: Diamond Sawblades and Parts Thereof From the People's Republic of China and the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: May 23, 2005.

FOR FURTHER INFORMATION CONTACT: Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Inquiries regarding any information on this notice may be addressed by calling Mark Manning at 202–482–5253 and via facsimile at 202–482–5871.

The Petitions

On May 3, 2005, the Department of Commerce (Department) received an antidumping duty petitions (Petitions) filed on behalf of the Diamond Sawblade Manufacturers' Coalition (DSMC) and its individual members (collectively, petitioners).

Scope of the Petitions

The following language describes the imported merchandise from the People's Republic of China (PRC) and the Republic of Korea (Korea) that petitioners intend to be included in the scope of the investigations:

The products covered by these petitions are all finished circular sawblades, whether slotted or not, with a working part that is comprised of a diamond segment or segments, and parts thereof, regardless of specification or size, except as specifically excluded below.

Within the scope of these petitions are semifinished diamond sawblades, including diamond sawblade cores and diamond sawblade segments. Diamond sawblade cores are circular steel plates, whether or not attached to non-steel plates, with slots. Diamond sawblade cores are manufactured principally, but not exclusively, from alloy steel. A diamond sawblade segment consists of

a mixture of diamonds (whether natural or synthetic, and regardless of the quantity of diamonds) and metal powders (including, but not limited to, iron, cobalt, nickel, tungsten carbide) that are formed together into a solid shape (from generally, but not limited to, a heating and pressing process).

Sawblades with diamonds directly attached to the core with a resin or electroplated bond, which thereby do not contain a diamond segment, are not included within the scope of these petitions. Sawblade cores with a thickness of less than 0.025 inches, or with a thickness greater than 1.1 inches, are excluded from the scope of the petitions. Circular steel plates that have a cutting edge of non-diamond material, such as external teeth that protrude from the outer diameter of the plate, whether or not finished, are excluded from the scope of the petitions. Diamond sawblade cores with a Rockwell C hardness of less than 25 are excluded from the scope of the petitions. Diamond segments with diamonds that predominantly have a mesh size number greater than 240 (such as 250 or 260) are excluded from the scope of the petitions.

Merchandise subject to this order is typically imported under heading 8202.39.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). When packaged together as a set for retail sale with an item that is separately classified under headings 8202 to 8205 of the HTSUS, diamond sawblades or parts thereof may be imported under heading 8206.00.00.00 of the HTSUS. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the investigation is dispositive.

Petitioners request that the Department and the International Trade Commission (Commission) treat diamond sawblades, diamond sawblade segments, and diamond sawblade cores as one ''domestic like product'' and, similarly, one ''class or kind'' of merchandise for purposes of these investigations.

Domestic Like Product

Section 771(10) of the Tariff Act of 1930, as amended (the Act), defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with the article subject to investigation.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petitions.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that the Department's industry support determination be based on whether a minimum percentage of the relevant industry supports the petition. A petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Request for Information

Because the Petitions have not established that domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product support the petition, we must ''poll or otherwise determine industry support for the petition by the industry.'' *See* section 732(c)(4)(D) of the Act.

In accordance with section 732(c)(4)(D) of the Act and in order to determine whether the Petitions establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, we are hereby requesting that all domestic producers/manufacturers of diamond sawblades and parts thereof submit to the Department a response to the questions on Import Administration's Web site: *http://ia.ita.doc.gov.*

Filing Requirements

Given the very short period in which we must determine industry support, the number of potential responses, and the fact that industry support may not be re-examined after initiation, we are waiving the filing requirements set forth in 19 CFR 351.303 for certain parties submitting information on industry support. This waiver of the filing requirements will not apply to: (1) the submission of documents that are not in response to the information requested in this notice or (2) parties that are familiar with the conduct of antidumping and countervailing proceedings through prior involvement in such proceedings (*e.g.*, parties represented by law firms that are involved in other antidumping/countervailing cases).

This limited waiver is applicable only until May 25, 2005, the deadline for submitting the information requested in this notice. This waiver is intended to expedite the receipt of information that is essential to our analysis of industry support by providing information on the production of the domestic like product by petitioning and non-petitioning companies. By avoiding delays in the receipt of such information, we will have more time to analyze whether the statutory requirements concerning industry support for the above-referenced petitions have been met.

All parties submitting any information must include the following statement in their response: ''I, (name and title), currently employed by (person), certify that (1) I have read the attached submission, and (2) based on the information made available to me by (person), I have no reason to believe that this submission contains any material misrepresentation or omission of fact.'' All information received by the Department will be treated as business proprietary information as outlined in our regulations (19 CFR 351.304–306), unless otherwise noted. Please note that all company names will be treated as public information. In addition, note that all business proprietary documents received by the Department in response to this notice will be served to those individuals with access to business proprietary information under the Administrative Protective Order (APO). All public documents may be made available to those parties on the public service list. The APO service lists and the public service lists are available on Import Administration's Web site: *http://ia.ita.doc.gov*.

Information submitted to the Department in response to this notice should be addressed to Carrie Blozy and faxed to the following number: 202–482–5871. Furthermore, all such information will be placed on the official record of the proceeding. Responses to this notice are due no later than May 25, 2005. Responses after this date may not be reviewed by the Department and, therefore, not included in the analysis.

Extension of Time

Section 732(c)(1)(A)(ii) of the Act provides that within 20 days of the filing of an antidumping duty petition, the Department will determine, *inter alia*, whether the petition has been filed by or on behalf of the U.S. industry producing the domestic like product. Section 732(c)(1)(B) of the Act provides that the deadline for the initiation determination can be extended by 20 days in any case in which the Department must ''poll or otherwise determine support for the petition by the industry * * *.''

We will require additional information from the petitioners and the domestic producers of diamond sawblades and parts thereof in order to make our determination regarding industry support. We will also need additional time to analyze the petitioners' responses to our requests for information. *See* the ''Determination of Industry Support for the Petitions'' section of this notice, above. Therefore, it is necessary to extend the deadline determining the adequacy of the petitions for a period not to exceed 40 days from the filing of the petitions. As a result, the initiation determination is due no later than June 13, 2005, which is the next business day after 20 days from the original deadline for the initiation determination.

International Trade Commission Notification

Because the Department has extended the deadline of the initiation determination, the Department will contact the Commission and will make this extension notice available to the Commission.

Dated: May 18, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 05–10309 Filed 5–20–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southwest Region Coral Reef Ecosystems Logbook and Reporting

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before July 22, 2005.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara (808) 927–1805 or *Walter.Ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

National Marine Fisheries Service (NMFS) requires U.S. fishing vessels registered for use (or any U.S. citizen issued) with a Special Coral Reef Ecosystem Fishing Permit, authorized under the Fishery Management Plan for Coral Reef Ecosystems of the western Pacific region, to complete logbooks and submit them to NMFS. The information in the logbooks is used to obtain fish catch/fishing effort data on coral reef taxa harvested in designated low-use marine protected areas and on potentially-harvested coral reef taxa in waters of the U.S. exclusive economic zone in the western Pacific region. These data are needed to determine the condition of the stocks and whether the current management measures are having the intended effects, to evaluate the benefits and costs of changes in management measures, and to monitor and respond to incidental takes of endangered and threatened marine animals.

II. Method of Collection

Information is submitted to NMFS in the form of paper logbook sheets and paper transshipment forms within 30 days of each landing of coral reef harvest.

III. Data

OMB Number: 0648–0462.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 5.

Estimated Time Per Response: 3 minutes per trip; 30 minutes per day.

Estimated Total Annual Burden Hours: 382.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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

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

Dated: May 17, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–10181 Filed 5–20–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southwest Region Coral Reef Ecosystems Permit Form

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before July 22, 2005.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the information collection instrument and instructions should be directed to Walter Ikehara (808) 927–1805 or *Walter.Ikehara@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

National Marine Fisheries Service (NMFS)requires U.S. vessels fishing for coral reef management unit species in the designated low-use Marine Protected Areas and open areas, *i.e.*, waters seaward of the inner boundary of the U.S. Exclusive Economic Zone in the western Pacific region, to obtain and carry a permit. This permit is also required for at-sea transshipment of coral reef management unit species. The permit application form provides basic information about the permit applicant, vessel, fishing gear and method, target species, projected fishing effort, *etc.*, for use by NMFS and the Western Pacific Fishery Management Council in determining eligibility for permit issuance. The information is important for understanding the nature of the fishery and provides a link to participants. It also aids in the enforcement of Fishery Management Plan measures.

II. Method of Collection

Information is submitted to NMFS, in the form of paper permit application forms.

III. Data

OMB Number: 0648–0463.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 12.

Estimated Time Per Response: 2 hours.

Estimated Total Annual Burden Hours: 30.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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

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

Dated: May 17, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–10182 Filed 5–20–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Gear-Marking Requirement for Atlantic Large Whale Take Reduction Plan.

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before July 22, 2005.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kristy Long (301) 713–1401 or *Kristy.Long@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this proposed collection of information is to enable NOAA to reduce entanglements of large whales, especially right whales, in U.S. commercial fishing gear. Persons setting lobster trap/pot or gillnet gear in some areas of the Atlantic Ocean would be required to paint or otherwise mark their gear with two color codes, one color designating the type of gear, the other designating the area where the gear is set depending on area. These marking requirements would apply in right whale critical habitats and in two other areas where right whales are seen on a regular basis. These areas are the southeast U.S. observer area and the Stellwagen Bank/Jeffreys Ledge restricted area.

The goals of this collection of information are to obtain more information on where large whales are being entangled and on what type gear responsible for the entanglement. This information will allow NMFS to focus further risk reduction measures on problem areas rather than instituting broader measures that affect the overall industry.

II. Method of Collection

This is a marking requirement and no information is submitted to NOAA.

III. Data

OMB Number: 0648–0364.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 4,506.

Estimated Time Per Response: 6 minutes.

Estimated Total Annual Burden Hours: 2,572.

Estimated Total Annual Cost to Public: $27,313.

IV. Request for Comments

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

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

Dated: May 17, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–10183 Filed 5–20–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051805A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Amendment for the Fishery Ecosystem Plan

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

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS); request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) intends to prepare a DEIS to assess the impacts on the natural and human environment of the management measures proposed in its draft Fishery Ecosystem Plan Comprehensive Amendment.

DATES: Written comments on the scope of issues to be addressed in the preliminary DEIS will be accepted through June 30, 2005.

ADDRESSES: Comments and requests for copies of the scoping document should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699, PHONE: 1–866–SAFMC–10; FAX: 843–769–4520; email: *FEPAR@safmc.net*.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; toll free 1–866–SAFMC–10 or 843–571–4366; *kim.iverson@safmc.net*.

SUPPLEMENTARY INFORMATION: There has been recent interest in using ecosystem-based management principles to complement the current fishery management regime. It is believed that the incorporation of ecosystem-based principles will improve upon a system that has largely been based on single-species stock assessment and management. Ecosystem principles include the consideration of information that has not been available in the past when managing fish stocks, including predator-prey interactions, the influence of weather and climate on the biological environment, the condition of the habitat/environment, and the role of species diversity to ecosystem functions.

With the Habitat Plan as a cornerstone, the South Atlantic Fishery Management Council (Council) is developing an ecosystem-based approach to resource management. In doing so, the Council is initiating development of a comprehensive resource document that will present fishery and resource information for fisheries in the South Atlantic Bight ecosystem. This document, here referred to as the Fishery Ecosystem Plan (FEP), will build upon the detailed habitat information described in the Council's 1998 Habitat Plan for the South Atlantic. The FEP will describe the detailed ecological and socioeconomic information regarding southeast fisheries from an ecosystem perspective. Information will include the delineation of the geographical extent of the ecosystems, descriptions of species life histories, and the development of a conceptual model of the food web.

Based upon the information developed in the FEP, the Council plans to establish a process to incorporate ecosystem information obtained through the FEP (and future FEP updates) into the current policy-making and management process. The proposed system calls for the initial development of a FEP as described above, in addition to the implementation of a 5-year system-wide evaluation cycle. The FEP will be reviewed, amended, and updated every five years with new scientific knowledge about ecosystem interactions. Concurrent with the development of the FEP will be a determination if new regulations should be incorporated into the current management system. If needed, existing fishery management plans (FMPs) will be amended through a FEP Comprehensive Amendment and in accordance with the National Environmental Policy Act.

In determining the actions to be taken in the initial FEP Comprehensive Amendment, the Council is adopting several recommendations from an Ecosystem Principles Advisory Panel 1999 report to Congress. The report outlined eight basic principles that should be contained in a FEP. Included in these are delineation of geographical extents of ecosystems that occur within the Council's authority, development of a conceptual model of the food web, and calculation of total removals from an ecosystem as a function of fishery-related actions. Using these eight principles as guidance, the Council is considering the following actions in the initial FEP Comprehensive Amendment/DEIS:

1. In order to calculate and characterize total removals from the ecosystem as a consequence of fishery-related actions (i.e., landings, discards, bycatch), the Council is considering requiring a permit to fish for, harvest, or possess any resource in the EEZ for all recreational and commercial fishermen. Other alternatives to calculate and characterize total removals being considered include: Replace the current Snapper/Grouper and Mackerel paper logbook programs by implementing the use of electronic logbooks and implement the Atlantic Coastal Cooperative Statistics Program's (ACCSP) modules. These modules provide the minimum data elements to be collected by all ACCSP partners conducting data collection programs.

2. The following three actions are being considered in order to comply with the Essential Fish Habitat (EFH) final rule (published at 67 FR 2343, January 17, 2002):

a. Refine existing EFH and Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs) as necessary;

b. Identify new EFH and/or EFH-HAPCs as necessary;

c. Implement measures to reduce impacts of fishing and non-fishing impacts on EFH and EFH-HAPCs as necessary.

3. Establishment of deep water coral HAPCs, with possible gear limitations in the newly protected areas, is being considered.

4. For enforcement and data collection purposes, requiring Vessel Monitoring Systems (VMS) on commercial, for-hire, and/or private recreational vessels is being considered.

5. The Council is considering amending the Mackerel FMP (as part of the Comprehensive FEP Amendment) with the following ten actions:

a. Add little tunny, bonita, false albacore, greater barracuda, and blackfin tuna to the fishery management unit;

b. Revert to utilizing a control rule in place of a quota-based management system;

c. Modifications to the mackerel framework;

d. Implement a permit to include all fisheries with an endorsement for mackerel;

e. Add new qualifications for king mackerel.

f. Prohibit the sale of recreationally caught coastal migratory pelagics;

g. Implement a standardized bycatch reporting protocol;

h. Modify the current bag, size, and trip limits;

i. Implement a moratorium and limited-entry for Spanish mackerel; and

j. Modify the king mackerel management boundaries.

6. The Council is considering amending the Shrimp FMP with the following two actions:

a. Investigate ways to reduce turtle mortality in the South Atlantic EEZ as a result of shrimp trawling (i.e., prohibition of shrimping during the night-time and gear adjustments); and

b. Implement a limited-entry program for the penaeid shrimp fishery.

7. In order to maintain the optimum size, age, and genetic structure of slow growing, long-lived, deepwater snapper and grouper species (e.g., snowy grouper, speckled hind, and yellowedge grouper) the Council is considering the use of marine protected areas (MPAs) in the South Atlantic EEZ. A total of nine proposed sites are currently being considered.

8. Any other actions that the Council feels are necessary to implement ecosystem-based fishery management in the South Atlantic following the scoping process.

In an effort to use the technical expertise in the region to develop the FEP, the Council has conducted a series of technical workshops during 2003 and 2004, while more are planned for 2005. In addition, the Council has been accepting public input on ecosystem-based fisheries management at each of its Advisory Panel and Council meetings.

Following publication of this Notice of Intent, the Council will conduct a public scoping period that will end on June 30, 2005, where comments will be accepted through electronic mail, mail, or fax. A scoping meeting to determine the scope of significant issues to be addressed in the DEIS will be conducted on June 13, 2005. The meeting will begin at 6 p.m. Following consideration of public comments, the Council plans to prepare and distribute the draft FEP Comprehensive Amendment/DEIS in late 2005. A comment period on the DEIS is planned, which will include public hearings to receive comments. Availability of the DEIS, the dates of the public comment period, and information about the public hearings will be announced in the **Federal Register** and in local news media.

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

Dated: May 18, 2005.

Tracey L. Thompson,

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

[FR Doc. E5–2580 Filed 5–20–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Technology Administration

Proposed Information Collection; Comment Request; Government-owned Inventions License Application and Utilization Report

ACTION: Notice.

SUMMARY: The Department of Commerce (DOC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing and proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 22, 2005.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be directed to John Raubitschek, Patent Counsel, HCHB, Room 4835, 14th and Constitution Avenue, NW., Washington, DC 20230, (202) 482–8010; or via e-mail to *JRaubits@doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

In order for a person to obtain a license in a Government-owned invention, certain information is required. As required by 35 U.S.C. 209(f) and 37 CFR 404.5(a)(1), a plan for development or marketing the invention must be submitted to the Federal agency. Additional information is required by 37 CFR 404.8 relating to the potential licensee and its particular development and marketing plan. The plan is used to determine if a license should be granted to the applicant and on what terms. Also, 35 U.S.C. 209(d)(2) and 37 CFR 404.5(b)(6) requires that any licensee report periodically on its utilization efforts of the licensed invention. This information indicates if the licensee is complying with its development and marketing plan and whether the license should be terminated or modified by the agency under 35 U.S.C. 209(d)(3). The development and marketing plan of the application is protected from FOIA under 35 U.S.C 209(f). If an application for a license has been denied, it may be appealed under 37 CFR 404.11(a). The utilization report is usually required by the license to be submitted annually until practical application has been achieved. The report is protected from FOIA under 35 U.S.C. 209(d)(2).

II. Method of Collection

The application for license is usually submitted in writing with attachments. However, it may be transmitted by email or facsimile.

III. Data

OMB Number: 0692–0006.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Individuals or households; business or other for-profit organizations; not-for-profit institutions.
Estimated Number of Respondents: 4,600.
Estimated Time Per Response: 2 hours for an application; 1 hour for utilization report.
Estimated Total Annual Burden Hours: 5,200.
Estimated Total Annual Cost to Public: $52,000.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 17, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–10180 Filed 5–20–05; 8:45 am]

BILLING CODE 3510–18–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to alter a system of records; CIG–06—Investigative Files.

SUMMARY: The Office of the Inspector General (OIG) of the Department of Defense (DoD) proposes to alter a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, by adding two new routine uses that will permit the sharing of information with other (1) Federal Inspector General Offices, the President's Council on Integrity and Efficiency, and/or Federal law enforcement agencies in the conduct of investigations or when responding to such offices, Council, and agencies in connection with investigations of potential violations of law, rule, or regulation and (2) Federal Inspector General offices, the President's Council on Integrity and Efficiency, and the Department of Justice in the review of internal safeguards and management procedures employed by the OIG of the DoD.

DATES: The changes will be effective on June 22, 2005, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Chief, FOIA/PA Office, Inspector General, Department of Defense, 400 Army Navy Drive, Room 201, Arlington, VA 22202–4704.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl R. Aaron at (703) 604–9785.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on May 4, 2005, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: May 18, 2005.

Jeannette Owings-Ballard,

OSD Federal Register Liaison Officer, Department of Defense.

CIG–06

SYSTEM NAME:

Investigative Files (November 12, 2003, 68 FR 64088).

CHANGES:

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add new paragraphs four and five to read: To other Federal Inspector General offices, the President's Council on Integrity and Efficiency, and/or other Federal law enforcement agencies for the purpose of coordinating and conducting administrative inquiries and civil and criminal investigations, or when responding to such offices, Council, and agencies in connection with the investigation of potential violations of law, rule, and/or regulation.

To other Federal Inspector General offices, the President's Council on Integrity and Efficiency, and/or the Department of Justice for purposes of conducting external reviews to ensure that adequate internal safeguards and management procedures continue to exist within the Office of the Inspector General of the Department of Defense.

* * * * *

CIG–06

SYSTEM NAME:

Investigative Files.

PRIMARY LOCATION:

Office of the Deputy Inspector General for Investigations, Defense Criminal Investigative Service, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–4704.

DECENTRALIZED LOCATIONS:

Regional Field Offices; Resident Agencies; and various other OIG DoD Offices. A complete list of these decentralized locations can be obtained by writing to the 'System manager'.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD civilian personnel; members of the Armed Forces of the United States, Reserve components, and National Guard units; DoD contractors; individuals residing on, having authorized official access to, or contracting or operating any business or other functions at any DoD installation or facility; and individuals not affiliated with the Department of Defense when their activities have directly threatened the functions, property or personnel of the Department of Defense, or they have threatened any other high ranking government personnel who are provided protective service mandated by the Secretary of Defense, or they have engaged in, or are alleged to engage in criminal acts on DoD installations or directed at the Department of Defense, its personnel or functions; or individuals information regarding DoD activities falling under the purview of OIG responsibilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of Investigations (ROIs), Information Reports (IRs) and criminal intelligence reports containing statements of witnesses, suspects, subject(s) and special agents; laboratory reports, polygraph records to include charts, reports, technical data, rights waivers, polygraph waivers, numerical score sheets, interview logs, test questions sheets, and all other documents relating to the polygraphs, all consensual or non consensual monitoring, documentary evidence, physical evidence, summary and administrative data pertaining to preparation and distribution of the report; basis for allegations; investigative information from Federal, State, and local investigative and intelligence agencies and departments and all correspondence relevant to the investigation, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects witnesses and victims of crimes, report number which allows access to records noted above; agencies, firms, and Defense Department organizations which were the subject(s) or victim(s) of criminal investigations; and disposition and suspense of offenders listed in criminal investigative files, agents notes, working papers, confidential source documents, subpoenas, Grand Jury documents, finger print cards, witness identification data, requests approvals for case openings and or closings, special investigative techniques requiring approval by management, and any other miscellaneous documents supporting the case files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Pub. L. 95–452), as amended; DoD Directive 5106.1, Inspector General of the Department of Defense; and E.O. 9397 (SSN).

PURPOSE(S):

To conduct criminal investigations, crime prevention and criminal intelligence activities, to accomplish management studies involving the analysis, compilation of statistics, quality control, to ensure that completed investigations are legally sufficient and result in overall improvement in techniques, training

and professionalism. Includes personnel security, internal security, criminal, and other law enforcement matters, all of which are essential to the effective operation of the Office of the Inspector General.

THE RECORDS IN THIS SYSTEM ARE USED FOR THE FOLLOWING PURPOSES:

Suitability, loyalty, eligibility, and general trustworthiness of individuals for access or continued access to classified information and suitability for access to government facilities or industrial firms engaged in government projects/contracts; contractor responsibility and suspension/debarment determinations; suitability for awards or similar benefits; use in current law enforcement investigation or program of any type; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; to identify offenders, to provide facts and evidence upon which to base prosecution, to provide information to other investigative elements of the Department of Defense having jurisdiction over the substance of the allegations or a related investigative interest in criminal law enforcement investigations including statutory violations, counter-intelligence, counter-espionage and counter-terrorist activities and other security matters; to effect corrective administrative action and to recover money and property which has been wrongfully used or misappropriated; to make statistical evaluations and reports; to make decisions affecting personnel actions concerning members of the Armed Forces and or Federal employees; and to respond to other complaint investigations and congressional inquires as appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the U.S. Secret Service in conjunction with the protection of persons under its jurisdiction.

To other Federal, State, or local agencies having jurisdiction over the substance of the allegations or a related investigative interest in criminal law enforcement investigations including statutory violations, counter-intelligence, counter-espionage and counter-terrorist activities and other security matters.

To other Federal Inspector General offices, the President's Council on Integrity and Efficiency, and/or other Federal law enforcement agencies for the purpose of coordinating and conducting administrative inquiries and civil and criminal investigations, or when responding to such offices, Council, and agencies in connection with the investigation of potential violations of law, rule, and/or regulation.

To other Federal Inspector General offices, the President's Council on Integrity and Efficiency, and/or the Department of Justice for purposes of conducting external reviews to ensure that adequate internal safeguards and management procedures continue to exist within the Office of the Inspector General of the Department of Defense.

The DoD 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders and on electronic storage media.

RETRIEVABILITY:

Records are retrieved by individual's name, Social Security Number, Military Service Number, or case control number.

SAFEGUARDS:

Office is locked and building is protected by guards during non-duty hours. All OIG records are stored in locked safes and are accessible only to authorized personnel who have a need-to-know in conjunction with their official duties. Computerized listings are password protected.

RETENTION AND DISPOSAL:

Investigative Case files and Information Reports are maintained in the office of origin for two years after case closure and then transferred to the OIG DoD Headquarters for final preparation and final transfer to the Washington National Records Center where they are retained for 20 years and 10 years, respectively, and ultimately destroyed.

Those records which attract great public or judicial attention or document a historical development in the OIG DoD may be deemed permanent and transferred directly to the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Internal Operations Directorate, Office of the Deputy Inspector General for Investigations, Defense Criminal Investigative Service, Office of the Inspector General of the Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–4704.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–4704.

Written requests should contain the individual's full name (including former names and aliases), and Social Security Number, current home address, telephone number, and the request must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–4704.

Written requests should contain the individual's full name (including former names and aliases), and Social Security Number, current home address, telephone number, and the request must be signed.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects and suspects of OIG investigations. Interview of witnesses, victims, and confidential sources. All types of records and information maintained by all levels of government, private industry, and non-profit organizations reviewed during the course of the investigation or furnished the OIG. Any other type of record deemed necessary to complete the OIG investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency that performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For

additional information contact the system manager.

[FR Doc. 05–10214 Filed 5–20–05; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to add a system of records; DHRA 04—Joint Advertising and Market Research Recruiting Database.

SUMMARY: The Office of the Secretary of Defense proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on June 22, 2005, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita Irvin at (703) 601–4722, extension 110.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on May 4, 2005, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: May 18, 2005.

Jeannette Owings-Ballard,

OSD Federal Register Liaison Officer, Department of Defense.

DHRA 04

SYSTEM NAME:

Joint Advertising and Market Research Recruiting Database.

SYSTEM LOCATION:

BeNOW, 500 Edgewater Drive, Suite 525, Wakefield, MA 01880.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Names of high school students, aged 16–18; current college students; and Selective Service System registrants. Individuals who have taken the Armed Services Vocational Aptitude Battery (ASVAB) test; Individuals who have responded to various paid/non-paid advertising campaigns seeking enlistment information since July 1992; Current military personnel who are on Active Duty or in the Reserves. Individuals who are in the process of enlisting. Individuals who have asked to be removed from any future recruitment lists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, date of birth, gender, address, city, state, zip code, and where available Social Security Number (SSN), e-mail address, ethnicity, telephone number, high school name, graduation date, Grade Point Average (GPA) code, education level, college intent (if documented), military interest (if documented), field of study, current college attending, ASVAB Test date, ASVAB Armed Forces Qualifying Test Category Score.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness, and E.O. 9397 (SSN).

PURPOSE(S):

The purpose of the system of records maintained by the Joint Advertising, Market Research and Studies (JAMRS) is to provide a single central facility within the Department of Defense to compile, process and distribute files of individuals who meet age and minimum school requirements for military service. The information will be provided to the Services to assist them in their direct marketing recruiting efforts. The system also provides JAMRS with the ability to measure effectiveness of list purchases through ongoing analysis and to remove the names of individuals who are currently in, or are enlisting, in the Armed Forces or who have asked that their names be removed from future recruitment lists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, These records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on electronic storage media.

RETRIEVABILITY:

Records may be retrieved by individual's name, Social Security Number, or by address.

SAFEGUARDS:

Access to personal information is restricted to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of passwords that are changed periodically. Physical entry is restricted by the use of locks, guards, and administrative procedures.

RETENTION AND DISPOSAL:

Destroy when 5 years old or 5 years after completion of a specific training program (General Records Schedule 1, Item 29(a)(1)).

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, Executive Information/Decision Support Program Office, Six Skyline Place, Suite 809, 5111 Leesburg Pike, Falls Church, VA 22041–3201.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Department of Defense, Defense Human Resources Activity, c/o JAMRS, Direct Marketing Program Officer, Defense Human Resources Activity, 4040 N. Fairfax Drive, Suite # 200, Arlington, Virginia 22203–1613.

Requests should contain the full name, Social Security Number, date of birth, current address, and telephone number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Department of Defense, Defense Human Resources Activity, c/o JAMRS, Direct Marketing Program Officer, Defense Human Resources Activity, 4040 N.

Fairfax Drive, Suite # 200, Arlington, Virginia 22203–1613.

The written requests should contain the full name, Social Security Number, date of birth, current address, and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals; state Department of Motor Vehicle offices; commercial information brokers/vendors; Selective Service System; Defense Manpower Data Center (DMDC); United States Military Entrance Processing Command for individuals who have taken the ASVAB test; and the Military services and Congressional offices for individuals who have asked to be removed from any future recruitment lists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 05–10216 Filed 5–20–05; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Information Systems Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Notice to add a system of records; K890.08—Recall Roster/Locator Records.

SUMMARY: The Defense Information Systems Agency proposes to add a system of records notice to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on June 22, 2005, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Defense Information Systems Agency, Attn: Records Manager (SPI21), P.O. Box 4520, Arlington, VA 22204–4502.

FOR FURTHER INFORMATION CONTACT: Ms. Jeanette Jenkins at (703) 681–2103.

SUPPLEMENTARY INFORMATION: The Defense Information Systems Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act, was submitted on May 4, 2005, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: May 18, 2005.

Jeannette Owings-Ballard,

OSD Federal Register Liaison Officer, Department of Defense.

K890.08

SYSTEM NAME:

Recall Roster/Locator Records.

SYSTEM LOCATION:

Defense Information Systems Agency (DISA), ATTN: SPI21, P.O. Box 4502, Arlington, VA 22204–4502 and DISA organizations elements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DISA Civilian employees, Military personnel assigned or detailed to DISA, and Contractors assigned to all DISA elements, including DISA field activities. Family members of DISA civilian, military personnel, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, duty title, grade, social security number, home address, name of spouse and family members, work/home/cellular telephone numbers, work and home electronic mail addresses, facsimile number, pager number (if applicable).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 10 U.S.C. chp 8; DoD Directive 5105.19, Defense Information Systems Agency (DISA); E.O. 9397 (SSN).

PURPOSE(S):

Information is collected and maintained to ensure that DISA has the capability to recall personnel to their place of duty when required for operational reasons. Sure emergency notification may be required when necessary to perform relevant functions/requirements/actions consistent with the DISA mission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders, index cards, Rolodex-type files, loose-leaf and bound notebooks. Computer files are maintained on magnetic tape, diskette, or other machine-readable media.

RETRIEVABILITY:

Records are retrieved by Social Security Number and/or name of individual.

SAFEGUARDS:

Buildings are secured by guards during non-duty hours. Access to records is controlled by management personnel, who are responsible for maintaining the confidentiality of the records and using the information contained therein only for official purposes related to emergency notification. Access to computerized data is restricted by passwords.

RETENTION AND DISPOSAL:

Records are continuously updated. Records that are no longer current are destroyed by tearing into pieces, shredding, pulping, or burning. Obsolete computer records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Records Manager, SPI21, Defense Information Systems Agency, P.O. Box 4520, Arlington, VA 22204–4502.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Records Manager, SPI21, Defense Information Systems Agency, P.O. Box 4520, Arlington, VA 22204–4502.

The individual should make reference to the office where he/she is/was assigned or affiliated and include address and telephone number applicable to the period during which the record was maintained. Social

Security Number should be included in the inquiry for positive identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Records Manager, SPI21, Defense Information Systems Agency, P.O. Box 4520, Arlington, VA 22204–4502.

The individual should make reference to the office where he/she is/was assigned or affiliated and include address and telephone number applicable to the period during which the record was maintained. Social Security Number should be included in the inquiry for positive identification.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2 at 32 CFR part 316 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 05–10215 Filed 5–20–05; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 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 18, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Management

Type of Review: Revision.

Title: Annual Collection of Elementary and Secondary Education Data for EDEN.

Frequency: Annually.

Affected Public: State, local, or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 52. Burden Hours: 288,480.

Abstract: The Performance Based Data Management Initiative (PBDMI) is in the second phase of a multiple year effort to consolidate the collection of education information about States, Districts, and Schools in a way that improves data quality and reduces paperwork burden for all of the national education partners. To minimize the burden on the data providers, PBDMI seeks the transfer of the proposed data as soon as it has been processed for State, District, and School use. These data will then be stored in EDEN and accessed by federal education program managers and analysts as needed to make decisions. This will eliminate redundant data collections while providing for the timeliness of data submission and use.

Additional Information: The Department of Education (ED) is specifically requesting the data providers in each State Education Agency (SEA) to review the proposed data elements to determine which of these data can be provided for the upcoming 2005–06 school year and which data would be available in later years (2006–07 or 2007–08) and which data, if any, is never expected to be available from the SEA. ED also seeks to know if the SEA data definitions are consistent and compatible with the EDEN definitions and accurately reflect the way data is stored and used for education by the States, Districts, and Schools. The answers to these questions by the data providers will influence the timing and content of the final EDEN proposal for the collection of this elementary and secondary data.

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 2776. 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 Kathy Axt at her e-mail address *Kathy.Axt@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. 05–10254 Filed 5–20–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–131]

ANR Pipeline Company; Notice of Negotiated Rate Filing

May 13, 2005.

Take notice that on May 10, 2005, ANR Pipeline Company (ANR) tendered for filing and approval a negotiated rate

service agreement between ANR and Wisconsin Power and Light Company.

ANR requests that the Commission accept and approve the subject negotiated rate agreement to be effective June 1, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2567 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–408–063]

Columbia Gas Transmission Corporation; Notice of Sharing Profit Report

May 13, 2005.

Take notice that on May 10, 2005, Columbia Gas Transmission Corporation (Columbia) filed to report on the sharing with its customers of a portion of the profits from the sale of certain base gas as provided in Columbia's Docket No. RP95–408 rate case settlement. *See* Stipulation II, Article IV, sections A through E, in Docket No. RP95–408 approved at *Columbia Gas Transmission Corp.,* 79 FERC ¶ 61,044 (1997). Sales of base gas have generated additional profits of $8,389,803 (above a $41.5 million threshold) requiring a sharing of 50 percent of the excess profits with customers in accordance with Stipulation II, Article IV, section C.

Columbia states that $4,244,796, inclusive of interest, has been allocated to affected customers and credited to their March invoices, and that these credits remain subject to Commission acceptance of this filing.

Columbia states that copies of the filing have been served on its affected customers, affected State commission's and those parties on the official service list in this proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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 20, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2578 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–342–003]

Discovery Gas Transmission LLC; Notice of Compliance Filing

May 13, 2005.

Take notice that on May 6, 2005, Discovery Gas Transmission LLC, (Discovery) tendered for filing its initial rates and terms and conditions for service on its Market Expansion facilities as set forth in the tariff sheets in its FERC Gas Tariff, Original Volume No. 1, listed on the attachment to the filing, to be effective June 15, 2005.

Discovery further states that copies of the filing have been mailed to all the parties listed on the official service list in this proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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 June 3, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2568 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP04–251–006 and RP04–248–005]

El Paso Natural Gas Company; Notice of Allocated Path Report

May 13, 2005.

Take notice that on May 6, 2005, El Paso Natural Gas Company (EPNG) submitted two Summary of Allocated Path reports pursuant to Article VI, Pathing and Segmentation, of the Stipulation and Agreement filed with the Commission in Docket Nos. RP04–251–000 and RP04–248–000.

EPNG states that copies of the reports were served on parties on the official service list in the above-captioned proceedings.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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 20, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2573 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice Establishing Common Comment Date

May 13, 2005.

Midwest Independent Transmission System Operator, Inc. (Docket Nos. ER05–6–017, –018, –019, –020, –021, –022); Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, LLC, et al. (EL04–135–019, –020, –021, –022, –023, –024); Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, LLC, et al. (EL02–111–037, –038, –039, –040, –041, –042); Ameren Services Company, et al. (EL03–212–033, –034, –035, –036, –037, –038)

On April 19, 2005, the Commission issued a Notice of Extension of Time establishing a common due date to file comments on the March 31, 2005, filing by the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and the Midwest ISO Transmission Owners (collectively, Midwest ISO Applicants). The comment due date was extended to coincide with the comment date established for an anticipated filing that was to be submitted by Midwest ISO Applicants to incorporate lost revenue information that was to be filed by the PJM Interconnection, L.L.C. (PJM) transmission owners.

On May 9, 2005, the Commission issued another notice to establish a common comment due date for further filings that had been submitted that relate to the March 31, 2005 filing by the Midwest ISO Applicants.

Subsequently, Midwest ISO Applicants' anticipated filing to incorporate lost revenue information that was submitted by the PJM transmission owners, was submitted on May 4, 2005, as amended on May 5, 2005. A notice for this filing was issued on May 12, 2005, with a comment due date of May 26, 2005.

Accordingly, in order to ensure consistent comment deadlines on these related filings, notice is hereby given that the due date for comments on the filings submitted in the above captioned dockets is extended to and including May 26, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2569 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–339–000]

North Baja Pipeline, LLC; Notice of Limited Case-Specific Waiver

May 13, 2005.

Take notice that on May 10, 2005, North Baja Pipeline, LLC (NBP), Sempra Energy LNG Marketing Corp. (Sempra Marketing) and Termoelectrica de Mexicali, S. de R.L. de C.V. (TDM) tendered for filing a joint petition for limited case-specific waiver.

NBP, TDM and Sempra Marketing are requesting a limited case-specific waiver of the Commission's capacity release regulations in order to allow an assignment of TDM's firm capacity and its negotiated rate contract to Sempra Marketing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicted below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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.

Intervention and Comment Date: 5 p.m. eastern time on May 19, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2576 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–340–000]

TransColorado Gas Transmission Company; Notice of Filing of Request for Waiver of Tariff Provisions

May 13, 2005.

Take notice that on May 11, 2005, TransColorado Gas Transmission Company (TransColorado) tendered for filing a request for waiver of its tariff provisions.

TransColorado states that it filed the above-referenced request to petition the Commission to allow TransColorado to waive certain force majeure provisions of section 14 of the general terms and conditions of its FERC Gas Tariff.

TransColorado states that copies of its filing have been served upon all of its customers and effected State commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2577 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–337–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

May 13, 2005.

Take notice that on May 10, 2005, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective June 9, 2005:

Third Revised Sheet No. 120
Fourth Revised Sheet No. 122
Second Revised Sheet No. 122D
Second Revised Sheet No. 122E
Third Revised Sheet No. 122F

Transco states that the purpose of the instant filing is to update and clarify certain provisions included in Rate Schedule LG–A and Rate Schedule LNG of Transco's Tariff.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2574 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–338–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

May 13, 2005.

Take notice that on May 10, 2005, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the

following tariff sheet, to become effective June 9, 2005:

Third Revised Sheet No. 3740.01

Transco states that the purpose of the instant filing is to revise certain provisions included in section 48 of the General Terms and Conditions of Transco's Tariff, Right of First Refusal Procedures to clarify the procedures to be followed in the event no bids are received (or accepted by Transco) in response to a posting under section 48.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2575 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Filing Notices; Notice Announcing New Combined Notice of Filings

May 13, 2005.

Effective May 17, 2005, the Commission will use a new method, Combined Notice of Filings, to issue notices of filings. Initially, this new method will apply only to electric rate filings. In time, the Commission expects to issue the majority of notices of filings using the new method. In the future, the Office of the Secretary will announce by public notice the start-up date for the new notice method with respect to other types of filings.

As a result of this initiative, the Office of the Secretary is making the following changes to the filing procedures for electric rate filings:

1. Filers are no longer required to include draft notices in floppy disk format with the filing.

2. Filers requesting a short comment period for the filing must clearly state such request in the ''Re:'' section of the filing, for example:

Re: Hot Spring Power Company, Docket No. ER05–__Request for shortened comment period.

The notices issued under the new method will be added to eLibrary and will be published in the **Federal Register** under the name ''Combined Notice of Filings.'' These new notices will list between 10 and 20 filings already incorporated into eLibrary. Each filing will be listed with its identifying details as follows:

Docket Number—This item will contain a hyperlink to the eLibrary docket sheet for the docket number.

Name of Applicant(s)—This item will show the applicant name as it appears on the filing.

Description—This item will contain a basic description of the filing and a hyperlink that will open the filed document in eLibrary, as stored in eLibrary.

Filing Date—This item will show the date on which the document was filed with the Commission.

