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9:00 a.m.–Noon
Tuesday, August 16, 2005
9:00 a.m.–Noon

WHERE: Office of the Federal Register
Conference Room, Suite 700
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Federal Register
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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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 318 and 319

[Docket No. 02–019–2]

Phytosanitary Treatments; Location of Treatment Schedules and Other Requirements; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: We are correcting errors in the amendatory instructions in our final rule that removed the Plant Protection and Quarantine Treatment Manual from the list of materials incorporated by reference and added treatment schedules and related requirements from that document to our phytosanitary treatments regulations. The final rule was effective and published in the **Federal Register** on June 7, 2005 (70 FR 33263–33326, Docket No. 02–019–1).

DATES: Effective July 15, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith C. Jones, Regulatory Coordination Specialist, PPQ, APHIS, 4700 River Road Unit 141, Riverdale, MD 20737–1236; (301) 734–7467.

SUPPLEMENTARY INFORMATION: In a final rule effective and published in the **Federal Register** on June 7, 2005 (70 FR 33263–33326, Docket No. 02–019–1), we amended the plant health regulations by adding to 7 CFR part 305 treatment schedules and related requirements that had appeared in the Plant Protection and Quarantine Treatment Manual and by removing the Plant Protection and Quarantine Treatment Manual from the list of materials is incorporated by reference into the regulations.

In the final rule, it was our intention to amend the regulations by, among other things:

- In § 318.58–4a, redesignating paragraphs (b) through (d) as paragraphs (a) through (c), respectively;
- Revising the newly redesignated paragraph § 318.58–4a(a);
- In § 319.37–6(d)(2), redesignating footnote 9 as footnote 8 and revising the newly redesignated footnote 8;
- Amending § 319.56–2h; and
- In § 319.56–2h(d), removing the words ''the Plant Protection and Quarantine Treatment Manual'' and adding the words ''part 305 of this chapter'' in their place.

However, our amendatory instructions that were intended to accomplish these changes were either absent or erroneous. This document corrects these errors.

■ In FR Doc. 05–9387, published on June 7, 2004 (70 FR 33263–33326), make the following corrections:

§ 318.58–4a [Corrected]

■ 1. On page 33324, in the amendments to 7 CFR part 318, in instruction 34 for § 318.58–4a, instruction b. is corrected to read as follows, and a new instruction d. is added to read as follows:

■ b. By redesignating paragraphs (b) through (d) as paragraphs (a) through (c), respectively.

■ d. By revising newly redesignated paragraph (a) to read as set forth below.

§ 319.37–6 [Corrected]

■ 2. On page 33324, in the third column, in § 319.37–6, footnote number 3 is corrected to read footnote number 8.

§ 319.56–2h [Corrected]

■ 3. On page 33325, in the amendments to 7 CFR part 319, instruction 58 for § 319.56–2h is corrected to read as follows, and in instruction 58, instruction c. is corrected to read as follows:

■ 58. Section 319.56–2h is amended as follows:

■ c. In paragraph (d), by removing the words ''the Plant Protection and Quarantine Treatment Manual'' and adding the words ''part 305 of this chapter'' in their place.

Done in Washington, DC, this 7th day of July, 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05–13853 Filed 7–14–05; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AH72

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®–24P, –52B, –61BT, –32PT, –24PHB, and –24PTH Revision; Withdrawal of Direct Final Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC) is withdrawing a direct final rule that would have revised the NUHOMS®–24P, –52B, –61BT, –32PT, –24PHB, and –24PTH cask system listing within the list of approved spent fuel storage casks to include Amendment No. 8 to the Certificate of Compliance (CoC). The NRC is taking this action because the NRC staff has become aware of changes in the Technical Specifications (TS) associated with this CoC. A notice withdrawing the companion proposed rule is published in the proposed rule section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6219 (e-mail: *jmm2@nrc.gov*).

SUPPLEMENTARY INFORMATION: On May 25, 2005 (70 FR 29931), the NRC published in the **Federal Register** a direct final rule amending its regulations in 10 CFR 72.214 to revise the Standardized NUHOMS® System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 8 to the CoC. Amendment No. 8 modifies the present cask system by adding a new spent fuel storage and transfer system, designated the NUHOMS®–24PTH System. The direct final rule was to become effective on August 8, 2005. The NRC also concurrently published a companion proposed rule on May 25, 2005 (70 FR 30015).

The NRC has become aware of changes in the TS associated with this CoC; therefore, the NRC is withdrawing the direct final rule. The NRC will publish a direct final rule, and its

companion proposed rule, after the needed revisions to the TS are made.

Dated at Rockville, Maryland, this 6th day of July, 2005.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Acting Executive Director for Operations.

[FR Doc. 05–13933 Filed 7–14–05; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. 2005N–0201]

Change of Name and Address; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to reflect a change in the name and address for the Association of Official Analytical Chemists International (AOAC). This action is editorial in nature and is intended to improve the accuracy of the agency's regulations.

DATES: This rule is effective July 15, 2005.

FOR FURTHER INFORMATION CONTACT: Joyce Strong, Office of Policy and Planning (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

SUPPLEMENTARY INFORMATION: This document amends FDA's regulations to reflect the name and address change of AOAC by removing the outdated name and address wherever it appears and by adding the new name and address in its place in 21 CFR parts 2, 10, 101, 102, 106, 114, 130, 131, 133, 135, 136, 137, 139, 145, 146, 150, 155, 156, 160, 161, 163, 164, 166, 168, 169, 172, 173, 176, 177, 178, 184, 189, 211, 226, 520, and 573.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure are unnecessary because FDA is merely correcting nonsubstantive errors.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR chapter I is amended as follows:

Chapter I [Nomenclature changes]

■ 1. Parts 2, 101, 102, 106, 114, 130, 131, 133, 135, 136, 137, 139, 145, 146, 150, 155, 156, 160, 161, 163, 164, 166, 168, 169, 172, 173, 176, 177, 178, 184, 189, 211, 226, 520, and 573 are amended by removing the text set forth below wherever it appears and adding new text in its place as follows:

■ A. Remove:

''Association of Official Analytical Chemists International, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877–2504'', or

''Association of Official Analytical Chemists International, 481 North Frederic Ave., suite 500, Gaithersburg, MD 20877–2504'', or

''Association of Official Analytical Chemists International, 481 North Frederick Ave., suite 500, Gaithersbuerg, MD 20877–2504'', or

''Association of Official Analytical Chemists International, 481 North Frederick Ave., Suite 500, Gaithersburg, MD 20877–2504'', or

''Association of Official Analytical Chemists International, 481 North Frederick Ave, suite 500, Gaithersburg, MD 20877–2504'', or

''AOAC INTERNATIONAL, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877–2504'', or

''Association of Official Analytical Chemists, 2200 Wilson Blvd., Suite 400, Arlington, VA 22201–3301'', or

''Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044''.

■ B. Add:

''Association of Official Analytical Chemists International, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877''.