Accession Number—This item will contain a hyperlink that will open the ''Info'' area of eLibrary for the filed document. There may be instances in which the accession number for the particular filing changes after issuance of the combined notice. In this case, the user will have to search eLibrary to access the document.

Comment Date—This item will indicate the comment date for the particular filing.

The ''Combined Notice of Filings'' will be indexed in eLibrary as follows, for example: ''Combined Notice of Filings, May 20, 2005: This notice contains information concerning multiple filings received by FERC.'' The Commission may issue more than one ''Combined Notice of Filings'' on any given day. In this case, the eLibrary index will read as follows, for example: ''Combined Notice of Filings; May 20, 2005 No. 2: This notice contains information concerning multiple filings received by FERC.''

The Commission first announced the new ''Combined Notice of Filings'' during the April 13, 2004 open meeting. The ''Combined Notice of Filings'' is similar to the electric rate group notices that the Commission currently publishes in the **Federal Register**. By this initiative, the Commission seeks to simplify the manner in which the Commission's staff prepares notices and thereby expedite the public issuance of notices.

A sample ''Combined Notice of Filings'' is attached.

Magalie R. Salas,

Secretary.

Attachment

SAMPLE

UNITED STATES OF AMERICA

Federal Energy Regulatory Commission

NOTICE OF FILINGS

(Thursday, May 12, 2005)

Take notice that the Commission received the following electric rate filings

Docket Numbers: ER00–2603–003.

Applicants: Trigen-Syracuse Energy Corporation.

Description: Trigen-Syracuse Energy Corp advises FERC of the changes to the Triennial Market Power Update under ER00–2603.

Filed Date: 05/10/2005.

Accession Number: 20050511–0295.

Comment Date: 5 p.m. eastern time on Tuesday, May 31, 2005.

Docket Numbers: ER05–952–000.

Applicants: Western Systems Power Pool.

Description: Western Systems Power Pool, Inc requests for FERC to amend the WSPP Agreement to include the City of Corona Department of Water and Power et al as members under ER05–952.

Filed Date: 05/10/2005.

Accession Number: 20050511–0293.

Comment Date: 5 p.m. eastern time on Tuesday, May 31, 2005.

Docket Numbers: ER05–953–000.

Applicants: Phelps Dodge Power Marketing, LLC.

Description: Application for market-based rate authorization, certain waivers and blanket authorizations re Phelps Dodge Power Marketing, LLC under ER05–953.

Filed Date: 05/10/2005.

Accession Number: 20050511–0291.

Comment Date: 5 p.m. eastern time on Tuesday, May 31, 2005.

Docket Numbers: ER05–954–000.

Applicants: USGen New England, Inc.

Description: USGen New England, Inc submits a notice of cancellation of its FERC Electric Rate Tariff, Original Volume 1 under ER05–954.

Filed Date: 05/10/2005.

Accession Number: 20050511–0298.

Comment Date: 5 p.m. eastern time on Tuesday, May 31, 2005.

Any person desiring to intervene or to protest in any of the above proceedings 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) on or before 5 p.m. eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. For filings on or before the comment deadline, it is not necessary to serve copies on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling line to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

[FR Doc. E5–2570 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission, and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

May 13, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2219–020.

c. *Date Filed:* April 29, 2005.

d. *Applicant:* Garkane Energy Cooperative, Inc. (Garkane).

e. *Name of Project:* Boulder Creek Hydroelectic Project.

f. *Location:* On Boulder Creek about 6 miles north of the town of Boulder in Garfield County, Utah. About 31.74 acres are located on the Dixie National Forest.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* John Spendlove, P.E., Jones and DeMille Engineering, 1535 South 100 West, Richfield, UT 84710; (435) 896–8266.

i. *FERC Contact:* Dianne Rodman (202) 502–6077, E-mail: *Dianne.rodman@ferc.gov.*

j. *Cooperating agencies:* We are asking Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below.

k. *Deadline for requests for cooperating agency status:* June 28, 2005.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

l. This application is not ready for environmental analysis at this time.

m. The existing project consists of: (1) The West Fork rock-filled 20-foot-high, 30-foot-long diversion dam with ungated spillway and gates on the West Fork of Boulder Creek; (2) a buried 17,600-foot-long, 27-inch-diameter concrete conduit running from the West Fork dam to the East Fork of Boulder Creek; (3) the East Fork earth-filled 29-foot-high, 630-foot-long forebay dam with an ogee concrete spillway on the East Fork of Boulder Creek; (4) a 22,200-foot-long, 31.5 to 34-inch-diameter steel penstock running from the East Fork dam to the Boulder Plant powerhouse; (5) the seasonally-operated Peterson Plant powerhouse located about 17,000 feet below the East Fork dam with an installed capacity of 100 kilowatts (kW); (6) the Boulder Plant powerhouse located at the downstream end of the penstock with an installed capacity of 1,400 kW; (7) an afterbay re-regulating pool formed by a 12-foot-high earth-filled dam with gates and ditches; (8) a 35,000-foot-long, 7.2-kilovolt (kV) distribution and communication line from the West Fork dam to the East Fork dam and on to the Peterson Plant powerhouse; (9) a 4,725-foot-long, 12.47/7.2-kV distribution and communication line from the Peterson Plant powerhouse to the Boulder Plant substation; (10) a 100-foot-long, 2,400-volt transmission line connecting the Boulder Plant powerhouse with the Boulder Plant substation; and (11) other appurtenant structures and equipment.

Garkane proposes to reconstruct the West Fork dam to provide storage for fishery enhancement. Garkane would increase the height of the dam by 12.5 feet to a new height of 36.5 feet, resulting in a surface area of about 4.8 acres and a storage capacity of 54.2 acre-feet. Garkane would continue to operate the project in run-of-river mode.

n. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available

for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. Procedural schedule and final amendments: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Acceptance or Deficiency Letter: June 2005.

Request Additional Information: June 2005.

Notice Soliciting Final Terms and Conditions: September 2005.

Notice of the Availability of the EA: February 2006.

Ready for Commission's Decision on the Application: April 2006.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Magalie R. Salas,

Secretary.

[FR Doc. E5–2571 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD05–11–000 and ER02–1656–000]

Energy Infrastructure and Investment in California and California Independent System Operator Corporation; Notice of Technical Conference

May 13, 2005.

Take notice that the Federal Energy Regulatory Commission in conjunction with California State agencies, will host a technical conference on Thursday, June 2, 2005, to discuss energy infrastructure and investment in California. The conference will be held in San Francisco, California. The conference is scheduled to begin at 9 a.m. (p.s.t.) and end at approximately 3 p.m. A separate notice will be issued by the Commission to announce the exact location and final agenda. FERC Commissioners will attend and participate.

The purpose of the conference is for the Commission and State officials to discuss with industry representatives the current and future state of infrastructure development and investment in California. We look forward to an informative discussion of the issues to clarify how we can facilitate and enhance a comprehensive collaborative approach to energy infrastructure development and reliability for California.

The Commission is now soliciting nominations for speakers at the technical conference. Persons wishing to nominate themselves as speakers should do so using this electronic link: *http://www.ferc.gov/whats-new/registration/infra-06–02-speaker-form.asp.* Such nomination must be made before the close of business on May 20, 2005, so that a final agenda for the technical conference can be drafted and published.

Although registration is not a strict requirement, in-person attendees are asked to register for the conference on-line by close of business on May 31, 2005 at *http://www.ferc.gov/whats-new/registration/infra-06–02-form.asp.*

Transcripts of the conference will be immediately available from Ace Reporting Company (202) 347–3700 or 1–800–266–6646) for a fee. They will be available for the public on the Commission's eLibrary system and on the calendar page posting for this event seven calendar days after FERC receives the transcript. Additionally, Capitol Connection offers the opportunity for remote listening of the conference via Real Audio or a Phone Bridge Connection for a fee. Persons interested in making arrangements should contact David Reininger or Julia Morelli at Capitol Connection (703) 933–3100) as soon as possible or visit the Capitol Connection Web site at *http://www.capitolconnection.org* and click on ''FERC.''

As mentioned above, additional details on the conference, including the agenda, will be included in a supplemental notice to be issued at a later date. You are encouraged to watch for additional notices.

For additional information, please contact Sarah McKinley at (202) 502–8004, *sarah.mckinley@ferc.gov.*

Magalie R. Salas,

Secretary.

[FR Doc. E5–2579 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR05–8–000]

Northwest Natural Gas Company; Notice of Technical Conference

May 13, 2005.

Take notice that a technical conference will be held on Tuesday, May 24, 2005 at 1 p.m., Eastern Time, in a room to be designated at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The purpose of the conference is to address Northwest Natural Gas Company's (Northwest) section 311 petition for rate approval filed on January 18, 2005. Northwest should be prepared to discuss return on equity and operating statements issues.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

All interested parties and staff are permitted to attend. For further information please contact Aileen Roder at (202) 502–6022 or e-mail *aileen.roder@ferc.gov.*

Magalie R. Salas,

Secretary.

[FR Doc. E5–2572 Filed 5–20–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7916–3]

Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of solicitation of applications and information on alternatives

SUMMARY: EPA is soliciting applications for the Critical Use Exemption from the phaseout of methyl bromide for 2007 and beyond. This application process offers users of methyl bromide the opportunity to provide technical and economic information to support a ''critical use'' claim. Today's notice also invites interested parties to provide information on the technical and economic feasibility of methyl bromide alternatives.

Methyl bromide is a chemical pesticide that has been identified under the *Montreal Protocol on Substances that Deplete the Ozone Layer* and the Clean Air Act as an ozone-depleting substance. The complete phaseout of methyl bromide took effect on January 1, 2005. The Critical Use Exemption is designed to allow continued production and import of methyl bromide after the phaseout for those uses that have no technically and economically feasible alternatives. Critical Use Exemptions are exemptions from the January 1, 2005 methyl bromide phaseout.

Applicants for the exemption are requested to submit technical and economic information to EPA for U.S. review. The U.S. will then create a national nomination for review by the Parties to the Montreal Protocol. EPA encourages users with similar circumstances of use to submit a single application. Please contact your state regulatory agency to receive information about their involvement in the process.

DATES: Applications for the Critical Use Exemption must be postmarked on or before August 8, 2005.

ADDRESSES: Applications for the methyl bromide Critical Use Exemption should be submitted in duplicate (two copies) by mail to: U.S. Environmental Protection Agency, Office of Air and Radiation, Stratospheric Protection Division, Attention Methyl Bromide Review Team, Mail Code 6205J, 1200 Pennsylvania Ave, NW., Washington, DC 20460 or by courier delivery (other than U.S. Post Office overnight) to: U.S. Environmental Protection Agency, Office of Air and Radiation, Stratospheric Protection Division, Attention Methyl Bromide Review Team, 1310 L St. NW., Room 827L, Washington DC 20005. EPA also encourages users to submit their applications electronically to Marta Montoro, Stratospheric Protection Division, at *montoro.marta@epa.gov.* If the application is submitted electronically, applicants are requested to fax a signed copy of Worksheet 1 to Marta Montoro at (202) 343–2337 or (202) 343–2338 by the application deadline.

FOR FURTHER INFORMATION CONTACT:

General Information: U.S. EPA Stratospheric Ozone Information Hotline, 1–800–296–1996; also *http://www.epa.gov/ozone/mbr.*

Technical Information: Colwell Cook, U.S. Environmental Protection Agency, Office of Pesticide Programs (7503C), 1200 Pennsylvania Ave., NW., Washington, DC, 20460, 703–308–8146. E-mail: *cook.colwell@epa.gov.*

Economic Information: Elisa Rim, U.S. Environmental Protection Agency, Office of Pesticide Programs (7503C), 1200 Pennsylvania Ave., NW., Washington, DC, 20460, 703–308–8123. E-mail: *rim.elisa@epa.gov.*

Regulatory Information: Marta Montoro, U.S. Environmental Protection Agency, Stratospheric Protection Division (6205J), 1200 Pennsylvania Ave., NW., Washington, DC, 20460, 202–343–9321. E-mail: *montoro.marta@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. What Do I Need To Know to Respond to This Request for Applications?

A. Who can respond to this request for information?

The application form may be submitted either by a consortium representing multiple users or by individual users who anticipate needing methyl bromide in 2007 and beyond and believe there are no technically and economically feasible alternatives. EPA encourages groups of users with similar circumstances of use to submit a single application (for example, any number of pre-plant users with similar soil, pest, and climactic conditions can join together to submit a single application). In some instances, state agencies will assist users with the application process (see discussion of voluntary state involvement in Part I.B. below).

In addition to requesting information from applicants for the Critical Use Exemption, this solicitation for information provides an opportunity for any interested party to provide EPA with information on methyl bromide alternatives (*e.g.* technical and/or economic feasibility research). The application form for the methyl bromide Critical Use Exemption and other information on research relevant to alternatives must be sent to the addresses specified above or emailed to the address specified above. The applicant's signature, which is required for processing and is required on Worksheet 1 of the application, may be faxed to Marta Montoro at (202) 343–2337 or (202) 343–2338.

B. Whom can I contact to find out if a consortium is submitting an application form for my methyl bromide use?

Please contact your local, state, regional or national commodity association to find out if they plan on submitting an application on behalf of your commodity group.

Additionally, you should contact your state regulatory agency (generally this will be the State Department of Agriculture or State Environmental Protection Agency) to receive information about their involvement in the process. If your state agency has chosen to participate, EPA encourages all applicants to first submit their applications to the state regulatory agency, which will then forward them to EPA. The National Pesticide Information Center Web site is one resource available for identifying the lead pesticide agency in each state (*http://ace.orst.edu/info/npic/state1.htm*).

C. How do I obtain an Application Form for the methyl bromide Critical Use Exemption?

An Application Form for the methyl bromide Critical Use Exemption can be obtained either in electronic or hard-copy form. EPA encourages use of the electronic form. Applications can be obtained in the following ways:

1. PDF format and Microsoft Excel at EPA website: *http://www.epa.gov/ozone/mbr;*
2. Hard copy ordered through the Stratospheric Ozone Protection Hotline at 1–800–296–1996;
3. Hard-copy format at Air Docket No. OAR–2003–0017. The docket is located in room B–102, EPA West Building, U.S. Environmental Protection Agency, 1301 Constitution Ave. NW., Washington DC, 20004. The Docket Office is open from 8:30 a.m. until 4:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

D. What alternatives must applicants address when applying for a Critical Use Exemption?

To support the assertion that a specific use of methyl bromide is ''critical,'' applicants are expected to demonstrate that there are no technically and economically feasible alternatives available to the user of methyl bromide. The Parties to the Montreal Protocol have developed an ''International Index'' of methyl bromide alternatives which lists chemical and non-chemical alternatives, by crop (*http://www.epa.gov/ozone/mbr/*

in_alt_in.html). The chemicals and non-chemical practices included on this index were identified by the international technical advisory groups under the Montreal Protocol: The Methyl Bromide Technical Options Committee (MBTOC) and the Technical and Economic Assessment Panel (TEAP). The MBTOC and the TEAP determined that alternatives in the International Index have the ''technical potential'' to replace methyl bromide in at least one circumstance of use on the identified crop (Report of the Technical and Economic Assessment Panel, 1997) (*http://www.teap.org/html/teap_reports.html*). A corresponding U.S. Index of alternatives (also listed by crop) has been developed by the U.S. government (*http://www.epa.gov/ozone/mbr/us_alt_in.html*). This U.S. Index reflects whether chemical alternatives included in the International Index have been registered for use in the United States.

Applicants must address technical, regulatory, and economic issues that limit the adoption of ''chemical alternatives'' and combinations of ''chemical'' and ''non-chemical alternatives'' listed for their crop within the ''U.S. Index'' of Methyl Bromide Alternatives. Applicants must also address technical, regulatory, and economic issues that limit the adoption of ''non-chemical alternatives'' and combinations of ''chemical'' and ''non-chemical alternatives'' listed for their crop in the ''International Index.''

E. What portions of the applications will be considered confidential business information?

The person submitting information to EPA in response to this Notice may assert a business confidentiality claim covering part or all of the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as ''trade secret,'' ''proprietary,'' or ''company confidential.'' Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the applicant, and may be submitted separately to facilitate identification and handling by EPA. If the applicant desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth under 40 CFR Part 2 Subpart B; 41 FR 36752, 43 FR 40000, 50 FR 51661. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the applicant.

If you are asserting a business confidentiality claim covering part or all of the information in the application, please submit a non-confidential version that EPA can place in the public docket for reference by other interested parties. Do not include on the ''Worksheet Five: Application Summary'' page of the application any information that you wish to claim as confidential business information. These application information summary sheets will be posted on the EPA Web site (*www.epa.gov/ozone/mbr*) and included in Air Docket No. OAR–2003–0017. Applications that are not confidential business information will be placed in the Docket in their entirety. Please note, claiming business confidentiality may delay the ability of EPA to review your application.

F. Must I submit a ''Notice of Intent to Apply?''

A ''Notice of Intent to Apply'' is not required, but would facilitate the organization of the application review during the Critical Use Exemption Process. If EPA is aware of the consortia and the individuals who intend to submit applications 30 days before the application deadline, the technical experts will be better positioned to review the application. This Notice may be submitted to Marta Montoro via e-mail at *montoro.marta@epa.gov* or via U.S. mail to U.S. Environmental Protection Agency, Office of Air and Radiation, Stratospheric Protection Division, 1200 Pennsylvania Ave., NW., 6205J, Washington, DC 20460 or by courier to U.S. Environmental Protection Agency, Office of Air and Radiation, Stratospheric Protection Division, 1310 L St., NW., Room 827L, Washington, DC 20005.

G. What if I submit an incomplete application?

EPA will not accept any applications postmarked after August 8, 2005. If the application is completed but postmarked after August 8, 2005, EPA will not accept the application. If the application is postmarked by the deadline but is incomplete or missing any of the following data elements listed in the ''Re-Application Information Document'' available at *http://www.epa.gov/ozone/mbr* EPA will not accept the application and will not include the application in the U.S. nomination submitted for international consideration. These required elements include Worksheets 1, 2B, 2C, 2D, 4, and 5. However, the entire application (all Worksheets) must be submitted and applicants must submit any new data or updated information that is relevant. However, if the application is substantially complete with only minor errors, corrections will be accepted. EPA reviewers may also call applicants for further elaboration about their application, even if it is complete. All consortia or users who have not applied to EPA in the previous year (2004) must submit an entire completed application with all Worksheets.

H. What if I already applied in 2002 and/or 2003 and/or 2004?

In March, 2004 and in November, 2004, the Parties decided that critical use exemptions would be granted for one year. As a result, users must apply to EPA for critical use exemptions on an annual basis. However, if a user group submitted a complete application to EPA in 2004, the user is only required to submit revised copies of the selected Worksheets listed above, though the entire application with all Worksheets must be on file with EPA. A list of the Worksheets is detailed above and is also available at *http://www.epa.gov/ozone/mbr*. The remaining worksheets must only be completed if any information has changed since 2004.

If a user has previously submitted a critical use exemption application to EPA in 2002 or 2003 (first and second rounds) but did not submit an application in 2004 (third round) then the all worksheets in the application must be submitted again in their entirety.

II. What Is the Legal Authority for the Critical Use Exemption?

A. What is the Clean Air Act (CAA) authority for implementing the Critical Use Exemption to the methyl bromide phaseout?

In October 1998, the U.S. Congress amended the Clean Air Act by adding CAA sections 604(d)(6), 604(e)(3), and 604(h) (Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Pub. L. 105–277; October 21, 1998)). The amendment requires EPA to conform the U.S. phaseout schedule for methyl bromide to the provisions of the Montreal Protocol for industrialized countries. Specifically, the amendment requires EPA to make regulatory changes to implement the following phaseout schedule:

25% reduction (from 1991 baseline) in 1999
50% reduction in 2001
70% reduction in 2003
100% reduction in 2005

EPA published regulations in the **Federal Register** on June 1, 1999 (64 FR 29240) and November 28, 2000 (65 FR 70795), instituting the phaseout reductions in the production and import of methyl bromide in accordance with the schedule listed above. Additionally, the 1998 amendment allowed EPA to exempt the production and import of methyl bromide from the phaseout for critical uses starting January 1, 2005 ''to the extent consistent with the Montreal Protocol'' (Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Pub. L. 105–277, October 21, 1998), section 604(d)(6) of the Clean Air Act).

B. What is the Montreal Protocol authority for granting a Critical Use Exemption after the methyl bromide phaseout?

The Montreal Protocol provides an exemption to the phaseout of methyl bromide for critical uses in Article 2H, paragraph 5. The Parties to the Protocol included provisions for such an exemption in recognition that substitutes for methyl bromide may not be available by 2005 for certain uses of methyl bromide agreed by the Parties to be ''critical uses.''

In their Ninth Meeting (1997), the Parties to the Protocol agreed to Decision IX/6, setting forth the following criteria for a ''critical use'' determination:

(a) That a use of methyl bromide should qualify as 'critical' only if the nominating Party [e.g. U.S.] determines that:

(i) The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption; and

(ii) There are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to

the crops and circumstances of the nomination.

(b) That production and consumption, if any, of methyl bromide for a critical use should be permitted only if:

(i) All technically and economically feasible steps have been taken to minimize the critical use and any associated emission of methyl bromide;

(ii) Methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide, also bearing in mind the developing countries' need for methyl bromide;

(iii) It is demonstrated that an appropriate effort is being made to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes, taking into consideration the circumstances of the particular nomination * * *. Non-Article 5 Parties [e.g., the U.S.] must demonstrate that research programmes are in place to develop and deploy alternatives and substitutes * * *.

In the context of the phaseout program, the use of the term consumption may be misleading. Consumption does not mean the ''use'' of a controlled substance, but rather is defined as the formula: Consumption = production + import − exports, of controlled substances (Article 1 of the Protocol and Section 601 of the CAA). A Class I controlled substance that was produced or imported through the expenditure of allowances prior to its phaseout date can continue to be used by industry and the public after that specific chemical's phaseout under EPA's phaseout regulations, unless otherwise precluded under separate regulations.

In addition to the language quoted above, the Parties further agreed to request the TEAP to review nominations and make recommendations for approval based on the criteria established in paragraphs (a)(ii) and (b) of Decision IX/6.

III. How Will the U.S. Implement the Critical Use Exemption?

A. When will the exemption become available to U.S. users of methyl bromide?

Under the provisions of both the CAA and the Montreal Protocol, the Critical Use Exemption became available to approved users on January 1, 2005. Allowances for subsequent years will be authorized through regulations. Until that date, all production and import of methyl bromide (except for those quantities that qualify for the quarantine and preshipment exemption) were required to conform to the phasedown schedule listed above (see Supplementary Information Section II A). For more information on the quarantine and preshipment exemption, please refer to 68 FR 238 (January 2, 2003).

B. What is the projected timeline for the Critical Use Exemption application process?

There is both a domestic and international component to the Critical Use Exemption process. The following outline projects a timeline for the process for the next three years.

May 23, 2005	Solicit applications for the methyl bromide Critical Use Exemption for 2007 and beyond.
August 8, 2005	Deadline for submitting Critical Use Exemption applications to EPA.
Fall 2005	U.S. government (EPA, Department of State, U.S. Department of Agriculture, and other interested federal agencies) create U.S. Critical Use nomination package.
January 31, 2006	Deadline for U.S. government to submit U.S. nomination package to the Protocol Parties.
Early 2006	Review of the nominations packages for Critical Use Exemptions by the Technical and Economic Assessment Panel (TEAP) and Methyl Bromide Technical Options Committee (MBTOC).
Mid 2006	Parties consider TEAP/MBTOC recommendations.
Late 2006	Parties authorize Critical Use Exemptions for methyl bromide for production and consumption in 2007 (supplemental request) and 2008.
Early-Mid 2007	EPA publishes proposal and final rule for 2007 supplemental request.
Mid 2007	EPA publishes proposed rule for allocating Critical Use Exemptions in the U.S. for 2008.
Late 2007	EPA publishes final rule allocating Critical Use Exemptions in the U.S. for the 2008 control period.
January 1, 2008	Critical Use Exemption permits the limited production and import of methyl bromide beyond the phaseout date for specific uses for the 2008 control period.

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Dated: May 16, 2005.

Brian J. McLean,

Director, Office of Atmospheric Programs.

[FR Doc. 05–10195 Filed 5–20–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–05–61–B (Auction No. 61); DA 05–1047]

Automated Maritime Telecommunications System Licenses Auction, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Auction Procedures

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures and minimum opening bids for the upcoming auction of licenses of Automated Maritime Telecommunications System (AMTS) spectrum. This document is intended to familiarize prospective bidders with the procedures and minimum opening bids for this auction.

DATES: Auction No. 61 is scheduled to begin on August 3, 2005.

FOR FURTHER INFORMATION CONTACT: Auctions and Spectrum Access Division, WTB: For legal questions: Howard Davenport at (202) 418–0660. For general auction questions: Debbie Smith, Roy Knowles or Barbara Sibert at (717) 338–2888. For service rule questions: Public Safety and Critical Infrastructure Division, WTB: Jeff Tobias or James Shaffer at (202) 418–0680. Media Contact: Lauren Patrich at (202) 418–7944.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 61 Procedures Public Notice* released on April 21, 2005. The complete text of the *Auction No. 61 Procedures Public Notice,* including attachments, as well as related Commission documents, are available for public inspection and coping during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The *Auction No. 61 Procedures Public Notice* and related Commission documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or you may contact BCPI

at its Web site: *http://www.BCPIWEB.com.* The *Auction No. 61 Procedures Public Notice* and related documents are also available on the Internet at the Commission's Web site: *http://wireless.fcc.gov/auctions/61/.*

I. General Information

A. Introduction

1. The *Auction No. 61 Procedures Public Notice* announces the procedures and minimum opening bids for the upcoming auction of licenses of Automated Maritime Telecommunications System (AMTS) spectrum, scheduled for August 3, 2005 (Auction No. 61). On February 2, 2005, in accordance with Section 309(j)(4) of the Communications Act of 1934, as amended, the Wireless Telecommunications Bureau (Bureau) released a public notice seeking comment on reserve prices or minimum opening bids and the procedures to be used in Auction No. 61. The Bureau received two comments, one reply comment, and a response to the reply comment in response to the *Auction No. 61 Comment Public Notice,* 70 FR 7270, February 11, 2005.

i. Background of Proceeding

2. The Maritime Services provide for the unique distress, operational and personal communication needs of vessels at sea and on inland waterways. AMTS is a maritime service that was established in 1981 as an alternative to VHF public coast service (VPCS). In the *Public Coast Second Report and Order and Second Further Notice,* 62 FR 40281, July 28, 1997, the Commission described AMTS as a specialized system of public coast stations providing integrated and interconnected marine voice and data communications, somewhat like a cellular phone system, for tugs, barges, and other commercial vessels on waterways.

3. Section 309(j)(2) of the Communications Act formerly stated that mutually exclusive applications for initial licenses or construction permits were auctionable if the principal use of the spectrum was for subscriber-based services, and competitive bidding would promote the expressed objectives of the Communications Act. The Commission concluded that the public coast service, including VPCS, high seas, and AMTS public coast stations, was a Commercial Mobile Radio Service (CMRS) and subsequently decided that mutually exclusive applications for public coast station licenses would be resolved through competitive bidding.

4. On August 5, 1997, after release of the *Public Coast Second Report and Order and Second Further Notice,* President Clinton signed into law the Balanced Budget Act of 1997 (''Balanced Budget Act''), which expanded the Commission's auction authority by amending Section 309(j) of the Communications Act to provide that all mutually exclusive applications for initial licenses or construction permits shall be auctioned, with certain exceptions not applicable here.

5. In the *Public Coast Second Report and Order and Second Further Notice,* the Commission adopted AMTS rules that permit service on land, so long as marine-originating communications receive priority. In the *Public Coast Second Memorandum Opinion and Order and Fifth Report and Order,* 67 FR 48560, July 25, 2002, the Commission adopted a geographic licensing system for AMTS with service areas (AMTSAs) based upon maritime VPCS areas (VPCSA), with the modification that the inland VPCSAs would be consolidated into a single, inland geographic service area. The Commission announced that it would conduct an auction to resolve mutually exclusive applications for AMTS licenses. Additionally, the Commission concluded that the general competitive bidding rules, and the rules regarding the participation of small businesses in auctions that were applied to the auction of VPC licenses, should be used for auctioning AMTS licenses.

6. On February 2, 2005, the Bureau released the *Auction No. 61 Comment Public Notice* announcing that Auction No. 61 will commence on August 3, 2005, setting forth a complete list of licenses for Auction No. 61, and seeking comment on reserve prices or minimum opening bid amounts and other auction procedures.

ii. Licenses To Be Auctioned

7. Auction No. 61 will offer ten licenses in the AMTS Service in the 217/219 MHz bands. Licenses will be offered in each of 10 AMTSAs where available. These licenses remained unsold in Auction No. 57, which closed on September 15, 2004. For Auction No. 61, licenses are not available in each spectrum block in every market. A complete list of the licenses available in Auction No. 61 and their descriptions is included in Attachment A of the *Auction No. 61 Procedures Public Notice* at *http://wireless.fcc.gov/auctions/61/.*

8. The following table contains the AMTS block/frequency bands cross-reference list for Auction No. 61:

Block	Frequency bands (MHz)	Total bandwidth	Pairing	Geo-graphic area type	Number of licenses
A	217.5–218.0/219.5–220.0	1 MHz	2 x 500 kHz	AMTSA	9
B	217.0–217.5/219.0–219.5	1 MHz	2 x 500 kHz	AMTSA	1

Note: The above table displays the band edges of spectrum blocks A and B using the twenty 25 kHz channels that comprise each block as listed in 47 CFR 80.385(a)(2). It should be noted that pursuant to 47 CFR 80.481, licensees are not required to use 25 kHz channelization and may choose any channelization scheme; however, regardless of the channelization scheme used, emissions at these band edges must be attenuated within the limitation that would be required under 47 CFR 80.211 if the licensee were using 25 kHz channels.

B. Rules and Disclaimers

i. Relevant Authority

9. Prospective applicants must familiarize themselves thoroughly with the Commission's rules, particularly those relating to the AMTS service contained in Title 47, Part 80, of the Code of Federal Regulations, and those relating to application and auction procedures, contained in Title 47, Part 1, of the Code of Federal Regulations. Prospective applicants must also be thoroughly familiar with the procedures, terms and conditions (collectively, terms) contained in the *Auction No. 61 Procedures Public Notice;* the *Auction No. 61 Comment Public Notice; Public Coast Second Memorandum Opinion and Order and Fifth Report and Order;* and the *Public Coast Fourth Report and Order and Third Further Notice of Proposed Rule Making* (as well as prior and subsequent Commission proceedings regarding competitive bidding procedures, application requirements, and obligations of Commission licensees).

10. The terms contained in the Commission's rules, relevant orders,

and public notices are not negotiable. The Commission may amend or supplement the information contained in the Bureau's public notices at any time, and will issue public notices to convey any new or supplemental information to applicants. It is the responsibility of all applicants to remain current with all Commission rules and with all public notices pertaining to this auction.

ii. Prohibition of Collusion

11. To ensure the competitiveness of the auction process, § 1.2105(c) of the Commission's rules prohibits applicants for any of the same geographic license areas from communicating with each other during the auction about bids, bidding strategies, or settlements unless such applicants have identified each other on their FCC Form 175 applications as parties with whom they have entered into agreements under § 1.2105(a)(2)(viii). Thus, applicants for any of the same geographic license areas must affirmatively avoid all discussions with each other that affect, or in their reasonable assessment have the potential to affect, bidding or bidding strategy. This prohibition begins at the short-form application filing deadline and ends at the down payment deadline after the auction. *This prohibition applies to all applicants regardless of whether such applicants become qualified bidders or actually bid.* For purposes of this prohibition, § 1.2105(c)(7)(i) defines applicant as including all controlling interests in the entity submitting an application to participate in the auction, as well as all holders of partnership and other ownership interests and any stock interest amounting to 10 percent or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application, and all officers and directors of that entity.

12. Applicants for licenses in any of the same geographic license areas are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the applicants he or she is authorized to represent in the auction. A violation could similarly occur if the authorized bidders are different individuals employed by the same organization (*e.g.*, law firm or consulting firm). In such a case, at a minimum, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule. However, the Bureau cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred, nor will it preclude the initiation of an investigation when warranted.

13. The Commission's anti-collusion rule allows applicants to form certain agreements during the auction, provided the applicants have not applied for licenses covering any of the same geographic areas. In addition, applicants that apply to bid for all markets will be precluded from communicating with all other applicants until after the down payment deadline. However, all applicants may enter into bidding agreements before filing their FCC Form 175, as long as they disclose the existence of the agreement(s) in their Form 175. If parties agree in principle on all material terms prior to the short-form filing deadline, those parties must be identified on the short-form application pursuant to § 1.2105(c), even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the filing deadline, an applicant would not include the names of those parties on its application, and may not continue negotiations. By signing their FCC Form 175 short-form applications, applicants are certifying their compliance with § 1.2105(c).

14. Section 1.65 of the Commission's rules requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. Thus, § 1.65 requires auction applicants that engage in communications of bids or bidding strategies that result in a bidding agreement, arrangement or understanding not already identified on their short-form applications to promptly disclose any such agreement, arrangement or understanding to the Commission by amending their pending applications. In addition, § 1.2105(c)(6) requires all auction applicants to report prohibited discussions or disclosures regarding bids or bidding strategy to the Commission in writing immediately but in no case later than five business days after the communication occurs, even if the communication does not result in an agreement or understanding regarding bids or bidding strategy that must be reported under § 1.65.

15. Applicants that are winning bidders will be required to disclose in their long-form applications the specific terms, conditions, and parties involved in all bidding consortia, joint ventures, partnerships, and other arrangements entered into relating to the competitive bidding process. Any applicant found to have violated the anti-collusion rule may be subject to sanctions, including forfeiture of its upfront payment, down payment or full bid amount, and may be prohibited from participating in future auctions. In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to prevent anticompetitive behavior in the marketplace. If an applicant is found to have violated the antitrust laws in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount and may be prohibited from participating in future auctions.

16. A summary listing of documents issued by the Bureau addressing the application of the anti-collusion rule may be found in Attachment E of the *Auction No. 61 Procedures Public Notice.*

iii. Interference Protection

17. Incumbent AMTS site-based licensees are entitled to co-channel protection by AMTS geographic area licensees. Among other licensing and technical rules, AMTS geographic area licensees will be required to afford interference protection to incumbent systems, on a fixed separation basis as provided in § 80.385(b)(1). Geographic area licensees must also provide co-channel interference protection to other geographic area licensees in accordance with §§ 80.479(b) and 80.70(a) of the Commission's rules.

18. Incumbents will be prohibited from renewing, transferring, assigning, or modifying their licenses in any manner that extends their system's service area or results in their acquiring additional frequencies, unless there is consent from each affected geographic area licensee. If an incumbent fails to construct, discontinues operations, or otherwise has its license terminated, the spectrum covered by the incumbent's authorization will automatically revert to the geographic area licensee.

19. In addition, AMTS licensees that cause interference to television reception or to the U.S. Navy Space Surveillance System (SPASUR) system must cure the problem or discontinue operations.

iv. Coordination Requirements

20. AMTS geographic area licensees may place stations anywhere within their service areas to serve vessels or units on land, so long as incumbent operations are protected, marine-originating traffic is given priority and certain major waterways are served. However, geographic area licensees must individually license any base station that requires an Environmental Assessment pursuant to § 1.1307 of the Commission's Rules or international coordination, or would affect the radio frequency quiet zones described in § 80.21 of the Commission's rules, or would require broadcaster notification and an engineering study described in § 80.215(h) of the Commission's rules.

21. AMTS licensees must obtain written consent from all affected licensees prior to using AMTS frequencies for mobile-to-mobile communications.

v. Due Diligence

22. The Commission makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that a Commission auction represents an opportunity to become a Commission licensee in this service, subject to certain conditions and regulations. A Commission auction does not constitute an endorsement by the Commission of any particular services, technologies or products, nor does a Commission license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would with any new business venture.

23. Applicants are reminded that there are a number of incumbent licensees already licensed and operating on frequencies that will be subject to the upcoming auction, such as AMTS Station licensees. Such incumbents must be protected from harmful interference by AMTS Station geographic area licensees in accordance with the Commission's rules. These limitations may restrict the ability of such AMTS geographic area licensees to use certain portions of the electromagnetic spectrum or provide service to certain areas in their geographic license areas. The Bureau therefore cautions potential applicants in formulating their bidding strategies to investigate and consider the extent to which AMTS frequencies are occupied by incumbents.

24. *Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of licenses available in Auction No. 61.*

25. In establishing the AMTS service, the Commission considered the potential for interference to television reception, particularly Channels 13 and 10. Consequently, geographic licensees will be required to file individual applications for authority to operate a new AMTS transmitter within 169 kilometers (105 miles) of a Channel 13 television station or 129 kilometers (80 miles) of a Channel 10 television station, or with an antenna height greater than 61 meters (200 feet) above ground. Such applications must include an engineering study showing how harmful interference to television reception will be avoided, and the applicant must notify each television station that may be affected so that the broadcaster can comment on the proposed construction. Moreover, any AMTS licensee that causes such interference must cure the problem or cease operations. AMTS licensees are permitted to construct ''fill-in'' sites without filing individual applications, but such sites are fully subject to the requirement that AMTS stations cause no harmful interference to television reception, and must discontinue operations if unable to meet this requirement.

26. In addition, AMTS operations must not cause harmful interference to the United States Navy's SPASUR which operates in the 216.880–217.080 MHz band. Also, law enforcement tracking operations are currently authorized on a primary basis in certain markets in AMTSAs 3, 4, 6, 9 and 10 on a frequency in block A. These operations are scheduled to be converted to non-AMTS frequencies by 2007. It is the responsibility of bidders to be aware of these and all other technical or regulatory matters affecting the spectrum licenses available in this auction.

27. With respect to the geographic boundaries for AMTSAs, the Commission defined the AMTSA boundaries to include ''the adjacent waters under the jurisdiction of the United States.'' Regarding the boundary between AMTSA 3, which includes the west coast of Florida, and AMTSA 4, which includes the Gulf of Mexico EA-like area, the Bureau hereby clarifys that, for AMTSA 3, the boundary extends only to the limit of the U.S. territorial waters in the Gulf (12-nautical mile limit); and the boundary for AMTSA 4 extends from the 12-nautical mile line outward to the broadest geographic limits consistent with international agreements.

28. To date, no existing agreements between the United States and Mexico or Canada restrict AMTS channel availability in the Mexican and Canadian border areas. Licensees will, however, be subject to any future agreements regarding international assignments and coordination of such channels; and it is the responsibility of applicants to be familiar with all relevant governing international agreements; and that such agreements and amendments thereto may affect the use, utility or value of the spectrum at issue.

29. Applicants should also be aware that certain pending and future applications (including those for modification), petitions for rulemaking, requests for special temporary authority, waiver requests, petitions to deny, petitions for reconsideration, informal oppositions, and applications for review before the Commission may relate to particular applicants or incumbent licensees or the licenses available in Auction No. 61. In addition, pending and future judicial proceedings may relate to particular applicants or incumbent licensees, or the licenses available in Auction No. 61. Prospective bidders are responsible for assessing the likelihood of the various possible outcomes, and considering their potential impact on spectrum licenses available in this auction.

30. Applicants should perform due diligence to identify and consider all proceedings that may affect the spectrum licenses being auctioned. The Bureau notes that resolution of such matters could have an impact on the availability of spectrum for Auction No. 61. In addition, although the Commission may continue to act on various pending applications, informal objections, petitions, and other requests for Commission relief, some of these matters may not be resolved by the time of the auction.

31. Applicants may obtain information about incumbent licenses that may have an effect on availability of licenses in Auction No. 61 through the Bureau's licensing databases on the World Wide Web at *http://wireless.fcc.gov/uls.* Applicants may query the database online and download a copy of their search results if desired. Detailed instructions on using License Search (including frequency searches and the GeoSearch capability) and downloading query results are available online by selecting the ''?'' button at the upper right-hand corner of the License Search screen. Applicants should direct questions regarding the search capabilities to the FCC ULS/Technical Support hotline at (877) 480–3201,

option two. Potential bidders may research the Media Bureau's licensing database on the Internet in order to determine the location of Channel 13 or Channel 10 television stations. Television station information is contained in the Media Bureau's TVQ TV Database and may be researched on the Internet at *http://www.fcc.gov/mb/video/tvq.html.*

32. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third party databases, including, for example, court docketing systems. To the extent the Commission's databases may not include all information deemed necessary or desirable by an applicant, applicants may obtain or verify such information from independent sources or assume the risk of any incompleteness or inaccuracy in said databases. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into the database.

33. *Potential applicants are strongly encouraged to physically inspect any sites located in, or near, the service area for which they plan to bid, and also to familiarize themselves with the environmental assessment obligations described in section I.B.7.*

vi. Bidder Alerts

34. As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction No. 61 to deceive and defraud unsuspecting investors.

35. Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326–2222 and from the SEC at (202) 942–7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876–7060. Consumers who have concerns about specific proposals regarding Auction No. 61 may also call the FCC Consumer Center at (888) CALL–FCC ((888) 225–5322).

vii. National Environmental Policy Act Requirements

36. Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (''NEPA''). The construction of a wireless antenna facility is a federal action and the licensee must comply with the Commission's NEPA rules for each such facility.

C. Auction Specifics

i. Auction Date

37. The auction will begin on Wednesday, August 3, 2005, as announced in the *Auction No. 61 Comment Public Notice.* With respect to commenters seeking a delay of the start of Auction No. 61, for reasons explained in the *Auction No. 61 Procedures Public Notice,* the Bureau does not believe it would be in the public interest to do so.

ii. Auction Title

38. Auction No. 61—AMTS.

iii. Bidding Methodology

39. The bidding methodology for Auction No. 61 will be simultaneous multiple round bidding. The Commission will conduct this auction over the Internet using the FCC's Integrated Spectrum Auction system (''ISAS'' or ''FCC Auction System''), and telephonic bidding will be available as well. Qualified bidders are permitted to bid telephonically or electronically.

iv. Pre-Auction Dates and Deadlines

ISAS Orientation Session April 21, 2005
Auction Seminar May 25, 2005
Short-Form Application (FCC Form 175) Filing Window Opens May 25, 2005; 12 p.m. ET
Short-Form Application (FCC Form 175) Filing Window Deadline June 9, 2005; 6 p.m. ET
Upfront Payments (via wire transfer) July 8, 2005; 6 p.m. ET
Mock Auction August 1, 2005
Auction Begins August 3, 2005

v. Requirements for Participation

40. Those wishing to participate in the auction must:

- Submit a short-form application (FCC Form 175) electronically by 6 p.m. eastern time (ET), June 9, 2005.
- Submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by 6 p.m. ET, July 8, 2005.
- Comply with all provisions outlined in the *Auction No. 61 Procedures Public Notice.*

vi. General Contact Information

General Auction Information:	
General Auction Questions	FCC Auctions Hotline (888) 225–5322, option two; or (717) 338–2888, Hours of service: 8 a.m.—5:30 p.m. ET, Monday through Friday.
Seminar Registration	
Auction Legal Information:	
Auction Rules, Policies, Regulations	Auctions and Spectrum Access Division, (202) 418–0660.
Licensing Information:	
Rules, Policies, Regulations	Public Safety and Critical Infrastructure Division, (202) 418–0680.
Licensing Issues	
Due Diligence	
Incumbency Issues	
Technical Support:	
Electronic Filing	FCC Auctions Technical Support Hotline (877) 480–3201, option nine; or (202) 414–1250 (202) 414–1255 (TTY), Hours of service: 8 a.m.—6 p.m. ET, Monday through Friday.
FCC Auction System	
Payment Information:	
Wire Transfers	FCC Auctions Accounting Branch, (202) 418–0578 (202) 418–2843 (Fax).
Refunds	
Telephonic Bidding	Will be furnished only to qualified bidders.
FCC Copy Contractor:	
Additional Copies of Commission Documents	Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402 Washington, DC 20554, (800) 378–3160 *http://www.bcpiweb.com*
Press Information—FCC Forms	Lauren Patrich (202) 418–7944, (800) 418–3676 (outside Washington, DC), (202) 418–3676 (in the Washington area), *http://www.fcc.gov/formpage.html.*
FCC Internet Sites	*http://www.fcc.gov* *http://wireless.fcc.gov/auctions* *http://wireless.fcc.gov/uls.*

II. Short-Form (FCC Form 175) Filing Requirements

41. Guidelines for completion of the short-form (FCC Form 175) are set forth in Attachment C of the *Auction No. 61 Procedures Public Notice.* Applicants to participate in Auction No. 61 must file FCC Form 175 electronically by 6 p.m. ET on June 9, 2005. All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license.

A. Preferences for Small Businesses and Others

i. Size Standards for Bidding Credits

42. In the *Public Coast Third Report and Order and Memorandum Opinion and Order,* 63 FR 40059, July 27, 1998, the Commission adopted bidding credits to promote and facilitate the participation of small businesses in auctions of public coast licenses. A bidding credit represents the amount by which a bidder's winning bids are discounted. The size of the bidding credit depends on the average of the aggregated annual gross revenues for each of the preceding three years of the bidder, its affiliates, its controlling interests, and the affiliates of its controlling interests.

43. For Auction No. 61 bidding credits will be available to small businesses and very small businesses, or consortia thereof, as follows:

• A bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (''very small business'') will receive a 35 percent discount on its winning bids.

• A bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (''small business'') will receive a 25 percent discount on its winning bids.

44. Bidding credits are not cumulative; a qualifying applicant receives the 35 percent or 25 percent bidding credit on its winning bid, but only one credit per license.

45. Applicants should note that they will be required to provide information regarding revenues attributable to the applicant and related parties on their FCC Form 175 short-form applications to establish that they satisfy the eligibility requirements to qualify as a small business or very small business (or consortia of a small business or very small business) for this auction. See Bidding Credit Revenue Disclosures section, in Attachment C of the *Auction No. 61 Procedures Public Notice.*

ii. Installment Payments

46. Installment payment plans will not be available in Auction No. 61.

B. License Selection

47. In Auction No. 61, applicants must select the licenses on which they want to bid from the ''Eligible Licenses'' list. The applicant may select all the licenses in the list (by using the SELECT ALL option) or select and add individual licenses from the list. Be advised that there is no opportunity to change license selection after the short-form filing deadline. It is critically important that you confirm your license selection because the FCC Auction System will not accept bids on licenses that an applicant has not selected on its FCC Form 175.

C. Consortia and Joint Bidding Arrangements

48. Applicants will be required to indicate on their applications whether they have entered into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified, regarding the amount of their bids, bidding strategies, or the particular licenses on which they will or will not bid. Applicants will also be required to identify on their short-form applications any parties with whom they have entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings that relate in any way to the licenses being auctioned, including any agreements relating to post-auction market structure. If an applicant has had discussions, but has not reached a joint bidding agreement by the short-form deadline, it would not include the names of parties to the discussions on its applications and may not continue such discussions with applicants for any of the same geographic license areas after the deadline.

49. A party holding a non-controlling, attributable interest in one applicant will be permitted to acquire an ownership interest in, form a consortium with, or enter into a joint bidding arrangement with other applicants for licenses in the same geographic license area provided that (i) the attributable interest holder certifies that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has formed a consortium or entered into a joint bidding arrangement; and (ii) the arrangements do not result in a change in control of any of the applicants. While the anti-collusion rules do not prohibit non-auction related business negotiations among auction applicants, applicants are reminded that certain discussions or exchanges could touch upon impermissible subject matters because they may convey pricing information and bidding strategies.

D. Ownership Disclosure Requirements

50. All applicants must comply with the uniform Part 1 ownership disclosure standards and provide information required by § 1.2105 and 1.2112 of the Commission's rules. Specifically, in completing FCC Form 175, applicants will be required to fully disclose information on the real party or parties-in-interest and ownership structure of the bidding entity. The ownership disclosure standards for the short form are set forth in § 1.2112 of the Commission's rules.

E. Bidding Credit Revenue Disclosures

51. Entities applying to bid as small businesses or very small businesses (or consortia of small businesses or very small businesses) will be required to disclose on their FCC Form 175 short-form applications the gross revenues for the preceding three years of each of the following: (1) The applicant, (2) its affiliates, (3) its controlling interests, and (4) the affiliates of its controlling interests. *Certification that the average annual gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. In order to comply with disclosure requirements for bidding credit eligibility, an applicant must provide separately for itself, its affiliates, its controlling interests, and the affiliates of its controlling interests, the gross revenues for each of the preceding three years.* If the applicant is applying as a consortium of small businesses or very small businesses, this information must be provided for each consortium member.

52. *Controlling interest standard.* The Commission uses a ''controlling interest'' standard for attributing to auction applicants the gross revenues of their investors and affiliates in determining small business eligibility for future auctions. The Commission has modified its rules governing the attribution of gross revenues for purposes of determining small business eligibility. These changes included exempting the gross revenues of the affiliates of a rural telephone cooperative's officers and directors from attribution to the applicant if certain specified conditions are met. The Commission also clarified that in calculating an applicant's gross

revenues under the controlling interest standard, the personal net worth, including personal income, of its officers and directors will not be attributed to the applicant.

53. *Control.* The term ''control'' includes both *de facto* and *de jure* control of the applicant. Typically, *ownership of at least 50.1 percent of an entity's voting stock evidences de jure control. De facto* control is determined on a case-by-case basis. The following are some common indicia of *de facto* control:

- The entity constitutes or appoints more than 50 percent of the board of directors or management committee;
- The entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; or
- The entity plays an integral role in management decisions.

54. *Attribution for small business and very small business eligibility.* In determining which entities qualify as small businesses or very small businesses, the Commission will consider the gross revenues of the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests. The Commission does not impose specific equity requirements on controlling interest holders. Once the principals or entities with a controlling interest are determined, only the revenues of those principals or entities, the affiliates of those principals or entities, and the applicant and its affiliates will be counted in determining small business eligibility.

55. A consortium of small businesses or very small businesses is a ''conglomerate organization formed as a joint venture between or among mutually independent business firms,'' each of which individually must satisfy one of the definitions of small business or very small business in §§ 1.2110(f), 80.1252. Thus, each consortium member must disclose its gross revenues along with those of its affiliates, its controlling interests, and the affiliates of its controlling interests. The Bureau notes that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for small business or very small business, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

F. Provisions Regarding Former and Current Defaulters

56. Each applicant must indicate on its FCC Form 175 application under penalty of perjury whether or not the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests, as defined by § 1.2110, have ever been in default on any Commission licenses or have ever been delinquent on any non-tax debt owed to any Federal agency. In addition, each applicant must certify on its FCC Form 175 application under penalty of perjury that the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests, as defined by § 1.2110, is not in default on any payment for Commission licenses (including down payments) and that it is not delinquent on any non-tax debt owed to any Federal agency. Prospective applicants are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

57. Former defaulters—*i.e.,* applicants, including their attributable interest holders, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies—are eligible to bid in Auction No. 61, provided that they are otherwise qualified. However, as discussed infra in Section III.E.3, former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.

58. Current defaulters—*i.e.,* applicants, including their attributable interest holders, that are in default on any payment for Commission licenses (including down payments) or are delinquent on any non-tax debt owed to any Federal agency—are not eligible to bid in Auction No. 61.

G. Other Information

59. Applicants owned by minorities or women, as defined in § 1.2110(c)(2), may identify themselves in filling out their FCC Form 175 short-form application regarding this status. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of ''designated entities'' in its auctions.

H. Minor Modifications to Short-Form Applications (FCC Form 175)

60. After the short-form filing deadline (6 p.m. ET June 9, 2005), applicants may make only minor changes to their applications. Applicants will not be permitted to make major modifications to their applications (*e.g.,* change their license selections, change the certifying official, change control of the applicant, or change bidding credit eligibility). Permissible minor changes include, for example, deletion and addition of authorized bidders (to a maximum of three) and addresses and phone numbers of the applicants and their contact persons. Applicants must press the SUBMIT button in the FCC Auction System for the changes to be submitted and considered by the Commission. After the revised application has been submitted, a confirmation page will be displayed that states the submission time and date, along with a unique file number. In addition, applicants should submit a letter, briefly summarizing the changes, by electronic mail to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: *auction61@fcc.gov.* The electronic mail summarizing the changes must include a subject or caption referring to Auction No. 61 and the name of the applicant. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents.

I. Maintaining Current Information in Short-Form Applications (FCC Form 175)

61. Section 1.65 of the Commission's rules requires an applicant to maintain the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. Amendments reporting substantial changes of possible decisional significance in information contained in FCC Form 175 applications will not be accepted and may in some instances result in the dismissal of the FCC Form 175 application.

III. Pre-Auction Procedures

A. Auction Seminar—May 25, 2005

62. On Wednesday, May 25, 2005, the Commission will sponsor a seminar for parties interested in participating in Auction No. 61 at the Federal Communications Commission, located at 445 12th Street, SW., Washington, DC. The seminar will provide attendees with information about pre-auction procedures, completing FCC Form 175, auction conduct, the FCC Auction System, auction rules, and the AMTS service rules.

63. For individuals who are unable to attend, Audio/Video of this seminar will be available via webcast from the FCC's Audio/Video Events page at *http://www.fcc.gov/realaudio/.*

B. Short-Form Application (FCC Form 175)—Due June 9, 2005

64. In order to be eligible to bid in this auction, applicants must first submit an FCC Form 175 application. This application must be submitted electronically and received at the Commission no later than 6 p.m. ET on June 9, 2005. Late applications will not be accepted. There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment. *See* Section III.E, below.

C. Application Processing and Minor Corrections

65. After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (1) Those applications accepted for filing; (2) those applications rejected; and (3) those applications which have minor defects that may be corrected, and the deadline for resubmitting such corrected applications.

D. Upfront Payments—Due July 8, 2005

66. In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). After completing the FCC Form 175, filers will have access to an electronic version of the FCC Form 159 that can be printed and faxed to Mellon Bank in Pittsburgh, PA. All upfront payments must be received at Mellon Bank by 6 p.m. ET on July 8, 2005.

i. Making Auction Payments by Wire Transfer

67. Wire transfer payments must be received by 6 p.m. ET on July 8, 2005. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline.

68. Applicants must fax a completed FCC Form 159 (Revised 2/03) to Mellon Bank at (412) 209–6045 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write ''Wire Transfer—Auction Payment for Auction Event No. 61.'' In order to meet the Commission's upfront payment deadline, an applicant's payment must be credited to the Commission's account by the deadline. Applicants are responsible for obtaining confirmation from their financial institution that Mellon Bank has timely received their upfront payment and deposited it in the proper account.

Please note that:

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer.
- Upfront payments for Auction No. 61 go to a lockbox number different from the lockboxes used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.
- Failure to deliver the upfront payment by the July 8, 2005, deadline will result in dismissal of the application and disqualification from participation in the auction.

ii. Amount of Upfront Payment

69. In *47 CFR Part 1,* 62 FR 13540, March 21, 1997, the Commission delegated to the Bureau the authority and discretion to determine appropriate upfront payment(s) for each auction. In addition, in *47 CFR Part 1 Fifth Report and Order,* 65 FR 52323, August 29, 2000, the Commission ordered that former defaulters, *i.e.*, applicants that have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency, be required to pay upfront payments 50 percent greater than non-former defaulters. For purposes of this calculation, the ''applicant'' includes the applicant itself, its affiliates, its controlling interests, and affiliates of its controlling interests, as defined by § 1.2110 of the Commission's rules.

70. In the *Auction No. 61 Comment Public Notice,* the Bureau proposed that the amount of the upfront payment would determine a bidder's initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids. In order to bid on a license, otherwise qualified bidders that applied for that license on Form 175 must have a current eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, therefore, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the licenses applied for on Form 175, or else the applicant will not be eligible to participate in the auction. An applicant does not have to make an upfront payment to cover all licenses for which the applicant has applied on Form 175, but rather to cover the maximum number of bidding units that are associated with licenses on which the bidder wishes to place bids and hold provisionally winning bids at any given time.

71. In the *Auction No. 61 Comment Public Notice,* the Bureau proposed upfront payments on a license-by-license basis using a formula based on bandwidth and the license area population: $0.005 * MHz * License Area Population with a minimum of $1,000 per license.

72. The specific upfront payments and bidding units for each license are set forth in Attachment A of the *Auction No. 61 Procedures Public Notice.*

73. In calculating its upfront payment amount, an applicant should determine the maximum number of bidding units on which it may wish to be active on (bid on or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that number of bidding units. In order to make this calculation, an applicant should add together the upfront payments for all licenses on which it seeks to bid in any given round. Applicants should check their calculations carefully, as there is no provision for increasing a bidder's eligibility after the upfront payment deadline.

EXAMPLE: UPFRONT PAYMENTS AND BIDDING FLEXIBILITY

Market number	Block	Market name	Bidding units	Upfront payment
AMTSA001	A	Northern Atlantic	184,000	$184,000
AMTSA006	A	Southern Pacific	170,000	170,000

74. Former defaulters should calculate their upfront payment for all licenses by multiplying the number of bidding units on which they wish to be active by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit. If a former defaulter fails to submit a sufficient upfront payment to establish eligibility to bid on at least one of the licenses applied for on its Form 175, the applicant will not be eligible to participate in the auction.

iii. Applicant's Wire Transfer Information for Purposes of Refunds of Upfront Payments

75. The Commission will use wire transfers for all Auction No. 61 refunds. To ensure that refunds of upfront payments are processed in an expeditious manner, the Commission is requesting that all pertinent information as listed below be supplied to the FCC. Applicants can provide the information electronically during the initial short-form filing window after the form has been submitted. Wire Transfer Instructions can also be manually faxed to the FCC, Financial Operations Center, Auctions Accounting Group, ATTN: Gail Glasser, at (202) 418–2843. All refunds will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise. For additional information, please call Gail Glasser at (202) 418–0578.

E. Auction Registration

76. Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

77. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by overnight mail. The mailing will be sent only to the contact person at the contact address listed in the FCC Form 175 and will include the SecureID cards which will be required to place bids (or access the FCC Auction System) and the telephonic bidding phone number.

78. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Therefore, any qualified bidder that has not received this mailing by noon on Thursday, July 28, 2005, should contact the Auctions Hotline at (717) 338–2888. Receipt of this registration mailing is critical to participating in the auction, and each applicant is responsible for ensuring it has received all of the registration material.

79. Qualified bidders should note that lost SecurID cards can be replaced only by appearing in person at the FCC headquarters, located at 445 12th St., SW., Washington, DC 20554. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacements. Qualified bidders requiring replacements must call technical support prior to arriving at the FCC.

F. Remote Electronic Bidding

80. The Commission will conduct this auction over the Internet, and telephonic bidding will be available as well. Qualified bidders are permitted to bid telephonically or electronically. Each applicant should indicate its bidding preference ''electronic or telephonic—on the FCC Form 175. In either case, each authorized bidder must have its own SecurID card, which the FCC will provide at no charge. Each applicant with one authorized bidder will be issued two SecurID cards, while applicants with two or three authorized bidders will be issued three cards. For security purposes, the SecurID cards, the telephonic bidding phone number, and the Integrated Spectrum Auctions System (ISAS) Bidder's Guide are only mailed to the contact person at the contact address listed on the FCC Form 175. Please note that each SecurID card is tailored to a specific auction; therefore, SecurID cards issued for other auctions or obtained from a source other than the FCC will not work for Auction No. 61.

81. Please note that the SecurID cards can be recycled, and the Bureau encourages bidders to return the cards to the FCC. The Bureau will provide pre-addressed envelopes that bidders may use to return the cards once the auction is over.

G. Mock Auction

82. All qualified bidders will be eligible to participate in a mock auction on Monday, August 1, 2005. The mock auction will enable applicants to become familiar with the FCC Auction System prior to the auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

IV. Auction Event

83. The first round of bidding for Auction No. 61 will begin on Wednesday, August 3, 2005. The initial bidding schedule will be announced in a public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction.

A. Auction Structure

i. Simultaneous Multiple Round Auction

84. In the *Auction No. 61 Comment Public Notice,* the Bureau proposed to award all licenses in Auction No. 61 in a simultaneous multiple round auction. In a simultaneous multiple round auction, all licenses are available during the entire auction, and bids are accepted on any license until the auction concludes. The Bureau concludes that it is operationally feasible and appropriate to auction the AMTS licenses through a simultaneous multiple round auction. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction. This approach, the Bureau believes, allows bidders to take advantage of synergies that exist among licenses and is administratively efficient.

ii. Eligibility and Activity Rules

85. In the *Auction No. 61 Comment Public Notice,* the Bureau proposed that the amount of the upfront payment submitted by a bidder would determine the initial (maximum) eligibility (as measured in bidding units) for each bidder. The Bureau received no comments on this issue.

86. For Auction No. 61 the Bureau adopts this proposal. The amount of the upfront payment submitted by a bidder determines initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids. Note again that each license is assigned a specific number of bidding units equal to the upfront payment listed in Attachment A of the *Auction No. 61 Procedures Public Notice* on a bidding unit per dollar basis. Bidding units for a given license do not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any combination of licenses as long as the total number of bidding units associated with those licenses does not exceed its current eligibility. Eligibility cannot be increased during the auction; it can only remain the same or decrease. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units it

may wish to bid on (or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that total number of bidding units. The total upfront payment does not affect the total dollar amount a bidder may bid on any given license.

87. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction.

88. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. A bidder is considered active on a license in the current round if it is either the provisionally winning bidder at the end of the previous bidding round and does not withdraw the provisionally winning bid in the current round, or if it submits a bid in the current round (see ''Minimum Acceptable Bid Amounts and Bid Increment Amounts'' in Section IV.B.3, below). The minimum required activity is expressed as a percentage of the bidder's current eligibility, and increases by stage as the auction progresses. Because these procedures have proven successful in maintaining the pace of previous auctions (as set forth under ''Auction Stages'' in Section IV.A.3 and ''Stage Transitions'' in Section IV.A.4, below), the Bureau adopts them for Auction No. 61.

iii. Auction Stages

89. In the *Auction No. 61 Comment Public Notice,* the Bureau proposed to conduct the auction in two stages and employ an activity rule. The Bureau received no comments on this proposal.

90. The Bureau adopts its proposals for the activity rules and stages. Below are the activity levels for each stage of the auction. The Bureau reserves the discretion to further alter the activity percentages before and/or during the auction.

Stage One: During the first stage of the auction, a bidder desiring to maintain its current bidding eligibility will be required to be active on licenses representing at least 80 percent of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by five-fourths (5/4).

Stage Two: During the second stage of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on 90 percent of its current bidding eligibility. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage Two, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by ten-ninths (10/9).

Caution: Since activity requirements increase in Stage Two, bidders must carefully check their activity during the bidding period of the first round following a stage transition to ensure that they are meeting the increased activity requirement. This is especially critical for bidders that have provisionally winning bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity status at stage transitions. Bidders may check their activity against the required activity level by either logging in to the FCC Auction System or by accessing the ''Bidder Summaries'' on the public results page.

91. Because the foregoing procedures have proven successful in maintaining proper pace in previous auctions, the Bureau adopts them for Auction No. 61.

iv. Stage Transitions

92. Thus, the auction will start in Stage One and will generally advance to the next stage (*i.e.,* from Stage One to Stage Two) when, in each of three consecutive rounds of bidding, the provisionally winning bids have been placed on 20 percent or less of the licenses being auctioned (as measured in bidding units). In addition, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. The Commission believes that these stage transition rules, having proven successful in prior auctions, are appropriate for use in Auction No. 61.

v. Activity Rule Waivers and Reducing Eligibility

93. In the *Auction No. 61 Comment Public Notice,* the Bureau proposed that each bidder in the auction would be provided three activity rule waivers. Bidders may use an activity rule waiver in any round during the course of the auction. The Bureau received no comments on this issue.

94. Based upon the Bureau's experience in previous auctions, the Bureau adopts its proposal that each bidder be provided three activity rule waivers. Bidders may use an activity rule waiver in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum activity level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity rule waivers can be either applied proactively by the bidder (known as a ''proactive waiver'') or applied automatically by the FCC Auction System (known as an ''automatic waiver'') and are principally a mechanism for auction participants to avoid the loss of bidding eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round. The Bureau is satisfied that its practice of providing three waivers over the course of the auction provides a sufficient number of waivers and flexibility to the bidders, while safeguarding the integrity of the auction.

95. The FCC Auction System assumes that bidders with insufficient activity would prefer to apply an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any round where a bidder's activity level is below the minimum required unless: (1) There are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements. If a bidder has no waivers remaining and does not satisfy the required activity level, the eligibility will be permanently reduced, possibly eliminating the bidder from further bidding in the auction.

96. A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the bidding round by using the ''reduce eligibility'' function in the FCC Auction System. In this case, the bidder's eligibility is permanently reduced to

bring the bidder into compliance with the activity rules as described in ''Auction Stages'' (see Section IV.A.3 above). Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

97. Finally, a bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity waiver (using the ''apply waiver'' function in the FCC Auction System) during a bidding round in which no bids or withdrawals are submitted, the auction will remain open and the bidder's eligibility will be preserved. However, an automatic waiver applied by the FCC Auction System in a round in which there are no new bids or withdrawals will not keep the auction open. **Note:** Applying a waiver is irreversible; once a proactive waiver is submitted that waiver cannot be unsubmitted, even if the round has not yet closed.

vi. Auction Stopping Rules

98. For Auction No. 61, the Bureau proposed to employ a simultaneous stopping rule approach. The Bureau also sought comment on a modified version of the simultaneous stopping rule. The modified version of the stopping rule would close the auction for all licenses after the first round in which no bidder applies a waiver, places a withdrawal, or submits any new bids on any license on which it is not the provisionally winning bidder.

99. The Bureau further proposed retaining the discretion to keep the auction open even if no new bids or proactive waivers are submitted and no previous provisionally winning bids are withdrawn in a round. In this event, the effect will be the same as if a bidder had applied a waiver.

100. In addition, the Bureau proposed that it reserve the right to declare that the auction will end after a specified number of additional rounds (''special stopping rule''). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) and the auction will close.

101. The Bureau proposed to exercise these options only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity or where it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity.

102. The Bureau received no comments concerning the auction stopping rules; therefore the Bureau adopts the above proposals. Auction No. 61 will begin under the simultaneous stopping rule approach, and the Bureau will retain the discretion to invoke the other versions of the stopping rule.

vii. Auction Delay, Suspension, or Cancellation

103. Because the Bureau's approach to notification of delay during an auction has proven effective in resolving exigent circumstances in previous auctions, the Bureau adopts its proposed auction cancellation rules. By public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. The Bureau emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

i. Round Structure

104. The initial schedule of bidding rounds will be announced in the public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction. Each bidding round is followed by the release of round results. Multiple bidding rounds may be conducted in a given day. Details regarding round results formats and locations will also be included in the qualified bidders public notice.

105. The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

ii. Reserve Price or Minimum Opening Bid

106. Section 309(j) of the Communications Act of 1934, as amended, calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when applications for FCC licenses are subject to auction (*i.e.,* because they are mutually exclusive), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest. Consistent with this mandate, the Commission directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction. Among other factors, the Bureau must consider the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, the extent of interference with other spectrum bands, and any other relevant factors that could have an impact on the spectrum being auctioned. The Commission concluded that the Bureau should have the discretion to employ either or both of these mechanisms for future auctions.

107. In the *Auction No. 61 Comment Public Notice,* the Bureau proposed to establish minimum opening bids for Auction No. 61 and to retain discretion to lower the minimum opening bids. Specifically, for Auction No. 61, the Bureau proposed the following license-by-license basis using a formula based on bandwidth and license area population: $0.005 * MHz * License Area Population with a minimum of $1,000 per license.

108. In the alternative, the Bureau sought comment on whether, consistent with the § 309(j), the public interest would be served by having no minimum opening bid or reserve price.

109. The Bureau adopts its proposal. The minimum opening bid amounts the Bureau adopts for Auction No. 61 are reducible at the discretion of the Bureau. The Bureau emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.,* before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain requests to reduce the minimum opening bid amount on specific licenses.

110. The specific minimum opening bid amounts for each license available in Auction No. 61 are set forth in Attachment A of the *Auction No. 61 Procedures Public Notice.*

iii. Minimum Acceptable Bid Amounts and Bid Increment Amounts

111. In the *Auction No. 61 Comment Public Notice,* the Bureau proposed to use a minimum acceptable bid increment of five percent. This means that the minimum acceptable bid amount for a license will be approximately five percent greater than the provisionally winning bid amount for the license. The minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount times one plus the minimum acceptable bid percentage—*e.g.,* if the minimum acceptable bid percentage is 5 percent, the minimum acceptable bid amount calculation is (provisionally winning bid amount) * (1 + 0.05), rounded or (provisionally winning bid amount) * (1.05), rounded. The Bureau will round the result using the Bureau's standard rounding procedures. The Bureau further proposed to retain the discretion to change the minimum acceptable bid amounts and bid increments amounts if it determines that circumstances so dictate. The Bureau received no comment on this issue. The Bureau will begin the auction with a minimum acceptable bid percentage of 5%.

112. In each round, each eligible bidder will be able to place a bid on a particular license for which it applied in any of nine different amounts. The FCC Auction System will list the nine acceptable bid amounts for each license. Until a bid has been placed on a license, the minimum acceptable bid amount for that license will be equal to its minimum opening bid amount.

113. The nine acceptable bid amounts for each license consist of the minimum acceptable bid amount and eight other bid amounts based on the bid increment percentage. The first additional acceptable bid amount, above the minimum acceptable bid amount, equals the minimum acceptable bid amount times one plus the bid increment percentage, rounded—*e.g.*, if the bid increment percentage is 5 percent, then the next bid amount will equal (minimum acceptable bid amount) * 1.05, rounded, the second additional acceptable bid amount equals the minimum acceptable bid amount times one plus two times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.10, rounded; the third additional acceptable bid amount equals the minimum acceptable bid amount times one plus three times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.15, rounded, etc. The Bureau will begin the auction with a bid increment percentage of 5%. Note that the bid increment percentage need not be the same as the minimum acceptable bid percentage.

114. In the case of a license for which the provisionally winning bid amount has been withdrawn, the minimum acceptable bid amount will equal the amount of the second highest bid amount received for the license. The additional bid amounts above the minimum acceptable bid amount are calculated using the bid increment percentage as described in the previous paragraph.

115. The Bureau retains the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid percentage, and the bid increment percentage if it determines that circumstances so dictate. The Bureau will do so by announcement in the FCC Auction System. The Bureau may also use its discretion to adjust the minimum bid increment amount without prior notice if circumstances warrant.

iv. Provisionally Winning Bids

116. At the end of each bidding round, a provisionally winning bid amount will be determined based on the highest bid amount received for each license. A high bid from a previous round is referred to as a ''provisionally winning bid.'' A ''provisionally winning bid'' will remain the provisionally winning bid until there is a higher bid on the same license at the close of a subsequent round. Bidders are reminded that provisionally winning bids are counted as activity for purposes of the activity rule.

117. In the *Auction No. 61 Comment Public Notice*, the Bureau proposed to use a random number generator to select a provisionally winning bid in the event of identical high bid amounts being submitted on a license in a given round (*i.e.*, tied bids). No comments were received on this proposal. Therefore, the Bureau adopts its proposal. A Sybase® SQL pseudo-random number generator based on the L'Ecuyer algorithms will be used to assign a random number to each bid. The tied bid having the highest random number will become the provisionally winning bid. Eligible bidders, including the provisionally winning bidder, will be able to submit a higher bid in a subsequent round. If no bidder submits a higher bid in subsequent rounds, the provisionally winning bid from the previous round will win the license, unless that provisionally winning bid was withdrawn. If any bids are received on the license in a subsequent round, the provisionally winning bid will once again be determined based on the highest bid amount received for the license.

v. Bidding

118. During a round, a bidder may submit bids for as many licenses as it wishes (subject to its eligibility), withdraw provisionally winning bids from previous bidding rounds, remove bids placed in the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round. Bidders should note that the bidding units associated with licenses for which the bidder has removed or withdrawn its bid do not count towards the bidder's activity at the close of the round.

119. Please note that all bidding will take place remotely either through the FCC Auction System or by telephonic bidding. (Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. Normally, five to ten minutes are necessary to complete a telephonic bid submission). There will be no on-site bidding during Auction No. 61.

120. A bidder's ability to bid on specific licenses in the first round of the auction is determined by two factors: (1) the licenses applied for on FCC Form 175 and (2) the upfront payment amount deposited. The bid submission screens will allow bidders to submit bids on only those licenses for which the bidder applied on its FCC Form 175.

121. In order to access the bidding function of the FCC Auction System, bidders must be logged in during the bidding round using the password generated by the SecurID card and a personal identification number (PIN) created by the bidder. Bidders are strongly encouraged to print a ''round summary'' for each round after they have completed all of their activity for that round.

122. In each round, eligible bidders will be able to place bids on a given license in any of nine different amounts. For each license, the FCC Auction System interface will list the nine acceptable bid amounts in a drop-down box. Bidders may use the drop-down box to select from among the nine bid amounts. The FCC Auction System also includes an ''upload'' function that allows bidders to upload text files containing bid information.

123. Until a bid has been placed on a license, the minimum acceptable bid amount for that license will be equal to its minimum opening bid amount. Once there is a provisionally winning bid on a license, the FCC Auction System will calculate a minimum acceptable bid amount for that license for the following round, as described in Section IV.B.3.

124. Finally, bidders are cautioned to select their bid amounts carefully because, as explained in the following section, bidders that withdraw a provisionally winning bid from a previous round, even if the bid was mistakenly or erroneously made, are subject to bid withdrawal payments.

vi. Bid Removal and Bid Withdrawal

125. In the *Auction No. 61 Comment Public Notice*, the Commission proposed bid removal and bid withdrawal procedures. With respect to bid withdrawals, the Commission proposed limiting each bidder to withdrawals in no more than one round during the course of the auction. The round in which withdrawals are used would be at the bidder's discretion. The Bureau received no comments on this issue.

126. *Procedures.* Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the ''remove bids'' function in the FCC Auction System, a bidder may effectively ''unsubmit'' any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed, *i.e.*, a bid that is removed does not count toward bidding activity. These procedures will enhance bidder flexibility during the auction, and therefore the Bureau adopts them for Auction No. 61.

127. Once a round closes, a bidder may no longer remove a bid. However, in later rounds, a bidder may withdraw provisionally winning bids from previous rounds using the ''withdraw bids'' function in the FCC Auction System (assuming that the bidder has not reached its withdrawal limit). A provisionally winning bidder that withdraws its provisionally winning bid from a previous round during the auction is subject to the bid withdrawal payments specified in 47 CFR 1.2104(g). **Note:** Once a withdrawal is submitted during a round, that withdrawal cannot be unsubmitted.

128. In previous auctions, the Bureau had detected bidder conduct that, arguably, may have constituted strategic bidding through the use of bid withdrawals. While the Commission continues to recognize the important role that bid withdrawals play in an auction, *i.e.*, reducing risk associated with efforts to secure various licenses in combination, the Commission concludes that, for Auction No. 61, adoption of a limit on the use of withdrawals to one round per bidder is appropriate. By doing so the Bureau believes that it strikes a reasonable compromise that will allow bidders to use withdrawals. The Commission's decision on this issue is based upon the Bureau's experience in prior auctions, particularly the PCS D, E and F block and 800 MHz SMR auctions, and is in no way a reflection of the Bureau's view regarding the likelihood of any speculation or ''gaming'' in this auction.

129. The Bureau will therefore limit the number of rounds in which bidders may place withdrawals to one round. The round will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in the round. Withdrawals during the auction will be subject to the bid withdrawal payments specified in 47 CFR 1.2104(g). Bidders should note that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market.

130. If a provisionally winning bid is withdrawn, the minimum acceptable bid amount will equal the amount of the second highest bid received for the license, which may be less than, or in the case of tied bids, equal to, the amount of the withdrawn bid. To set the additional bid amounts, the second highest bid amount also will be used in place of the provisionally winning bid in the formula used to calculate bid increment amounts. The Commission will serve as a ''place holder'' provisionally winning bidder on the license until a new bid is submitted on that license.

131. *Calculation.* Generally, the Commission imposes payments on bidders that withdraw high bids during the course of an auction. If a bidder withdraws its bid and there is no higher bid in the same or subsequent auction(s), the bidder that withdrew its bid is responsible for the difference between its withdrawn bid and the provisionally winning bid in the same or subsequent auction(s). In the case of multiple bid withdrawals on a single license, within the same or subsequent auctions(s), the payment for each bid withdrawal will be calculated based on the sequence of bid withdrawals and the amounts withdrawn. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent winning bid or any of the intervening subsequent withdrawn bids, in either the same or subsequent auctions(s), equals or exceeds that withdrawn bid. Thus, a bidder that withdraws a bid will not be responsible for any withdrawal payments if there is a subsequent higher bid in the same or subsequent auction(s). This policy allows bidders most efficiently to allocate their resources as well as to evaluate their bidding strategies and business plans during an auction while, at the same time, maintaining the integrity of the auction process. The Bureau retains the discretion to scrutinize multiple bid withdrawals on a single license for evidence of anti-competitive strategic behavior and take appropriate action when deemed necessary.

132. Section 1.2104(g)(1) of the rules sets forth the payment obligations of a bidder that withdraws a high bid on a license during the course of an auction, and provides for the assessment of interim bid withdrawal payments. As amended, § 1.2104(g)(1) provides that in instances in which bids have been withdrawn on a license that is not won in the same auction, the Commission will assess an interim withdrawal payment equal to 3 percent of the amount of the withdrawn bids. The 3 percent interim payment will be applied toward any final bid withdrawal payment that will be assessed after subsequent auction of the license. Assessing an interim bid withdrawal payment ensures that the Commission receives a minimal withdrawal payment pending assessment of any final withdrawal payment. Section 1.2104(g) provides specific examples showing application of the bid withdrawal payment rule.

vii. Round Results

133. Bids placed during a round will not be made public until the conclusion of that bidding period. After a round closes, the Bureau will compile reports of all bids placed, bids withdrawn, current provisionally winning bids, new minimum acceptable bid amounts, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access. Reports reflecting bidders' identities for Auction No. 61 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

viii. Auction Announcements

134. The FCC will use auction announcements to announce items such as schedule changes and stage transitions. All FCC auction announcements will be available by

clicking a link in the FCC Auction System.

V. Post-Auction Procedures

A. Down Payments and Withdrawn Bid Payments

135. After bidding has ended, the Commission will issue a public notice declaring the auction closed and identifying winning bidders, down payments, final payments, and any withdrawn bid payments due.

136. Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction No. 61 to 20 percent of the net amount of its winning bids (gross bids less any applicable small business, or very small business bidding credits). In addition, by the same deadline, all bidders must pay any bid withdrawal payments due under 47 CFR 1.2104(g), as discussed in ''Bid Removal and Bid Withdrawal,'' Section IV.B.6. (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

B. Final Payments

137. Each winning bidder will be required to submit the balance of the net amount of its winning bids within 10 business days after the deadline for submitting down payments.

C. Long-Form Application (FCC Form 601)

138. Within ten business days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application (FCC Form 601) for each license won through Auction No. 61. Winning bidders that are small businesses or very small businesses must demonstrate their eligibility for small business or very small business bidding credits. See 47 CFR 1.2112(b).

D. Ownership Disclosure Information Report (FCC Form 602)

139. At the time it submits its long-form application (FCC Form 601), each winning bidder also must comply with the ownership reporting requirements as set forth in 47 CFR 1.913, 1.919, and 1.2112. An ownership disclosure record was automatically created in the Universal Licensing System (ULS) for any applicant that submitted an FCC Form 175. However, winning bidders will be required to review and confirm that it is complete and accurate as of the date of filing Form 601. Further instructions will be provided to auction winning bidders at the close of the auction.

E. Tribal Land Bidding Credit

140. A winning bidder that intends to use its license(s) to deploy facilities and provide services to federally recognized tribal lands that are unserved by any telecommunications carrier or that have a wireline penetration rate equal to or below 85 percent is eligible to receive a tribal land bidding credit as set forth in 47 CFR 1.2107 and 1.2110(f). A tribal land bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

F. Default and Disqualification

141. Any high bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). In such event the Commission may re-auction the license or offer it to the next highest bidder (in descending order) at its final bid. In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant.

G. Refund of Remaining Upfront Payment Balance

142. All applicants that submit upfront payments but are not winning bidders for a license in Auction No. 61 may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from the applicant after any applicable bid withdrawal payments have been paid. All refunds will be returned to the payer of record, as identified on the FCC Form 159, unless the payer submits written authorization instructing otherwise.

143. Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a provisionally winning bid during the auction must submit a written refund request. If you have completed the refund instructions electronically, then only a written request for the refund is necessary. If not, the request must also include wire transfer instructions, Taxpayer Identification Number (TIN) and FCC Registration Number (FRN). Send refund requests to: Federal Communications Commission, Financial Operations Center, Auctions Accounting Group, Gail Glasser, 445 12th Street, SW., Room 1–C864, Washington, DC 20554.

144. Bidders are encouraged to file their refund information electronically using the Refund Information icon in the FCC Form 175, but bidders can also fax their information to the Auctions Accounting Group at (202) 418–2843. Once the information has been approved, a refund will be sent to the party identified in the refund information.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 05–10230 Filed 5–20–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

DATES: Comments must be submitted on or before June 22, 2005.

ADDRESSES: Interested parties are invited to submit written comments. All comments should refer to ''Deposit Broker Processing, 3064–0143.'' Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/propose.html.*
- *E-mail: comments @FDIC.gov.* Include ''Deposit Broker Processing, 3064–0143'' in the subject line of the message.
- *Mail:* Leneta G. Gregorie (202–898–3719), Counsel, Room MB–3082,

Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

• *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments should also be submitted to the OMB desk officer for the FDIC: Mark Menchik, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503, or by electronic mail to *mmenchik@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Leneta G. Gregorie at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to revise the following currently approved collection of information:

Title: Deposit Broker Processing.

OMB Number: 3064–0143.

Frequency of Response: On occasion.

Affected Public: Deposit brokers and depositors of failed insured institutions.

Estimated Number of Responses: See chart below.

Estimated Time per Response: See chart below.

Estimated Total Annual Burden: 2875 hours.

General Description of Collection: When an insured institution is closed by its primary regulatory authority, the FDIC has the responsibility to pay the insured claims of the failed bank depositors pursuant to the Federal Deposit Insurance Act and the FDIC's Deposit Insurance Coverage regulation, 12 CFR part 330. Generally, deposits are insured to a maximum of $100,000. This maximum coverage is based on ''ownership rights and capacities.'' All deposits that are maintained in the same right and capacity are added together and insured up to $100,000 in accordance with the regulations relating to deposit insurance of that particular deposit insurance ownership category. Deposits held in different ownership categories are eligible for $100,000 coverage per category. For example, as a general rule, single-ownership accounts are separately insured from trust accounts held for the benefit of others.

In order to assist the FDIC in paying deposit insurance to persons who had deposited funds in a failed depository institution through a deposit broker, the FDIC requests deposit brokers who opened a deposit account in a failed institution to provide the FDIC with information about the parties for whom the broker acted as agent and the amounts of their deposits. An essential element of this collection is an electronic file from every broker that provides information about its customers and their accounts, including: Each customer's name, address, tax identification number, and ownership interest in the account; principal balance of the account; and interest earned on the account. The FDIC also has developed forms to assist in determining account ownership and the availability of ''pass-through'' deposit insurance coverage where the account balance exceeds $100,000. The FDIC form numbers are 7200/03, /04, /05, /06, /07, /08, /09, /10, /11, /12, /13, /14, and /15.

The FDIC uses these same forms to determine whether individual account holders at failed institutions may receive pass-through deposit insurance coverage. The FDIC's use of these forms for individuals has been approved by OMB under PRA control number 3064–0150 (expires September 30, 2007).

In order to facilitate public access to the common forms and to improve administrative efficiency, the FDIC proposes to consolidate the two OMB approved collections into a single collection titled, ''Forms Relating to Processing Deposit Insurance Claims,'' under the 3064–0143 control number.

BURDEN ESTIMATE, DEPOSIT BROKERS ONLY

[Frequency of response: occasional]

	Burden per response	Number of responses	Burden hours
Deposit Broker Submission Checklist	5 minutes	70	6
Diskette, following ''Broker Input File Requirements.''.	The burden will vary depending on the broker's number of brokered accounts.		
	45 minutes	53 responses (75% of 70 annual responses).	40
	5 hours	18 responses (25% of 70 annual responses).	90
Exhibit B, the standard agency agreement, or the non-standard agency agreement.	1 minute	70	1
Subtotal			137

BURDEN ESTIMATE, COMBINED DEPOSIT BROKERS AND INDIVIDUALS

[Frequency of response: occasional]

Form No.	Form title	Hours	Respondents	Burden hours
7200/03	Declaration for Testamentary Deposit (Single Grantor)	.50	1000	500
7200/04	Declaration for Public Unit Deposit	.50	500	250
7200/05	Declaration for Trust	.50	1100	550
7200/06	Declaration of Independent Activity	.50	25	12.5
7200/07	Declaration of Independent Activity for Unincorporated Association	.50	25	12.5
7200/08	Declaration for Joint Ownership Deposit	.50	25	12.5
7200/09	Declaration for Testamentary Deposit (Multiple Grantors)	.50	500	250
7200/10	Declaration for Defined Contribution Plan	1.0	50	50
7200/11	Declaration for IRA/KEOGH Deposit	.50	50	25
7200/12	Declaration for Defined Benefit Plan	1.0	200	200
7200/13	Declaration of Custodian Deposit	.50	50	25
7200/14	Declaration for Health and Welfare Plan	1.0	200	200

BURDEN ESTIMATE, COMBINED DEPOSIT BROKERS AND INDIVIDUALS—Continued

[Frequency of response: occasional]

Form No.	Form title	Hours	Respondents	Burden hours
7200/15	Declaration for Plan and Trust	.50	1300	650
Subtotal	.....	.....	5025	2738

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 18th day of May, 2005.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 05–10220 Filed 5–20–05; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 17, 2005.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. First Horizon National Corporation, Memphis, Tennessee; to acquire 100 percent of the voting shares of United Bank and Trust Company, Saint Petersburg, Florida.

B. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Centennial Bank Holdings, Inc., Fort Collins, Colorado; to acquire 100 percent of the voting shares of First MainStreet Financial, Ltd., Longmont, Colorado, and thereby indirectly acquire voting shares of First MainStreet Bank, N.A., Longmont, Colorado.

Board of Governors of the Federal Reserve System, May 18, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–10278 Filed 5–20–05; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

[Docket No. OP–1229]

Federal Reserve Bank Services Private Sector Adjustment Factor

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice with request for comments.

SUMMARY: The Board requests comment on potential modifications to the method for calculating the target return on equity (ROE) in the private-sector adjustment factor (PSAF). The PSAF imputes the costs that would have been incurred and profits that would have been earned had the Federal Reserve Banks' priced services been provided by a private firm. The Monetary Control Act of 1980 (MCA) requires that the Federal Reserve set fees for its services to recover, over the long run, its actual costs of providing the services, as well as the imputed costs and profits. The Board reviews its method for calculating the PSAF periodically to assess whether it is still appropriate in light of the changing business and regulatory environment, industry practices, and accounting standards.

Specifically, the Board requests comment on possible changes to the current method to compute a target rate of return on equity capital, including changes to the analytical models and peer group institutions used. The Board's method for setting its overall level of equity capital would continue to be based on the Federal Deposit Insurance Corporation (FDIC) guidelines for a well-capitalized institution for insurance premium purposes.

DATES: Comments must be submitted on or before July 22, 2005.

ADDRESSES: You may submit comments, identified by Docket No. OP–1229, by any of the following methods:

- Agency Web Site: *http://www.federalreserve.gov*. Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- E-mail: *regs.comments@federalreserve.gov*
- FAX: 202/452–3819 or 202/452–3102.
- Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, except as necessary for technical reasons. Accordingly, your comments

will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or on paper in Room MP–500 of the Board's Martin Building (20th and C Streets, NW) between 9 a.m. and 5 p.m. on weekdays.

FOR FUTHER INFORMATION CONTACT: Gregory L. Evans, Assistant Director (202/452–3945), Brenda L. Richards, Financial Project Leader (202/452–2753), or Jonathan Mueller, Financial Analyst (202/530–6291); Division of Reserve Bank Operations and Payment Systems. Telecommunications Device for the Deaf (TDD) users may contact 202/263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

The MCA requires that the Board establish fees for ''priced services'' provided to depository institutions at a level necessary to recover all direct and indirect costs actually incurred and imputed costs. Imputed costs include financing costs, return on equity capital (profit), taxes, and certain other expenses that would be incurred if a private business firm provided the services. The imputed costs and imputed profit are collectively referred to as the private sector adjustment factor (PSAF). In establishing fees, the Board considers the objectives of fostering competition, improving the efficiency of the payments mechanism, and providing an adequate level of services nationwide.

The methodology underlying the PSAF is reviewed periodically to ensure that it is appropriate and relevant in light of changes that may have occurred in Reserve Bank priced-services activities, accounting standards, finance theory, and regulatory and business practices.[1] The Board considers four principles when reviewing the PSAF methodology: (1) Providing a conceptually sound basis for efficient pricing in the market for payments services, (2) maintaining consistency with actual Reserve Bank financial information and practice, (3) maintaining consistency with private-sector practice, and (4) using data in the public domain in order to make the PSAF replicable. In addition, the Board seeks to balance the cost, complexity, and accuracy of the PSAF methodology in implementing theoretically sound approaches.[2]

The Board seeks to establish fees for priced services to recover projected costs and the PSAF over the long run. Because the Board does not believe that price volatility increases efficiency in payment systems, it has been wary of cost-recovery models that produce volatile results from year to year. For this reason, fees for each year are not set to offset any previous or subsequent years' overrecovery or underrecovery. Moreover, other providers of payment services do not typically establish prices in order to eliminate surpluses or shortfalls incurred in previous years. A highly volatile PSAF applied mechanically to the fee-setting process could also result in unnecessarily volatile prices, which, in turn, could adversely affect the efficient operations of the Reserve Banks and other payment service providers. As a result, the Board has preferred, when appropriate, to adopt PSAF methods that provide for stable rather than volatile returns.

II. Private Sector Adjustment Factor

The current method for calculating the PSAF includes determining the book value of Federal Reserve assets and liabilities to be used in providing priced services during the coming year, and the rates used to impute financing costs. The Board's method involves developing an estimated Federal Reserve priced-services pro forma balance sheet using actual priced-services assets and liabilities. The remaining elements on the balance sheet, such as equity, are imputed as if these services were provided by a private-sector firm. To satisfy the FDIC requirement for a well-capitalized institution, equity is imputed at 5 percent of total assets.[3] In 2005, assets are projected to total $16.2 billion, resulting in imputed equity capital of $808 million.

A target ROE is estimated and applied to the equity capital on the pro forma balance sheet to determine the priced-services cost of equity.[4] Currently, the ROE is calculated by averaging the results of three analytical models: The comparable accounting earnings (CAE) model, the discounted cash flow (DCF) model, and the capital asset pricing model (CAPM). The top fifty bank holding companies (BHCs) based on deposit balance serve as the peer group for Federal Reserve priced services and the peer group's financial data is used to estimate the target ROE. Selecting the BHCs based on deposit balances was intended to maintain the focus on the largest banking entities because they process transactions and perform settlement services comparable to those provided by the Reserve Banks.

The CAE model uses historical BHC accounting information to estimate ROE. The ROE for an individual BHC in the peer group is calculated as the ratio of the firm's net income before taxes to its book value of equity and is averaged with other BHCs to determine the peer group ROE. The DCF model takes a forward-looking approach to estimating ROE. It assumes that a firm's stock price is equal to the discounted present value of all expected future dividends. The CAPM captures the risk—return relationship that rational investors require in efficient markets. The underlying theory of the model assumes that investors demand a premium for bearing risk; that is, the higher the risk of the security, the higher its expected return must be to attract investors to buy it. The basic principle of CAPM is that the required rate of return on a firm's equity is equal to the return on a risk-free asset plus a risk premium.

The PSAF also includes imputed taxes, which are captured using a pretax ROE. A pretax ROE assumes that a 100 percent recovery of expenses, including the targeted ROE, is achieved. The PSAF tax rate is the median of the rates paid by the fifty BHCs in the peer group over the past five years. Finally, the PSAF includes the estimated share of the Board of Governors' expenses that supports priced services, imputed sales tax, and an imputed assessment for FDIC insurance.

III. Discussion

A. Overview

The Board is considering changes to the methodology used to estimate the target ROE for priced services. The table below summarizes the current methodology and the changes

[1] During the development of this proposal, the Federal Reserve worked with a consulting firm specializing in capital allocation and risk management and four finance professors from U.S. academic institutions to obtain information about current private-sector practices.

[2] The previous review of the PSAF was completed in 2001 (65 FR 82360, October 10, 2001) and changes were implemented for the 2002 PSAF.

[3] Equity is imputed based on the FDIC definition of a ''well-capitalized'' institution for insurance premium purposes. The FDIC requirements for a well-capitalized financial institution are (1) a ratio of total capital to risk-weighted assets of 10 percent or greater; and (2) a ratio of Tier 1 capital to risk-weighted assets of 6 percent or greater; and (3) a leverage ratio of Tier 1 capital to total assets of 5 percent or greater. The Federal Reserve priced-services balance sheet total capital has no components of Tier 1 or total capital other than equity; therefore, requirements 1 and 2 are essentially the same measurement. Because risk-weighted assets are considerably below actual assets, only requirement 3 is binding for the Federal Reserve priced services.

[4] For the 2005 PSAF, the target ROE of 18.1 percent is multiplied by the equity capital of $808 million to get the priced services cost of equity of $146 million.

considered, which are discussed in more depth in subsequent sections of the notice.

Table 1

	Current Methodology	Considered Changes to the Current Methodology
ROE	Average of the CAE, DCF, and CAPM models	CAPM only
CAPM methodology:		
Risk-free investment horizon (risk-free rate)	Short-term horizon	Longer-term horizon with a term premium adjustment
Beta assumptions	Historical beta	1) Beta of 1.0 (overall market) 2) Adjusted beta (weighting historical beta and beta of 1.0)
Historical beta methods		
Peer group	Fifty largest BHCs by deposit balance	Select the BHCs that meet the following criteria: 1) The fifty largest by deposit balance 2) The fifty largest by due-to balance 3) Capital to risk-weighted asset ratio of within +/- 20% of the imputed Reserve Bank ratio 4) Investment-grade bond ratings
Beta estimation period	Rolling sample period of 10 years	Rolling sample period of 5 years
Weighting of beta	Weight each BHC's returns by market capitalization	Weight each BHC's returns equally

B. Imputed Return on Equity

The target ROE for Reserve Bank priced-services activities is established at the entity level rather than by developing an ROE for each service. Conceptually, the ROE is developed with a shareholder's perspective in mind and considers whether shareholders are adequately compensated in the form of average equity returns given the overall risk of the business activities.

Current Three-Model Approach. As discussed earlier, the Board targets an ROE using the average of the results of the CAE, DCF, and CAPM models. The three economic models use different inputs and provide different outlooks when determining a unique target ROE.

1. Comparable Accounting Earnings Model

The CAE model's sole source of data is peer group historical accounting information. The annual ratios of net income before taxes to equity of the individual BHCs are averaged to determine the peer group ROE. The arithmetic average of the last five years' individual ROEs is the CAE ROE.

This model is appealing because it is directly related to the published financial statements of BHCs. Because the priced-services ROE is applied to the book value of equity, the CAE is also the only model that is consistent with the pro forma presentation that is used to measure cost recovery and compliance with the MCA. The CAE model's primary shortcomings are that it relies exclusively on historical data reported on a book value basis to project an expected market rate of return and does not incorporate future earnings expectations. The ROE results for any point are substantially anchored in past accounting book values, and book values can be less relevant to investors than market-based measures of a firm's financial condition. The CAE results can be particularly unrealistic during periods when there are large fluctuations in business cycles. These shortcomings were identified when the three-model approach was adopted in 2001; however, the Board believed the CAE results complemented the market-driven results of the DCF and CAPM models when the results of all three models were averaged.

2. Discounted Cash Flow Model

The DCF approach requires as inputs the BHC peer group stock prices as well as forecasts of future dividends and long-term dividend growth rates.[5] The implied discount rate of a firm can be calculated and considered the firm's estimated ROE in the DCF model if the stock price and expected future dividends are known. The ROEs for individual BHCs are combined using a

[5] Consensus earnings forecasts and long-term growth rates (as published by the Institutional Brokers Estimate System) are translated into future dividend cash flows.

weighted average based on each BHC's equity market capitalization. The formula for the DCF model is

Equation 1

$$ROE_{\text{Fed priced services}} = (D_1 / P_0) + g$$

D_1 = expected dividend next year $((D_0 * (1+g))$

P_0 = current price per share of equity

g = expected dividend growth rate

The DCF model was adopted for the ROE calculation because it incorporates projections of future shareholder market returns, which are not reflected in the CAE or CAPM models. The DCF model can be a powerful valuation tool; however, meaningful results depend on analysts' ability to project cash flow and dividend growth rates accurately. Financial market history has shown the inherent difficulty faced by analysts in developing accurate financial projections given the rapid shifts in business activities as a result of increased competition, changes in the regulatory environment, technological obsolescence, and other forces.

3. Capital Asset Pricing Model

CAPM's basic principle is that the required rate of return on a firm's equity is equal to the return on a risk-free asset plus a risk premium. The risk premium is a measurement of the expected excess return on a market portfolio of equities (the expected market risk premium) and the correlation of the firm's returns to the market returns (beta).

Equation 2

$$ROE_{\text{Fed priced services}} = Rf + \overbrace{[Beta_{\text{Fed priced services}} * \underbrace{E(Rm - Rf)}_{\textit{Expected Market Risk Premium}}]}^{\textit{Risk Premium}}$$

Rf	= risk-free rate of return
$Beta_{\text{Fed priced services}}$	= beta for the priced-services peer group
Rm	= return of the overall market
$E(Rm - Rf)$	= expected market risk premium
$Beta_{\text{Fed priced services}} * E(Rm - Rf)$	= risk premium

The CAPM requires judgment in determining

- The risk-free interest rate or the rate of return on an investment with no or low risk, typically measured using a Treasury rate.
- The method, data, and period used for estimating the beta. The beta measures the market risk of a particular company relative to the risk of the overall market. A beta of 1.0 signifies that a firm's returns will be perfectly correlated with the market and move up or down with the market's return (dividends and capital gains and losses). A beta of less than 1.0 indicates that a firm's returns fluctuate less than the market (less risky); while a beta greater than 1.0 indicates that a firm's returns tend to vary more than the market (more risky).
- The market risk premium, which estimates the additional return investors require to forgo the safety of investing in no or low-risk assets to bear the higher risk of common stock.

The CAPM provides a framework to determine the risk-return relationship required by investors. Because CAPM measures the relevant market risk of a firm's stock and the contribution of the firm's stock to the market risk of a well-diversified portfolio, CAPM can be applied to many business decisions. For example, investors, who are concerned with market risk when holding diversified portfolios, can use CAPM to make portfolio management decisions and balance the risk-return tradeoff. Business managers, who are concerned with maximizing the return to shareholders, can also use CAPM to make financing decisions because CAPM produces the required rate of return expected by the market. As a practical matter, not all financial models, including CAPM, will necessarily produce accurate estimates unless the decisionmaker exercises some judgment to adjust for risks that

the models do not measure. In addition, CAPM can produce varying results that may not accurately predict future performance, depending on the formula inputs. Nevertheless, CAPM is a useful conceptual tool because it represents the way rational people would behave when managing risk and making financing decisions.

Because the results of the CAPM are sensitive to the inputs, they are critical to the model's usefulness. The risk-free rate is a significant factor because it both is used to determine the market risk premium and also is added to the risk premium of the peer group in the CAPM calculation. Currently, the Board uses the constant maturity yield on the one-year Treasury bill as the risk-free rate. The monthly stock returns over a rolling ten-year period are used in a linear regression technique to estimate the peer group beta.[6] To capture each BHC's involvement in similar service activities, the returns of each BHC in the peer group are weighted by market capitalization. The market risk premium is estimated using the monthly excess return of the market over the risk-free rate since 1927, which is standard finance practice.[7]

4. Results of the Current Three-Model Approach

The following table shows Reserve Bank priced services pretax and after-tax ROE targets from 2001 to 2005 using each of the three models. Table 2 highlights the CAPM's sensitivity to interest rates, which has made it much more variable from year to year than the other two models. As rates fell from 2001 to 2005, the CAPM produced an ROE that is much lower than the ROEs produced by the CAE or DCF models. Conversely, during periods of higher interest rates such as the 1980s, the CAPM produced higher ROE results than the CAE or DCF. Over the eighteen-year period of 1983–2000, the average ROE of the CAPM was the highest of all three models at 15.1 percent, followed by the CAE at 11.4 percent and the DCF at 13.0 percent.

Table 2
Return on Equity
Current methodology using the top fifty BHCs by deposit balance
(data in percent)

	Pretax				After-tax			
PSAF Year	CAE	DCF	CAPM	Average	CAE	DCF	CAPM	Average
2001	23.2	22.1	23.3	22.8	15.9	15.1	16.0	15.6
2002	23.5	21.4	21.4	22.1	16.6	15.1	15.1	15.6
2003	22.9	21.6	13.8	19.4	16.0	15.0	9.6	13.5
2004	22.3	21.3	12.2	18.6	15.7	15.0	8.5	13.0
2005	22.2	19.7	12.3	18.1	15.6	13.9	8.7	12.7
5-year Average	22.8	21.2	16.6	20.2	16.0	14.8	11.6	14.1
Standard Deviation	0.6	0.9	5.3	2.1	0.4	0.5	3.7	1.4

The three models for calculating the target ROE are based on different assumptions, analytical approaches, and data sources. Because each of the three models brings a different perspective to a firm's cost of equity capital, the Board concluded that a simple average of the three was a better measure of the peer group's ROE than any single model by itself. Support for this approach was found in academic studies that demonstrated that the use of multiple models can improve estimation techniques when each model provides new information. Taking the average of the three models was seen as a way to minimize the effect of unusual data and provide a less-volatile ROE over time. In recent years, however, academic, market, and financial services industry practices have evolved, and the weaknesses of the CAE and DCF have become more widely recognized. As a result, reliance on the CAE and DCF for targeting a firm's ROE has declined.

The Board requests comment on alternative methods to calculate the target ROE. Are there models, other than the three in use, that the Board should consider? What is considered to be a reasonable target ROE for institutions that provide services similar to those provided by the Reserve Banks?

Possible change to the imputed ROE methodology. To implement the principle of maintaining consistency with private-sector practice, the Board reviewed current finance theory and practice to determine whether the current PSAF methodology, and in particular the three-model approach, is the most appropriate method for

[6] Linear regression uses variables, such as the BHCs' equity returns and the market's return, and estimates a relationship between them in the form of a straight-line.

[7] The market risk premium data are found on the Kenneth R. French website (*http://mba.tuck.dartmouth.edu/pages/faculty/ken.french*). Stock return data are obtained from the Center for Research in Security Prices.

computing the ROE. When the Board adopted the current three-model approach, there was evidence that multiple models were being used by academics and professionals to estimate ROE.[8] Current information suggests, however, that CAPM has continued to evolve and is used more in practice than the CAE and DCF methods.[9] Specifically, the CAE method, while not widely used at the time of the last study, has continued to wane in use. Similarly, the effectiveness of the DCF as a tool for estimating ROE has also been questioned based on recent research findings that analysts' dividend projections can be upwardly or downwardly biased.[10] Although some public utilities still use the results of the DCF model together with CAPM for developing ROE targets, it is not used by many larger financial institutions.[11] With information suggesting that two of the three models that are used in the current ROE method might not be in line with common practice, the Board is considering discontinuing using the average of the results of three models and use CAPM only to calculate the target ROE. While CAPM has the virtue of being a forward-looking, market-based measure of ROE that incorporates the fundamental risk'return relationships required by rational investors and is the most widely accepted and used model for calculating ROE, it also continues to be the most volatile of the methods, as shown in table 2. The volatility comes from the estimates and assumptions required to calculate the ROE.

The Board requests comment on whether the CAPM methodology is appropriate to rely on to estimate a target ROE. What important elements of the ROE calculation might be excluded if the Board adopts the CAPM-only method? Are there considerations that do not support the use of CAPM to impute the Reserve Banks' target ROE? Is the DCF model used to estimate a target ROE? What earnings estimates are the most useful? Are recent published accounting earnings relevant when estimating a target ROE? Is the volatility of the CAPM-only method acceptable? Should CAPM-only be viewed as a method to develop an ROE that may be modified; if so, why and how would one modify the model?

C. Possible CAPM Methodology Modifications

Regardless of whether a CAPM-only method for ROE is adopted, the Board is considering whether the current CAPM methodology should be modified to better reflect comparably positioned service providers, the aims of the MCA, and current academic and professional practice.[12] As previously noted, CAPM requires judgment to determine the inputs that should be used for each aspect of model. The Board is considering modifying the risk-free investment horizon and the beta assumptions, including the peer group used to estimate beta, the beta estimation period, and the weighting of the peer group betas in CAPM.

Risk-free investment horizon. The CAPM risk-free parameter in the Board's current method for calculating the target ROE is based on a one-year Treasury bill rate. The Treasury security is considered to be risk-free, and this short-term rate was chosen to match the time horizon of the target ROE.[13] There are competing views about whether a short-term or long-term risk-free rate is more appropriate in the CAPM. One point of view is that a short-term risk-free rate is consistent with an underlying tenet of CAPM that suggests that the market for a security is liquid and matches the time horizon of a short-term investor. This approach is consistent with the yearly price-setting for Federal Reserve services. Another point of view advocates using a long-term risk-free rate, such as the ten-year Treasury bond rate, because it more closely matches the duration of investments, the duration of stock market indexes used to estimate a beta, and the investment horizon of a long-term investor. It may also be considered to be more in line with the MCA's requirement for the Federal Reserve to recover all costs of providing its services over the long run. In this approach, a target ROE should represent return that the firm hopes to achieve on average over the fluctuations of the business cycle. When considering what risk-free rate term to use, generally the time horizon of the investor is matched with term of the risk-free security. If investment in the Reserve Banks' activities is assumed to be long term, this approach would support using the yield on a longer-term Treasury instrument as the risk-free rate in the CAPM to calculate the Reserve Banks' priced-services target ROE.

Rates on short-term Treasury bills are subject to more volatility than longer-term Treasury securities because they are more sensitive to economic conditions. Historically, the yields on short- and long-term Treasury securities generally move in the same direction, with long-term securities offering higher yields, on average, than the yields provided by short-term securities. Volatility of the short-term Treasury rate could produce widely-varying CAPM ROE estimates and adversely affect the pricing of the Federal Reserve's services. To the extent that the Reserve Banks adjust prices each year to recover a fluctuating ROE, a more-stable ROE may lead to more-stable prices, which is consistent with the Federal Reserve's objective to promote efficient payments operations.

As mentioned earlier in this notice, the expected market risk premium (E(Rm − Rf)) data are gathered from a third-party source. This is a widely accepted and easily accessible source, and the data are calculated with short-term risk-free rates, which is standard practice because investors can buy or sell securities in the short term. Because the risk-free rate is used in two parts of the CAPM equation, however, inconsistency is introduced in the

[8] For example, when the current method was adopted, the New York State Public Service Commission was considering using an average of different ROE measures to determine the cost of equity capital for utilities it regulates.

[9] R.F. Bruner, K.M. Eades, R.S. Harris, and R.C. Higgins, 1998 ''Best Practices in Estimating Cost of Capital: Survey and Synthesis,'' *Financial Practice and Education,* and J.R. Graham, and C.R. Harvey, 2001 ''The Theory and Practice of Corporate Finance: Evidence from the Field,'' *Journal of Financial Economics,* find that CAPM is the dominant model for estimating cost of equity. In addition, most textbook treatments of equity cost of capital calculations are based on the CAPM model (for example see www.Damodaran.com).

[10] Louis K.C. Chan, Jason Karceski, and Josef Lakonishok, ''Analysts'' Conflict of Interest and Biases in Earnings Forecasts' March 2003, NBER Working Paper 9544, find evidence that analysts manipulate forecasts downward so that firms are positioned for positive earnings surprises at announcement dates. Patricia M. Deschow, Amy Hutton, and Richard Sloan, ''The Relation between Analysts'' Forecasts of Long-term Earnings Growth and Stock Price Performance Following Equity Offerings' Contemporary Accounting Research, Spring 2000, find that analysts' projections may be overly optimistic because fees paid to analyst's firms are correlated to optimistic projections.

[11] J.H. Vander Weide, 2004. Prepared Testimony for the Pacific Gas and Electric Company Cost of Capital 2004 and 2005 Submission to the California Public Utilities Commission.

[12] As part of the current review, the Board examined whether economic factors other than the overall market return significantly affect the stock returns of the BHC peer group. In the analysis, alternative multifactor CAPMs that included BHC payments-related revenue shares and macroeconomic interest rate spreads were analyzed. The analysis suggests that the current standard CAPM and equity betas used to estimate ROE are reasonable. See ''Alternative Measures of the Cost of Equity Capital for the Federal Reserve Banks'' Payments Services: Technical Supplement to the 2004 PSAF Review'' by Barnes and Lopez (*http://www.federalreserve.gov/boarddocs/press/other/2005/20050518/supplement.pdf).*

[13] Although the priced-services ROE is recomputed each year, the Board considered the difference between a one-year rate based on the average of monthly, three-month, or one-year Treasury bill rate insignificant because Treasury securities do not have significant pricing anomalies across short-term maturities.

equation when a long-term investment horizon is combined with the short-term expected market risk premium from the third-party source. To maintain consistency, the constant maturity yield on the ten-year Treasury bond, less a term premium, could be used as an estimate of the risk-free rate (Rf). Empirical analyses show that, on average, longer-term Treasury securities have higher yields. This term premium, estimated using the historical difference between short- and long-term Treasury securities, would be used to adjust a long-term rate in order to reflect an average expected short-term risk-free rate over a ten-year horizon.[14] [15]

Table 3 compares the ROEs that result from using the one-year versus the ten-year risk free rate in the CAPM calculation. For illustrative purposes, the beta is assumed to equal 1.0 to isolate the effect of using a short- and longer-term rate on the current methodology. For 2005, there is a different of 1.6 percentage points between the after-tax ROE calculated when using a short-term risk-free rate and a long-term free rate adjusted by the term premium.

Table 3

	Current CAPM	**Considered CAPM**		**Memo**
2005 CAPM ROE	1-year risk-free rate	10-year risk-free rate less term premium	Difference	10-year risk-free rate
Pretax	13.2%	15.5%	2.3	17.4%
After-tax	9.3%	10.9%	1.6	12.2%
Beta	1.0	1.0	0	1.0

The Board requests comment on the time horizon for estimating a target ROE. Should the Federal Reserve's priced-services target ROE for the upcoming year be based on a short-term rate, which might reflect what the market expects its peers to deliver in the upcoming year, or should the target ROE be calculated using a long-term rate, which might better reflect the return that the market expects its peers to deliver, on average, over time? The Board also requests comment on the reasonableness of incorporating a ten-year Treasury bond less a term premium to reflect an expected average short-term risk-free rate over a ten-year horizon. What are other factors that could be used to incorporate a long-term time horizon?

Beta assumptions. A beta measures the sensitivity of the peer group returns to the overall market's returns. In order to calculate a beta representative of the Federal Reserve priced-services activities, a comparable peer group is needed. When the peer group is identified, the most relevant and appropriate methods to use for the beta calculation can be determined.

1. Peer Group

Although BHCs' activities are not a perfect proxy for Reserve Bank priced-services activity, they provide similar services through their correspondent banking activities, including payment and settlement services. They also hold respondent (''due-to'') balances, which are similar to depository institution balances held by Reserve Banks, and have publicly available information; therefore, they are the most reasonable alternative.[16] One drawback to using BHCs as the proxy is that they offer diverse services with different risk profiles that reach well beyond the payment services that are provided by the Reserve Banks, such as consumer and corporate lending and investment services. To reduce the effect on the ROE of these noncomparable services in which BHCs are involved, the Board is also considering looking at the level of a BHC's involvement in correspondent banking activity, its capital structure, and its solvency ratings in refining the BHC peer group to better match the Federal Reserve priced-services activities.

To choose peers whose activities are more comparable to the Federal Reserve priced services, the Board is considering a peer group that meets all of the following criteria.

1. The BHCs among the top fifty publicly traded BHCs based on deposit balances.

2. The BHCs among the top fifty publicly traded BHCs based on their level of due-to balances. By using deposit and due-to balances, the peer group would represent publicly traded entities that provide correspondent banking services and have several years of financial data available in the public domain.[17] This selection criteria may result in a peer group of BHCs that hold both retail and correspondent deposits and are more involved in transaction processing and settlement services.

3. To more closely relate the peer group members' capital structure and risk-weighted asset ratios to the Federal Reserve's priced-services imputed capital structure, the Board is considering further refining the selection process by choosing BHCs that have a ratio of Tier 1 capital to risk-weighted assets similar to Reserve Bank

[14] As reported in the H.15 Historical Releases report published by the Board of Governors. The H.15 provides the constant maturity yield (annualized) for various term Treasury securities on a monthly basis.

[15] The term premium is estimated at 1.34 percent, which is the arithmetic average of the difference between the ten-year Treasury bond yield and the one-month Treasury bill yield from 1959–2003 based on data from the Federal Reserve Board H.15 statistical release and Ibbotson Associates.

[16] BHC due-to balances are bank deposits reported on the books of the individual institutions that make up the BHC, which originate from other banks and represent respondent balances held to provide transaction processing and settlement services.

[17] Choosing BHCs that have been traded for five years allows the Federal Reserve to use BHC market returns in the other models used to determine a target ROE. The number of years in the selection criteria would change if more or fewer market data observations were needed.

priced-services activities (plus or minus 20 percent).[18]

4. To create a peer group that has a solvency rating similar to that of the Federal Reserve's priced-services activities if the Federal Reserve were a private firm, the peer group could be further narrowed by including only the BHCs that have an investment-grade solvency rating.

Attachment I shows the resulting peer group (cross-matched peer group) of twenty BHCs that results from these selection criteria using publicly available data as of December 2003.[19] To minimize the complexity involved in capturing the due-to balances for the peer group, the Board is considering assuming that the largest three hundred BHCs by deposit balance includes the top fifty BHCs by due-to balance.[20]

An alternative the Board is also considering could eliminate deposit balances as a selection criterion and use the three remaining criteria to select a peer group, while limiting to twenty-five the number of institutions to which it would be applied. Choosing the peer group by the largest due-to balances and not considering their level of deposit balance may result in a peer group that is more focused only on correspondent banking activities. When the peer group is composed of the top twenty-five institutions based on their level of due-to balances that also meet the Tier 1 capital to risk-weighted assets ratio and solvency rating filtering criteria, the peer group is narrowed to seventeen of the twenty institutions that resulted from the cross-matching of deposit and due-to balances.[21]

Although the cross-matched peer group is smaller than the top fifty BHC peer group by deposit balance, the majority of the top fifty BHCs by deposit and due-to balances is accounted for in the cross-matched peer group. For example, the cross-matched peer group consists of 67 percent of the deposits of the top fifty BHCs by deposit and 59 percent of the due-to balances of the top fifty BHCs by due-to balance.

The Board requests comment on this modified approach to selecting a peer group, and in particular on the following questions. What factors should be considered when determining the Federal Reserve's priced-services peer group? Is selecting a peer group based on deposit balances, due-to balances, or a combination of both an appropriate peer group selection criterion? Is there other criteria the Board should consider? Do the Tier 1 capital-to-risk-weighted assets ratio and solvency rating filters improve the selection method?

2. Beta Estimation Period

In the current method, the beta is estimated from a rolling ten-year period of monthly stock returns for each BHC in the peer group. Different sample periods result in different betas, with a longer period producing a beta that is less sensitive to unusual market variations and a shorter period having an opposite effect. The rolling ten-year period was adopted because it provides a sufficient number of market observations to mitigate the effect of market variations on the calculation.

The Board is considering calculating the beta using monthly returns from the market over a rolling five-year period rather than a rolling ten-year period. Some financial sources suggest that using more years of historical data to calculate the beta may be less relevant to the firm's future returns than fewer years would be, because the nature of business risks undertaken by firms may have changed significantly over ten-years. The shorter period is less likely to distort ROE results because it excludes some past structural changes in the banking industry and in the financial markets that no longer reflect current BHC peer group risk profiles. In addition, a five-year data period could provide a reasonable number of observations to estimate the peer group beta. Table 4 compares the 2005 CAPM ROEs of the current peer group to the CAPM ROEs of the cross-matched peer group using a long-term risk-free rate less a term premium.[22] Using the five-year rolling period results in a lower ROE for both peer groups because the peer group BHCs' returns compared to the market's returns have been less volatile over the five-year period than over the ten-year period.

Table 4[23]

	Cross-matched peer group			Current peer group		
2005 CAPM ROE	10-year rolling period	5-year rolling period	Difference	10-year rolling period	5-year rolling period	Difference
Pretax	15.3%	13.4%	-1.9	14.8%	12.7%	-2.1
After-tax	10.7%	9.5%	-1.2	10.4%	8.9%	-1.5
Beta	0.98	0.82	-0.16	0.94	0.75	-0.19

[18] The Tier 1 capital to risk-weighted assets ratio for the 2005 PSAF was 10.8 percent. Choosing a BHC within +/−20 percent of the capital to risk-weighted asset ratio (8.6 percent to 13.0 percent for the 2005 PSAF) would capture a reasonable number of BHCs with similar capital structures and risk-weighted assets.

[19] The PSAF calculation uses data from audited financial statements of the peer group. The data used for the 2005 PSAF calculation is based on year-end 2003 data because this is the most recent publicly available information at the time of the calculation.

[20] Due-to balance data are available only at the bank level and must be aggregated to get to the BHC level.

[21] Of the top twenty-five institutions based on due-to balances, three are not publicly traded and five do not have a Tier 1 capital to risk-weighted asset ratios similar to Reserve Bank priced services.

[22] For ease in illustration, only the cross-matched peer group of due-to/deposit balances will be compared to the current peer group throughout the remainder of this notice.

The Board requests comment on the beta estimation period. Does a rolling five-year period or a rolling ten-year period better capture elements that are relevant to calculating a meaningful beta for estimating the Reserve Bank priced-services ROE?

3. Weighting of the Peer Group Betas

In the current method to determine the priced-services beta in CAPM, the returns of each BHC in the peer group are market-value weighted and are compared with the overall market returns. In effect, value weighting assumes that a firm's payments business is proportional to its market capitalization level. As BHCs become more involved in nonpayment-related businesses, however, the extent to which market capitalization is representative of a BHC's payments activities and its usefulness to weight the betas is uncertain. Value weighting, therefore, may not produce an appropriate beta to serve as the proxy for the Reserve Banks' priced-services activities.

The Board is considering calculating the priced-services beta using the equal-weighted returns of each BHC in the peer group rather than value-weighted returns as a better approximation of the appropriate peer group. Equal-weighted and value-weighted averages of betas from 2001 to 2005 for each BHC in the cross-matched peer group are shown in attachment II. The difference between the betas, using equal-weighting or value-weighting, with the cross-matched peer group of twenty BHCs, varies. For 2001 and 2005, equal-weighting are .12 and .20 lower than value-weighting, respectively.

Table 5 compares the ROEs that result from applying the two different weighting schemes with the returns for each peer group using a long-term risk-free rate less a term premium. For the 2005 CAPM after-tax ROE using the cross-matched peer group, the difference between equal-weighting and value-weighting is 2.0 percent.

Table 5

	Cross-matched peer group (5-year rolling period)			**Current peer group** (5-year rolling period)		
2005 CAPM ROE	Value-weighting	Equal-weighting	Difference	Value-weighting	Equal-weighting	Difference
Pretax	13.4%	10.6%	-2.8	12.7%	9.7%	-3.0
After-tax	9.5%	7.5%	-2.0	8.9%	6.8%	-2.1
Beta	0.82	0.57	-0.25	0.75	0.49	-0.26

The Board requests comment on what weighting method is appropriate to best capture the business risk of a peer group. Is equal-weighting or value-weighting the returns of each BHC in the peer group preferable when estimating beta? Should an alternative weighting process, such as by deposit or due-to balances, be used? What are the strengths and weaknesses of each weighting method?

4. Beta of 1.0

Historical betas use past returns of a firm and the market to estimate the firm's beta for the future. Historical betas, however, may not be a good predictor of the future risk for a firm because it may be facing different risks than it did in the past. Finance literature suggests that betas, as an empirical rule, move towards 1.0 over time. Assigning a beta of 1.0 for a firm assumes that the firm will achieve the same returns as the market over time, and therefore carries the same risk as the market in the long run.