PARTS 2, 10, 101, and 211 [AMENDED]

■ 2. In addition to the amendments set forth in the previous paragraph, in 21 CFR parts 2, 10, 101, and 211 add the word ''International'' after the words ''Association of Official Analytical Chemists'' in the following places:

a. Section 2.19 where it appears in the first sentence, after the words ''to utilize the methods of analysis of the'';

b. Section 10.95(d)(8)(v);

c. Section 101.70(f);

d. Section 101.81(c)(2)(ii)(B)(*2*) in the first sentence;

e. Appendix A to part 101; and

f. Section 211.194(a)(2) in the third sentence.

Dated: July 8, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–13898 Filed 7–14–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Lincomycin and Spectinomycin Soluble Powder

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 an abbreviated new animal drug application (ANADA) filed by Cross Vetpharm Group Ltd. The ANADA provides for the oral use of lincomycin and spectinomycin soluble powder to create a solution administered in the drinking water of chickens as an aid in the control of airsacculitis.

DATES: This rule is effective July 15, 2005.

FOR FURTHER INFORMATION CONTACT: Daniel A. Benz, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0223, e-mail: *daniel.benz@fda.gov*.

SUPPLEMENTARY INFORMATION: Cross Vetpharm Group Ltd., Broomhill Rd., Tallaght, Dublin 24, Ireland, filed ANADA 200–380 that provides for use of SPECLINX–50 (spectinomycin dihydrochloride pentahydrate and lincomycin hydrochloride monohydrate) Water Soluble Powder to create a solution administered in the drinking water of chickens. This solution acts as an aid in the control of airsacculitis caused by either *Mycoplasma synoviae* or *M. gallisepticum* susceptible to lincomycin-spectinomycin and complicated chronic respiratory disease (air sac infection) caused by *Escherichia coli* and *M. gallisepticum* susceptible to lincomycin-spectinomycin. Cross Vetpharm Group Ltd.'s SPECLINX–50, Water Soluble Powder is approved as a generic copy of Pharmacia & Upjohn Co.'s L-S 50 Water Soluble Powder, approved under NADA 046–109. The ANADA is approved as of June 7, 2005, and the regulations are amended in 21 CFR 520.1265 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.

The agency has determined under 21 CFR 25.33(a)(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.

§ 520.1265 [Amended]

■ 2. Section 520.1265 is amended in paragraph (b)(2) by removing ''No. 059130'' and by adding in its place ''Nos. 059130 and 061623''.

Dated: July 1, 2005.

Catherine P. Beck,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 05–13975 Filed 7–14–05; 8:45 am]

BILLING CODE 4160–01–S

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in August 2005. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: Effective August 1, 2005.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022).

Accordingly, this amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during August 2005, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during August 2005, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during August 2005.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 3.40 percent for the first 20 years following the valuation date and 4.75 percent thereafter. These interest assumptions represent a decrease (from those in effect for July 2005) of 0.20 percent for the first 20 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 2.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for July 2005) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during August 2005, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 142, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
142	8–1–05	9–1–05	2.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 142, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
142	8–1–05	9–1–05	2.25	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
August 2005	.0340	1–20	.0475	>20	N/A	N/A

Issued in Washington, DC, on this 7th day of July, 2005.

Vincent K. Snowbarger,

Deputy Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 05–13906 Filed 7–14–05; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–05–073]

RIN 1625–AA08

Special Local Regulations for Marine Events; Manasquan River, Manasquan Inlet and Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for the ''Point Pleasant OPA/NJ Offshore Grand Prix'', a marine event to be held on the waters of the Manasquan River, Manasquan Inlet and Atlantic Ocean between Point Pleasant Beach and Bay Head, New Jersey. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the regulated area during the event.

DATES: This rule is effective from 9:30 a.m. on August 12, 2005 to 3:30 p.m. on August 13, 2005.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket CGD05–05–073 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer George Kirk, Marine Events Coordinator, Commander, Coast Guard Sector Delaware Bay, at (609) 677–2215.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be contrary to public interest. The event will begin on August 12, 2005. Because of the danger posed by high-speed powerboats racing in a closed circuit, special local regulations are necessary to provide for the safety of event participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of the event participants, spectator craft and other vessels transiting the regulated area. However, advance notifications will be made to affected users of the river via marine information broadcasts and area newspapers.

Background and Purpose

On August 12, 2005, the Offshore Performance Association and the New Jersey Offshore Racing Association will sponsor the ''Point Pleasant OPA/NJ Offshore Grand Prix''. The event will consist of approximately 40 offshore powerboats racing in heats counter-clockwise around an oval racecourse on the waters of the Atlantic Ocean. A fleet of spectator vessels is expected to gather in the Atlantic Ocean near the event site to view the competition. To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the races.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Manasquan River, Manasquan Inlet and the Atlantic Ocean. The temporary special local regulations will be enforced from 9:30 a.m. until 3:30 p.m. on August 12, 2005. If the races are postponed due to weather, then the temporary special local regulations will be enforced during the same time period the next day. The effect of the temporary special local regulations will be to restrict general navigation in the regulated area during the races. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. Non-participating vessels will be allowed to transit the regulated area between races, when the Coast Guard Patrol Commander determines it is safe to do so. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

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

We expect the economic impact of this temporary final rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

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

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the Manasquan River, Manasquan Inlet or Atlantic Ocean during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a short period. The Patrol Commander will allow non-participating vessels to transit the event area between races. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the

aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections. Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add a temporary § 100.35–T05–073 to read as follows:

§ 100.35–T05–073 Manasquan River, Manasquan Inlet and Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ.

(a) *Regulated area.* The regulated area is established for the waters of the Manasquan River from the New York and Long Branch Railroad to Manasquan Inlet, together with all waters of the Atlantic Ocean bounded by a line drawn from the end of the South Manasquan Inlet Jetty, easterly to Manasquan Inlet Lighted Buoy ''2M'', then southerly to a position at latitude 40°04′26″ N, longitude 074°01′ 30″ W, thence westerly to the shoreline. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Delaware Bay.

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

(3) *Sponsor* means an officer or agent of Offshore Performance Association, P.O. Box H385, Brick, NJ 08723.

(c) *Special local regulations:* (1) No person or vessel may enter or remain in the regulated area unless participating in the event or authorized by the Official Patrol. The Patrol Commander may intermittently authorize general navigation to pass through the regulated area. Notice of these opportunities will be given via marine safety radio broadcast on VHF–FM marine band radio, channel 22 (157.1 MHz).

(2) All persons or vessels not registered with the sponsor as participants or not part of the Official Patrol are considered spectators.

(3) The spectator fleet shall be held in a spectator anchorage area north of the regulated area, which shall be marked by sponsor provided patrol vessels flying pennants to aid in their identification.

(4) No vessel shall proceed at a speed greater than six (6) knots while in Manasquan Inlet during the effective period.

(5) All persons and vessels shall comply with the instructions of the Official Patrol. The operator of a vessel in the regulated area shall stop the vessel immediately when instructed to do so by the Official Patrol and then proceed as directed.

(d) *Enforcement period.* This section will be enforced from 9:30 a.m. to 3:30 p.m. on August 12, 2005. If the race is postponed due to weather, then the temporary special local regulations will be enforced during the same time period the next day.

Dated: June 26, 2005.

Sally Brice-O'Hara,

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

[FR Doc. 05–13962 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 110 and 165

[CGD05–04–035]

RIN 1625–AA00 and 1625–AA01

Anchorage Grounds and Safety Zone; Delaware River

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has established a permanent safety zone and modified certain anchorages in the area of the Marcus Hook Range when the U.S. Army Corps of Engineers (USACE) conducts its annual dredging operations. Annual dredging is necessary to maintain congressionally authorized channel depths. The safety zone and anchorage modifications are necessary to ensure safe vessel transits during the dredging operations. These regulations will alter the route of vessels transiting the channel and requirements for those vessels wishing to anchor during the dredging operations.

DATES: This rule is effective August 15, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–04–035 and are available for inspection or copying at Coast Guard Marine Safety Office Philadelphia, One Washington Avenue, Philadelphia, Pennsylvania, 19147 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Jill Bessetti or Ensign Otis Barrett, Coast Guard Marine Safety Office/Group Philadelphia, at (215) 271–4889.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On December 15, 2004, we published a notice of proposed rulemaking (NPRM) entitled ''Anchorage Grounds and Safety Zone; Delaware River'' in the **Federal Register** (69 FR 240). We received one letter commenting on the proposed rule in reference to the recent oil spill. Dredging did not occur in 2004, and the comment was unrelated to the actions of this final rule. No public meeting was requested, and none was held.

Background and Purpose

USACE conducts annual dredging operations on the Delaware River in the vicinity of the Marcus Hook Range to maintain the forty-foot Federal navigation project depth. The dredging occurs between September 1 and December 31 of each year.

To reduce the hazards associated with dredging the channel, vessel traffic that would normally transit through the Marcus Hook Range will be diverted through part of Anchorage 7 during the dredging operations. Therefore, additional requirements and restrictions on the use of Anchorage 7 are necessary.

This final rule also places a permanent safety zone in waters within a 150-yard radius around vessels engaged in dredging operations, and places additional requirements and restrictions at Anchorage 7 and Anchorage 6.

In prior years, the Coast Guard had established a temporary safety zone within a 150-yard radius of the dredge performing dredging operations in Marcus Hook Range.

This permanent safety zone will protect mariners transiting the area from the potential hazards associated with dredging operations. Vessels transiting the Marcus Hook Range will have to divert from the main ship channel through Anchorage 7 and must operate at the minimum safe speed necessary to maintain steerage and reduce wake. No vessel will be allowed to enter the safety zone unless it receives permission from the Captain of the Port or his designated representative.

Additionally, the Coast Guard has established vessel requirements on vessels in the affected anchorages. Pursuant to 33 CFR 110.157(b)(2) vessels are allowed to anchor for up to 48 hours in the anchorage grounds listed in § 110.157(a), which includes Anchorage 7. However, because of the limited anchorage space available in Anchorage 7, the Coast Guard has added a paragraph in 33 CFR 110.157(b)(11) to provide additional requirements and restrictions on vessels utilizing Anchorage 7 during the USACE dredging. During the effective period, vessels desiring to use Marcus Hook Anchorage (Anchorage 7) must obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance. The Captain of the Port will permit only one vessel at a time to anchor in Anchorage 7 and will grant permission on a ''first come, first served'' basis. That vessel will be directed to a location within Anchorage 7 where it may anchor for a period not to exceed 12 hours.

The Coast Guard expects that vessels normally permitted to anchor in Anchorage 7 will use Anchorage 6 off Deepwater Point or Anchorage 9 near the entrance to Mantua Creek, because they are the next closest anchorage grounds. To control access to Anchorage 7, the Coast Guard requires a vessel desiring to anchor in Anchorage 7 to obtain advance permission from the Captain of the Port. To control access to Anchorages 6 and 9, the Coast Guard requires that any vessel 700 feet or greater in length to obtain advance permission from the Captain of the Port before anchoring.

The Coast Guard is also concerned that the holding grounds in Anchorages 6 and 9 are not as good as in Anchorage 7. Therefore, a vessel 700 to 750 feet in length is required to have one tug standing alongside while at anchor and a vessel over 750 feet in length will require two tugs standing alongside. The tug(s) is/are required to have sufficient horsepower to prevent the vessel they are attending from swinging into the channel.

Regulatory Evaluation

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this final rule requires certain vessels to have one or two tugs alongside while at anchor, the requirement only applies to vessels 700 feet or greater in length that choose to anchor in Anchorages 6 and 9. Alternate anchorage grounds such as Anchorage A (Breakwater & Big Stone Beach) off the entrance to the Mispillion River and Anchorage 1 (Bombay Hook) off Bombay Hook Point in Delaware Bay, are reasonably close and generally available. Vessels anchoring in Breakwater and Big Stone are not required to have tugs alongside, except when specifically directed to do so by the Captain of the Port because of a specific hazardous condition. The

majority of vessels expected during the effective period are less than 700 feet and thus will not be required to have tugs alongside.

Small Entities

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

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Junior Grade Jill Bessetti or Ensign Otis Barrett, Coast Guard Marine Safety Office/Group Philadelphia, at (215) 271–4889.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(f) and (34)(g), of the Instruction. An ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES.**

List of Subjects

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 110 and 165 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; Department of Homeland Security Delegation No. 0170.1 and 33 CFR 1.05–1(g).

■ 2. Add § 110.157(b)(11) to read as follows:

§ 110.157 Delaware Bay and River.

* * * * *

(b) * * *

(11) Annually from September 1 until December 31, additional requirements and restrictions in this paragraph for the use of anchorages defined in paragraphs

(a)(7), (a)(8), and (a)(10) of this section apply.

(i) Before anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, a vessel must first obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a ''first-come, first-served'' basis. The Captain of the Port, Philadelphia, will allow only one vessel at a time to be at anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours. Any vessel arriving from or departing to sea that requires an examination by the public health service, customs or immigration authorities will be directed to an anchorage for the required inspection by the Captain of the Port on a case-by-case basis.

(ii) For Anchorage 6 off Deepwater Point, as described in paragraph (a)(7) of this section, and Anchorage 9 as described in paragraph (a)(10) of this section.

(A) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, Pennsylvania, at least 24 hours in advance.

(B) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(C) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(D) The Master, owner or operator of a vessel at anchor shall ensure that any tug required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(iii) As used in this section, Captain of the Port means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271–4807 or via VHF marine band radio, channel 16.

* * * * *

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 3. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 4. Add § 165.555 to read as follows:

§ 165.555 Safety Zone; Delaware River.

(a) *Definition.* As used in this section, Captain of the Port means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271–4807 or via VHF marine band radio, channel 16.

(b) *Location.* The following area is a safety zone: All waters located within a 150-yard radius around the dredging operation and barge, conducting dredging operations in or near the Marcus Hook Range in the vicinity of Anchorage 7.

(c) *Enforcement.* This safety zone will be enforced annually beginning on September 1 through December 31.

(d) *Regulations.*

(1) All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23 of this part.

(2) All Coast Guard vessels enforcing this safety zone or watch officers aboard the Dredge and Barge can be contacted on VHF marine band radio, channel 16. The Captain of the Port may be contacted by telephone at (215) 271–4807 or via VHF marine band radio, channel 16.

Dated: July 1, 2005.