To simplify the beta estimation process, the Board is considering assigning the Federal Reserve's priced services a beta of 1.0. When using a beta of 1.0, a peer group is no longer needed to estimate the target CAPM ROE.

An alternative way to incorporate the concept that all firm betas will revert to 1.0 is to weight the historical beta and the beta of 1.0 to determine the firm's adjusted beta. For example, financial literature suggests and financial firm practice support applying a two-thirds weight on the historical beta and a one-third weight on the beta of 1.0. The adjusted beta will reduce volatility and be a truer measure of risk over the long run while moving the beta estimate closer to 1.0.

The Board requests comment on incorporating the concept that all firm betas will be 1.0 over time in the priced-services beta calculation. Is a beta equal to 1.0 for Federal Reserve priced services a reasonable simplifying assumption when computing CAPM? Are important elements that should be factored into the CAPM equation eliminated with this assumption? If an adjusted beta should be considered, what is the best method for implementing it?

In addition, the Board requests comment on the overall CAPM methodology changes it is considering. Are the after-tax and pretax ROE results of the CAPM-only method reasonable? In what ways, if any, does this methodology oversimplify the calculation? In what ways, if any, is the methodology overly complex?

D. Effect of Different PSAF Methodologies

Table 6 shows the effect on the beta of changes to the CAPM factors being considered.

[23] A minor modification to calculate beta produces slightly different ROE results when comparing the current CAPM calculation, shown in the first row, with the current 2005 CAPM calculation shown in table 2.

Table 6

Row	Peer group sample	Time period	Weighting method	Historical beta results	Adjusted beta results
1.	Current	10 years	Value	.94	.96
2.	Cross-matched	10 years	Value	.98	.99
3.	Cross-matched	5 years	Value	.82	.88
4.	Cross-matched	5 years	Equal	.57	.71

As shown in rows one and two, the reduction in the peer group size from fifty to twenty BHCs, which results when applying the filters described in the peer group section of the notice, causes the historical beta for the sample group to rise slightly. The rise in historical beta is attributable to the increased weight of the larger BHCs in the cross-matched peer group because the smaller BHCs in the current peer group of fifty dropped out. In general, the smaller BHCs have lower betas, which may result, in part, from a greater reliance on more-traditional and less-risky core banking activities. The weighting of the historical beta and the beta of 1.0 cause the adjusted beta to be closer to 1.0.

The change in historical beta between rows two and three reflects the change in the rolling beta estimation period from ten to five years. This change produces a notable drop in the historical beta. The reduction in the beta from .98 to .82 demonstrates that the cross-matched peer group has been less volatile than the market over the last five years than over the last ten years.

Lines three and four show that the historical beta for the cross-matched peer group declines significantly when moving from value-weighting to equal-weighting. The two largest BHCs based on market capitalization have substantially higher betas than the other BHCs in the peer group, with five-year averages of 1.5 and 1.2. With the exception of two midsize-to-small BHCs, the remaining BHCs in the peer group all have a five-year average betas of less than 1.0.[24] The two largest BHCs account for more than 60 percent of the sample group's historical beta under value-weighting, while they make up just 24 percent of beta under equal-weighting.

Combining the peer group historical betas from table 6 above with the appropriate interest rate and market data, the pretax return on equity and the cost of equity[25] for Reserve Bank priced services in 2005 are shown in table 7:[26]

Table 7[25,26]

Row	BHC Peer group sample	Time period used for beta estimation	Beta weighting method	Short-term risk-free rate		Long-term risk-free rate	
				Pretax ROE	Cost of equity ($ millions)	Pretax ROE	Cost of equity ($ millions)
1.	Current	10 years	Value	12.5%	$ 101	14.8%	$ 120
2.	Cross-matched	10 years	Value	13.0%	105	15.3%	124
3.	Cross-matched	5 years	Value	11.1%	90	13.4%	108
4.	Cross-matched	5 years	Equal	8.3%	67	10.6%	86
5.	N/A	Beta of 1.0		13.2%	107	15.5%	125

[24] The five-year average betas less than 1.0 range from .48–.85.

[25] A minor modification to calculate beta produces slightly different ROE results when comparing the current CAPM calculation, shown in the first row, with the current 2005 CAPM calculation shown in table 2.

[26] The estimated ROE is applied to the priced services 2005 book value equity balance of $808 million to derive the cost of equity shown in the table.

In 2005, a 100 basis point change in the pretax ROE increases or decreases the imputed costs to priced services by about $8.1 million. This is approximately 1.1 percent of priced-services expenses.[27]

IV. Broader Issues in the Implementation of Target ROE

As noted earlier in this notice, the Board seeks to fully recover the costs of its priced-services operations, including the PSAF, over the long run. To limit unnecessary and potentially disruptive volatility in its pricing, the Board does not require priced services to offset previous years' overrecoveries or underrecoveries. Accordingly, a target ROE for priced services is calculated each year by the method described in this notice, and that target is factored directly into product pricing decisions for the upcoming budget year.

The Board notes that among some companies the current practice is to establish a multiyear ROE target, to be achieved over a strategic planning horizon. Budget models may focus on specific project and business line targets or on maximizing profit from year to year. Strategic ROEs could take a longer-term view and consider changes in the marketplace and technology and how the firm would respond to them, along with planned capital investment. Companies may intentionally set prices in a way that would result in actual ROE performance deviating from the target year to year; however, they expect to achieve the target on average over the planning horizon.

The Board would consider adopting a longer-term view if a case could be made that it would significantly improve the efficiency of the payments systems. Implementing a less mechanical approach would require the Board to devise a transparent and replicable method to adjust the annual ROE targets built into the Reserve Bank priced-services' budget so as to achieve the long-term objective. The Board seeks comment on the following questions.

Do firms target a different ROE for near-term budgeting purposes than for multiyear, longer-term, strategic planning? What advantages or disadvantages are there to the Federal Reserve setting a PSAF, including the priced-services ROE, more or less frequently than annually? What, if any, are the implications if a longer-term approach to setting the ROE is adopted?

Under the MCA, the fees the Reserve Banks charge for priced services are to be set to fully recover the costs that a private-sector provider would incur in providing them over the long run. As the payments system evolves from paper-based transactions to electronic forms, the Board will be setting a target ROE for the Reserve Banks priced-services activities in the context of declining volumes for its check service line. The Board seeks comment on the following questions.

What are the advantages and disadvantages to the Board changing its current practice of setting the target ROE for priced services at an entity level and begin developing target ROEs for each service line? In what way should the Board adjust the target ROE to consider the decline in use of paper-based check products, given that the check service represents a majority of priced-services activities?

V. Looking Ahead

While the Board considers the changes to the current PSAF methodology discussed above, it recognizes that the changes under way in the payments industry and regulatory practices will, in all likelihood, lead to the consideration of more changes to the PSAF model in the longer term. Historically, the Board considered BHCs a proxy for the Reserve Bank priced-services peer group because correspondent banks are the Reserve Banks' primary competitors in providing check services, which comprises more than 80 percent of the cost of Reserve Bank priced-services activities. Competitors in the electronic payment services, however, have typically been market utilities. Market utilities, such as the Clearing House Interbank Payment System (CHIPS), which is the primary competitor for Fedwire funds transfer services, and the Electronic Payments Network (EPN), which is the only private-sector automated clearinghouse (ACH) operator, are both member-owned clearinghouses. As paper check volume continues to decline and as the check service increasingly becomes electronic, market utilities may replace correspondent banks as the Reserve Banks' primary priced-services competitor.

Similarly, proposals developed by the Basel Committee on Banking Supervision (Basel II), once adopted, to improve capital regulations internationally, make regulatory capital more risk sensitive, include an explicit operational risk capital charge, and promote enhanced risk-management practices among large, internationally active banking organizations may affect the capital structure of the Reserve Banks' priced-services peer group and warrant consideration in developing the PSAF equity costs.

The Board would welcome any comments on the possible implications of these and other environmental changes for the appropriate approach to calculate the PSAF.

VI. Competitive Impact Analysis

All operational and legal changes considered by the Board that have a substantial effect on payments system participants are subject to the competitive impact analysis described in the March 1990 policy statement ''The Federal Reserve in the Payments System.''[28] Under this policy, the Board assesses whether the change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services because of differing legal powers or constraints or because of a dominant market position of the Federal Reserve deriving from such legal differences. If the fees or fee structures create such an effect, the Board must further evaluate the changes to assess whether their benefits—such as contributions to payment system efficiency, payment system integrity, or other Board objectives—can be retained while reducing the hindrances to competition.

Because the PSAF includes costs that must be recovered through fees for priced services, changes made to the method may have an effect on fees. The Board is considering changes that may refine the PSAF peer group and ROE methodology to resemble that of other service providers as required by the MCA. Consequently, the fees adopted by the Reserve Banks should be based on the cost and profit targets that are comparable with those of other providers of services similar to Reserve Bank priced services. Accordingly, the Board believes that if it determines to adopt some or all of these changes, the changes will not have a direct and material adverse effect on the ability of other service providers to compete effectively, due to legal differences, with the Federal Reserve in providing similar services.

VII. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. ch. 3506; 5 CFR Part 1320 Appendix A.1), the Board has reviewed the proposal under the authority delegated to the Board by the Office of Management and Budget. No collections of information pursuant to the Paperwork Reduction Act are contained in the proposal.

[27] System 2005 budgeted priced services expenses less shipping are $724.8 million.

[28] FRRS 9–1558.

VIII. Summary of Comments Requested

A. Imputed ROE

The Board requests comment on alternative methods to calculate the target ROE.

1. Are there models, other than the three in use, that the Board should consider?

2. What is considered to be a reasonable target ROE for institutions that provide services similar to those provided by the Reserve Banks?

The Board requests comments on whether the CAPM methodology is appropriate to rely on to estimate a target ROE.

3. What important elements of the ROE calculation might be excluded if the Board adopts the CAPM-only method?

4. Are there considerations that do not support the use of CAPM to impute the Reserve Banks' target ROE?

5. Is the DCF model used to estimate a target ROE? What earnings estimates are the most useful?

6. Are recent published accounting earnings relevant when estimating a target ROE?

7. Is the volatility of the CAPM-only method acceptable?

8. Should CAPM-only be viewed as a method to develop an ROE that may be modified; if so, why and how would one modify the model?

B. CAPM Methodology

Risk-Free Investment Horizon

The Board requests comment on the time horizon for estimating a target ROE.

1. Should the Federal Reserve's priced-services target ROE for the upcoming year be based on a short-term rate, which might reflect what the market expects its peers to deliver in the upcoming year, or should the target ROE be calculated using a long-term rate, which might better reflect the return that the market expects its peers to deliver, on average, over time?

2. Is it reasonable for the Board to incorporate a ten-year Treasury bond less a term premium to reflect an expected average short-term risk-free rate over a ten-year horizon?

3. What are other factors that could be used to incorporate a long-term time horizon?

Peer Group

The Board requests comment on the modified approach to selecting a peer group, and in particular on the following questions.

4. What factors should be considered when determining the Federal Reserve's priced-services peer group?

5. Is selecting a peer group based on deposit balances, due-to balances, or a combination of both an appropriate peer group selection criterion?

6. Is there other criteria the Board should consider?

7. Do the Tier 1 capital-to-risk-weighted assets ratio and solvency ratings filters improve the selection method?

Beta Estimation Period

The Board requests comment on the beta estimation period.

8. Does a rolling five-year period or a rolling ten-year period better capture elements that are relevant to calculating a meaningful beta for estimating the Reserve Bank priced-services ROE?

Weighting of the Peer Group Betas

The Board requests comment on what weighting method is appropriate to best capture the business risk of a peer group.

9. Is equal-weighting or value-weighting the returns of each BHC in the peer group preferable when estimating beta?

10. Should an alternative weighting process, such as by deposit or due-to balances, be used?

11. What are the strengths and weaknesses of each weighting method?

Beta of 1.0

The Board requests comment on incorporating the concept that all firm betas will be 1.0 over time in the priced-services beta calculation.

12. Is a beta equal to 1.0 for Federal Reserve priced services a reasonable simplifying assumption when computing CAPM?

13. Are important elements that should be factored into the CAPM equation eliminated with this assumption?

14. If an adjusted beta should be considered, what is the best method for implementing it?

In addition, the Board requests comment on the overall CAPM methodology changes it is considering.

15. Are the after-tax and pretax ROE results of the CAPM-only method reasonable?

16. In what ways, if any, does this methodology oversimplify the calculation?

17. In what ways, if any, is the methodology overly complex?

C. Broader Issues in the Implementation of the Target ROE

The Board seeks comment on the following questions.

1. Do firms target a different ROE for near-term budgeting purposes than for multiyear, longer-term, strategic planning?

2. What advantages or disadvantages are there to the Federal Reserve setting a PSAF, including the priced-services ROE, more or less frequently than annually?

3. What, if any, are the implications if a longer-term approach to setting the ROE is adopted?

4. What are the advantages and disadvantages to the Board changing its current practice of setting the target ROE for priced services at an entity level and begin developing target ROEs for each service line?

5. In what way should the Board adjust the target ROE to consider the decline in use of paper-based check products, given that the check service represents a majority of priced-services activities?

D. Looking Ahead

The Board requests comment on the possible implications that payment industry and regulatory changes may have on the approach to calculate PSAF.

By order of the Board of Governors of the Federal Reserve System, May 17, 2005.

Jennifer J. Johnson,

Secretary of the Board.

BILLING CODE 6210–01–P

Attachment I

2005 Current PSAF Peer Group

Top 50 BHCs by Deposit Balance

The bolded BHCs represent the cross-matched peer group. The bolded BHCs also met the Tier 1 capital to risk-weighted assets ratio, solvency rating, and publicly-traded filters. The bolded and asterisked BHCs are the due-to only peer group that met the filtering criteria.

ABN AMRO NORTH AMERICA HOLDING COMPANY
AMSOUTH BANCORPORATION
BANCWEST CORPORATION
BANK OF AMERICA CORPORATION
BANK OF NEW YORK COMPANY, INC.
***BANK ONE CORPORATION**
BANKMONT FINANCIAL CORPORATION
BANKNORTH GROUP, INC.
***BB&T CORPORATION**
CHARTER ONE FINANCIAL INC.
***CITIGROUP INC.**
CITIZENS FINANCIAL GROUP
CITY NATIONAL CORPORATION
***COMERICA INC.**
COMMERCE BANCORP, INC.
***COMPASS BANCSHARES, INC.**
***FIFTH THIRD BANCORP**
FIRST CITIZENS BANCSHARES, INC.
***FIRST HORIZON NATIONAL CORPORATION**
***FLEETBOSTON FINANCIAL CORPORATION**
GREENPOINT FINANCIAL CORPORATION
HIBERNIA CORPORATION
HSBC NORTH AMERICA HOLDINGS INC.
HUNTINGTON BANCSHARES INC.
***JPMORGAN CHASE & CO.**
***KEYCORP**
M&T BANK CORPORATION
***MARSHALL & ILSLEY CORPORATION**
MBNA CORPORATION
***MELLON FINANCIAL CORPORATION**
***NATIONAL CITY CORPORATION**
NATIONAL COMMERCE FINANCIAL CORPORATION
NEW YORK COMMUNITY BANCORP, INC.
NORTH FORK BANCORPORATION, INC.
NORTHERN TRUST CORPORATION
PNC FINANCIAL SERVICES GROUP, INC.
POPULAR, INC.
PROVIDENT FINANCIAL GROUP INC.
REGIONS FINANCIAL CORPORATION
SOUTHTRUST CORPORATION
STATE STREET CORPORATION
SUNTRUST BANKS, INC.
SYNOVUS FINANCIAL CORPORATION
TAUNUS CORPORATION
***U.S. BANCORP**
***UNION PLANTERS CORPORATION**
UNIONBANCAL CORPORATION
***WACHOVIA CORPORATION**
***WELLS FARGO & CO.**
ZIONS BANCORPORATION

Attachment II[29]

Cross-matched Peer Group Beta Estimates: Value- and Equal-Weighted Averages

	PSAF Year 2001		PSAF Year 2002		PSAF Year 2003		PSAF Year 2004		PSAF Year 2005	
	Beta	Weighted Beta	Beta	Weighted Beta	Beta	Weighted Beta	Beta	Weighted Beta	Beta	Weighted Beta
Bank One Corporation	1.44	0.070	1.13	0.070	1.05	0.070	0.91	0.070	0.73	0.051
BB&T Corporation	0.82	0.029	0.56	0.029	0.46	0.028	0.39	0.028	0.22	0.006
Citigroup Inc.	1.45	0.294	1.14	0.292	1.18	0.292	1.27	0.294	1.20	0.353
Comerica Inc.	1.07	0.012	0.83	0.012	0.6	0.012	0.53	0.013	0.43	0.005
Compass Bancshares Inc.	0.73	0.007	0.49	0.006	0.46	0.007	0.43	0.007	0.27	0.002
Fifth Third Bancorp	1.02	0.056	0.76	0.057	0.65	0.055	0.45	0.056	0.28	0.015
First Horizon National Corporation	1.18	0.008	0.86	0.007	0.68	0.007	0.59	0.007	0.28	0.002
FleetBoston Financial	1.19	0.042	1.05	0.042	0.94	0.043	1.12	0.042	1.17	0.049
JPMorgan Chase & Co.	1.37	0.079	1.34	0.078	1.37	0.079	1.62	0.079	1.62	0.128
Keycorp	0.98	0.017	0.59	0.017	0.42	0.017	0.31	0.005	0.11	0.002
Marshall & Ilsley Corporation	0.89	0.010	0.94	0.010	0.73	0.010	0.67	0.010	0.62	0.006
Mellon Financial Corporation	1.07	0.019	0.78	0.019	0.79	0.019	0.81	0.019	0.79	0.015
National City Corporation	0.94	0.028	0.62	0.027	0.53	0.028	0.41	0.011	0.33	0.009
Northern Trust Corporation	1.32	0.013	1.04	0.013	1.13	0.012	1.09	0.013	0.96	0.012
PNC Financial Services Group Inc.	0.92	0.020	0.58	0.019	0.57	0.019	0.60	0.020	0.47	0.009
Synovus Financial Corporation	1.07	0.009	0.77	0.009	0.71	0.010	0.66	0.009	0.58	0.005
U.S. Bancorp	0.88	0.067	0.69	0.068	0.55	0.067	0.58	0.039	0.49	0.033
Union Planters Corporation	1.00	0.009	0.74	0.009	0.57	0.009	0.51	0.010	0.35	0.003
Wachovia Corporation	0.95	0.081	0.84	0.081	0.75	0.081	0.67	0.054	0.58	0.047
Wells Fargo & Co.	0.94	0.131	0.66	0.130	0.54	0.131	0.42	0.131	0.21	0.027
Value-weighted average	1.18		0.93		0.88		0.89		0.78	
Equal-Weighted average	1.06		0.82		0.73		0.70		0.58	
Difference between Value-weighted and Equal-weighted	0.12		0.11		0.15		0.19		0.20	
Value-Weighted Average 2001-2005								0.932		
Equal-Weighted Average 2001-2005								0.778		
Average 2001-2005 difference								0.154		

[29] Differences in calculation timing result in slightly different value- and equal-weighted betas than shown in Attachment III.

Attachment III[30]
Effect of various CAPM changes on 2005 PSAF

Peer Group	Weighting	Rolling period	Risk-free Rate		Beta	After-tax ROE	Pretax ROE
Current	Value	10 year	Short		0.94	8.8	12.5
Current	Value	5 year	Short		0.75	7.3	10.4
Current	Equal	10 year	Short		0.73	7.1	10.1
Current	Equal	5 year	Short		0.49	5.2	7.4
Current	Value	10 year	Long		0.94	10.4	14.8
Current	Value	5 year	Long		0.75	8.9	12.7
Current	Equal	10 year	Long		0.73	8.7	12.4
Current	Equal	5 year	Long		0.49	6.8	9.7
Cross-matched	Value	10 year	Short		0.98	9.1	13.0
Cross-matched	Value	5 year	Short		0.82	7.8	11.1
Cross-matched	Equal	10 year	Short		0.79	7.6	10.8
Cross-matched	Equal	5 year	Short		0.57	5.9	8.3
Cross-matched	Value	10 year	Long		0.98	10.7	15.3
Cross-matched	Value	5 year	Long		0.82	9.5	13.4
Cross-matched	Equal	10 year	Long		0.79	9.2	13.1
Cross-matched	Equal	5 year	Long		0.57	7.5	10.6

This attachment shows the effects of the considered changes on the 2005 CAPM ROE using a historical beta. The betas and the ROEs in the top section of the table are calculated using the current peer group. The betas and the ROEs in the bottom half of the table are calculated using the cross-matched peer group. The top four lines of each section show each of the considered changes to calculate beta with a short-term risk-free rate for each peer group, respectively. The bottom four lines of each section show each of the considered changes to calculate beta with a long-term risk-free rate, less a term premium, for each peer group, respectively.

[FR Doc. 05–10168 Filed 5–20–05; 8:45 am]
BILLING CODE 6210–01–C

[30] A minor modification to claculate beta produces slightly different ROE results when comparing the current CAPM calculation, shown in the first row, with the current 2005 CAPM calculation shown in table 2.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA) will hold a

meeting. This meeting is open to the public. A description of the Council's functions is also included with this notice.

DATES: June 20, 2005, 8:30 a.m. to 5 p.m., and June 21, 2005, 8:30 a.m. to 4 p.m.

ADDRESSES: Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. Conference Room 800.

FOR FURTHER INFORMATION CONTACT: Joseph Grogan, Esq., Executive Director, Presidential Advisory Council on HIV/AIDS, Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Room 736E, Washington, DC 20201; or visit the Council's Web site at *http://www.pacha.gov.*

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996. PACHA was established to provide advice, information, and recommendations to the President regarding programs and policies intended to (a) promote effective prevention of HIV disease, (b) advance research on HIV and AIDS, and (c) promote quality services to persons living with HIV disease and AIDS. PACHA was established to serve solely as an advisory body to the President and the Secretary of Health and Human Services. PACHA is composed of not more than 35 members. PACHA membership is determined by the Secretary from individuals who are considered authorities with particular expertise in, or knowledge of, matters concerning HIV/AIDS.

The agenda for this meeting includes the following topics: HIV/AIDS prevention, treatment and care, and international HIV/AIDS issues. Time will be allotted during the meeting for public comment.

Public attendance is limited to space available and pre-registration is required for both attendance and public comment. Any individual who wishes to attend and/or comment must register at *http://www.pacha.gov.* Individuals must provide a government issued photo ID for entry into the meeting. Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the registrar.

Members of the public will have the opportunity to provide comments at the meeting. Public comment will be limited to three (3) minutes per speaker and to time available. Written testimony, not exceed five (5) pages, will be accepted by mail or facsimile at (202) 358–2917. Written testimony will not be accepted after 5 p.m., Wednesday, June 15, 2005.

Dated: May 11, 2005.

Joseph Grogan, Esq.,

Executive Director, Presidential Advisory Council on HIV/AIDS.

[FR Doc. 05–10178 Filed 5–20–05; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: Centers for Disease Control and Prevention (CDC) Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at the Mallinckrodt Chemical Company, Destrehan Street Plant, in Saint Louis, Missouri, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On April 11, 2005, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

Employees of the Department of Energy (DOE) or DOE contractors or subcontractors employed by the Uranium Division of Mallinckrodt Chemical Works, Destrehan Street Facility, during the period from 1942 through 1948 and who were employed for a number of work days aggregating at least 250 work days either solely under this employment or in combination with work days within the parameters (excluding aggregate work day requirements) established for other classes of employees included in the SEC.

This designation became effective on May 12, 2005, as provided for under 42 U.S.C. 73841(14) (C) Hence, beginning on May 12, 2005, members of this class of employees, defined as reported in this notice, became members of the SEC.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

Dated: May 17, 2005.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 05–10177 Filed 5–20–05; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA#93.598]

Notice; Grant Award Announcement

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, HHS.

The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is awarding three grants for the purpose of implementing the Department's responsibilities under the President's Initiative on Human Trafficking.

Awards will be made for a twelve month grant period to:

The Bilateral Safety Corridor Coalition (BSCC) of San Diego, CA, in the amount of $476,000 for a project in Mexico;

World Vision of Washington, DC, in the amount of $497,983 for a project in Mexico;

World Vision of Washington, DC, in the amount of $497,983 for a project in Brazil.

The purpose of the grant to BSCC is to interdict the flow of victims or potential victims of human trafficking into the United States by undertaking educational activities and screening through health facilities in the vicinity of the border with the United States. The purpose of the grants to World Vision is to replicate in Mexico and Brazil their distinctive program to impede sex tourism, pioneered in Southeast Asia and Costa Rica. These grants are being awarded non-competitively pursuant to a Memorandum of Understanding (MOU) between ACF and the HHS Office of Global Health Affairs; the vetting of recipients occurred prior to the allocation of funding to the Department of Health and Human Services by the grants subcommittee, Senior Policy Operating Group on Human Trafficking.

BSCC is deemed to be the only organization which has the expertise and infrastructure to partner with HHS

on this project along the US-Mexican border, by virtue of its extensive experience combating human trafficking, and its extensive institutional presence in that region. BSCC, a coalition of over 40 government and nonprofit agencies in the United States and Mexico, is the only bilateral project devoted to addressing the transient nature of human trafficking (anywhere in the world). BSCC will utilize its singular network of relationships with organizations in Mexican border communities to its implement this project, and will draw on its well-established public awareness and educational expertise, which focuses on ''prevention'' through community outreach to at-risk populations and groups, and ''intervention'' by educating and training legal and law enforcement personnel to locate and intervene in trafficking situations.

World Vision is deemed to be the only organization that has implemented a targeted international media campaign in partnership with travel and tourism companies and national governments targeting would-be sex tourists in destination countries with deterrent anti-trafficking messages. The project's ad campaign, designed to deter Americans who exploit children in the commercial sex trade overseas, now is placed in multiple media, including in-flight videos, billboards and street signs, printed ads in local tourist publications, and internet banner ads. World Vision has successfully implemented this anti-sex tourism project in Cambodia, Thailand and Costa Rica, drawing on its long-term presence on-the-ground in these countries, which helped it to establish extensive relationships with governments and local media companies. In addition to having the programmatic model for addressing sex tourism, World Vision is the only organization that possesses the capability and the institutional capacity to implement this same program simultaneously in Brazil and Mexico. World Vision has been operational in both countries for more than 40 years, and through this long-term presence on-the-ground, World Vision has established extensive relationships with governments and local media in these two countries as well. World Vision has the unique ability to effectively implement this program of its own design within in the very short time constraints of this project.

For more information regarding these awards, contact: Dr. Nguyen Van Hanh, Director, Office of Refugee Resettlement, Administration for Children and Families, 901 D Street, SW., 6th Floor East, Washington, DC 20447, (202) 401–9246.

Dated: May 17, 2005.

Nguyen Van Hanh,

Director, Office of Refugee Resettlement.

[FR Doc. 05–10179 Filed 5–20–05; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0263]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified By the Environmental Protection Agency

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Channels of Trade Policy for Commodities with Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Robbins, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 28, 2003 (68 FR 61444), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0562. The approval expires on May 31, 2008. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: May 17, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–10250 Filed 5–20–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Food 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: Food 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 July 13 and 14, 2005, from 8:30 a.m. to 5 p.m. and on July 15, 2005, from 8:30 a.m. to 12 noon.

Location: Greenbelt Marriott Hotel, 6400 Ivy Lane Grand Ballroom, Greenbelt, MD.

Contact Person: Marcia L. Moore, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2397, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014510564. Please call the Information Line for up-to-date information on this meeting.

Agenda: The Food Advisory Committee is being asked to evaluate the Center for Food Safety and Applied Nutrition Threshold Working Group draft report ''Approaches to Establish Thresholds for Major Food Allergens and Gluten.'' On July 13, 2005, the committee will discuss the draft report's approaches for food allergen thresholds. On July 14, 2005, the committee will discuss the draft report's approaches for gluten thresholds. On July 15, 2005, based on the charge and questions from FDA, the committee will determine whether the report is scientifically sound in its analyses and approaches and adequately considers available relevant data on allergens and gluten.

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 July 8, 2005. Oral presentations from the public will be scheduled between approximately 2 p.m. and 3 p.m. on July 13 and 14, 2005. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 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 Marcia Moore 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 16, 2005.

Sheila Dearybury Walcoff,

Associate Commissioner for External Relations.

[FR Doc. 05–10251 Filed 5–20–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2002D–0467]

''Guidance for Industry: Discontinuation of Donor Deferral Related to Recent Fever with Headache as a Symptom of West Nile Virus Infection;'' Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''Guidance for Industry: Discontinuation of Donor Deferral Related to Recent Fever with Headache as a Symptom of West Nile Virus Infection,'' dated May 2005. The guidance document removes FDA's previous recommendation concerning deferral on the basis of a specific donor question related to West Nile Virus (WNV) infection. This guidance pertains solely to this specific donor deferral recommendation; all other recommendations in the ''Guidance for Industry: Recommendations for the Assessment of Donor Suitability and Blood and Blood Product Safety in Cases of Known or Suspected West Nile Virus Infection,'' dated May 2003 remain in effect. This guidance applies to Whole Blood and blood components intended for transfusion, and blood components intended for use in further manufacturing into injectable products or noninjectable products, including recovered plasma, Source Leukocytes and Source Plasma. This guidance has an immediate implementation date due to the approaching season during which an outbreak of WNV can occur.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Astrid Szeto, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Guidance for Industry: Discontinuation of Donor Deferral Related to Recent Fever with Headache as a Symptom of West Nile Virus Infection,'' dated May 2005. The guidance document removes FDA's previous recommendation to defer donors each year between June 1 and November 30 when the donor reports a history of fever with headache in the past week. We no longer recommend asking this question as it relates to WNV. This donor deferral was originally recommended in the ''Guidance for Industry: Recommendations for the Assessment of Donor Suitability and Blood and Blood Product Safety in Cases of Known or Suspected West Nile Virus Infection.'' Since the issuance of this May 2003 guidance, new data were presented at the October 22, 2004, Blood Products Advisory Committee Meeting indicating that self-reported fever with headache in the past week did not appear to be predictive of WNV infection and did not correlate with peak periods of WNV incidence as determined by WNV nucleic acid test prevalence in the donor pool.

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The information collection provisions in this guidance for 21 CFR 601.12 have been approved under OMB control number 0910–0338.

III. Comments

FDA is soliciting public comment, but is implementing this guidance immediately because the agency has determined that prior public participation is not feasible or appropriate. This is because blood establishments need to establish suitable standard operating procedures as soon as possible in preparation for the approaching season during which an outbreak of WNV can occur. Interested persons may, at any time, submit written or electronic comments to the Division of Dockets Management (see **ADDRESSES**) regarding this guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Division of Dockets Management

between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/cber/guidelines.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: May 16, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–10222 Filed 5–20–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[CBP Decision 05–20]

Recordation of Trade Name: ''Precision Instrument Manifolds''

AGENCY: Department of Home Security, U.S. Customs and Border Protection (CPB), Office of Regulations & Rulings, Intellectual Property Rights Branch.

ACTION: Notice of recordation.

SUMMARY: On December 15, 2004, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name ''Precision Instrument Manifolds'', was published in the **Federal Register** (69 FR 75078 and 75079). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than February 14, 2005. No responses were received in opposition to the notice. Accordingly, as provided in section 133.14, Customs Regulations (19 CFR 133.14), the name ''Precision Instrument Manifolds,'' is recorded as the trade name used by Dynamic Controls & Sensors, Inc., a corporation organized under the laws of Texas, located at P.O. Box 5009 Kingwood, Texas.

The trade name is used in connection with valves.

EFFECTIVE DATE: May 23, 2005.

FOR FURTHER INFORMATION CONTACT: Delois P. Johnson, Paralegal, Intellectual Property Rights Branch, 1300 Pennsylvania Avenue, NW., (Mint Annex), Washington, DC 20229 (202 572–8703).

Dated: May 17, 2005.

George Frederick McCray,

Chief, Intellectual Property Rights Branch.

[FR Doc. 05–10185 Filed 5–20–05; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4971–N–26]

Notice of Submission of Proposed Information Collection to OMB; Application for Relocation Assistance

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Application for displacement/relocation assistance for person (families, individuals, businesses, nonprofit organization and farms) displaced by certain HUD programs. Periodically, HUD reviews a random sample of the Agency files to assure that persons did receive the relocation payments to which they are entitled. This information collection incorporates revised, government-wide regulations.

DATES: *Comments Due Date:* June 22, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2506–0016) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* or Lillian Deitzer at *Lillian_L_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins or Ms. Deitzer.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Application for Relocation Assistance.

OMB Approval Number: 2506–0016.

Form Numbers: HUD–40054, HUD–40055, HUD–40056, HUD–40057, HUD–40058, HUD–40061, HUD–40072.

Description Of The Need For The Information And Its Proposed Use: Application for displacement/relocation assistance for person (families, individuals, businesses, nonprofit organization and farms) displaced by certain HUD programs. Periodically, HUD reviews a random sample of housing agency files to assure that persons did receive the relocation payments to which they are entitled.

Revised government-wide URA regulations were published by the Department of Transportation on January 4, 2005 (effective February 3, 2005). Changes in these regulations which will impact on HUD forms are: Including the cost of professional home inspections in replacement housing payments for homeowners (24.401(e)(4)), and implementing the use of HUD low income limits to determine eligibility for URA benefits applicable to low income persons (24.402(b)(2)). Only the HUD–40054 and 40058 will be affected by these changes and will be revised to conform to the new regulations and improve the flow of the form. The HUD–40055, 40056, and 40057 will be revised to more closely track the existing regulations and improve the flow of the forms. A minor change is being made to the HUD–40061 to eliminate the requirement that the agency make adjustments to the asking price for a property to reflect an anticipated sale price (this requirement was eliminated in the new rule). No

changes are being made in the HUD–40072.

Frequency of Submission: Recordkeeping.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	12,800	1		8		31,000

Total Estimated Burden Hours: 31,000.

Status: Revision of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 16, 2005.

Wayne Eddins,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E5–2561 Filed 5–20–05; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Conservation Plan and Environmental Assessment for Bosque del Apache National Wildlife Refuge, Located in Socorro County, NM

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Intent.

SUMMARY: This notice advises the public that the Fish and Wildlife Service, Southwest Region, intends to gather information necessary to prepare a Comprehensive Conservation Plan (CCP) and Environmental Assessment for Bosque del Apache National Wildlife Refuge, pursuant to the National Environmental Policy Act and its implementing regulations. The Service is furnishing this notice in compliance with the National Wildlife Refuge System Administration act of 1966, as amended (16 U.S.C. 668dd *et seq.*), to achieve the following:

(1) Advise other agencies and the public of our intentions, and

(2) Obtain suggestions and information on the scope of issues to include in the environmental document.

DATES: Special mailings, newspaper articles, postings, and media announcements will inform people of opportunities for written input throughout the CCP planning process. Refuge fact sheets will be made available at local libraries in the surrounding communities. This notice of intent/public scoping process will continue until August 31, 2005. Written comments submitted by mail or e-mail should be postmarked by that date to ensure consideration. Comments mailed after that date will be considered to the extent practicable. Inquire at the following address for future dates of planning activities and due dates for comments.

ADDRESSES: Address comments and requests for more information to: Jim Savery, Refuge Manager, Bosque del Apache NWR, CCP-Project, P.O. Box 1246, Socorro, NM 87801, phone (505) 835–1828, fax: (505) 835–0314. Information concerning this Refuge may also be found at the following Web site: *http://southwest.fws.gov.* Comments submitted via e-mail should be addressed to Yvette Truitt-Ortiz at *Yvette_TruittOrtiz@fws.gov* or Jim Savery at *Jim_Savery@fws.gov.* Additionally, you may hand-deliver comments to Mr. Savery at the Refuge, located approximately 8 miles south of San Antonio, New Mexico on State Highway 1. Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law.

FOR FURTHER INFORMATION CONTACT: Yvette Truitt-Ortiz, Natural Resource Planner, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico 87103–1306; Telephone (505) 248–6452; Fax (505) 248–6874; e-mail *Yvette_TruittOrtiz@fws.gov.*

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Improvement Act of 1997 requires that all lands within the National Wildlife Refuge System (NWRS) are to be managed in accordance with an approved CCP. The CCP guides management decisions and identifies refuge goals, long-range objectives, and strategies for achieving refuge purposes. Each refuge in the NWRS has specific purposes for which it was established. Those purposes are used to develop and prioritize management goals and objectives within the NWRS mission and to guide which public uses will occur on a given refuge.

The planning process will consider many elements including wildlife and habitat management, habitat protection and acquisition, wilderness preservation, public recreational activities, and cultural resource protection. Public input into the planning process is essential. The planning process is a way for the Service and the public to evaluate refuge management goals and objectives for the best possible conservation efforts of this important wildlife habitat. Concurrently, this process is also providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the NWRS.

Bosque del Apache National Wildlife Refuge is located in Socorro County, New Mexico, and encompasses 57,191 acres along the Rio Grande near Socorro, New Mexico. The heart of the Refuge is about 12,900 acres of moist bottomlands of which 3,800 acres are active floodplain of the Rio Grande and 9,100 acres are areas where water is diverted to create extensive wetlands, farmlands, and riparian forests. The rest of the Refuge is made up of arid foothills and mesas. Most of these desert lands are preserved as wilderness areas. The CCP will provide other agencies and the public with a clear understanding of the desired conditions for the Refuge and how the Service will implement management strategies for the conservation and development of these natural resources.

The Service, through this notice of intent, formally begins the comprehensive conservation planning process for Bosque del Apache National Wildlife Refuge. The Service requests input on any and all issues concerning management or public recreation. Comments regarding the protection of threatened and/or endangered species, migratory birds, native species, and their habitats are encouraged. The Service is equally interested in receiving public input in the following areas:

- What makes this Refuge special for you?
- What Refuge projects or activities interest you most?
- What problems or issues do you see affecting management or public use of the Refuge?

• What improvements do you recommend for the Refuge?

The Service has provided the above questions for optional use only. Comments received will be used as part of the planning process. Individual comments will not be referenced in our reports or directly responded to. The Service will continue to solicit information from the public and other agencies via open houses, meetings, and written comments. Special mailings, newspaper releases, and announcements will continue to inform people of the time and place of opportunities for further input to the CCP.

Review of this project will be conducted in accordance with the National Environmental Policy Act of 1968, as amended (42 U.S.C 4321 *et seq.*), NEPA Regulations (40 CFR parts 1500–1508) found at *http://www.legal.gsa.gov,* other appropriate Federal laws, and Service policies and procedures for compliance with those regulations.

The Service will prepare an Environmental Assessment (EA) in accordance with procedures for implementing NEPA found in the Department of the Interior Manual (DM Part 516, Chap 6). The decision to prepare an Environmental Impact Statement instead of an EA is contingent upon the complexity of issues following the scoping phase of the CCP process.

We estimate that the draft environmental documents will be available in fall 2007 for public review and comment.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: May 9, 2005.

Geoffery L. Haskett,

Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc. 05–10291 Filed 5–20–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for the Key Deer, Lower Keys Marsh Rabbit, and Eastern Indigo Snake Resulting from Limited Additional Development Activities on Big Pine Key and No Name Key, Monroe County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Florida Department of Transportation (FDOT), Monroe County, Florida, and the Florida Department of Community Affairs (DCA) (Applicants) request an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicants anticipate taking no more than 168 acres of occupied Key deer (*Odocoileus virginianus clavium*), breeding, foraging, and sheltering habitat. This same area is potential habitat for the eastern indigo snake (*Drymarchon corais couperi*). Proposed activities on this acreage may also indirectly affect adjacent habitat occupied by the Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*). Take of these species would be incidental to development activities on Big Pine Key and No Name Key (Project Area) in Monroe County, Florida.

The Applicants' Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project on the affected species. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The Service announces the availability of the HCP and the Environmental Assessment for the incidental take application. Copies of the HCP and Environmental Assessment may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice is provided pursuant to section 10 of the Endangered Species Act and National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6).

DATES: Written comments on the ITP application and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before July 22, 2005.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain copies by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, South Florida Ecological Services Field Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida, 32960–3559. Written data or comments concerning the application, supporting documentation, EA, or HCP should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Comments must be submitted in writing to be adequately considered in the Service's decision-making process. Please reference permit number TE083411–0 in such comments, or in requests for the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081; or Mr. George Dennis, Fish and Wildlife Ecologist, South Florida Ecological Services Office, Vero Beach, Florida (see **ADDRESSES** above), telephone: 772/562–3909, ext. 309.