L.L. Hereth,

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

[FR Doc. 05–13963 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–05–043]

Drawbridge Operation Regulations; Inner Harbor Navigation Canal—New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Ted Hickey Bascule Span Bridge across the Inner Harbor Navigation Canal, mile 4.6, at New Orleans, Orleans Parish, Louisiana. This deviation allows the bridge to remain closed to navigation for thirty-six hours. This temporary deviation is necessary for the replacement of the operating controls of the bridge.

DATES: This deviation is effective from 9 a.m. on Monday, August 1, 2005 through 9 p.m. on Tuesday, August 2, 2005.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 500 Poydras Street, New Orleans, Louisiana 70130–3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The Board of Commissioners of the New Orleans Levee Board has requested a temporary deviation in order to replace the operating controls and to calibrate the new controls of the Ted Hickey Bascule Span Bridge on Leon C. Simon Boulevard across the Inner Harbor Navigation Canal, mile 4.6, at New Orleans, Orleans Parish, Louisiana. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 9 a.m. on Monday, August 1, 2005 through 9 p.m. on Tuesday, August 2, 2005.

The bridge has a vertical clearance of 45 feet above Mean Sea Level in the closed-to-navigation position. Navigation at the site of the bridge consists mainly of small ships, tows with barges, and recreational vessels, including sailing vessels. Due to prior experience, as well as coordination with waterway users, it has been determined that this thirty-six hour closure will not have a significant effect on these vessels. Normally, the draw of the bridge opens on signal, except that, from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, the draw need not be opened for navigation, as provided for in 33 CFR 117.458(c). The bridge may not be able to open for emergencies during the closure period. Alternate routes are available via Chef Menteur Pass or Rigolets Pass and the Gulf Intracoastal Waterway.

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

Dated: July 8, 2005.

Marcus Redford,

Bridge Administrator.

[FR Doc. 05–13954 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–05–027]

RIN 1625–AA87

Security Zone; Cleveland Harbor, Cleveland, OH, Change of Location

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; amendment.

SUMMARY: On July 1, 2005, the Coast Guard published a temporary final rule establishing a security zone in Cleveland's inner harbor for the visit of the HMCS Toronto. On July 8, 2005, the Coast Guard learned the HMCS Toronto would be mooring at a different location. This rule changes the location of the temporary security zone and clarifies its duration Entry into this security zone is prohibited without permission of the Captain of the Port Cleveland.

DATES: This rule is effective from 12:01 a.m. July 15, 2005, until 11:59 p.m., July 17, 2005.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket [CGD09–05–027] and are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Cleveland, 1055 East Ninth Street, Cleveland, Ohio 44114, between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: LT Allen Turner, U.S. Coast Guard Marine Safety Office Cleveland, at (216) 937–0128.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The new location of where the HMCS Toronto would dock was not known in sufficient time to allow for the publication of an NPRM followed by publication of an effective rule before the event. And delaying this rule would be contrary to the public interest of ensuring the safety of dignitaries and vessels during this event, and immediate action is necessary to prevent possible loss of life or property.

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

Background and Purpose

This security zone is necessary to ensure the safety of the vessel and dignitaries visiting Cleveland from any potential hazards or threats associated with foreign warships and dignitary visits.

The combination of large numbers of inexperienced recreational boaters, congested waterways, and crossing commercially transited waterways could result in an unnecessary security risk to any visiting dignitaries.

Establishing security zones gives the Coast Guard and Law Enforcement agencies an opportunity to secure an area before a dignitary arrives.

Discussion of the Amendment to the Temporary Final Rule

The Coast Guard is establishing a security zone at Cleveland's inner harbor in Cleveland, OH. This amendment to the rule changes the location of the security zone to include all waters within a 300 radius of Cleveland Port Authority (CPA) Dock 32 and all waters contained in the North Coast Harbor. We have also changed the specific start and end times to clarify the duration of this temporary security zone.

Entry into, transit through, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port Cleveland or his designated on-scene representative. The designated on-scene representative will be the Coast Guard Patrol Commander. The Coast Guard Patrol Commander may be contacted via VHF Channel 16. The Coast Guard will notify the public in advance by way of Ninth Coast Guard District Local Notice to Mariners, marine information broadcasts, and for those who request it from marine Safety Office Cleveland, by facsimile.

Regulatory Evaluation

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the size and location of the security zone within the water. The security zone will hinder commercial vessels, as they will not be able to transit within the breakwater during the period this zone is in effect. Recreational vessels will not be allowed to transit through the designated security zone during the specified times.

Small Entities

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

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

This rule would affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit a portion of the activated security zone.

This security zone would not have a significant economic impact on a substantial number of small entities for the following reasons: The proposed zone is only in effect while the HMCS Toronto is in port. Before the activation of the security zone, the Coast Guard notify mariners through the Ninth District Coast Guard Local Notice to Mariners, Marine Information Broadcasts and when requested by facsimile.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

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

in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Allen Turner, U.S. Coast Guard Marine Safety Office Cleveland, 1055 East 9th Street, Cleveland, OH 44114. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. We invite your comments on how this proposed rule might impact tribal government, even if that impact may not constitute a ''tribal implication'' under that Order.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation.

While not required, a preliminary ''Environmental Analysis Check List'' is available in the docket where indicated under **ADDRESSES** for your review.

■ For the reasons discussed in the preamble, and under authority in 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, the Coast Guard amends the temporary final rule published July 1, 2005 (69 FR 38015) entitled, ''Security Zone; Cleveland Harbor, Cleveland, Ohio''.

§ 165.T09–027 [Amended]

■ In rule FR Doc. 05–13072 published on July 1, 2005 (69 FR 38015) make the following amendments to paragraphs (a) and (b) of § 165.T09–027. On page 38016, in the third column, remove the last 2 lines, and on page 38017, in the first column, removed the first 12 lines, and add, in their place, the following text:

(a) *Location.* The following area is a security zone: All waters within a 300 yard radius of Cleveland port Authority Dock 32 (41°30′37″N, 081°41′49″W) and all waters contained in the North Coast Harbor. All coordinates reference North American 83 Datum (NAD 83).

(b) *Effective period.* This section is effective from 12:01 a.m. July 15, 2005, until 11:59 p.m., July 17, 2005.

Dated: July 8, 2005.

W. Watson,

Lieutenant, U.S. Coast Guard, Acting Captain of the Port of Cleveland.

[FR Doc. 05–13955 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AMS–FRL–7937–3]

RIN 2060–AN19

Control of Emissions of Air Pollution From Diesel Fuel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to correct, amend, and revise certain provisions of the Highway Diesel Rule adopted on January 18, 2001 (66 FR 5002), and the Nonroad Diesel Rule on June 29, 2004 (69 FR 38958). First, it makes minor corrections to clarify the regulations governing compliance with the diesel fuel standards. These minor corrections focus primarily on the Nonroad Rule, however, some may affect provisions contained in the Highway Rule that were overlooked at the time the Nonroad Rule was finalized. Second, it amends the designate and track provisions to account for companies within the fuel distribution system that perform more than one function related to fuel production and/or distribution. This will alleviate the problem of inaccurate volume balances due to a company performing multiple functions. Finally, with respect to the generation of fuel credits, it revises the regulatory text to allow refiners better access to early highway diesel fuel credits. The intention of this amendment is to help ensure a smooth transition to ultra low-sulfur diesel fuel nationwide.

DATES: This direct final rule is effective on August 29, 2005 without further notice, unless we receive adverse comments by August 15, 2005 or receive a request for a public hearing by August 1, 2005. As explained in section II below, we do not expect to hold a public hearing, however, if we receive such request we will publish information related to the timing and location of the hearing and the timing of a new deadline for public comments. If any adverse comments or requests for a hearing are received within the time frame described above, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: *Comments:* All comments and materials relevant to this action should be submitted to Public Docket No. OAR–2005–0134 at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street, SW., Washington, DC 20460. Materials related to this rulemaking are available at EPA's Air Docket for review at the above address (on the ground floor in Waterside Mall) from 8 a.m. to 5:30 p.m., Monday through Friday, except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548 and by facsimile at (202) 260–4400. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT: Tia Sutton, U.S. EPA, National Vehicle and Fuels Emission Laboratory, Assessment and Standards Division, 2000 Traverwood, Ann Arbor, MI 48105; telephone (734) 214–4018, fax (734) 214–4816, e-mail *sutton.tia@epa.gov* or Emily Green, see address above; telephone (734) 214–4639, fax (734) 214–4816, e-mail *green.emilya@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Regulated Entities

This action will affect companies and persons that produce, import, distribute, or sell highway and/or nonroad diesel fuel. Affected Categories and entities include the following:

Category	NAICS code [a]	Examples of potentially affected entities
Industry	324110	Petroleum refiners.
Industry	422710	Diesel fuel marketers and distributors.
Industry	484220	Diesel fuel carriers.

[a] North American Industry Classification System (NAICS)

This list is not intended to be exhaustive, but rather provides a guide regarding entities likely to be affected by this action. To determine whether particular activities may be affected by this action, you should carefully examine the regulations. You may direct questions regarding the applicability of this action as noted in **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of This Document?

1. *Docket.* EPA has established an official public docket for this action under Air Docket No. OAR–2005–0134. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information restricted from disclosure by statute. The official public docket is the collection of materials that is available for public viewing at the Air Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

2. *Electronic Access.* This direct final rule is available electronically from the EPA Internet Web site. This service is free of charge, except for any cost incurred for Internet connectivity. The electronic version of this final rule is made available on the date of publication on the primary Web site listed below. The EPA Office of Transportation and Air Quality also publishes **Federal Register** notices and related documents on the secondary Web site listed below.

a. *http://www.epa.gov/docs/fedrgstr/EPA-AIR* (either select desired date or use Search features).

b. *http://www.epa.gov/otaq* (look in What's New or under the specific rulemaking topic).

Please note that due to differences between the software used to develop the documents and the software into which the document may be downloaded, format changes may occur.

C. Why Is EPA Proposing a Direct Final Rule?

EPA is publishing this rule without prior proposal because we view this action as noncontroversial and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to adopt the provisions in this direct final rule if adverse comments are filed. If EPA receives adverse comment on one or more distinct amendment, paragraph, or section of this rulemaking, or receives a request for a hearing within the time frame described above, we will publish a timely withdrawal in the **Federal Register** indicating which provisions are being withdrawn due to adverse comment. We will address all public comments received in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Any distinct

amendment, paragraph, or section of today's rulemaking for which we do not receive adverse comment will become effective as indicated in the **DATES** section above, notwithstanding any adverse comment on any other distinct amendment, paragraph, or section of today's rule.

D. How and To Whom Do I Submit Comments?

You may submit comments on this direct final rule as described in this section. You should note that we are also publishing a notice of proposed rulemaking in the ''Proposed Rules'' section of today's **Federal Register**, which matches the substance of this direct final rule. Your comments on this direct final will be considered to also be applicable to that notice of proposed rulemaking. You may submit comments electronically, by mail, by facsimile, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM and in any other accompanying materials to ensure that you can be identified as the submitter of the comment. It is EPA's policy that we will not edit your comment, and any identifying or contact information provided will allow EPA to contact you if we cannot read your comment due to technical difficulties or need further information on the substance of your comment. If EPA cannot contact you in these circumstances, we may not be able to consider your comment. Contact information provided in the body of the comment will be included as part of the comment placed in the official public docket and made available in EPA's electronic public docket.

i. *EPA dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket* and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in Docket ID No. OAR–2005–0134. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in **ADDRESSES** above. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send two copies of your comments to: Air Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OAR–2005–0134.

3. *By Hand Delivery or Courier.* Deliver your comments to: EPA Docket Center, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Air Docket ID No. OAR–2005–0134. Such deliveries are only accepted during the Docket's normal hours of operation as identified above.

4. *By Facsimile.* Fax your comments to: (202) 566–1741, Attention Docket ID. No. OAR–2005–0134.

II. Summary of Rule

On January 18, 2001, we published the final Highway Rule (66 FR 5002) which is a comprehensive national program to greatly reduce emissions from diesel engines by integrating engine and fuel controls as a system to gain the greatest air quality benefits. Subsequently, we adopted the Nonroad Rule (69 FR 38958) on June 29, 2004 which took a similar approach covering nonroad diesel equipment and fuel to further the goal of decreasing harmful emissions. After promulgation of these rules, we discovered several typographical errors and it also became evident that several additions or deletions were necessary to clarify portions of the regulations. This rule corrects those errors and serves to clarify the regulations to facilitate compliance.

Along with these minor clarifications, the rule also modifies the text of the designate and track provisions to include provisions for companies that perform more than one function in the fuel system. For example, as these provisions are currently written, fuel distributers are only required to report on the volumes of fuel received and delivered. If the same company also produces fuel internally (acts as a refiner or importer), its receipts and deliveries reported will not balance. This rule will allow such companies to balance their volume reports in compliance with the designate and track regulations. Finally, this rule revises the regulatory text of the Nonroad Rule to allow refiners greater access to early fuel credits. The purpose of this change is to ensure a smooth transition to ultra low-sulfur diesel fuel nationwide.

Because EPA views the provisions of the action as noncontroversial and does not expect adverse comment, it is appropriate to proceed by direct final rulemaking. If we receive adverse comment on one or more distinct amendments, paragraphs, or sections of this rulemaking, or receive a request for hearing within the time frame described above, we will publish a timely withdrawal in the **Federal Register** indicating which provisions will become effective and which provisions are being withdrawn due to adverse comment. Any distinct amendment, paragraph, or section of today's rulemaking for which we do not receive adverse comment will become effective on the date set out above, notwithstanding any adverse comment on any other distinct amendment, paragraph, or section of today's rule.

III. Final Rulemaking Clarifications and Other Minor Corrections

Table III–1, below, describes the rule clarifications and minor corrections that this rule is establishing.

TABLE III–1.—RULE CLARIFICATIONS AND MINOR CORRECTIONS

Section	Description of clarification or correction
§ 80.510(h)	Revised to change ''and'' to ''or'' for clarity.
§ 80.525(a)	Revised to clarify that nonroad 15 ppm sulfur fuel is included in this provision.
§ 80.525(c)	Revised to cite to nonroad downstream standards for consistency.
§ 80.531(a)(2)	Revised to correct text in formula.
§ 80.550(b)(3)	Revised to correct the date ''2003'' to ''2002.''