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE083411–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''*david_dell@fws.gov*''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either of the telephone numbers listed below (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand deliver comments to either of the Service offices listed above (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

The Florida Key deer is the smallest race of North American white-tailed deer. Key deer are found only in the lower Florida Keys from Sugarloaf to Big Pine Key. More than two-thirds of the population is supported on Big Pine Key and No Name Key. The Key deer population was estimated to be 25 to 80

animals in 1955. It was federally listed as endangered in 1967 because of loss of habitat due to residential and commercial construction and high human-related mortality. The current Key deer population on Big Pine Key and No Name Key is 453 to 517 animals. Key deer utilize all local habitat types including pine rocklands, hardwood hammocks, buttonwood salt marshes, mangrove wetlands, freshwater wetlands, and disturbed and developed areas. Pine rocklands are especially important to Key deer conservation because they hold year-round freshwater.

The Lower Keys marsh rabbit is a subspecies of the marsh rabbit and occurs in many of the larger Lower Keys, including Sugarloaf, Saddlebunch, Boca Chica, and Big Pine Keys, as well as in the small islands near these keys. Lower Keys marsh rabbits inhabit saltmarsh and buttonwood transition areas, freshwater wetlands, and coastal beach berms. Suitable habitat for this species is highly fragmented across all of the Lower Keys. In the last few decades, development for residential, commercial, or military-related purposes has reduced the total area of Lower Keys marsh rabbit habitat in the Florida Keys. Habitat loss is the main cause of the marsh rabbit's endangered status. Currently, the Lower Keys marsh rabbit occurs in small, relatively disjunct populations and has a low population density because of predation by domestic cats. Although predation by domestic cats is the principal cause of mortality, some road mortality occurs as rabbits attempt to move among increasingly isolated Lower Keys marshes.

The eastern indigo snake is a large, non-poisonous snake that grows to a maximum length of eight feet. Historically, the species ranged throughout Florida, except in the Marquesas and Dry Tortugas. The indigo snake can occur in most types of hammock in Florida, often near wetlands. It is also known to occur in mangrove swamps, seepage swamp, flowing water swamp, pond swamp, wet prairie, xeric pinelands and scrub, flatwoods, dry glades, tropical hardwood hammocks, beach dune/coastal strand, pine rockland, and muckland fields in southern Florida. Gopher tortoise burrows, tree stumps, piles of debris, land crab burrows, and other subterranean cavities are commonly used as dens and for egg laying. The species has declined throughout its range and has been extirpated from some areas due to habitat fragmentation, decline in the gopher tortoise populations, and other factors. Indigo snakes have not been documented in the Project Area for several years, despite the presence of suitable habitat throughout Big Pine and No Name Keys.

There has been a building moratorium on Big Pine Key since 1995 due to direct and indirect impacts to the Key deer. The HCP describes a plan for limited development activities that is intended to satisfy safety, functional, and recreational needs of the community, while maintaining the long-term viability of Key deer and its habitat. Activities covered under this HCP include residential and commercial development, as well as transportation improvements to meet the community needs of the Project area. The proposed activities will result in harm to Key deer, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed development activities will impact no more than 168 acres and reduce the availability of breeding, foraging, and sheltering habitat for Key deer. The Applicants propose to minimize take of Key deer by classifying all lands within the Project area and directing development activities to the lowest quality habitat. The impacts to Lower Keys rabbit and eastern indigo snake will be minimized by buffering occupied habitat from development and implementation of standard construction practices, respectively. Impacts to Key deer will be mitigated by acquiring lands for conservation within the Project area at a ratio of three to one based on habitat quality and area. These same conservation lands will also provide protection for the Lower Keys rabbit and eastern indigo snake.

The Service has made a preliminary determination that issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the issuance criteria requirements of section 10(a)(1)(B) of the Act. By conducting an intra-Service section 7 consultation, the Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP would comply with section 7 of the Act. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP for the Key deer, Lower Keys marsh rabbit, and eastern indigo snake.

Dated: May 5, 2005.

Jacquelyn B. Parrish,

Acting Regional Director, Southeast Region.

[FR Doc. 05–10205 Filed 5–20–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–961–1410–HY–P; F–14838–A, F–14838–A2; CAA–9]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Bethel Native Corporation. The lands are located within Townships 2, 3, and 4 N., Ranges 80 and 81 W., Seward Meridian, Alaska, in the vicinity of Dall Lake, Alaska, and contain 86,453.75 acres. Notice of the decision will also be published four times in *The Tundra Drums.*

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until June 22, 2005 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION CONTACT: Ron Royer by phone at (907) 271–5677, or by e-mail at *Ron_Royer@ak.blm.gov.* Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8330, 24 hours a day, seven days a week, to contact Mr. Royer.

Ronald E. Royer,

Land Law Examiner, Branch of Land Transfer Services.

[FR Doc. 05–10258 Filed 5–20–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–961–1410–HY–P; AA–10525; SEA–1]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Sealaska Corporation for lands located in the vicinity of Icy Straits, Alaska. Notice of the decision will also be published four times in the Juneau Empire.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until June 22, 2005 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, Subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION, CONTACT: Chris Sitbon by phone at 907–271–3226, or by e-mail at *Chris_Sitbon@ak.blm.gov.*

Chris Sitbon,

Realty Specialist, Branch of Land Transfer Services.

[FR Doc. 05–10257 Filed 5–20–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–5101–ER–F340; N–76800, N–76897]

Notice of Availability for the North Valleys Rights-of-Way Projects Draft Environmental Impact Statement

AGENCY: Department of the Interior, Bureau of Land Management, Carson City Field Office, Nevada.

ACTION: Notice of availability of a draft environmental impact statement (EIS) for the North Valleys Rights-of-Way Projects and initiation of a 60-day public comment period.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) and 40 CFR 1500–1508 Council on Environmental Quality Regulations (CEQ), notice is given that the Bureau of Land Management Carson City Field Office (BLM) has prepared, with the assistance of a third-party consultant, a Draft EIS for the proposed North Valleys Rights-of-Way Projects, and has made the document available for public and agency review and comment. The proposed Projects include the construction and operation of two separate water supply and transmission projects located in Washoe County, Nevada. Rights-of-way applications were submitted to the BLM from Intermountain Water Supply, LTD and Fish Springs Ranch, LLC for production wells, pump stations, transmission pipelines, terminal water storage tanks, electrical substation, overhead power lines, and access road rights-of-way.

EFFECTIVE DATES: The comment period for the Draft EIS will commence with the publication of this notice. The formal comment period will end 60 days after publication of this notice. Comments on issues and concerns should be received on or before the end of the comment period at the address listed below. Public meetings will be held throughout the comment period and preparation of the Final EIS. At least 15 days public notice will be given prior to meetings or activities where the public is invited to attend. Meetings and comment deadlines will be announced through the local and regional news media and the BLM Web site (*www.nv.blm.gov/carson*).

ADDRESSES: Written comments should be sent to BLM Carson City Field Office, Attn: Terri Knutson, 5665 Morgan Mill Road, Carson City, NV 89701; Fax (775) 885–6147; or e-mail address *nvalleyswater_eis@blm.gov*. A limited number of the Draft EIS may be obtained at the above BLM Field Office in Carson City, NV. In addition, the Draft EIS is available electronically via the Carson City Field Office Home Page at: *www.nv.blm.gov/carson*. Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours (7:30 a.m.–5 p.m.), Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. However, we will not consider anonymous comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Written comments should be sent to BLM Carson City Field Office, Attn: Terri Knutson, 5665 Morgan Mill Road, Carson City, NV 89701; Fax (775) 885–6147; e-mail address *nvalleyswater_eis@blm.gov*. For additional information, write to the above address or call Terri Knutson (BLM Environmental Planner) at (775) 885–6156 or Ken Nelson (BLM Realty Specialist) at (775) 885–6114.

SUPPLEMENTARY INFORMATION: The BLM Carson City Field Office received separate rights-of-way applications from the Fish Springs Ranch, LLC and Intermountain Water Supply, LTD, two independent water companies, proposing to construct and operate water transmission pipelines across public lands in Washoe County, Nevada. The BLM determined that due to the same timing, geography, and similarity of the types of actions, the two proposals would be analyzed in one EIS, together known as the North Valleys Rights-of-Way Projects. Each company is proposing to construct and operate water supply and transmission projects to meet present and future water demands of the Stead/Silver Lake/Lemmon Valley areas (North Valleys) in Washoe County. The proposed Projects consist of groundwater production wells, pump station(s), transmission pipeline(s), electrical substation, overhead power lines, and terminal water storage tank(s) to convey water. The Fish Springs Ranch LLC proposed pipeline (carrying approximately 8000 acre-feet per year) would begin at the Fish Springs Ranch and proceed approximately 33 miles to the North Valleys. The Intermountain Water Supply, LTD proposed pipeline (carrying approximately 3500 acre-feet per year) would begin in Dry Valley and proceed east a short distance before tying into the same general route south approximately 24 miles to the North Valleys.

The Draft EIS assesses the impacts of the two proposed rights-of-way actions and the No Action alternatives and

considers an alternative alignment of the pipelines. The Draft EIS addresses issues brought forth through scoping and has been evaluated by an interdisciplinary team of specialists. The proposed rights-of-way cross several jurisdictions with permitting responsibilities, therefore, the following agencies or entities are active participants in the EIS process as formal cooperating agencies: U.S. Fish & Wildlife Service; U.S. Bureau of Indian Affairs; U.S. Geological Survey; Sierra Army Depot; Susanville Indian Rancheria; California Department of Water Resources; California Department of Fish and Game; Lassen County, CA; Washoe County, NV; City of Reno; City of Sparks; Airport Authority of Washoe County; and Truckee Meadows Regional Planning Agency.

Public participation has occurred throughout the EIS process. A Notice of Intent to Prepare an EIS was published in the **Federal Register** on September 15, 2003 and the public comment period was initiated. A public open house was held in Reno, NV in October 2003 and eight additional presentations were conducted between October 2003 and April 2004. A copy of the Draft EIS has been sent to all individuals, agencies, and groups who have expressed interest in the project or as mandated by regulation or policy. A limited number of copies are available upon request from the BLM at the address listed above. In addition, the document is available on the Carson City Field Office Home Page at the address above.

To assist the BLM in identifying and considering issues and concerns on the proposed action and alternatives, comments on the Draft EIS should be as specific as possible. Comments should also refer to specific pages or chapters in the document. After the comment period ends, all comments will be considered by the BLM in preparing the Final EIS.

Dated: April 8, 2005.

Donald T. Hicks,

Manager, Carson City Field Office.

[FR Doc. 05–10255 Filed 5–20–05; 8:45 am]

BILLING CODE 4310–HC–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–05–021]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

Time and Date: June 7, 2005 at 11 a.m.

Place: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

Status: Open to the public.

Matters to be Considered:

1. Agenda for future meetings: none
2. Minutes
3. Ratification List
4. Inv. Nos. 701–TA–376, 377, and 379, and 731–TA–788–793 (Review) (Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before June 21, 2005.)
5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: May 19, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–10347 Filed 5–19–05; 1:13 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board Meeting

Time and Date: 1 p.m. to 4:30 p.m. on Monday, June 20, 2005, 8 a.m. to 2:30 p.m. on Tuesday, June 21, 2005.

Place: The Radisson Hotel, Old Town Alexandria, 901 North Fairfax Street, Alexandria, Virginia 223147.

Status: Open.

Matters to be Considered: Mental Health Reports—PBS Program; Faith—Based Hearings; Programs Prison Rape Elimination Act (PREA) Briefing; Quarterly Report by Office of Justice Programs.

For Further Information Contact: Larry Solomon, Deputy Director, (202) 307–3106, ext. 44254.

Morris L. Thigpen,

Director.

[FR Doc. 05–10204 Filed 5–20–05; 8:45 am]

BILLING CODE 4410–36–M

DEPARTMENT OF LABOR

Office of Disability Employment Policy; Solicitation of Nominations for the Secretary of Labor's New Freedom Initiative Award; Reopening and Extension of Period for Submission of Nominations

AGENCY: Office of Disability Employment Policy, Labor.

ACTION: Reopening and extension of period for submission of nominations.

SUMMARY: This document re-opens and extends the period for submission of nominations for the Secretary of Labor's New Freedom Initiative Award. This action is taken to permit increased participation by interested stakeholders.

DATES: Nomination packages must be submitted to the Office of Disability Employment Policy by June 6, 2005. Any application received after 4:45 p.m. e.d.s.t. on June 6, 2005, will not be considered unless it was received before the award is made and:

1. It was sent by registered or certified mail no later than June 1, 2005;
2. It is determined by the Government that the late receipt was due solely to mishandling by the government after receipt at the U.S. Department of Labor at the address indicated; or
3. It was sent by U.S. Postal Service Express Mail Next Day Service—Post Office to Addressee, not later than 5 p.m. at the place of mailing, June 3, 2005.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date will be processed as if mailed late. ''Postmark'' means a printed, stamped, or otherwise placed impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Office of Disability Employment Policy on the application wrapper or other documentary evidence or receipt maintained by that office.

Applications sent by other delivery services, such as Federal Express, UPS,

e-mail, *etc.,* will also be accepted; however, the applicant bears the responsibility of timely submission.

ADDRESSES: Nomination packages must be submitted to Secretary of Labor's New Freedom Initiative Award, Office of Disability Employment Policy, Room S–1303, 200 Constitution Avenue, NW., Washington DC 20210.

FOR FURTHER INFORMATION CONTACT: Dina Dorich of the Office of Disability Employment Policy, telephone (202) 693–7880; TTY (202) 693–4920 (these are not toll-free numbers); or 1–866–ODEP–DOL (1–866–633–7365) prior to the closing deadline.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 10, 2005 (70 FR 7145), the Office of Disability Employment Policy published a Solicitation of Nominations for the Secretary of Labor's New Freedom Initiative Award. Nomination packages were to be submitted to the Office of Disability Employment Policy by May 27, 2005.

Because of the continuing interest in this solicitation, the agency believes that is desirable to re-open and extend the period for submission of nominations. Therefore, the period for submission of nominations is extended until June 6, 2005.

Signed at Washington, DC, this 17th day of May, 2005.

W. Roy Grizzard, Jr.,

Assistant Secretary, Office of Disability Employment Policy.

[FR Doc. 05–10174 Filed 5–20–05; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0128(2005)]

Coke Oven Emissions Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comment.

SUMMARY: OSHA solicits public comment concerning its request for an extension of the information collection requirements contained in the Coke Oven Emissions Standard (29 CFR 1910.1029).

DATES: Comments must be submitted by the following dates:

Hard copy: Your comments must be submitted (postmarked or received) by July 22, 2005.

Facsimile and electronic transmission: Your comments must be received by July 22, 2005.

ADDRESSES: You may submit comments, identified by OSHA Docket No. ICR–1218–0128(2005), by any of the following methods:

Regular mail, express delivery, hand delivery, and messenger service: Submit your comments and attachments to the OSHA Docket Office, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350 (OSHA's TTY number is (877) 889–5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m., ET.

Facsimile: If your comments are 10 pages or fewer in length, including attachments, you may fax them to the OSHA Docket Office at (202) 693–1648.

Electronic: You may submit comments through the Internet at *http://ecomments.osha.gov.* Follow instructions on the OSHA Webpage for submitting comments.

Docket: For access to the docket to read or download comments or background materials, such as the complete Information Collection Request (ICR) (containing the Supporting Statement, OMB–83–I Form, and attachments), go to OSHA's Webpage at *http://www.OSHA.gov.* In addition, the ICR, comments and submissions are available for inspection and copying the OSHA Docket Office at the address above. You may also contact Todd Owen at the address below to obtain a copy of the ICR. For additional information on submitting comments, please see the ''Public Participation'' heading in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Todd Owen, Directorate of Standard and Guidance, OSHA, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

On January 5, 2005, OSHA published the Standards Improvement Project—Phase II, Final rule (70 FR 1112). The final rule removed and revised provisions of standards that were outdated, duplicative, unnecessary, or inconsistent and clarified or simplified regulatory language. The final rule contained several revisions to collections of information contained in the Coke Oven Emissions Standard.[1] These revisions included reducing the frequency with which employers must update their compliance plans and allowing employers the option to post employee exposure-monitoring results instead of requiring individual notification. In addition, the final rule reduced the frequency of medical examinations including, the urinary cytology examination; from semi-annually to annually. Those changes reduced paperwork burden hours while maintaining worker protection and improving consistently among standards.

The information collection requirements in the Coke Oven Emissions Standard provide protection for employees from the adverse health effects associated with exposure to coke oven emissions. In this regard, the Coke Oven Emissions Standard requires employers to monitor employees' exposure to coke oven emissions, monitor employee health, and provide employees with information about their exposures and the health effects of exposures to coke oven emissions.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the

[1] The Office of Management and Budget approved the reduction of 4,426 burden hours after reviewing the Information Collection Request for the Standards Improvement Project—Phase II Notice of Proposed Rulemaking Making, published October 31, 2002 (67 FR 66494).

information collection requirements, including the validity of the methodology and assumptions used;

- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA proposes to extend the Office of Management and Budget's (OMB) approval of the collection of information (paperwork) requirements necessitated by the Coke Oven Emissions Standard (29 CFR 1910.1029). The Agency is requesting a reduction in burden hours from 56,238 hours to 51,756 hours. The 4,482 hour reduction is necessary to reflect the January 5th final rule that reduced the frequency with which employers must provide urinary cytology examinations to their employees from every six months to annually.

The Agency will include this summary in its request to OMB to extend the approval of these collection of information requirements.

Type of Review: Extension of currently approved information collection requirements.

Title: Coke Oven Emissions Standard.

OMB Number: 1218–0128.

Affected Public: Business or other for-profits; Federal Government; State, Local or Tribal Government.

Frequency: On occasion.

Average Time Per Response: Varies from 5 minutes (.08 hour) for a secretary to maintain record to 4 hours to complete a medical examination.

Estimated Total Burden Hours: 51, 756.

Estimated Cost (Operation and Maintenance): $933,064.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments and supporting materials in response to this notice by (1) hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA Webpage. Because of security-related problems, there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for information about security procedures concerning the delivery of submissions by express delivery, hand delivery and courier service.

All comments, submissions and background documents are available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions posted on OSHA's Webpage are available at *http://www.OSHA.gov.* Contact the OSHA Docket Office for information about materials not available through the OSHA Webpage and for assistance using the Webpage to locate docket submissions.

Electronic copies of this **Federal Register** notice as well as other relevant documents are available on OSHA's Webpage. Since all submissions become public, private information such as social security numbers should not be submitted.

V. Authority and Signature

Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*), and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC, on May 10, 2005.

Jonathan L. Snare,

Acting Assistant Secretary of Labor.

[FR Doc. 05–10186 Filed 5–20–05; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 05–097]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Kathy Shaeffer, Mail Suite 6M70, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358–1230, *kathleen.shaeffer-1@nasa.gov.*

Title: Cost Reduction Proposals Under the NASA FAR Supplement Shared Savings Clause.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection to enable contracting officers to determine acceptance of cost reduction proposals, and, if approved, to provide periodic reporting to ensure cost savings are being realized. Collection is prescribed in the NASA Federal Acquisition Regulation Supplement, Subpart 1843.71, Shared Savings, and contract clauses.

The information is used by contracting officers to ensure projected cost savings have merit and are being realized after adoption of shared savings proposals.

II. Method of Collection

NASA collects this information electronically where feasible, but information may also be collected by mail or fax.

III. Data

Title: Cost Reduction Proposals Under the NASA FAR Supplement Shared Savings Clause.

OMB Number: 2700–0094.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government.

Estimated Number of Respondents: 4.

Estimated Time Per Response: 45.

Estimated Total Annual Burden Hours: 180.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Patricia L. Dunnington,

Chief Information Officer.

[FR Doc. 05–10187 Filed 5–20–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 05–094]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Kathy Shaeffer, Mail Suite 6M70, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358–1230, *kathleen.shaeffer-1@nasa.gov.*

Title: Contract Modifications, NASA FAR Supplement Part 18–43.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection to ensure engineering changes are made quickly and in a cost-effective manner. Proposals supporting such change orders contain detailed information which enables the Government to obtain the best goods and services for the best prices.

NASA procurement and technical personnel use the information to manage the contract. Change proposals are submitted whenever a change order is used which increases the contractor's cost to perform the contract. Without change orders, NASA would often be unable to obtain the best goods and services at the best prices.

II. Method of Collection

NASA collects this information electronically where feasible, but information may also be collected by mail or fax.

III. Data

Title: Contract Modifications, NASA FAR Supplement Part 18–43.

OMB Number: 2700–0054.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Estimated Number of Respondents: 88.

Estimated Time Per Response: 45.

Estimated Total Annual Burden Hours: 7,425.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Patricia L. Dunnington,

Chief Information Officer.

[FR Doc. 05–10188 Filed 5–20–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 05–095]

Agency Information Collection Activities

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Kathy Shaeffer, Mail Suite 6M70, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358–1230, *kathleen.shaeffer-1@nasa.gov.*

Title: NASA Inventory Report: Property Management and Control, Grants.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection to ensure proper accounting of Federal property provided under grants and cooperative agreements with institutions of higher education and other non-profit organizations, and to satisfy external requirements for internal control of property provided by NASA or acquired with NASA funds.

II. Method of Collection

NASA collects this information electronically where feasible, but information may also be collected by mail or fax.

III. Data

Title: NASA Inventory Report: Property Management and Control, Grants.

OMB Number: 2700–0047.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions; State, local or tribal government.

Estimated Number of Respondents: 132.

Estimated Time Per Response: Approximately 10 hours.

Estimated Total Annual Burden Hours: 1,432.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Patricia L. Dunnington,

Chief Information Officer.

[FR Doc. 05–10189 Filed 5–20–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–096]

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of agency report forms under OMB review.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Kathy Shaeffer, Mail Suite 6M70, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358–1230, *kathleen.shaeffer-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection to account for Government-owned/contractor-held property. The NASA Form 1018 provides for the annual collection of summary data from these records to ensure the accurate reflection of Agency assets and related depreciation on the financial statements and essential property management information.

II. Method of Collection

NASA collects this information electronically where feasible, but information may also be collected by mail or fax.

III. Data

Title: NASA Property in the Custody of Contractors.

OMB Number: 2700–0017.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Estimated Number of Respondents: 1,110.

Estimated Time Per Response: Approximately 1.5 hours.

Estimated Total Annual Burden Hours: 7,900.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Patricia L. Dunnington,

Chief Information Officer.

[FR Doc. 05–10190 Filed 5–20–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–091]

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Kathy Shaeffer, Mail Suite 6M70, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358–1230, *kathleen.shaeffer-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The information developed by the National Aviation Operations Monitoring Service will be used by NASA Aviation Safety Program Managers to evaluate the progress of their efforts to improve aviation over the next decade.

II. Method of Collection

NASA collects this information manually.

III. Data

Title: National Aviation Operations Monitoring Service.

OMB Number: 2700–0099.
Type of Review: Extension of a currently approved collection.
Affected Public: Individuals or households.
Estimated Number of Respondents: 8,000.
Estimated Time Per Response: Approximately ½ hour.
Estimated Total Annual Burden Hours: 5,455.
Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Dated: May 5, 2005.

Patricia L. Dunnington,
Chief Information Officer.

[FR Doc. 05–10191 Filed 5–20–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–093]

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Kathy Shaeffer, Mail Suite 6M70, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358–1230, *kathleen.shaeffer-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection to comply with 15 U.S.C. 644(g) and (h) and 48 CFR 19.202–5, which requires agencies to measure the extent of small business participation in their acquisition programs.

II. Method of Collection

NASA collects this information electronically where feasible, but information may also be collected by mail or fax.

III. Data

Title: Small Business and Small Disadvantaged Business Concerns and Related Contract Provision, NASA FAR Supplement Part 18–19, SF 295.
OMB Number: 2700–0073.
Type of Review: Extension of a currently approved collection.
Affected Public: Business or other for-profit; Not-for-profit institutions.
Estimated Number of Respondents: 190.
Estimated Time per Response: 12.
Estimated Total Annual Burden Hours: 4,560.
Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Patricia L. Dunnington,
Chief Information Officer.

[FR Doc. 05–10200 Filed 5–20–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–092]

Agency Information Collection Activities: Proposals, Submissions, and Approvals

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Kathy Shaeffer, Mail Suite 6M70, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358–1230, *kathleen.shaeffer-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection to ensure proper accounting of Federal funds and property provided under grants and cooperative agreements with state and local governments.

II. Method of Collection

NASA collects this information electronically where feasible, but information may also be collected by mail or fax.

III. Data

Title: Grants and Cooperative Agreements with State and Local Governments.

OMB Number: 2700–0093.

Type of Review: Extension of a currently approved collection.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 78.

Estimated Time per Response: Approximately 5 hours.

Estimated Total Annual Burden Hours: 2,505.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Patricia L. Dunnington,

Chief Information Officer.

[FR Doc. 05–10201 Filed 5–20–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request extension of a currently approved information collection used when veterans or other authorized individuals request information from or copies of documents in military service records. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before July 22, 2005 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–837–3213; or electronically mailed to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301–837–1694, or fax number 301–837–3213.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed collection information is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (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 the use of information technology; and (e) whether small businesses are affected by this collection. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Request Pertaining to Military Records.

OMB number: 3095–0029.

Agency form number: SF 180.

Type of review: Regular.

Affected public: Veterans, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 916,562.

Estimated time per response: 5 minutes.

Frequency of response: On occasion (when respondent wishes to request information from a military personnel record).

Estimated total annual burden hours: 76,380 hours.

Abstract: The authority for this information collection is contained in 36 CFR 1228.168(b). In accordance with rules issued by the Department of Defense (DOD) and Department of Homeland Security (DHS, U.S. Coast Guard), the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA) administers military service records of veterans after discharge, retirement, and death. When veterans and other authorized individuals request information from or copies of documents in military service records, they must provide in forms or in letters certain information about the veteran and the nature of the request. Federal agencies, military departments, veterans, veterans' organizations, and the general public use Standard Forms (SF) 180, Request Pertaining to Military Records, in order to obtain information from military service records stored at NPRC. Veterans and next-of-kin of deceased veterans can also use eVetRecs *(http://www.archives.gov/research_room/vetrecs/)* to order copies.

Dated: May 13, 2005.

Shelly L. Myers,

Deputy Chief Information Officer.

[FR Doc. 05–10224 Filed 5–20–05; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before July 7, 2005. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting the Life Cycle Management Division (NWML) using one of the following means: Mail: NARA (NWML), 8601 Adelphi Road, College Park, MD 20740–6001. E-mail: *records.mgt@nara.gov.* FAX: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Paul M. Wester, Jr., Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–3120. E-mail: *records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending: 1. Department of Defense, Defense Logistics Agency (N1–361–05–1, 2 items, 2 temporary items). Medical documentation, agreements, and other records pertaining to lactation program participants who use designated agency space for lactation. Also included are electronic copies of records created using electronic mail and word processing.

2. Department of Energy, Bonneville Power Administration (N1–305–04–3, 7 items, 7 temporary items). Records relating to unfunded solicited project proposals, general inquiries, artificial hatchery fish production, and spilling water for fish passage. Also included are electronic copies of records created using electronic mail and word processing.

3. Department of Health and Human Services, Office of the Assistant Secretary for Administration and Management (N1–468–04–1, 9 items, 8 temporary items). Records relating to the management, technical operations, and content of a Web site, Grants.gov, which is used to process applications for grants submitted to all Federal grant-making agencies. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of policy and planning files relating to this project, which is part of the President's eGovernment initiative.

4. Department of Homeland Security, Immigration and Customs Enforcement (N1–567–05–1, 19 items, 19 temporary items). Records accumulated by the Federal Air Marshal Service relating to staffing, scheduling, notifications, and travel arrangements for air marshals. Also included are electronic copies of records created using electronic mail and word processing.

5. Department of the Interior, Office of the Secretary (N1–48–05–9, 15 items, 6 temporary items). Records of the Illinois and Michigan Canal National Heritage Corridor Commission, including commission member nominations and appointments files, grant administrative records, audits, closed loan files, and electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such records as commission minutes, commission meeting correspondence, committee files, reports, photographs, web content, executive director subject files, and publications.

6. Department of Justice, Bureau of Prisons (N1–129–05–12, 7 items, 5 temporary items). Annual reports, controlled correspondence, and treatment certification files of the Psychology Services Branch. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of annual suicide reports and suicide reconstruction files.

7. Department of Labor, Office of Adjudicatory Services (N1–174–05–1, 4 items, 4 temporary items). Monthly and annual statistical reports concerning the activities of the agency's appellate boards, such as the Benefits Review Board and the Employees' Compensation Appeals Board. Also included are electronic copies of records created using electronic mail and word processing.

8. Department of the Navy, Agency-wide (N1–NU–05–1, 14 items, 7 temporary items). Records accumulated by laboratories and other agency facilities that pertain to research and development and testing. Included are such records as correspondence files accumulated at laboratories that are maintained under file codes other than those used by the agency for research and development and case files and laboratory notebooks that pertain to projects lacking historical significance. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such records as technical reports and case files and laboratory notebooks that pertain to historically significant projects.

9. Department of State, Agency-wide (N1–59–05–12, 2 items, 2 temporary

items). Letters of appreciation sent to agency employees by staff of other Federal agencies as well as by the public and non-Federal organizations.

10. Department of the Treasury, Bureau of the Public Debt (N1–53–05–1, 4 items, 3 temporary items). Working papers, such as research notes and questionnaires, relating to market research and product studies. Also included are electronic copies of records created using electronic mail and word processing. Recordkeeping copies of final study reports are proposed for permanent retention.

11. Department of the Treasury, Bureau of the Public Debt (N1–53–05–5, 4 items, 4 temporary items). Records relating to the production and inventory control of bond stock, including electronic copies of records created using electronic mail and word processing.

12. Environmental Protection Agency, Office of Enforcement and Compliance Assurance (N1–412–05–5, 3 items, 1 temporary item). Electronic software programs for the Integrated Compliance Information System that the agency uses to track enforcement and compliance activities performed by headquarters and regional offices. Proposed for permanent retention are the system's electronic data and supporting documentation.

13. Government Accountability Office, Office of General Counsel (N1–411–05–1, 2 items, 2 temporary items). Records relating to the agency's review of non-major Federal rules, including findings and reports, cost benefit analyses, and internal audit evaluations. (Non-major rules are rules that deal with routine administrative or technical matters and do not have a major impact on the economy or Government.) Also included are electronic copies of records created using electronic mail and word processing.

14. Tennessee Valley Authority, Agency-wide (N1–142–05–1, 5 items, 5 temporary items). Files relating to technical training, including course plans and content, class rosters, and individual training records. Also included are electronic copies of records created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

Dated: May 13, 2005.

Michael J. Kurtz,

Assistant Archivist for Records Services—Washington, DC.

[FR Doc. 05–10244 Filed 5–20–05; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* 10 CFR 81, Standard Specifications for Granting of Patent Licenses.

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* Applications for licenses are submitted once. Other reports are submitted annually or as other events require.

5. *Who will be required or asked to report:* Applicants for and holders of NRC licenses to NRC inventions.

6. *An estimate of the number of annual responses:* 1.

7. *The estimated number of annual respondents:* 1.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 37; however, no applications are anticipated during the next three years.

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* 10 CFR Part 81 establishes the standard specifications for the issuance of licenses to rights in inventions covered by patents or patent applications invested in the United States, as represented by or in the custody of the Commission and other patents in which the Commission has legal rights.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room 0–1F21, Rockville, MD 20852. OMB clearance requests are available at the NRC Worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by June 22, 2005. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

John A. Asalone, Office of Information and Regulatory Affairs (3150–0121), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *John_A._Asalone@omb.eop.gov* or submitted by telephone at (202) 395–4650.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 16th day of May, 2005.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E5–2582 Filed 5–20–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8584]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Kennecott Uranium Company, Rawlins, WY

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Stephen J. Cohen, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001. Telephone: (301) 415–7182; fax number: (301) 415–5955; e-mail: *sjc7@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing an amendment to Materials License No. SUA–1350 issued to Kennecott Uranium Company (the licensee), to authorize the reclamation of contaminated soil and ground water at its Sweetwater Uranium Project near Rawlins, Wyoming. NRC has prepared

an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed amendment is to authorize the remediation of soil and ground water contaminated with diesel range organics (DRO), radium-226, and minute amounts of volatile organic compounds at the licensee's Sweetwater Uranium Project. Specifically, the amendment will allow the licensee to excavate contaminated soils and extract contaminated ground water from the catchment basin area and dispose of these contaminated materials (11e.(2) byproduct material) within the existing tailings impoundment.

On May 12, 2004, Kennecott Uranium Company requested that NRC approve the proposed amendment. The staff has prepared the EA in support of the proposed license amendment. Staff considered impacts to land use, geology and soils, water resources, ecology, meteorology, climatology, air quality, socioeconomics, historical and cultural resources, public and occupational health, and transportation. The staff found that the impacts of the proposed action were not significant because these actions would remove contamination sources and residual contamination, and they will occur within a small portion of the NRC-licensed area that was previously used as part of the milling process. Consequently, these actions will prevent the spread of contamination to environmental resources without causing significant impacts to historical and cultural resources, local economy and social resources, and transportation networks.

III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are as follows:

Document	ADAMS accession No.	Date
Sweetwater Uranium Project, Request for Amendment to License Conditions 11.3 and 11.5	ML041450434	05/12/04
Sweetwater Uranium Project, Request for Amendment to License Condition 9.10	ML041480493	05/12/04
Sweetwater Uranium Project, Revised Site Contour Map, Contours for Contaminated Soil, Excavated Areas	ML041530053	05/25/04
E-mail Acknowledgment of May 12, 2004, Amendment Request	ML041800207	06/24/04
Fax Report on the Threatened and Endangered Species of Sweetwater County	ML050450091	9/21/04
Request for Additional Information Concerning Source Materials License SUA–1350	ML043070658	10/28/04
Sweetwater Uranium Project, Response to October 28, 2004, Request for Additional Information	ML043520255	12/15/04
E-mail Acknowledgment of Response to Request for Additional Information	ML050100257	01/04/05
Sweetwater Uranium Project Response to Comments Regarding Natural Uranium and Thorium-230 Remediation in Subsurface Soils	ML050350266	1/18/05
Draft Environmental Assessment for Amendment to Source Materials License SUA–1350 for the Catchment Basin Reclamation	ML050610246	2/28/05
Wyoming DEQ's Review of the Draft Environmental Assessment, Catchment Basin Remediation Amendment Request	ML050980238	04/04/05
Fish and Wildlife Service's Comments on Draft Environmental Assessment for Kennecott Sweetwater Proposed Amendment	ML051170286	04/14/05
Environmental Assessment for Amendment of Source Materials License SUA–1350 for the Catchment Basin Reclamation	ML051220285	5/20/05

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, MD, this 6th day of May, 2005.

For The Nuclear Regulatory Commission.

Stephen J. Cohen,

Project Manager, Uranium Processing Section, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E5–2581 Filed 5–20–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7004–ML and ASLBP No. 05–838–01–ML]

USEC, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

USEC, Inc.

(American Centrifuge Plant)

A Licensing Board is being established pursuant to a May 12, 2005 Commission memorandum and order (CLI–05–11, 60 NRC__) in this proceeding regarding the application of the USEC, Inc., (USEC) for a license to possess and use source, byproduct, and special nuclear material and to enrich natural uranium to a maximum of ten percent U–235 by the gas centrifuge

process at a facility, to be known as the American Centrifuge Plant, that would be located in Piketon, Ohio. At the outset of this proceeding, the Commission indicated it would make threshold standing determinations itself, and would refer the petitions of persons with the requisite standing to the Atomic Safety and Licensing Board Panel for further adjudicatory proceedings (CLI–04–30, 60 NRC 426, 429 (2004); *see also* 69 FR 61411 (Oct. 18, 2004)). In its May 12 issuance, the Commission found that both organizational petitioner Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS) and individual petitioner Geoffrey Sea have standing to intervene and, accordingly, referred their petitions and associated contentions to the Panel for further appropriate action.

The Board is comprised of the following administrative judges:

Lawrence G. McDade, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Paul B. Abramson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Richard E. Wardwell, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued at Rockville, Maryland, this 17th day of May, 2005.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E5–2583 Filed 5–20–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

DATE: Weeks of May 23, 30 June 6, 13, 20, 27, 2005.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of May 23, 2005

Monday, May 23, 2005

10 a.m. Discussion of Intergovernmental Issues (Closed—Ex. 9)

1:30 p.m. Discussion of Security Issues (Closed—Ex. 1)

Wednesday, May 25, 2005

9:25 a.m. Affirmation Session (Public Meeting)

a. Final Rule to Amend 10 CFR Part 9, Subpart A, ''Freedom of Information Act Regulations,'' and Subpart B, ''Privacy Act Regulations''

9:30 a.m. Briefing on Results of the Agency Action Review Meeting (Public Meeting) (Contact: Lois James, 301–415–1112)

This meeting will be webcast live at the Web address *http://www.nrc.gov*.

1 p.m. Briefing on Threat Environment Assessment (Closed—Ex. 1)

3 p.m. Discussion of Security Issues (Closed—Ex. 1)

Week of May 30, 2005—Tentative

Wednesday, June 1, 2005

9:30 a.m. Discussion of Security Issues (Closed—Ex. 1)

Thursday, June 2, 2005

9:30 a.m. Briefing on Office of International Programs (OIP) Programs, Performance, and Plans (Public Meeting) (Contact: Margie Doane, 301–415–2344)

This meeting will be webcast live at the Web address *http://www.nrc.gov*.

2:30 p.m. Discussion of Management Issues (Closed—Ex. 2 & 9) **Note:** new time, originally scheduled for 1:30 p.m.

Week of June 6, 2005—Tentative

There are no meetings scheduled for the Week of June 6, 2005.

Week of June 13, 2005—Tentative

There are no meetings scheduled for the Week of June 13, 2005.

Week of June 20, 2005—Tentative

There are no meetings scheduled for the Week of June 20, 2005.

Week of June 27, 2005—Tentative

Tuesday, June 28, 2005

9:30 a.m. Briefing on Equal Employment Opportunity (EEO) Program (Public Meeting) (Contact: Corenthis Kelley, 301–415–7380)

This meeting will be webcast live at the Web address *http://www.nrc.gov*.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Dave Gamberoni, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html*.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at 301–415–7080, TDD: 301–415–2100, or by e-mail at *aks@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov*.

Dated: May 18, 2005.

Dave Gamberoni,

Office of the Secretary.

[FR Doc. 05–10285 Filed 5–19–05; 9:32 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Appointments to Performance Review Boards for Senior Executive Service; Correction

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Appointments to Performance Review Boards for Senior Executive Service; Correction.

SUMMARY: This document corrects a notice published on May 17, 2005 (70 FR 28324), that announces the appointments to the NRC Performance Review Boards. This notice is necessary to correct an omission in the listing.

On page 28324, in the third column, insert ''Annette Vietti-Cook, Secretary of the Commission'' after the listing for ''Jack R. Strosnider, Director, Office of Nuclear Material Safety and Safeguards.''

Dated at Rockville, Maryland, this 17th day of May, 2005.

For the Nuclear Regulatory Commission.

Carolyn J. Swanson,

Secretary, Executive Resources Board.

[FR Doc. E5–2584 Filed 5–20–05; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51695; File No. SR-NYSE–2005–30]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to the Reduction of Transaction Fees for Exchange-Listed Exchange Traded Funds

May 13, 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 27, 2005, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the NYSE. On May 9, 2005, the NYSE submitted Amendment No. 1 to the proposed rule change.[3] The proposed rule change has been filed by the NYSE as establishing or changing a due, fee, or other charge, pursuant to Section 19(b)(3)(A)(ii) of the Act,[4] and Rule 19b–4(f)(2) thereunder,[5] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reduce the Exchange Traded Fund (''ETF'') transaction fees for transactions in Exchange-listed ETFs[6] to $0.30 per round-lot for on-Floor proprietary transactions (specialist and other), capped at $300 per trade, and $0.30 per round-lot for off-Floor transactions (customer and broker/dealer), capped at $100 per trade. The Exchange stated that it intends the reduction in these ETF transaction fees to take effect on April 27, 2005. Proposed new language is *italicized;* proposed deletions are in [brackets].