TABLE III–1.—RULE CLARIFICATIONS AND MINOR CORRECTIONS—Continued

Section	Description of clarification or correction
§ 80.551(f)	Revised to change the application subsection from 80.550(e) to 80.550(d) and add clarification that approval is based on information submitted under paragraph (c)(ii).
§ 80.580(c)(1)	Revised to correct the cross reference as follows: "(a)(2)" to "(b)(1)."
§ 80.580(c)(2)(i)	Revised to correct the cross reference as follows: (a)(2)(ii)" to "(b)(2)."
§ 80.586	Revised to correct a typographical error in the heading.
§ 80.590(a)(6)(i)	Revised to add text for clarity.
§ 80.591(b)(3)	Revised to add language for label clarity.
§ 80.594(b)(2)	Revised to add text clarifying that only 95 percent of fuel must meet the 15 ppm sulfur standard by June 1, 2006 and to add the word "the" for clarity.
§ 80.595(a)	Revised to add text that would include small refiners in certain circumstances.
§ 80.595(b)	Revised to delete unnecessary text for clarity.
§ 80.596(a)	Revised to add text to clarify unit of measurement in formula.
§ 80.599(a) and (a)(1)	Revised to change the dates for quarterly and annual compliance periods for consistency with the preamble (69 FR 39100, June 29, 2004) and section 80.601.
§ 80.599(b)(4)	Revised to change text to clarify components of formula.
§ 80.604(d)(5)	Revised to remove this batch reporting requirement to maintain consistency with EPA's response to comments, May 2004, p. 10–32, 10.3.3.3.
§ 80.613(a)(1)	Revised to add language clarifying that each element in the list must be demonstrated, as applicable, to avoid liability under this section.
pg. 39064 (...4.a.)	Revised to correct the text "*Where* $Credit_{500}$ *Limit* = ..." to "*Where* $Credit_{HS}$ *Limit* = ..."
pg. 39046 (...4.b.)	Revised to add the value for Vol_{15hwy} as follows: "Vol_{15hwy} = *Volume of 15 ppm sulfur diesel fuel produced and designated as highway.*"

IV. Final Rulemaking Corrections to Designate and Track Regulations

Table III–2, below, describes the changes to the Designate and Track regulations that this rule is establishing.

TABLE III–2.—CORRECTIONS TO THE DESIGNATE AND TRACK REGULATIONS

Section	Description of clarification or correction
§ 80.599(b)(1), (b)(2), (c)(1), (c)(3), (d)(1) and (d)(2).	Revised to add text clarifying that, for purposes of calculation, total volume includes fuel "produced by or imported into the facility."
§ 80.599(e)(2)–(e)(5)	Revised to modify the existing value "I" to clarify that imported fuel is considered fuel produced rather than fuel received and to add a separate value (P) to account for total volume of fuel "produced by or imported into the facility."
§ 80.600(a)(6)	Revised to add text clarifying that batch records must include identification as to whether the batch was received into, produced by, imported into or delivered from the facility.
§ 80.600(a)(13)	Revised to add paragraph (a)(13) clarifying that "[r]efiners and importers that receive fuel from another facility must also comply with the requirements of paragraph (b) separately for those volumes."
§ 80.600(b)(1) and (b)(1)(i)–(b)(1)(v)	Revised to add text clarifying that recordkeeping requirements also apply to batches of fuel produced at the facility.
§ 80.600(b)(2) and (b)(3)	Revised to add text clarifying that an accurate batch identification includes an indication whether the batch was produced by or imported into the facility, where applicable.
§ 80.601(a)(2)	Revised to add paragraph (a)(2)(i) using the existing text and add paragraph (a)(2)(ii) to include the total volume of fuel produced or imported by the facility.
§ 80.601(a)(4)(iii)–(a)(4)(vi)	Revised to add paragraph (a)(4)(iii) to require reporting of total volumes produced or imported at truck loading terminals and to redesignate the subsequent provisions for consistency.
§ 80.601(b)	Revised to correct the cross reference "(e)(2)" to "(d)(2)."
§ 80.601(b)(1)	Revised to add paragraph (b)(1)(i) using the existing text and add paragraph (b)(1)(ii) to include the total volume of fuel produced or imported by the facility.
§ 80.601(b)(3)	Revised to add a new paragraph (b)(3)(ii) requiring annual reporting of certain fuels produced or imported at the facility and to redesignate the subsequent provisions for consistency.

V. Final Rulemaking Changes to Motor Vehicle Diesel Fuel Credits

During the development of the Highway Rule, a number of provisions were included to ensure widespread availability of the mandated Ultra-Low Sulfur Diesel (ULSD, 15 ppm sulfur fuel) at the commencement of the program. Section 80.531 of the Highway Rule contains one such provision providing refiners a credit for early production of ULSD. It uses a tiered structure to prohibit a potential surplus of credits that could delay availability of ULSD to the 2007 model year vehicles.

The ability to generate early credits is limited by restrictions contained in the regulatory text. Section 80.531(c)(1) contains one such restriction providing that a refiner or importer may only generate credits for each gallon of ULSD dispensed at retail outlets or at wholesale-purchaser consumer facilities from June 1, 2005 through May 31, 2006. In effect, this language curtails credit production by providing credit to refiners only for volumes delivered to retail as 15 ppm rather than the volumes produced. Thus, if the distribution

system was unable to deliver it as 15 ppm, no credit would be given.

Since the rule was finalized, however, concern over ULSD availability has subsided. Refiners' precompliance reports indicate that as of June 1, 2006, ninety-five percent of diesel fuel will be produced at the ULSD standard, well in excess of the required eighty percent. Simultaneously, concerns have arisen with respect to the smooth transition of the fuel distribution system to ULSD on June 1, 2006. Pipelines and terminals are currently seeking batches of ULSD from refiners to work through possible contamination issues prior to commencement of the program, but finding it difficult to obtain them.

The limitations imposed on the generation of early credits, coupled with the cost of early ULSD production, create an economic disincentive for refiners to produce this fuel for use in testing the fuel distribution system. Allowing refiners better access to early credits would provide additional economic incentive for production and, hence, supply the fuel necessary to test the ability of the distribution system to effectively deliver the fuel on specification. For this reason, we are now allowing refiners to claim credit for the entire volume of ULSD delivered into the distribution system beginning May 1, 2005.

TABLE III–3.—CHANGES TO MOTOR VEHICLE DIESEL FUEL CREDIT REGULATIONS

Section	Description of clarification or correction
§ 80.531(c)	Revised to allow refiners increased incentive to produce ULSD fuel for the distribution system.
§ 80.531(c)(2)(i)	Revised to change the date for providing notice of intent to generate early credits for consistency with amended credit provisions.
§ 80.531(d)(1)	Revised to restrict cross reference for consistency with amended credit provisions.
§ 80.531(d)(4)	Revised to remove the plan requirements specified in paragraph (d)(4) for consistency with amended credit provisions.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency is required to determine whether this regulatory action would be ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The order defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, EPA has determined that this final rule is not a ''significant regulatory action'' as it merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. There are no new costs associated with this rule. Therefore, this final rule is not subject to the requirements of Executive Order 12866. A Final Regulatory Support Document was prepared in connection with the original regulations for the Highway Rule and Nonroad Rule as promulgated on January 18, 2001 and June 29, 2004, respectively, and we have no reason to believe that our analyses in the original rulemakings were inadequate. The relevant analyses are available in the docket for the January 18, 2001 rulemaking (A–99–061) and the June 29, 2004 rulemaking (OAR–2003–0012 and A–2001–28) [1] and at the following Internet address: *http://www.epa.gov/cleandiesel.* The original action was submitted to the Office of Management and Budget for review under Executive Order 12866.

B. Paperwork Reduction Act

This action does not impose any new information collection burden, as it merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements for the original Highway Rule (66 *FR* 5002, January 18, 2001) and the Nonroad Rule (69 *FR* 38958, June 29, 2004) and has assigned OMB control number 2060–0308 (EPA ICR #1718). A copy of the OMB approved Information Collection Request (ICR) may be obtained from Susan Auby, Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Avenue, NW., Washington, DC 20460 or by calling (202) 566–1672.

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

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

C. Regulatory Flexibility Act

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this direct final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. For

[1] During the course of the Nonroad Rule, the Agency converted from the legacy docket system to the current electronic docket system (EDOCKET).

purposes of assessing the impacts of this final rule on small entities, a small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) size standards at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. This direct final rule merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation of why such an alternative was adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed a small government agency plan under section 203 of the UMRA. The plan must provide for the following: notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

This rule contains no Federal mandates for State, local, or tribal governments as defined by the provisions of Title II of the UMRA. The rule imposes no enforceable duties on any of these governmental entities. Nothing in the rule would significantly or uniquely affect small governments. EPA has determined that this rule contains no federal mandates that may result in expenditures of more than $100 million to the private sector in any single year. This direct final rule merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. The requirements of UMRA therefore do not apply to this action.

E. Executive Order 13132: Federalism

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

Under Section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, imposes substantial direct compliance costs, and is not required by statute. However, if the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the regulation, these restrictions do not apply. EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the regulation.

Section 4 of the Executive Order contains additional requirements for rules that preempt State or local law, even if those rules do not have federalism implications (*i.e.*, the rules will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government). Those requirements include providing all affected State and local officials notice and an opportunity for appropriate participation in the development of the regulation. If the preemption is not based on express or implied statutory authority, EPA also must consult, to the extent practicable, with appropriate State and local officials regarding the conflict between State law and Federally protected interests within the agency's area of regulatory responsibility.

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This direct final rule merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. Although Section 6 of Executive Order 13132 did not apply to the Highway Rule (66 FR 5002) or the Nonroad Rule (69 FR 38958), EPA did consult with representatives of various State and local governments in developing these rules. EPA has also consulted representatives from STAPPA/ALAPCO, which represents state and local air pollution officials.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.''

This rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on

the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. This rule does not uniquely affect the communities of Indian tribal governments. Further, no circumstances specific to such communities exist that would cause an impact on these communities beyond those discussed in the other sections of this rule. This direct final rule merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Children's Health Protection

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, Section 5–501 of the Order directs the Agency to evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to the Executive Order because it is not economically significant, and does not involve decisions on environmental health or safety risks that may disproportionately affect children.

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

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. This direct final rule merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements.

I. National Technology Transfer and Advancement Act

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

This direct final rule does not involve technical standards. It merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. Thus, we have determined that the requirements of the NTTAA do not apply.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to Congress and the Comptroller General of the United States. We will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2) and will become effective August 29, 2005.

VII. Statutory Provisions and Legal Requirements

The statutory authority for this action comes from sections 211(c) and (i) of the Clean Air Act as amended 42 U.S.C. 7545(c) and (i). This action is a rulemaking subject to the provisions of Clean Air Act section 307(d). See 42 U.S.C. 7606(d)(1). Additional support for the procedural and enforcement related aspects of the rule comes from sections 144(a) and 301(a) of the Clean Air Act. 42 U.S.C. 7414(a) and 7601(a).

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: July 6, 2005.

Stephen L. Johnson,

Administrator.

■ For the reasons set forth in the preamble, part 80 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521(l), 7545 and 7601(a).

■ 2. Section 80.510 is amended by revising paragraph (h) introductory text to read as follows:

§ 80.510 What are the standards and marker requirements for NRLM diesel fuel?

* * * * *

(h) Pursuant and subject to the provisions of § 80.536, § 80.554, § 80.560, or § 80.561:

* * * * *

■ 3. Section 80.525 is amended by revising paragraphs (a) and (c) to read as follows:

§ 80.525 What requirements apply to kerosene blenders?

(a) For purposes of this subpart, a kerosene blender means any refiner who produces NRLM or motor vehicle diesel fuel by adding kerosene to NRLM or motor vehicle diesel fuel downstream of the refinery that produced that fuel or of the import facility where the fuel was imported, without altering the quality or quantity of the fuel in any other manner.

* * * * *

(c) For purposes of compliance with §§ 80.524(b)(1) and 80.511(b)(1), the product transfer documents must indicate that the fuel to which kerosene is added complies with the 500 ppm sulfur standard for motor vehicle diesel fuel and is for use only in model year 2006 and older diesel motor vehicles, the fuel is properly downgraded pursuant to the provisions of § 80.527 to motor vehicle diesel fuel subject to the 500 ppm sulfur standard, or the applicable NRLM standard.

* * * * *

■ 4. Section 80.531 is amended by revising the equation for $V_t n$ in

paragraph (a)(2), revising paragraphs (c)(1), (c)(2)(i) and (d)(1), and removing and reserving paragraph (d)(4) to read as follows:

§ 80.531 How are motor vehicle diesel fuel credits generated?

(a) * * *

(2) * * *

$V_t n = V_{15} + V_{500}$ * * *

* * * * *

(c) * * *

(1) Beginning June 1, 2005, a refiner or importer may generate one credit for each gallon of motor vehicle diesel fuel produced or imported that meets the 15 ppm sulfur standard in § 80.520(a)(1) that is delivered into the distribution system. Such refiners and importers must comply with the requirements of this paragraph (c) and paragraph (d) of this section.

(2)

(i) Any refiner or importer planning to generate credits under this paragraph must provide notice of intent to generate early credits at least 30 calendar days prior to the date it begins generating credits under this paragraph (c).

* * * * *

(d) * * *

(1) The designation requirements of § 80.598, and all recordkeeping and reporting requirements of §§ 80.592 (except for paragraph (a)(3)), 80.593, 80.594, 80.600, and 80.601.

* * * * *

(4) [Reserved]

* * * * *

■ 5. Section 80.550 is amended by revising paragraph (b)(3) to read as follows:

§ 80.550 What is the definition of a motor vehicle diesel fuel small refiner or a NRLM diesel fuel small refiner under this subpart?

* * * * *

(b) * * *

(3) Had an average crude oil capacity less than or equal to 155,000 barrels per calendar day (bpcd) for 2002.

* * * * *

■ 6. Section 80.551 is amended by revising paragraph (f) to read as follows:

§ 80.551 How does a refiner obtain approval as a small refiner under this subpart?