* * * * *

2005 Price List

* * * * *

Transaction Fees

* * * * *

Regular Session Trading

Equity Transactions

* * * * *

Exchange Traded Funds—Public Agency and Principal

Transactions

Broker/Dealer—price per round-lot—$[0.60] *0.30*.

Maximum price per trade —100.00.

System Orders under 5,100 shares (4)—No Charge.

Specialists and other on-floor proprietary trading—price per round-lot—[0.63] *0.30*.

Maximum price per trade—300.00.

Exchange Traded Funds admitted to dealings on an unlisted trading privileges (UTP) basis (5)—No Charge.

Notes:

* * * * *

(4) Not inclusive of orders of a member or member organization trading for its own account as a competing market maker, or trading as an agent for the account of a non-member competing market maker. Competing Market Maker: a specialist or market-maker registered as such on a registered stock exchange (other than the NYSE), or a market-maker bidding and offering over-the-counter, in a New York Stock Exchange traded security.

(5) There is a transaction fee moratorium on ETF Products traded on a UTP basis. This moratorium will be in effect until further notice.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently imposes transaction fees for trades in ETFs of $0.63 per 100 shares for specialists (capped at $300 per trade) and $0.60 per 100 shares for customer and broker-dealer orders (capped at $100 per trade). There is no charge for System orders (*i.e.*, orders entered through SuperDot) up to 5,099 shares, subject to certain exceptions for competing market maker orders. The Exchange does not currently charge transaction fees for transactions in ETFs traded on the Exchange pursuant to unlisted trading privileges. For purposes of the Exchange's ETF transaction fee schedule, ETFs include Investment Company Units, Trust Issued Receipts and streetTRACKS® Gold Shares.

The Exchange proposes to reduce the ETF transaction fees for transactions in Exchange-listed ETFs[7] to $0.30 per round-lot for on-Floor proprietary transactions (specialist and other), capped at $300 per trade, and $0.30 per round-lot for off-Floor transactions (customer and broker/dealer), capped at $100 per trade. The Exchange believes reduced transaction fees are necessary for the Exchange to maintain or improve its competitive position compared to other markets trading ETFs, and that reduced costs would benefit Exchange members and the investing public. The Exchange stated that it intends the reduction in these ETF transaction fees to take effect on April 27, 2005.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(4) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Partial Amendment, dated May 9, 2005 (''Amendment No. 1''). In Amendment No. 1, the NYSE made technical corrections to the rule text of the proposed rule change.

For purposes of calculating the 60-day abrogation period, the Commission considers the period to commence on May 9, 2005, the date on which the Exchange submitted Amendment No. 1.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 7 CFR 240.19b–4(f)(2).

[6] Telephone conversation on May 13, 2005, among Michael Cavalier, Assistant General Counsel, NYSE; David Hsu, Special Counsel, Division of Market Regulation (''Division''), Commission; and David Michehl, Attorney, Division, Commission.

[7] *Id.*

[8] 5 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change, as amended, has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[10] and paragraph (f)(2) of Rule 19b–4 thereunder,[11] because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of the proposed rule change, as amended, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, 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–NYSE–2005–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609.

All submissions should refer to File Number SR-NYSE–2005–30. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change, as amended, 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 NYSE. 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–NYSE–2005–30 and should be submitted on or before June 13, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–2563 Filed 5–20–05; 8:45 am]

BILLING CODE 8010–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974; as Amended; New System of Records and New Routine Use Disclosures

AGENCY: Social Security Administration (SSA).

ACTION: Proposed new system of records and proposed routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(4) and (e)(11)), we are issuing public notice of our intent to establish a new system of records entitled *Representative Payee/Misuse Restitution Control System (RP/MRCS), 60–0318*, and routine uses applicable to this system of records. Hereinafter, we will refer to the proposed system of records as the *RP/MRCS.* We invite public comments on this proposal.

DATES: We filed a report of the proposed new system of records and proposed routine use disclosures with the Chairman of the Senate Committee on Homeland Security and Governmental Affairs, the Chairman of the House Committee on Government Reform, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on January 25, 2005. The proposed system of records and routine uses will become effective on March 6, 2005, unless we receive comments warranting it not to become effective.

ADDRESSES: Interested individuals may comment on this publication by writing to the Executive Director, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Schaul, Social Insurance Specialist, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, e-mail address at *joyce.schaul@ssa.gov*, or by telephone at (410) 965–5662.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of the Proposed New System of Records Entitled the *RP/MRCS* System

A. General Background

On March 4, 2004, President Bush signed into law the Social Security Protection Act of 2004 (Pub. L. 108–203), which amended section 205(j) of the Social Security Act. Included in the amendment is a requirement for the Commissioner of Social Security to re-issue benefits under Title II or XVI whenever an individual representative payee serving 15 or more beneficiaries or an organizational representative payee is found to have misused a beneficiary's funds. This is effective for determinations of misuse on or after January 1, 1995. To carry out this function as required under the amended section 205(j), SSA must collect and maintain certain identifying information about: (1) Representative payees that have misused benefits; (2) beneficiaries whose benefits have been misused; and (3) the relationship between the representative payee and the beneficiary.

*B. Collection and Maintenance of the Data for the Proposed New System of Records Entitled the **RP/MRCS** System*

SSA must collect and maintain certain identifying information about representative payees that have misused benefits; beneficiaries whose benefits have been misused; and, the

relationship between the representative payee and the beneficiary. We will retrieve information from the proposed system of records by using the individual's name and/or Social Security Number. Thus the *RP/MRCS* system will constitute a system of records under the Privacy Act of 1974, as amended.

II. Proposed Routine Use Disclosures of Data Maintained in the Proposed *RP/MRCS*

A. Proposed Routine Use Disclosures

We are proposing to establish routine uses of information that will be maintained in the proposed *RP/MRCS* as discussed below.

1. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

We will disclose information under this routine use only in situations in which an individual may contact the Office of the President, seeking that Office's assistance in a matter relating to information contained in this system of records. Information will be disclosed when the Office of the President makes an inquiry and indicates that it is acting on behalf of the individual whose record is requested.

2. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

We will disclose information under this routine use only in situations in which an individual may ask his or her congressional representative to intercede in a matter relating to information contained in this system of records. Information will be disclosed when the congressional representative makes an inquiry and indicates that he or she is acting on behalf of the individual whose record is requested.

3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, or any component thereof; or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operation of SSA or any of its components,

Is party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before such tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code (IRC) will not be made unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

We will disclose information under this routine use only as necessary to enable DOJ to effectively defend SSA, its components or employees, in litigation involving the proposed new system of records and ensure that courts and other tribunals have appropriate information.

4. To contractors and other Federal Agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an Agency function relating to this system of records.

We will disclose information under this routine use only in situations in which SSA may enter into a contractual agreement or similar agreement with a third party to assist in accomplishing an Agency function relating to this system of records.

5. To student volunteers, individuals working under a personal service contract, and other individuals performing functions for SSA but technically not having the status of Agency employees, if they need access to the records in order to perform their assigned Agency functions.

Under certain Federal statutes, SSA is authorized to use the service of volunteers and participants in certain educational, training, employment and community service programs. Examples of such statutes and programs include: 5 U.S.C. 3111 regarding student volunteers and 42 U.S.C. 2753 regarding the College Work-Study Program. We contemplate disclosing information under this routine use only when SSA uses the services of these individuals, and they need access to information in this system to perform their assigned agency duties.

6. Non-tax return information which is not restricted from disclosure by federal law may be disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984, for the use of those agencies in conducting records management studies.

The Administrator of GSA and the Archivist of NARA are charged by 44 U.S.C. 2904, as amended, with promulgating standards, procedures and guidelines regarding record management and conducting records management studies. 44 U.S.C. 2906, as amended, provides that GSA and NARA are to have access to Federal agencies' records and that agencies are to cooperate with GSA and NARA. In carrying out these responsibilities, it may be necessary for GSA and NARA to have access to this proposed system of records. In such instances, the routine use will facilitate disclosure.

7. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

- To enable them to protect the safety of SSA employees and customers, the security of the SSA workplace, and the operation of SSA facilities, or
- To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

We will disclose information under this routine use to law enforcement agencies and private security contractors when information is needed to respond to, investigate, or prevent activities that jeopardize the security and safety of SSA customers, employees or workplaces or that otherwise disrupt the operation of SSA facilities. Information would also be disclosed to assist in the prosecution of persons charged with violating Federal or local law in connection with such activities.

B. Compatibility of Proposed Routine Uses

The Privacy Act (5 U.S.C. 552a(b)(3)) and SSA's disclosure regulation (20 CFR part 401) permit us to disclose information under a published routine use for a purpose that is compatible with the purpose for which we collected the information. SSA's Regulations at 20 CFR 401.150(c) permit us to disclose information under a routine use where necessary to carry out SSA programs. SSA's Regulations at 20 CFR 401.120 provide that we will disclose information when a law specifically requires the disclosure. The proposed routine uses numbered 1 through 5 and 7 above will ensure efficient administration of SSA programs administered through the ***RP/MRCS***; the disclosure that would be made under routine use number 6 is required by law. The proposed routine uses are

appropriate and meet the relevant statutory and regulatory criteria.

III. Records Storage Medium and Safeguards for the Proposed New System Entitled the *RP/MRCS*

SSA will maintain information in the *RP/MRCS* in electronic and paper form. Only authorized SSA and contractor personnel who have a need for the information in the performance of their official duties will be permitted access to the information. We will safeguard the security of the information by requiring the use of access codes to enter the computer system that will maintain the data and will store computerized records in secured areas that are accessible only to employees who require the information to perform their official duties. Any manually maintained records will be kept in locked cabinets or in otherwise secure areas. Furthermore, SSA employees having access to SSA databases maintaining personal information must sign a sanction document annually, acknowledging their accountability for making unauthorized access to or disclosure of such information.

Contractor personnel having access to data in the *RP/MRCS* will be required to adhere to SSA rules concerning safeguards, access and use of the data.

SSA and contractor personnel having access to the data on this system will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system. *See* 5 U.S.C. 552a(i)(1).

IV. Effect of the Proposed *RP/MRCS* on the Rights of Individuals

The proposed new system of records will maintain only that information that is necessary for the efficient and effective control and processing of the *RP/MRCS* in order to investigate certain misuse cases to determine whether the beneficiary has been repaid by either SSA or the representative payee. Security measures will be employed that protect access to and preclude unauthorized disclosure of records in the proposed system of records. Therefore, we do not anticipate that the proposed system of records will have an unwarranted adverse effect on the rights of individuals.

Dated: January 25, 2005.

Jo Anne B. Barnhart,

Commissioner.

Social Security Administration (SSA); Notice of System of Records; Required by the Privacy Act of 1974; as Amended

60–0318

SYSTEM NAME:

Representative Payee/Misuse Restitution Control System (RP/MRCS), Office of the Deputy Commissioner for Disability and Income Security Programs, Associate Commissioner for Income Security Programs.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Associate Commissioner for Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information about representative payees that have misused benefits and beneficiaries/recipients whose benefits have been misused.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data in this system consist of: (1) Names, mailing address, location address, phone number, employee identification number (EIN)/Social Security number (SSN), and identification number of representative payees; (2) Names, SSNs or other cross-referenced account numbers, the program in which the misuse occurred (Title II or Title XVI), current address, payment status, misuse amount, misuse determination date, misuse start date, misuse end date and SSA negligence code (Y or N) of beneficiaries/recipients; and (3) The original amount refunded by payee, original amount restored by SSA, new amount refunded by payee, new amount restored by SSA, case outcome and completion date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Social Security Protection Act of 2004 (Pub. L. 108–203); Section 205(j)(5) of the Social Security Act; (42 U.S.C. 405(j)(5)).

PURPOSE(S):

Information in this system will assist SSA in investigating certain representative payee misuse cases going back to January 1, 1995, to determine whether the beneficiary has been repaid by either SSA or the representative payee. The information in this system will also be used to control completion of cases and to provide details about how the case was resolved.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return'' or ''return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be made unless authorized by a statute, the Internal Revenue Service (IRS) or IRS regulations.

1. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

2. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when: (a) SSA, or any component thereof; or (b) Any SSA employee in his/her official capacity; or (c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or (d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, Is party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before such tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return'' or ''return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be made unless authorized by a statute, the Internal Revenue Service (IRS) or IRS regulations.

4. To contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

5. To student volunteers, individuals working under a personal services contract, and other individuals performing functions for SSA but technically not having the status of Agency employees if they need access to the records in order to perform their assigned Agency functions.

6. Non-tax return information which is not restricted from disclosure by Federal law may be disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984, for the use of those agencies in conducting records management studies.

7. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

- To enable them to protect the safety of SSA employees and the public, the security of the SSA workplace, the operation of SSA facilities, or
- To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained electronically.

RETRIEVABILITY:

Records in this system will be retrieved by the name, SSN or EIN of the representative payee, or name or SSN of the beneficiary/recipient.

SAFEGUARDS:

Security measures include the use of access codes to enter the computer system which will maintain the data, the storage of computerized records in secured areas which are accessible only to employees who require the information in performing their official duties. SSA employees who have access to the data will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in the system. *See* 5 U.S.C. 552a(i)(1).

Contractor personnel having access to data in the system of records will be required to adhere to SSA rules concerning safeguards, access and use of the data.

RETENTION AND DISPOSAL:

Misuse data and contact information about misusers (payees) will be populated into *RP/MRCS* via a flat file produced by the Office of Systems from the Representative Payee System (RPS) using the criteria specified by section 205(j) of the Social Security Act. This flat file will also contain current beneficiary contact data from the Master Beneficiary Record and/or the Supplemental Security Income Record.

Once the data is loaded into *RP/MRCS*, field offices will develop the status of repayment of each misuse event and post resolution information. Management information regarding cases pending and cleared will be collected and reported as will information about case resolution.

Data collected during the course of an *RP/MCRS* action is stored in a database on the Dallas Regional Office's Windows servers. Only a limited number of new records (those that were not recorded on RPS) will be added to the database. *RP/MRCS* will cover only misuse events related to the closed period of January 1, 1995, through the initial population of the database from SSA's Representative Payee System in April 2004.

Records in the system will be retained for 12 months after the final data are posted and then they will be archived.

SYSTEM MANAGER(S):

Associate Commissioner for Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

NOTIFICATION PROCEDURE(S):

An individual can determine if this system contains a record about him/her by writing to the systems manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. (20 CFR 401.40).

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual. (20 CFR 401.45)

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.45).

RECORD ACCESS PROCEDURE(S):

Same as Notification procedures. Requesters also should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40).

CONTESTING RECORD PROCEDURE(S):

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate, or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from existing systems of records such as the *Claims Folder System, 60–0089, Master Beneficiary Record, 60–0090, Supplemental Security Income Record and Special Veterans Benefits, 60–0103 and the Master Representative Payee File, 60–0222.*

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 05–10237 Filed 5–20–05; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Special Approval of Alternate Standard

In accordance with § 238.21 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for approval of an Alternate Standard of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

American Public Transportation Association

[Special Approval Petition Docket Number FRA–2005–20853]

American Public Transportation Association (APTA) seeks approval for use of an alternate standard required to be used in accordance with the Passenger Equipment Safety Standards, 49 CFR Part 238. Section 311, single car test of passenger equipment brakes. Section 311(a) requires single car air brake test on *all passenger cars and all unpowered vehicles used in passenger trains shall be performed in accordance with either APTA Standard SS–M–005–98, ''Code of Tests for Passenger Car Equipment Using Single Car Testing Device,'' published March, 1998; or an alternative procedure approved by FRA pursuant to § 238.21.* APTA requests that the requirement refer to a revised standard dated April 12, 2003, the revisions require a railroad to perform the single car test procedure at the same working pressure as the car being tested utilizes in revenue service. The March 1998 standards requires that the test be performed at 90 psi while some trains operate their brake systems at 110 psi.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. Each comment shall set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (FRA–2005–20853) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

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

Issued in Washington, DC on May 17, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05–10283 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket Number FRA–2005–21015

Applicants: Central, New York Railroad Corporation, Mr. Nathan R. Fenno, Executive Vice President, 1 Railroad Avenue, Cooperstown, New York 13326.

Norfolk Southern Corporation, Mr. Brian L. Sykes, Chief Engineer, C&S Engineering, 99 Spring Street, SW., Atlanta, Georgia 30303.

The New York, Susquehanna and Western Railway Corporation, Mr. Richard J. Hensel, Vice President—Engineering, 1 Railroad Avenue, Cooperstown, New York 13326.

The Central New York Railroad Corporation (CNYK), Norfolk Southern Corporation (NS), and The New York, Susquehanna and Western Railway Corporation (NYSW) jointly seek approval of the discontinuance and removal of the interlocking, automatic block signal, and traffic control systems, on the single and double main tracks, between CP Sparrow Bush, milepost 89.9, near Port Jervis, New York, and, CP BD, milepost 213.0, near Binghamton, New York, a distant of approximately 123 miles. The proposed changes consist of the following:

(1) Convert the all power-operated and spring switches to hand operation;

(2) Modification of Signal 92E to fixed approach for CP Sparrow Bush, and modification of Signal 2SW at CP Coles to a fixed approach for CP BD;

(3) Installation of a stick release timer at River Lane MP 199.1; and

(4) Installation of a block signal system to provide broken rail protection on a five-mile section of track in the area of Shohola.

The reason given for the proposed change is that the online freight traffic has dwindled to the point that there were only seven active online shippers in 2004. Since 1982, the line has been used by NYSW solely for ''overhead'' traffic, *i.e.*, the movement of rail cars between NYSW's New Jersey rail lines and Central New York rail lines, and the NYSW is a subsidiary of the Delaware Otsego Corporation. In late in 2004, NS and the Delaware Otsego Corporation officials met to discuss the future of the line. As a result of the discussion, NS decided to lease the line to CNYK for nominal consideration, if it undertook the operation of the line, including maintenance and payment of taxes, but subject to a right to cancel if it is unable to achieve its plan.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW.,

Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

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

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on May 17, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05–10281 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket Number FRA–2005–21017

Applicant: CSX Transportation, Incorporated, Mr. N. Michael Choat, Chief Engineer, Communications and Signal, 4901 Belfort Road, Suite 130, Jacksonville, Florida 32256.

CSX Transportation, Incorporated seeks approval of the proposed discontinuance and removal of the traffic control system, on the single main track and sidings, between Berkeley Run Jct., milepost BUC 0.0, near Grafton, West Virginia and Hampton Jct., milepost BUC 41.9, near Adrian, West Virginia, on the Huntington Division East, Cowen Subdivision, a distance of approximately 42 miles. The proposed changes consist of the conversion of all power-operated switches to hand operation, conversion of the method of operation to Other Than Main Track (Rule 96), and authorization of the speed of all trains under Rule 46. In addition, all highway-rail grade crossing warning systems will be retained.

The reason given for the proposed changes is that current traffic density does not warrant retention of the signal system.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

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

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 17, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05–10280 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket Number FRA–2005–20898

Applicant: CSX Transportation, Incorporated, Mr. N. Michael Choat, Chief Engineer, Communications and Signal, 4901 Belfort Road, Suite 130, Jacksonville, Florida 32256.

CSX Transportation (CSXT) seeks approval to extend the temporary discontinuance of the automatic block signal (ABS) system, near Winter Park, Florida, between milepost MPA 784.7 and milepost MPA 791.7, on the Jacksonville Division, Sanford Subdivision, for a period not to exceed one year. The request is associated with the August 13 and September 5, 2004 catastrophic events, in which CSXT experienced severe weather events, Hurricane Charlie and Hurricane Frances, which devastated most of the existing pole line in the area. The extensive pole line damage resulted in the suspension of the ABS system, as authorized by Title 49 CFR, § 235.7(a)(4), and the implementation of Track Warrant Control/Direct Traffic Control Rules, under the direction of the train dispatcher, to govern train movements.

The reason given for the proposed changes is that all grade crossing warning devices are now operational on

the No. 2 main track, and electronic track circuits have been installed, placing the ABS signals back in service under Current of Traffic rules. The No. 1 main track is currently out of service, and the track inaccessible to rail traffic. Currently, work is in progress to return the damaged portion of the No.1 main track to service, but an extension for the temporary discontinuance is needed for completion of the scope of work within the submitted time line.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

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

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on May 17, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05–10282 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2004–18894]

Union Pacific Railroad Company; Notice of Public Hearing and Extension of Comment Period

The Union Pacific Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance and removal of the automatic block signal system, on the single main track, between Wellton, Arizona, milepost 770.8 and Arlington, Arizona, milepost 861.3, on the Gila and Phoenix Subdivisions, in the El Paso area, a distance of approximately 91 miles.

This block signal application proceeding is identified as Docket No. FRA–2004–18894.

The FRA has issued a public notice seeking comments of interested parties and has conducted its own field investigation in this matter. After examining the carrier's proposal and the field report, FRA has determined that a public hearing is necessary before a final decision is made on this proposal. FRA is also extending the comment period to one week beyond the date of the public hearing. If information received at the public hearing warrants the need to extend the comment period further, a separate notice will be published indicating such extension.

Accordingly, a public hearing is hereby set for 9 a.m. mountain standard time, on Wednesday, June 29, 2005, in the Arizona Corporation Commission Conference Room, Suite 300, of the Southwest Gas Building, located at 2200 North Central Avenue, Phoenix, Arizona 85004. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a non adversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

In addition, FRA is extending the comment period to July 7, 2005. All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2004–18894) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

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

Issued in Washington, DC on May 17, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety, Standards and Program Development.

[FR Doc. 05–10279 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket: RSPA–98–4957]

Request for Public Comments and Office of Management and Budget (OMB) Approval of an Existing Information Collection (2137–0594)

AGENCY: Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation (DOT).

SUMMARY: This notice seeks comments from the public regarding notices that gas pipeline operators must send customers about buried customer piping located downstream from service lines

and the related records operators must keep. The notices inform customers about the need for proper maintenance of this piping. Comments will help OMB evaluate the information collection burden.

DATES: Comments must be received by July 22, 2005, to ensure consideration.

ADDRESSES: You may submit written comments to the docket by any of the following methods: DOT Web site: Go to *http://dms.dot.gov*, click on ''Comments/Submissions'' and follow instructions at the site. Mail: Dockets Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. Anyone wanting confirmation of mailed comments must include a self-addressed stamped postcard. Hand Delivery or Courier: Room PL–401, 400 Seventh Street, SW., Washington, DC. The Dockets Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All written comments should identify the docket number stated in the heading of this notice.

Docket access: For copies of this notice or other material in the docket, you may contact the Dockets Facility by phone (202–366–9329) or visit the facility at the above street address. For Web access to the docket to read and download filed material, go to *http://dms.dot.gov/search.* Then type in the last four digits of the docket number shown in the heading of this notice, and click on ''Search.''

Anyone can search the electronic form of all comments filed in any of DOT's dockets by the name of the individual submitting the comment (or signing the comment, if submitted for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the April 11, 2000 issue of the **Federal Register** (65 FR 19477) or go to *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Florence Hamn at (202) 366–3015 or by e-mail to *Florence.Hamn@dot.gov.*

SUPPLEMENTARY INFORMATION: Standards in 49 CFR 192.16, ''Customer notification,'' require operators of gas service lines who do not maintain buried customer piping between service lines and building walls or gas utilization equipment to send written notices to their customers of the proper maintenance of this piping and of the potential hazards of not properly maintaining the piping. Operators also have to keep records that include a copy of the notice currently in use and evidence that notices were sent to customers within the previous 3 years. This rule was issued in response to the statutory mandate in 49 U.S.C. 60113.

This information collection supports the DOT strategic goal of safety by reducing the number of fatalities, injuries, and amount of property damage.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

As used in this notice, ''information collection'' includes all work related to preparing and disseminating information related to this recordkeeping requirement including completing paperwork, gathering information and conducting telephone calls.

Type of Information Collection Request: Renewal of Existing Collection.

Title of Information Collection: Customer-owned Service Lines.

OMB Approval Number: 2137–0594.

Frequency: A notice is sent once to each customer at a particular location.

Use: This collection is used by gas customers to learn of the need to maintain their buried piping and by OPS and State authorities to review operator compliance.

Estimated Number of Respondents: 1,540.

Estimated Annual Burden Hour: 9,167.

Issued in Washington, DC, on May 17, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05–10198 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket: RSPA–98–4957]

Request for Public Comments and Office of Management and Budget (OMB) Approval of an Existing Information Collection (2137–0593)

AGENCY: Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation (DOT).

SUMMARY: This notice seeks comments from the public regarding notices gas service line operators must send customers about the availability of excess flow valves (EFVs) and related records operators must keep. The notices give customers information to help them decide if they would like to have EFVs installed on their lines. Comments will help OMB evaluate the information collection involving EFVs.

DATES: Comments must be received by July 22, 2005, to ensure consideration.

ADDRESSES: You may submit written comments to the docket by any of the following methods:

DOT Web Site: Go to *http://dms.dot.gov,* click on Comments/Submissions and follow instructions at the site.

Mail: Dockets Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. Anyone wanting confirmation of mailed comments must include a self-addressed stamped postcard.

Hand Delivery or Courier: Room PL–401, 400 Seventh Street, SW., Washington, DC. The Dockets Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All written comments should identify the docket number stated in the heading of this notice.

Docket access: For copies of this notice or other material in the docket, you may contact the Dockets Facility by phone (202–366–9329) or visit the facility at the above street address. For Web access to the docket to read and download filed material, go to *http://dms.dot.gov/search.* Then type in the last four digits of the docket number shown in the heading of this notice, and click on ''Search.''

Anyone can search the electronic form of all comments filed in any of DOT's dockets by the name of the individual submitting the comment (or signing the comment, if submitted for an association, business, labor union, etc.). You may review DOT's complete

Privacy Act Statement in the April 11, 2000, issue of the **Federal Register** (65 FR 19477) or go to *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Florence Hamn at (202) 366–3015 or by e-mail to *Florence.Hamn@dot.gov.*

SUPPLEMENTARY INFORMATION: Standards in 49 CFR 192.383, ''Excess flow valve customer notification,'' require that before operators install or replace certain gas service lines, they must notify customers in writing that excess flow valves are available for installation if the customer agrees to pay for the related expenses. Operators also must keep records that include the notice currently in use and evidence that notices were sent as required during the previous 3 years. The standards were published in response to a statutory mandate in 49 U.S.C. 60110(c).

This information collection supports the DOT strategic goal of safety by reducing the number of fatalities, injuries, and amount of property damage.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

As used in this notice, ''information collection'' includes all work related to preparing and disseminating information related to this recordkeeping requirement including completing paperwork, gathering information and conducting telephone calls.

Type of Information Collection Request: Renewal of Existing Collection.

Title of Information Collection: Record keeping Requirements for Excess Flow Valves—Customer Notification.

OMB Approval Number: 2137–0593.

Frequency: A notice is sent before a new service line is installed or an existing service line is replaced.

Use: This collection is used by gas customers to decide whether to have EFVs installed and by government inspectors to review operator compliance.

Estimated Number of Respondents: 1,540.

Estimated Annual Burden Hour: 18,000.

Issued in Washington DC, on May 17, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05–10203 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

International Standards on the Transport of Dangerous Goods; Public Meetings

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that PHMSA will conduct public meetings in preparation for and to report the results of the 27th session of the United Nation's Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE) to be held July 4–8, 2005 in Geneva, Switzerland.

DATES: June 22, 2005, 9:30 a.m.–12:30 p.m., Room 4438–4440, July 20, 2005, 9:30 a.m.–12:30 p.m., Room 6200–6204.

ADDRESSES: Both meetings will be held at DOT Headquarters, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Richard, Director, Office of International Standards, or Mr. Duane Pfund, Senior International Transportation Specialist, Office of Hazardous Materials, Safety, Department of Transportation, Washington, DC 20590; (202) 366–0656.

SUPPLEMENTARY INFORMATION: The primary purpose of the first meeting will be to prepare for the 27th session of the UNSCOE and to discuss draft U.S. positions on UNSCOE proposals. The primary purpose of the second meeting will be to provide a briefing on the outcome of the UNSCOE session and to prepare for the 28th session of the UNSCOE. The 27th session of the UNSCOE is the first meeting in the current biennium cycle. The UNSCOE will consider proposals for the 15th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations. Topics to be covered during the public meetings include: (1) Harmonization of the Recommendations on the Transport of Dangerous Goods with other model and national regulations, (2) Transport of Dangerous Goods in limited and excepted quantities, (3) Requirements for Intermodal Bulk Containers (IBC), (4) New entries for fuel cell systems containing flammable gas, (5) Requirements related to lithium ion rechargeable batteries, (6) Harmonization with the IAEA Regulations for the safe transport of radioactive materials, (7) Miscellaneous proposals related to listing and classification and the use of packagings and tanks. The public is invited to attend without prior notification. Due to the heightened security measures participants are encouraged to arrive early to allow time for security checks necessary to obtain access to the building.

Documents

Copies of documents for the UNSCOE meeting and the meeting agenda may be obtained by downloading them from the United Nations Transport Division's Web site at: *http://www.unece.org/trans/main/dgdb/dgsubc/c32005.htm.* This site may also be accessed through PHMSA's Hazardous Materials Safety Homepage at *http://hazmat.dot.gov/regs/intl/intstandards.htm.* PHMSA's site provides additional information regarding the UNSCOE and related matters such as a summary of decisions taken at previous sessions of the UNSCOE.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 05–10192 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA–98–4470]

Pipeline Safety: Meetings of the Pipeline Safety Advisory Committees

AGENCY: Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of meetings.

SUMMARY: This notice announces public meetings of Pipeline and Hazardous Materials Safety Administration's (PHMSA) Technical Pipeline Safety Standards Committee (TPSSC) and Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) to discuss various regulatory issues.

DATES: The technical pipeline safety advisory committees will meet in joint session on Wednesday, June 15 and Thursday, June 16, 2005, from 8 a.m. to 4 p.m. each day.

ADDRESSES: The meetings will be held at the Ritz-Carlton Hotel (Pentagon City), 1250 South Hayes Street, Arlington, VA 22202, *www.@ritzcarlton.com.* The phone number for reservations at the Ritz Carlton is 1–800–241–3333 or (703) 415–5000. Attendees staying at the hotel must make reservations by Tuesday, May 31.

FOR FURTHER INFORMATION CONTACT: For additional information regarding these meetings contact: Cheryl Whetsel, OPS, (202) 366–4431; *cheryl.whetsel@dot.gov.*

Background: Reservations by attendees must be received on or before May 31, 2005. Priority is given to the Technical Pipeline Safety Advisory Committee members and State Pipeline Safety Representatives for rooms blocked under the Department of Transportation-Advisory Committee Meeting. Any additional information or changes will be posted on the OPS web page approximately 15 days before the meeting date at *http://ops.dot.gov.*

The public may make short statements on the topics under discussion. Anyone wishing to make an oral statement should notify Cheryl Whetsel, (202) 366–4431, not later than May 31, 2005, on the topic and the length of the presentation. The presiding officer at each meeting may deny any request to present an oral statement and may limit the time of any presentation.

You may submit written comments by mail or deliver them to the Dockets Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. It is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. You also may submit written comments to the docket electronically by logging onto the following Internet Web address: *http://dms.dot.gov.* Click on AHelp & Information'' for instructions on how to file a document electronically. All written comments should reference docket number RSPA–98–4470. Anyone who would like confirmation of mailed comments must include a self-addressed stamped postcard.

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. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please contact Cheryl Whetsel at (202) 366–4431 by May 31, 2005.

SUPPLEMENTARY INFORMATION: The TPSSC and THLPSSC are statutorily mandated advisory committees that advise the PHMSA, OPS on proposed safety standards for gas and hazardous liquid pipelines. These advisory committees are established under section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1). The committees consist of 15 members—five each representing government, industry, and the public. The TPSSC and THLPSSC are tasked with determining reasonableness, cost-effectiveness, and practicability of regulatory initiatives.

The purpose of the meeting is to discuss future challenges facing the pipeline industry and options for direction on key projects. The discussion will focus on three areas:

- Managing Risk and Integrity.
- Sharing Responsibility and Building Alliances for Safety.
- Improving Our Stewardship of the Environment, Security.

The OPS will provide an overview on the topics that we will be exploring in each of the subtopics. Under each subtopic, several questions are provided to promote discussion. The agenda follows:

Wednesday, June 15 (8 a.m. to 4 p.m.)

Managing Risk and Integrity

The OPS's primary responsibility is to use a risk based, performance driven approach to protect the 2.3 million miles of natural gas, petroleum, and other pipelines that crisscross our Nation.

These pipelines transport two thirds of the energy supply used by American consumers each year. We carry out this responsibility by identifying safety problems, determining whether standards need to change and how much, enforcing the safety standards, and evaluating whether we are meeting our safety goals.

1. Inspection Technology and Quality Assurance

- How do we ensure that technology is applied to get credible results?
- Are the national consensus standards sufficient for tool selection and qualification of pig log interpreters?
- Is there a need for additional industry standards?
- Will these consensus standards solve problems in the future in other subject areas?

2. Pilot Operator Relief Valve Advisory Notice

- Is the process outlined in the advisory an appropriate approach to address the inspection of relief valves?

3. Human Factors

- What have we learned from the experience of other modes about human factors?
- How do human factors affect the performance of pipeline operators?
- What evidence do we have that human factors may contribute to incidents?
- Is the advice from other modes generally applicable?

4. Distribution Integrity Management Program (DIMP)

- Does the current plan draw data from all key areas?
- What are your views on including the decision to install and maintain excess flow valves in DIMP?
- Should OPS give special consideration to the small operators in DIMP implementation, master meter operators and liquefied petroleum gas (LPG) operators?

5. Liquid Gathering Lines

- Is the ''integrity'' approach of protecting pipelines that could affect unusually sensitive areas (USA's) appropriate?
- What safety functions are appropriate or needed?

Thursday, June 16 (8 a.m. to 4 p.m.)

Sharing Responsibility and Building Alliances for Safety

The OPS seeks out partnerships with all of our stakeholders. Each provides unique experiences and information to augment our efforts to keep the people and the environment safe. One example of a successful partnership, between the OPS and the National Association of Fire Marshals, is the production of a video, *Pipeline Emergencies,* that will provide emergency personnel, state and local officials and others an overview of the pipeline system. There are many safety roles to play and some have yet to be identified.

1. Common Ground Alliance (CGA)—Virginia Experience

- Do you believe enforcement will be necessary for damage prevention?

• How do we improve effectiveness of the one-call system and what is the role of technology?

• How can we apply the Virginia experience in other areas (*i.e.*, distribution integrity management)?

2. High Consequence Area (CCA) Pilots

• Is there a way of using partnerships to expand damage prevention, emergency preparedness and response?

• Are there key partners missing? If so, how do we enlist them, such as in the areas of emergency preparedness, encroachment, etc.?

• Should this best practice model be introduced to all States?

3. Liquefied Natural Gas (LNG)

• Is PHMSA/OPS doing all it should to educate communities about LNG?

Show Video Clip—*Liquefied Natural Gas*

Pipeline Information Planning Alliance (PIPPA)

• How do we approach home builders and insurers?

Improving Our Stewardship in Environmental and Energy Projects

The OPS is the Federal pipeline safety expert and recognizes how important it is to share its expertise with other government and State agencies responsible for supporting our government's national energy policies. OPS also provides information and assists other government and State agencies responsible for protecting our Nation's pipeline system.

1. Permit Streamlining

• How do we introduce our concepts to State and local agencies?

• What is the most efficient way to develop best practices?

• How could we effectively use and improve on developing best practices during implementation of the second pilot program?

2. Alaska

• Are OPS's current pipeline safety regulations aligned and applicable for the new technologies and materials being proposed for the Alaska North Slope gas transmission pipeline?

• What changes need to be made to ensure the optimum delivery rate from Alaska, through Canada, and into the lower 48 States?

3. Security

• How can OPS ensure continuing pipeline security in the current environment?

• What is OPS doing for pipeline security?

Authority: 49 U.S.C. 60102, 60115.

Issued in Washington, DC on May 18, 2005.

Theodore L. Willke,

Deputy Associate Administrator, Office of Pipeline Safety.

[FR Doc. 05–10275 Filed 5–19–05; 10:32 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety: Planning for Coordination of Emergency Response to Pipeline Emergencies

AGENCY: Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: Notice; issuance of advisory bulletin.

SUMMARY: This document alerts pipeline operators about the need to preplan for emergency response with utilities whose proximity to the pipeline may impact the response. Coordination with electric and other utilities may be critical in responding to a pipeline emergency. Preplanning would facilitate actions that may be needed for safety, such as removing sources of ignition or reducing the amount of combustible material.

FOR FURTHER INFORMATION CONTACT: Robert J. Hall by phone at (202) 366-8860, by fax at (202) 366-4566, or by e-mail, *robert.hall@dot.gov.* General information about the Pipeline and Hazardous Materials Safety Administration's Office of Pipeline Safety programs may be obtained by accessing the home page at *http://ops.dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Existing regulations for both gas and hazardous liquid pipelines require operators to have emergency procedures to address pipeline emergencies. The key element of these requirements, which are located at 49 CFR 192.615 and 195.402(e), is to plan response before the emergency occurs. Because pipelines are often located in public space rather than in controlled access areas, planning emergency response must include more than internal plans. The regulations explicitly require that operators include procedures for planning with fire, police and other public officials to ensure a coordinated response. It is also important to plan a coordinated response with owners of other utilities in the vicinity of the pipeline. The operations of these utilities may provide sources of ignition for the product released from a pipeline, may increase the burning time of fires that have already started, or may delay responders who are attempting to make the situation safe rapidly.

In the evening of April 7, 2003, a breakout tank exploded and subsequently ignited in Glenpool, Oklahoma. The fire continued to burn and increased in the early morning of April 8 when electric lines affected by the previous day's explosion and fire fell into a dike. The diesel fuel being contained in the dike ignited, expanding the fire. This resulted in a temporary suspension of firefighting and damaged additional facilities. While there were no injuries or fatalities, the fire burned for over 20 hours; the cost of the accident exceeded two million dollars; residents were evacuated; and schools were closed. The National Transportation Safety Board (NTSB) conducted an investigation of the accident. In its report, the NTSB found that lack of a coordinated emergency response contributed to the severity of the accident. The NTSB noted that the existing pipeline safety regulations on emergency procedures do not explicitly require that operators have procedures for preplanning with electric and other utilities.

A previous accident also points to the need for better coordination of emergency response. On March 1, 1998, a pipeline failure occurred when a raven landed on a power line. This resulted in a fault current that impacted a gas pipeline in Anchorage, Alaska. The situation very quickly developed into an explosion at the public electric company's plant. Although preplanning was required by regulation, the pipeline operator did not coordinate emergency response well with the fire department resulting in delays in shutting off the flow of gas. This resulted in additional fire damage. Inadequate coordination with the electric company also contributed to this delay.

These accidents point to the need for operators to plan with utilities on how to coordinate actions needed in responding to a pipeline emergency. This preplanning will result in better coordination when an emergency occurs.

II. Advisory Bulletin ADB–05–03

To: Owners and Operators of Natural Gas and Hazardous Liquid Pipeline Facilities in the Vicinity of Electric and other Utilities.

Subject: Preplanning with owners of electric and other utilities for

coordinated response to pipeline emergencies.

Purpose: To advise operators of pipeline facilities located near electric and other utilities of the need to preplan emergency response with the owners of those electric and other utilities to ensure better coordination of response, and reduced damages, when a pipeline emergency occurs.

Advisory: Operators of pipeline facilities are required to plan emergency response before an emergency happens. The regulations include required elements of emergency plans and procedures. In planning emergency response, an operator should carefully look at the environment surrounding the pipeline facility and the risks that the environment will pose in the event of a pipeline emergency. Electric and other utilities may pose sources of ignition or may provide additional fuel for fires. The operations of these utilities may make response to a pipeline emergency by firefighters or the pipeline operator more difficult. Preplanning with these utilities will help the operator identify issues that may arise in responding to pipeline emergencies and plan effective response before there is an emergency. This will improve the coordination of emergency response and reduce delays.

OPS advises pipeline operators to include within their emergency response planning outreach to owners of electric and other utilities in order to preplan and coordinate response to pipeline emergencies.

Issued in Washington, DC, on May 17, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05–10202 Filed 5–20–05; 8:45 am]

BILLING CODE 4910–60–P

Federal Register

Monday,
May 23, 2005

Part II

Department of Housing and Urban Development

Notice of Public Interest (NOPI) Soliciting Preliminary Applications for PATH Cooperative Research in Housing Technologies; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4992–N–01]

Notice of Public Interest (NOPI) Soliciting Preliminary Applications for PATH Cooperative Research in Housing Technologies

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of public interest soliciting preliminary applications.

Overview Information:

A. *Federal Agency Name.* U.S. Department of Housing and Urban Development, Office of the Assistant Secretary for Policy Development and Research.

B. *Funding Opportunity Title.* Partnership for Advancing Technology in Housing (PATH) Cooperative Agreements.

C. *Announcement Type.* Initial announcement.

D. *Funding Opportunity Number.* The funding opportunity number is: FR–4992–N–01. The OMB approval number is pending.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA number for this announcement is 14.506, General Research and Technology Activities.

F. *Dates:* Preliminary application submissions will be accepted for a period of 60 days following the publication of this notice.

G. *Optional, Additional Overview Content Information:*

1. *Program Purpose.* The purpose of this notice is to inform potential applicants that the Office of Policy Development and Research (PD&R) of the Department of Housing and Urban Development is interested in receiving preliminary applications for cooperative agreements for research and activities in support of the Partnership for Advancing Technology in Housing (PATH) program.

PATH is a voluntary partnership in which leaders in the homebuilding, product manufacturing, insurance, and financial industries join forces with representatives of Federal agencies concerned with housing. By working together, PATH partners work to improve the quality and affordability of today's new and existing homes, while strengthening the technology infrastructure of the United States.

PATH is designed to spur change in housing industry design and construction by providing the latest information on innovative building materials, techniques and systems. HUD's objective in issuing this Notice is to spur the advancement of new technology that can serve as models for the building industry and eliminate barriers to acceptance of the new technologies by local authorities and homebuyers.

Previous PATH sponsored efforts have been roadmapping sessions to identify the advances critical to furthering the use of new technologies in the residential homebuilding industry. The initial roadmapping sessions were focused on: Reducing Energy Use in Existing Buildings; Information Technology to Accelerate and Streamline the Homebuilding Process; Advanced Panelized Systems; Manufactured Housing; and Whole House Building Process Redesign. Information on these roadmaps is available on the ToolBase Web sites at *http://www.toolbase.org/roadmaps.*

HUD is looking for applications which encourage developing and adopting innovative housing components and systems, designs, and production methods, collecting and disseminating information on the new technology advances, reducing the amount of time needed to move housing related technologies to the market place, and removing barriers to the acceptance of these new and emerging technologies.

2. *Available Funds.* This Notice announces the availability of up to $3 million dollars in FY 2005 funds.

3. *Estimated Grant Amount and Period of Performance.* Awards are expected to range from $50,000 to $1,000,000, dependent upon the work to be performed. The period of performance is expected to not exceed 24 months in duration. Awards will be made in the form of a Cooperative Agreement.

4. *Eligible Applicants.* Eligible applicants are for-profit, not-for-profit, or non-profit housing industry or industry related organizations (or teams of organizations). PD&R encourages small businesses, minority owned firms, HUB-Zone firms, and other similar organizations to participate in this program. For profit applicants should be aware that HUD will not pay fee or profit for the work conducted under this Notice.

5. *Match.* Proposals funded under this program require a minimum 25 percent match of total project costs.

6. *Number of Applications.* There is no limitation on the number of applications an applicant may submit, but each application must demonstrate the ability to meet the 25 percent matching requirement.

7. Application materials will be available on *http://www.Grants.gov.* Information on the PATH program is available on *http://www.pathnet.org*

Full Text of Announcement

I. Funding Opportunity Description

A. *Program Description.* HUD is soliciting preliminary application proposals to further the objectives of the Partnership for Advancing Technology in Housing (PATH) program. The purpose of the PATH program is to advance technologies that have the potential for improving housing performance. Technology advances may include but are not limited to, use of new materials, components and systems to complete houses, which improve the quality, durability, efficiency and environmental performance, and/or affordability of housing. HUD is also interested in eliminating barriers to the acceptance of these new and emerging technologies by the building industry, State and local governments, homeowners and homebuyers.

1. PATH program goals are:

a. Accelerate the use of new housing technologies (including processes) in the housing industry—this includes conducting basic and applied research, development of housing technology, development of evaluation measures for housing technology, evaluation of technologies on the marketplace, and long term analysis of housing technology;

b. Disseminate new and existing technological information—this includes supporting regulatory acceptance of technologies, dissemination of information on promising but underutilized technologies, demonstrations of underutilized technologies, and provision of a clearinghouse for information on housing technology;

c. Study and establish mechanisms for sustained housing technology development—this includes forecasting of research needs, identification of research, and strategic planning and operations; and

d. Eliminate barriers to the acceptance of new technologies by the housing industry and communities.

2. Priorities for funding under this Notice are efforts which:

a. Conduct cooperative information gathering and dissemination in the U.S. residential construction industry. The work is targeted at improving the quality of and access to advanced technological information for the U.S. residential construction industry in a non-commercial manner by identifying the most reliable sources of technical information, assessing their accuracy and bias, and providing this information

in an accessible and timely manner. This type effort is considered one of PATH's highest levels of preference.

b. Experimental or innovative programs or initiatives to reduce institutional barriers to innovation. This type effort is considered one of PATH's highest levels of preference.

c. Critical research and development efforts that specifically implement the roadmaps (including manufactured housing) through research or demonstration projects that address PATH objectives. This type effort is considered one of PATH's highest levels of preference.

d. Address the subjects of roadmaps but not specific activities identified in the roadmaps. This type effort is considered high preference.

e. Address all other activities that support PATH objectives as defined above. This type effort is considered lower preference.

While PATH does not typically fund basic research through this approach (the National Science Foundation has partnered with PATH to support basic research in housing issues), some projects in the later stages of R&D (applied, development, and commercialization) may be considered under the above criteria. Cooperative Agreements under the PATH program are not intended to serve as primary investment capital and applications that demonstrate varied and extensive sources or amounts of non-Federal funding will be more favorably considered.

B. *Authority.* This program is authorized by the HUD Fiscal Year 2005 Appropriations Act (Pub. L. 108–447; approved December 8, 2004).

II. Award Information

A. *Total Amount of Funding Available.* Up to $3 million dollars in FY 2005 funds is being made available in support of the PATH program.

B. *Amount and Anticipated Number of Awards.* Awards are expected to range from $50,000 to $1,000,000 dependent upon the nature of the proposal submitted to HUD. The period of performance is expected to range from 12 months to 24 months in duration.

C. *Type of Awards.* Awards will be made in the form of a Cooperative Agreement. HUD expects to have substantial involvement in the review and schedules of deliverables, monitoring of budget expenditures and program staff involvement in steering committees, joint filed research, and document reviews and acceptance. HUD will entertain proposals for new and renewal of existing awards which further the objectives of this Notice. No contracts will be awarded under this Notice.

III. Eligibility Information

A. *Eligible Applicants.* Eligible applicants are for profit and non-profit organizations including trade and industry organizations and business, individuals, colleges and universities.

B. *Cost Sharing or Matching.* Proposals funded under this program require a minimum 25 percent match of total project costs. The match can be provided as cash or in-kind contributions. Match provided may not be from Federal funds except for Community Development Block Grant (CDBG) funds. Match or cost sharing is an apportioning of the total of direct and indirect costs for the project between the applicant (or some other non-Federal source) and HUD.

C. *Other.*

1. *Eligible Activities.* Eligible activities are research and related activities which further the PATH effort and which are in keeping with the priorities contained in this Notice.

2. *Mandatory Electronic Application Submission via Grants.gov.* Beginning in FY 2005, HUD is mandating electronic application submission using the federal government portal *http://www.Grants.gov.* Electronic application submissions require the inclusion of a DUNS number and registration with Grants.gov, the Central Contractor Registry and a Credential Provider, in order for HUD to accept your authenticated electronic signature. Individuals are exempt from the DUNS requirement, however they should contact Grants.gov Support to discuss how they register and submit their application electronically. The Grants.gov support phone number is 800–518–GRANTS or you can email the support desk at the following address: *Support@grants.gov.* For further information on electronic application submission, you can go to *http://www.grants.gov/GetStarted* and follow the directions or you can review the detailed instructions contained in the General Section of the 2005 SuperNOFA, published March 21, 2005 (70 FR 13576). The General Section is available on HUD's Web site at *http://www.hud.gov/utilities/intercept.cfm?/offices/adm/grants/nofa05/gensec.pdf.*

3. *Threshold Criteria.*

a. *Accounting System Review.* HUD will not award funds to an individual or organization that does not have an accounting system that meets Federal requirements. If an organization has never received federal funding, HUD may conduct an accounting system review prior to awarding any funding. If the review finds deficiencies, HUD may request that the applicant obtain the services of an organization to maintain and account for program funds or elect not to fund the proposal.

b. *DUNS Number Requirement.* Applicants (other than individual applicants) must have a Data Universal Numbering System Number (DUNS). Failure to include a DUNS number will be considered a technical deficiency. Applicants submitting an application via the federal government portal will need a DUNS number to submit their application electronically. Individual applicants are exempt from this requirement as discussed in paragraph III.C.2 above.

c. *Delinquent Federal Debt.* Consistent with the purpose and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), no award of federal funds will be made to an applicant that has an outstanding or delinquent federal debt unless: (1) The delinquent account is paid in full, (2) a negotiated repayment schedule is established and the repayment schedule is not delinquent, or (3) other arrangements satisfactory to HUD are made prior to the pre-application submission date.

d. *Compliance With Fair Housing and Civil Rights Laws.* For Threshold requirements pertaining to compliance with fair housing and civil rights laws, please see the General Section of the 2005 SuperNOFA, published March 21, 2005 (70 FR 13576).

IV. Application and Submission Information

A. *Address to Request an Application Package.* Copies of this Notice and application forms may be downloaded from the grants.gov Web site at *http://www.grants.gov/FIND.* On that site you can choose from links provided under the topic ''Search Grant Opportunities,'' which allows you to do a basic search or to browse by category or agency. If you have difficulty accessing the information, you may receive customer support from Grants.gov by calling its help line at (800) 518–GRANTS or sending an e-mail to *support@grants.gov.* The operators will assist you in accessing the information. If you do not have Internet access and you need to obtain a copy of this Notice, you can contact HUD's NOFA Information Center toll-free at (800) HUD–8929. Persons with hearing or speech impairments may also call toll-free at (800) HUD–2209.

The published **Federal Register** document is the official document that HUD uses to solicit applications. Therefore, if there is a discrepancy

between any materials published by HUD in its **Federal Register** publications and other information provided in paper copy, electronic copy, or at *http://www.grants.gov,* the **Federal Register** publication prevails. Please be sure to review your application submission against the requirements in the **Federal Register** file of the program Notice. The instructions incorporated into the application found on Grants.gov/Apply contain the PDF files of the **Federal Register** publication. By accessing the information from the Internet at *Grants.gov* you will not have to wait for copies of the NOPIs/NOFAs or forms to begin to prepare your application for funding.

B. Content and Form of Application Submission. Applications submissions under this Notice will be done in a two-step process. Applicants are invited to submit a preliminary application for funding consideration. If the preliminary application is deemed worthy of further consideration, the applicant will be requested to submit a full application for funding consideration. Required forms can be found in the General Section of the 2005 SuperNOFA, published March 21, 2005 (70 FR 13576).

Preliminary proposals should be brief (1–3 pages) and should include the following information:

1. SF 424, Application for Federal Financial Assistance. Mark the application submission type in Box 1 as Preapplication, non Construction;

2. A description of your proposal which includes:

a. The title;

b. The specific objectives of the research you will be conducting if you receive funding;

c. The problems/issues being addressed;

d. The relationship of the research to the PATH goals and research priorities contained in this Notice;

e. The methodology to be employed in conducting the research;

f. A statement why the applicant is a unique source from which the work may be obtained (not just a well-qualified, or even best qualified source) or the content and nature of the proposal is the private, sole possession of the applicant, or is of a direct and immediate value to the Government, and cannot be obtained from alternative, nonexclusive sources;

g. The products to be prepared (deliverables, research reports, *etc.*);

h. The anticipated period of performance needed to conduct the research;

i. A summary budget that includes estimates of salary, fringe benefits, supplies, equipment and other relevant budget categories. The budget must also identify costs to be allocated from HUD funds and the matching share to be provided by the applicant in fulfillment of the 25% match requirement. Applicants may use form HUD 424 CB to provide their budget proposal.

j. Proposals indicating the acquisition of equipment (defined as a durable item that costs more than $5,000) will need to discuss the need for such equipment and alternatives to the acquisition. In such instances, applicants should discuss why leasing is not a viable alternative. No other information should be provided with the application.

k. Facsimile Transmittal Cover Page (HUD 96011). This form must be used as part of the electronic application *only* if you intend to transmit third party documents and other information as described in the General Section of the FY 2005 SuperNOFA as part of your electronic application submittal. Applicants are advised to download the application package, complete the SF 424 first and by doing so it will pre-populate the Transmittal Cover page. The Transmittal Cover page will contain a unique identifier embedded in the page that will help HUD associate your faxed materials to your application. Please download the cover page and then make multiple copies to provide to any of the entities responsible for submitting faxed materials to HUD on your behalf.

No other information should be provided with the application.

C. *Submission Dates and Times.* Preliminary applications may be submitted any time following publication of this Notice, but no later than July 22, 2005. Applications must meet the timely submission requirements of this Notice. Applications received after the 60 days period will be deemed late and will not be considered under this Notice.

D. *Intergovernmental Review.* This program is not subject to Intergovernmental Review under Executive Order 12372.

E. *Funding Restrictions.*

1. HUD is not responsible for costs incurred in the preparation of summary proposals or full proposals should the applicant be requested to submit one.

2. Fee or profit will not be paid for work done under this Notice.

3. Proposals indicating the acquisition of equipment (defined as a durable item that costs more than $5,000) will need prior approval of HUD for such expenses.

4. HUD will not fund the following types of proposals:

a. Proposals for operating funds, working capital, plant information technology, or other investment, including construction.

b. Proposals that solely or principally relate to or benefit a particularly individual, local group, or community (*i.e.*, proposals that do not have a primary expectation of national application or replication of results).

c. Demonstration proposals that would require major statutory changes in order for the results to be applied.

d. Proposals for support of the development of consumer, business, or proprietary products, systems, or concepts that are later to be offered for sale at a profit. (In special instances, unmet needs of high national priority—*e.g.*, energy-conservation systems for housing—may be funded, but only on a solicited, competitive, public Request for Proposals basis).

e. Proposals that duplicate or overlap current or previous work.

f. Proposals that do not meet Federal criteria for award of sole-source, non-competitive contracts. Awards may not be made in response to an Unsolicited Proposal unless the offerer is the unique source from which the work may be obtained (not just a well-qualified, or even best-qualified, source), or the content and nature of the proposal is the private, sole possession of the offerer, is of direct and immediate value to the Government, and cannot be obtained from alternative, nonexclusive sources. HUD may conduct market research to verify claims of unique sources.

g. Proposals that require a disproportionate share of HUD's research funds.

h. Proposals that do not provide for significant cost sharing by the offerer.

i. Proposals that are of generally the same subject matter as a current PD&R competitive Request for Proposals (RFP) or an invitation for assistance agreement (grant or cooperative agreement) applications. The period of ineligibility will generally be from the date of the first solicitation notice in FedBizOpps or the **Federal Register** until ninety (90) calendar days after competitive selection and award.

F. *Other Submission Requirements.*

1. *Application Submission and Receipt Procedure.* Applications must be submitted via the Grants.gov Web site at *http://www.grants.gov/Apply* by not later than the established submission date. Please read the General Section of the SuperNOFA, published March 21, 2005 (70 FR 13576) carefully and completely for further submission and receipt procedures for all applications because failure to comply may disqualify your application.

2. *Waiver of Electronic Application Submission.* HUD regulations at 24 CFR 5.110 permit waivers of regulatory requirements to be granted for cause. If you are unable to submit your application electronically, you may request a waiver from this requirement. Your waiver request must be in writing and state the basis for the request and explain why electronic submission is not possible. The basis for waivers for cause may include but are not limited to (1) lack of available Internet access in the geographic location in which the applicant's business office is located or, (2) physical disability of the applicant that prevents the applicant from accessing or responding to the application electronically.

The waiver request should also include an email or name and mailing address where responses can be directed. You must submit your waiver request to the Assistant Secretary for Policy Development and Research, Attention: Mr. Patrick Tewey, Director of Budget, Contracts and Program Control, Office of Policy Development and Research, 451 Seventh Street, SW., (Room 8230), Washington, DC 20410. Waiver requests will be accepted beginning on the date of publication of this Notice and no later than 30 days prior to the application submission date. HUD will not consider a waiver request that does not conform to the above requirement.

To avoid a delay in the process, waiver requests should be sent by United States Postal Service Express Mail. You, the applicant, should retain a receipt for the mailing showing the date submitted to the United States Postal Service (USPS). HUD will acknowledge receipt of the waiver request by e-mail, if an email address is provided, or by United States Postal Service Express Mail or other available means. HUD will not make determinations or respond to waiver requests via the telephone. Each waiver request will be reviewed and a determination made. HUD will inform the applicant, whether or not the waiver has been granted. In the event a waiver is granted, the submission date for mailed applications will be the same as the electronic application submission receipt date. Applicants receiving a waiver will be expected to follow the submission instructions immediately following. Requests for waivers submitted to the USPS by the established waiver submission date and received by HUD no later than 15 days after the established waiver submission date (30 day prior to the application submission date) will be considered. If the USPS does not have a receipt with a digital time stamp, HUD will accept a receipt showing USPS Form 3817, Certificate of Mailing with a dated postmark. The proof of submission receipt provided by the Postal Service must show USPS receipt no later than the established waiver submission deadline. Faxed requests for waivers will not be considered.

3. *Submission Instructions for Applicants Receiving a Waiver of Electronic Submission.* Applicants receiving a waiver of the electronic submission requirements must submit an original and 2 copies of their application using the United States Postal Service to: Attention: Mr. Patrick Tewey, Director of Budget, Contracts and Program Control, Office of Policy Development and Research, 451 Seventh Street, SW. (Room 8230), Washington, DC 20410. Beginning in FY 2005, HUD will no longer accept hand deliveries of applications. Applicants who receive a waiver and are therefore allowed to submit paper applications must submit them via the United States Postal Service using either Express Mail or regular mailing services.

4. *Timely Receipt Requirements and Proof of Timely Submission.*

a. *Electronic Submission.* All applications must be received by Grants.gov by 11:59:59 p.m. Eastern Time on the application submission date stated in this Notice. Grants.gov automatically records proof of timely submission. An electronic time stamp is generated within the Grants.gov system when the application has been successfully received. The applicant will receive an acknowledgement of receipt and a tracking number from Grants.gov with the successful transmission of its application. Applicants should print this receipt and save it, along with facsimile receipts for information provided by facsimile, as proof of timely submission. When HUD successfully retrieves the application from Grants.gov, you will be provided an electronic acknowledgment of receipt to the email address provided on the SF–424. Your time of submission will be the date and time that Grants.gov receives your application submittal and the date HUD receives those portions of your application submitted by facsimile. If you are including attachments to your application that are being submitted by facsimile, all facsimile transmissions must be received by the application submission date and time.

Applications received by Grants.gov after the established submission deadline for the program will be considered late and will not be considered for funding by HUD. Similarly, applications will be considered late if information submitted by facsimile as part of the application has not received by HUD by the established submission deadline. Please take into account the transmission time required for submitting your application via the Internet and the time required to fax any related documents. HUD suggests that applicants submit their applications during the operating hours of the Grants.gov Support Desk so that if there are questions concerning transmission, operators will be available to assist you through the process. Submitting your application during the Support Desk hours will also ensure that you have sufficient time for the application to complete its transmission prior to the application deadline.

Applicants using dial-up connections should be aware that transmission takes extra time before Grants.gov receives it. Grants.gov will provide either an error or a successfully received transmission message. The Grants.gov Support Desk reports that some applicants abort the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application. Uploading and transmitting a large file, particularly electronic forms with associated eXtensible mark-up language (XML) schema, will take considerable time to process and be received by Grants.gov.

b. *Applications Receiving Waivers To Submit a Paper Copy Application.* Applicants granted a waiver to the electronic submission requirement must use the United States Postal Service (USPS) to submit their applications to HUD. Applicants must take their application to a post office to get a receipt of mailing that provides the date and time the package was submitted to the USPS. USPS rules now require that large packages must be brought to a postal facility for mailing. In many areas, the USPS has made a practice of returning to the sender, large packages that have been dropped in a mail collection box. Paper copy applications submitted to the USPS by the submission date and time and received by HUD no later than 15 days after the established submission date will receive funding consideration. If the USPS does not have a receipt with a digital time stamp, HUD will accept a receipt showing USPS Form 3817, Certificate of Mailing with a dated postmark. The proof of submission receipt provided by the Postal Service must show receipt no later than the application submission deadline. Applicants whose applications are determined to be late, who cannot furnish HUD with a receipt from the USPS that verifies the package

was submitted to the USPS prior to the submission due date and time will not receive funding consideration. Applicants may use any type of mail service provided by the USPS to have their application package delivered to HUD in time to meet the submission requirements.

c. *Late Applications, Whether Received Electronically or in Hard Copy, Will Not Receive Funding Consideration.* HUD will not be responsible for directing or forwarding applications to the appropriate location. Applicants should pay close attention to these submission and timely receipt instructions, as they can make a difference in whether HUD will accept your application for funding consideration.

d. *HUD Will Not Accept Fax Transmissions From Applicants Who Receive a Waiver To Submit a Paper Copy Application.* Paper applications must be complete and submitted in their entirety, via the USPS. Applicants need to pay attention to providing the required number of copies to the appropriate HUD office(s).

V. Application Review Information

A. Criteria

1. *Threshold Review.* Applications will be reviewed for conformance with the goals and objectives of the PATH program and this Notice. Proposals will be returned without further review if they do not provide for cost sharing, include the unique source statement, address PATH objectives or preferences, or provide a proposed budget.

2. *Substantive Review.* Applications passing threshold review will undergo a substantive review. HUD will review the application against the following criteria:

a. *Research Areas To Be Addressed.* The degree to which the submission most closely aligns with and will have the greatest impact in meeting PATH goals and objectives including the preferences for the types of research to be conducted contained in this Notice, PATH technical roadmaps, and other key PATH program elements. Projects which address the following issues will receive preference in the following order:

(1) Highest Preference:

(a) Conduct Cooperative information gathering and dissemination in the U.S. residential construction industry. The work is targeted at improving the quality of, and access to, advanced technological information for the U.S. residential construction industry in a non commercial manner by identifying the most reliable sources of technical information, assessing their accuracy and bias, and providing this information in an accessible and timely manner.

(b) Experimental or innovative programs or initiatives to reduce institutional barriers to innovation.

(c) Critical research and development efforts, which specifically implement the roadmaps (including manufactured housing) through research or demonstration projects that address PATH objectives.

(2) High Preference: Address the subjects of roadmaps but not specific activities identified in the roadmap.

(3) Lower Preference: Address all other activities that support PATH objectives not defined above.

b. *Other Considerations.*

(1) While PATH does not typically fund basic research through this approach (the National Science Foundation has partnered with PATH to support basic research in housing issues), some projects in the later stages of R&D (applied, development, and commercialization) may be considered under the above criteria.

(2) Cooperative Agreements under the PATH program are not intended to serve as primary investment capital and applications that demonstrate varied and extensive sources or amounts of non-Federal funding will be more favorably considered.

3. *Other Review Criteria.* In addition to the subject matter preferences stated above, HUD will review applications against the following additional criteria:

a. *Capacity of the Applicant and Relevant Staff:* The proposal's description of the applicant's capacity (both managerial and technical) will be evaluated. This evaluation will serve to validate the likelihood the applicant will be able to successfully provide the management and technical staff necessary to complete the work. The assessment of capacity will include the applicant proposing the effort as well as the applicant's partners. With regard to the technical capacity, the capabilities of the applicant and the applicant's partners will be considered.

b. *Need/Extent of the Problem:* The proposal will be evaluated on how the problem or issue to be addressed affects the residential construction industry. Project proposals that address issues relevant to a specific, proprietary segment of the housing industry or a specific geographic location will not be considered as favorably as those which are non-proprietary and focus on addressing housing issues nationwide. Applicants are urged to review the past PATH and HUD research (which is available from *http://www.huduser.org/*) to ensure their proposals have incorporated the results of past research completed by HUD and PATH.

c. *Soundness of Approach:* The application will be assessed with regard to the soundness of the research strategy with respect to both the technical and management approach. Applications should provide the necessary detail in describing the research strategy and plan for the execution of the work to allow both understanding and assessment of the proposal.

d. *Leveraging Resources:* Applications require a minimum match of 25% of the Federal share. Applications that can demonstrate a higher level of match will receive greater consideration.

Proposals for the PATH program will be evaluated with equal weight being given to Capacity of the Applicant and Relevant Staff; Need/Extent of the Problem; and Soundness of Approach. The factor, Leveraging Resources, will be evaluated but will be a lesser component of the overall assessment.

B. *Reviews and Selection Process.* The proposals will be reviewed to assess how they comply with and advance PATH program goals of advancing the diffusion of technology, affordability, durability, energy efficiency, and disaster resistance. Proposals will also be evaluated from a technical basis with regard to the potential for successful completion of the proposed effort. Staff of the Affordable Housing Research and Technology Division will be responsible for evaluation of the proposals against the merit criteria. Preliminary applications will be reviewed against the criteria and a determination shall be made whether the application has sufficient merit to warrant HUD requesting the applicant to submit a full proposal. Full proposals shall use the same criteria as described in this Notice to determine their acceptability for funding. Final award selections will be made by the Office of the Assistant Secretary for Policy Development at HUD.

Evaluation panels will consist of two or three HUD researchers selected for their knowledge of the subject area and PATH program. Reviewers will evaluate summary and (if requested) full proposals independently and then will establish a consensus evaluation. This evaluation will include consideration of the effort's technical merit, the feasibility, relationship with PATH goals, and the available funding. Reviewers will be selected based on their availability, experience with the subject material, and understanding of the PATH program goals.

C. *Anticipated Announcement and Award Dates.* It is anticipated that selection of proposals for full

application submissions will begin within 30 days of receipt of a preliminary application. Applicants will be notified in writing whether their proposal was selected for full application submission or not. The notification to selected applicants will provide detailed instructions for submission of the full proposal and the date by which the full proposal must be received by HUD. Receipt of an invitation to submit a more detailed full application does not imply that an award of a cooperative agreement for the proposed work is expected. The invitation is only an indication that the Preapplication is of sufficient merit to have passed preliminary review and to justify preparation of a full application submission.

HUD anticipates that awards can be provided within 120 days following full application submission by applicants selected to submit full applications. Unsuccessful applicants will be notified within 60 days of submission of their preliminary or full submission.

VI. Award Administration Information

A. *Award Notices.* Successful applicants will be notified by HUD and asked to meet with HUD to finalize the award of the Cooperative Agreement and also to begin the final refinement of the research strategy. If necessary, negotiations with applicants will occur following award selection but before award. If these negotiations do not result in agreement between HUD and the potential awardee, the award process will not be completed. Following successful negotiations, the executed Cooperative Agreement award document signed by both HUD and the applicant is the authorization document and will govern the work to be performed.

B. *Administrative and National Policy Requirements.*

1. The terms and conditions for the PATH Cooperative Agreements will be posted with other information on the PATH Web site at *http://www.pathnet.org/.* Successful applicants will be expected to comply with OMB circular requirements and the Terms and Conditions of the Award Agreement.

2. *Procurement of Recovered Materials.* For requirements pertaining to purchase of recovered materials by applicants that are state agencies or agencies of a political subdivision of a state, please see the General Section of the 2005 SuperNOFA, published March 21, 2005 (70 FR 13576).

C. *Reporting.* Following award, grantees will be required to submit quarterly and annual reports which describe the progress of the effort. The report format is available at *http://www.huduser.org/.* Periodic reports may be submitted in hard copy or electronically as determined by HUD. Applicants will also be required to submit a final report which summarizes the entire work and achievements conducted under award. This report will address the specific outcomes described in the applicant's proposal, the cooperative agreement award, achievement of project goals and metrics, and the management plan.

VII. Agency Contact(s)

Please submit any technical questions to: Mr. Dana Bres, P.E., Affordable Housing Research and Technology Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–4370, ext. 5919, e-mail *dana_b._bres@hud.gov.*

Administrative questions should be directed to Mr. Patrick Tewey, Director, Budget, Contracts, and Program Control Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–1796, ext. 4098, e-mail *Patrick_j._tewey@hud.gov.* (These numbers are not toll-free.) For hearing- and speech-impaired persons, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339.

Technical questions regarding accessing or applying on line via Grants.gov should be directed to Grants.gov Support at 800–518–GRANTS. The support staff are also available by email at the following address: *Support@Grants.gov.* Grants.gov support is available from 7 a.m. to 9 p.m., eastern time, Monday–Friday, except Federal holidays.

VIII. Other Information

A. *Related Activities.* Efforts which may relate to this announcement include contract efforts to conduct field evaluations of PATH technologies, ongoing contract efforts to further develop the PATH concept house, and PATH marketing and outreach efforts performed by contract. If applicants are interested in such activities, they should review the HUD Procurement Forecast published by the HUD Office of Procurement and Contracts. Information on the PATH program is available on the Web at *http://www.pathnet.org/* and *http://www.toolbase.org/.*

B. *Proprietary Information.* Because it is the intent of the PATH program to accelerate the use of technologies in the residential construction, any information or research results that the applicant proposes will remain proprietary must be discussed in its application. As the diffusion of technologies relies on the exchange of information, such requests for retention of proprietary information would be considered in the review process.

C. *Other Matters.* Please be advised that applicants should not begin work or incur expenses that they anticipate would be part of a proposed cooperative agreement until they have a fully executed agreement. Only the PD&R grants officer can obligate the Government through this process. Although PATH expects to award cooperative agreements under this announcement, it is possible that awards will be made at levels less than discussed above or for total amounts less than those discussed above.

D. *Paperwork Reduction Act Statement.* The information collection requirements contained in this document has been submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and OMB approval is pending. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 78 hours per annum per respondent for the application and grant administration (13 hours for the preparation of a preliminary proposal, 39 hours for the preparation of a full proposal, and 26 hours to complete the cooperative agreement). This includes time for collecting, reviewing, and reporting the data for the application. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required to receive the benefits to be derived.

E. *Environmental Review.* This Notice does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this Notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: May 16, 2005.

Harold L. Bunce,

Deputy Assistant Secretary for Economic Affairs.

[FR Doc. E5–2564 Filed 5–20–05; 8:45 am]

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Federal Register

Monday,
May 23, 2005

Part III

The President

Proclamation 7903—National Safe Boating Week, 2005

Proclamation 7904—National Maritime Day, 2005

Federal Register
Vol. 70, No. 98
Monday, May 23, 2005

Presidential Documents

Title 3—

The President

Proclamation 7903 of May 19, 2005

National Safe Boating Week, 2005

By the President of the United States of America

A Proclamation

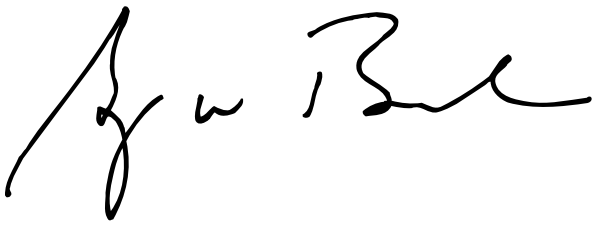
Recreational boating has grown into one of our Nation's most popular pastimes, and as the summer approaches, millions of Americans will enjoy our country's beautiful waters. During National Safe Boating Week, we highlight our Nation's commitment to making recreational boating safer.

The number of boating fatalities has decreased over the last decade. By promoting the use of appropriate safety measures, we can save more lives and further reduce the number of injuries caused by boating accidents. The U.S. Coast Guard and others recommend four guidelines for safe boating: wear properly fitted life jackets; get vessels checked for safety; never boat under the influence of alcohol or drugs; and get proper training about the safe operation of boats. By adhering to these simple suggestions, boaters can keep themselves and others safe as they enjoy our Nation's waterways.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period prior to Memorial Day weekend as ''National Safe Boating Week.''

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim May 21 through May 27, 2005, as National Safe Boating Week. I encourage the Governors of the 50 States and the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States, to join in observing this week. I also urge all Americans to learn more about safe boating practices, wear life jackets, take advantage of boating safety programs throughout the year, and always engage in proper and responsible conduct while on the water.

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



[FR Doc. 05–10406
Filed 5–20–05; 11:04 am]
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Presidential Documents

Proclamation 7904 of May 19, 2005

National Maritime Day, 2005

By the President of the United States of America

A Proclamation

America's merchant mariners make our Nation more secure and our economy stronger. Throughout our history, they have promoted commerce and protected our freedom. On National Maritime Day, we honor the dedicated service of the United States Merchant Marine.

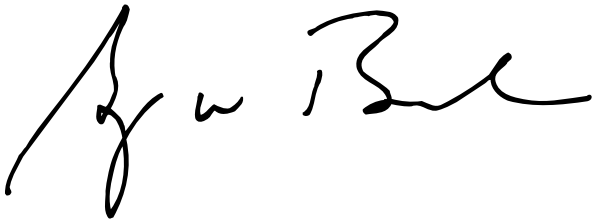
Each year, the men and women of the U.S. maritime transportation system move more than 2 billion tons of cargo along our waterways and across the open seas. Many of the raw materials Americans purchase are transported by merchant vessels, and merchant mariners ship agricultural products and finished goods in and out of the United States every day.

Merchant mariners have also served in every conflict in our Nation's history. The U.S. Merchant Marine helps provide our Nation's Armed Forces with crucial supplies and equipment. These brave men and women demonstrate courage, love of country, and devotion to duty, and we especially honor those who have made the ultimate sacrifice in defense of our Nation. The United States is safer and the world is more peaceful because of the work of our merchant mariners, and we are grateful for their service.

In recognition of the importance of the U.S. Merchant Marine, the Congress, by joint resolution approved on May 20, 1933, as amended, has designated May 22 of each year as ''National Maritime Day,'' and has authorized and requested that the President issue an annual proclamation calling for its appropriate observance.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim May 22, 2005, as National Maritime Day. I call upon the people of the United States to celebrate this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

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



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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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HEALTH AND HUMAN SERVICES DEPARTMENT

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LIST OF PUBLIC LAWS

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30–39	(869–052–00093–1)	41.00	Apr. 1, 2004
40–49	(869–052–00094–9)	28.00	Apr. 1, 2004
50–299	(869–052–00095–7)	41.00	Apr. 1, 2004

Title	Stock Number	Price	Revision Date
300–499	(869–052–00096–5)	61.00	Apr. 1, 2004
500–599	(869–056–00098–7)	12.00	[5]Apr. 1, 2005
600–End	(869–052–00098–1)	17.00	Apr. 1, 2004
27 Parts:			
1–199	(869–052–00099–0)	64.00	Apr. 1, 2004
200–End	(869–052–00100–7)	21.00	Apr. 1, 2004
28 Parts:			
0–42	(869–052–00101–5)	61.00	July 1, 2004
43–End	(869–052–00102–3)	60.00	July 1, 2004
29 Parts:			
0–99	(869–052–00103–1)	50.00	July 1, 2004
100–499	(869–052–00104–0)	23.00	July 1, 2004
500–899	(869–052–00105–8)	61.00	July 1, 2004
900–1899	(869–052–00106–6)	36.00	July 1, 2004
1900–1910 (§§ 1900 to 1910.999)	(869–052–00107–4)	61.00	July 1, 2004
1910 (§§ 1910.1000 to end)	(869–052–00108–2)	46.00	[8]July 1, 2004
1911–1925	(869–052–00109–1)	30.00	July 1, 2004
1926	(869–052–00110–4)	50.00	July 1, 2004
1927–End	(869–052–00111–2)	62.00	July 1, 2004
30 Parts:			
1–199	(869–052–00112–1)	57.00	July 1, 2004
200–699	(869–052–00113–9)	50.00	July 1, 2004
700–End	(869–052–00114–7)	58.00	July 1, 2004
31 Parts:			
0–199	(869–052–00115–5)	41.00	July 1, 2004
200–End	(869–052–00116–3)	65.00	July 1, 2004
32 Parts:			
1–39, Vol. I		15.00	[2]July 1, 1984
1–39, Vol. II		19.00	[2]July 1, 1984
1–39, Vol. III		18.00	[2]July 1, 1984
1–190	(869–052–00117–1)	61.00	July 1, 2004
191–399	(869–052–00118–0)	63.00	July 1, 2004
400–629	(869–052–00119–8)	50.00	[8]July 1, 2004
630–699	(869–052–00120–1)	37.00	[7]July 1, 2004
700–799	(869–052–00121–0)	46.00	July 1, 2004
800–End	(869–052–00122–8)	47.00	July 1, 2004
33 Parts:			
1–124	(869–052–00123–6)	57.00	July 1, 2004
125–199	(869–052–00124–4)	61.00	July 1, 2004
200–End	(869–052–00125–2)	57.00	July 1, 2004
34 Parts:			
1–299	(869–052–00126–1)	50.00	July 1, 2004
300–399	(869–052–00127–9)	40.00	July 1, 2004
400–End	(869–052–00128–7)	61.00	July 1, 2004
35	(869–052–00129–5)	10.00	[6]July 1, 2004
36 Parts			
1–199	(869–052–00130–9)	37.00	July 1, 2004
200–299	(869–052–00131–7)	37.00	July 1, 2004
300–End	(869–052–00132–5)	61.00	July 1, 2004
37	(869–052–00133–3)	58.00	July 1, 2004
38 Parts:			
0–17	(869–052–00134–1)	60.00	July 1, 2004
18–End	(869–052–00135–0)	62.00	July 1, 2004
39	(869–052–00136–8)	42.00	July 1, 2004
40 Parts:			
1–49	(869–052–00137–6)	60.00	July 1, 2004
50–51	(869–052–00138–4)	45.00	July 1, 2004
52 (52.01–52.1018)	(869–052–00139–2)	60.00	July 1, 2004
52 (52.1019–End)	(869–052–00140–6)	61.00	July 1, 2004
53–59	(869–052–00141–4)	31.00	July 1, 2004
60 (60.1–End)	(869–052–00142–2)	58.00	July 1, 2004
60 (Apps)	(869–052–00143–1)	57.00	July 1, 2004
61–62	(869–052–00144–9)	45.00	July 1, 2004
63 (63.1–63.599)	(869–052–00145–7)	58.00	July 1, 2004
63 (63.600–63.1199)	(869–052–00146–5)	50.00	July 1, 2004
63 (63.1200–63.1439)	(869–052–00147–3)	50.00	July 1, 2004
63 (63.1440–63.8830)	(869–052–00148–1)	64.00	July 1, 2004
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
3–6	(869–052–00198–8)	34.00	Oct. 1, 2004
7–14	(869–052–00199–6)	56.00	Oct. 1, 2004
15–28	(869–052–00200–3)	47.00	Oct. 1, 2004
29–End	(869–052–00201–1)	47.00	Oct. 1, 2004

Title	Stock Number	Price	Revision Date
49 Parts:			
1–99	(869–052–00202–0)	60.00	Oct. 1, 2004
100–185	(869–052–00203–8)	63.00	Oct. 1, 2004
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
600–999	(869–052–00207–1)	19.00	Oct. 1, 2004
1000–1199	(869–052–00208–9)	28.00	Oct. 1, 2004
1200–End	(869–052–00209–7)	34.00	Oct. 1, 2004
50 Parts:			
1–16	(869–052–00210–1)	11.00	Oct. 1, 2004
17.1–17.95	(869–052–00211–9)	64.00	Oct. 1, 2004
17.96–17.99(h)	(869–052–00212–7)	61.00	Oct. 1, 2004
17.99(i)–end and 17.100–end	(869–052–00213–5)	47.00	Oct. 1, 2004
18–199	(869–052–00214–3)	50.00	Oct. 1, 2004
200–599	(869–052–00215–1)	45.00	Oct. 1, 2004
600–End	(869–052–00216–0)	62.00	Oct. 1, 2004
CFR Index and Findings Aids	(869–052–00049–3)	62.00	Jan. 1, 2004
Complete 2005 CFR set		1,342.00	2005
Microfiche CFR Edition:			
Subscription (mailed as issued)		325.00	2005
Individual copies		4.00	2005
Complete set (one-time mailing)		325.00	2004
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.