* * * * *

(f) Approval of small refiner status for refiners who apply under § 80.550(d) will be based on all information submitted under paragraph (c)(ii) of this section, except as provided in § 80.550(e).

* * * * *

■ 7. Section 80.580 is amended by revising paragraphs (c)(1) and (c)(2)(i) to read as follows:

§ 80.580 What are the sampling and testing methods for sulfur?

* * * * *

(c) * * *

(1) Until December 27, 2004, for motor vehicle diesel fuel and diesel fuel additives subject to the 15 ppm standard of § 80.520(a)(1), sulfur content may be determined using ASTM D 5453–03a or ASTM D 3120–03a, provided that the refiner or importer test result is correlated with the appropriate method specified in paragraph (b)(1) of this section.

(2) * * *

(i) For motor vehicle diesel fuel and diesel fuel additives subject to the 500 ppm sulfur standard of § 80.520(c), and for NRLM diesel fuel subject to the 500 ppm sulfur standard of § 80.510(a), sulfur content may be determined using ASTM D 4294–03, ASTM D 5453–03a, or ASTM D 6428–99, provided that the refiner or importer test result is correlated with the appropriate method specified in paragraph (b)(2) of this section; or

* * * * *

■ 8. Section 80.586 is amended by revising the section heading to read as follows:

§ 80.586 What are the record retention requirements for test methods approved under this subpart?

* * * * *

■ 9. Section 80.590 is amended by revising paragraph (a)(6)(i) to read as follows:

§ 80.590 What are the product transfer document requirements for motor vehicle diesel fuel, NRLM diesel fuel, heating oil and other distillates?

(a) * * *

(6) * * *

(i) The facility registration number of both the transferor and transferee issued under § 80.597, if any.

* * * * *

■ 10. Section 80.591 is amended by revising paragraph (b)(3) to read as follows:

§ 80.591 What are the product transfer document requirements for additives to be used in diesel fuel?

* * * * *

(b) * * *

(3) If the additive contains a static dissipater additive having a sulfur content greater than 15 ppm, include the following statement:

''This diesel fuel additive contains a static dissipater additive having a sulfur content greater than 15 ppm.''

* * * * *

■ 11. Section 80.594 is amended by revising paragraph (b)(2) to read as follows:

§ 80.594 What are the pre-compliance reporting requirements for motor vehicle diesel fuel?

* * * * *

(b) * * *

(2) In the case of a refinery with an approved application under § 80.552(c), a demonstration that by June 1, 2006, 95 percent of its motor vehicle diesel fuel will be at 15 ppm sulfur at a volume meeting the requirements of § 80.553(e).

* * * * *

■ 12. Section 80.595 is amended by revising the first sentence of paragraph (a) and paragraph (b) to read as follows:

§ 80.595 How does a refiner apply for a motor vehicle diesel fuel volume baseline?

(a) Any small refiner applying for an extension of the duration of its small refiner gasoline sulfur standards of § 80.240, under §§ 80.552(c) and 80.553, any small refiner applying to produce MVDF under § 80.552(a), or any refiner applying for an extension of the duration of the GPA standards under § 80.540 must apply for a motor vehicle diesel fuel volume baseline by December 31, 2001. * * *

(b) The volume baseline must be sent via certified mail with return receipt or express mail with return receipt to: U.S. EPA-Attn: Diesel Baseline, 1200 Pennsylvania Avenue, NW. (6406J), Washington, DC 20460 (certified mail/return receipt) or Attn: Diesel Baseline, Transportation and Regional Programs Division, 501 3rd Street, NW. (6406J), Washington, DC 20001 (express mail/return receipt).

* * * * *

■ 13. Section 80.596 is amended by revising the values for V_{base} base and V_i in paragraph (a) to read as follows:

§ 80.596 How is a refinery motor vehicle diesel fuel volume baseline calculated?

(a) * * *

V_{base} = Volume baseline value, in gallons.

V_i = Volume of motor vehicle diesel fuel batch i, in gallons. * * *

* * * * *

■ 14. Section 80.599 is amended as follows:

■ a. By revising paragraph (a) introductory text and paragraph (a)(1).

■ b. By revising the value for MV_I in paragraph (b)(1).

■ c. By revising the values for $MV15_I$ and $MV500_I$ in paragraph (b)(2).

■ d. By revising the equation for $MVNB_E$ and the value of ΣMVB in paragraph (b)(4).

■ e. By revising the value of $HSNRLM_I$ in paragraph (c)(1).
■ f. By revising the value of HO_I in paragraph (c)(3).
■ g. By revising the value of $NR500_I$ in paragraph (d)(1).
■ h. By revising the value of $LM500_I$ in paragraph (d)(2)(ii).
■ i. By revising the equation for $(\#2MV15_O - \#2MV15_P + \#2MV15_{INVCHG})$ and value of $\#2MV15_I$ in paragraph (e)(2).
■ j. By adding the value of #2MV15 to paragraph (e)(2).
■ k. By revising the equation for $\#2MV500_O$ and value of $\#2MV500_I$ in paragraph (e)(3).
■ l. By adding the value of $\#2MV500_P$ to paragraph (e)(3).
■ m. By revising the equation for $\#2MV500_O$ and value of $\#1MV15_I$ in paragraph (e)(4).
■ n. By adding the value of $\#1MV15_P$ to paragraph (e)(4).
■ o. By revising the equation for $\#2MV500_O$ and value of $\#1MV15_B$ to paragraph (e)(5).
■ p. By adding the value of $\#2MV500_P$ to paragraph (e)(5).

§ 80.599 How do I calculate volume balances for designation purposes?

(a) Quarterly compliance periods. The quarterly compliance periods are shown in the following table:

QUARTERLY COMPLIANCE PERIODS AND REPORTING DATES

Quarterly compliance period [A]	Report due date
July 1 through September 30	November 30.
October 1 through December 31.	February 28.
January 1 through March 31	May 31.
April 1 through June 30	August 31.

[A] The first quarterly reporting period will be from June 1, 2007 through September 30, 2007 and the last quarterly compliance period will be from April 1, 2010 through May 31, 2010.

(1) Annual compliance periods. The annual compliance periods before theperiod beginning July 1, 2016 are shown in the following table:

ANNUAL COMPLIANCE PERIODS AND REPORTING DATES

Annual compliance period	Report due date
June 1, 2007–June 30, 2008	August 31.
July 1, 2008–June 30, 2009	August 31.
July 1, 2009–May 31, 2010 ..	August 31.
June 1, 2010–June 30, 2011	August 31.
July 1, 2011–May 31, 2012 ..	August 31.
June 1, 2012–June 30, 2013	August 31.
July 1, 2013–May 31, 2014 ..	August 31.
June 1, 2014–June 30, 2015	August 31.

ANNUAL COMPLIANCE PERIODS AND REPORTING DATES—Continued

Annual compliance period	Report due date
July 1, 2015–June 30, 2016	August 31.

* * * * *

(b) * * *

(1) * * *

MV_I = the total volume of all batches of fuel designated as motor vehicle diesel fuel received for the compliance period. Any motor vehicle diesel fuel produced by or imported into the facility shall also be included in this volume. * * *

(2) * * *

$MV15_I$ = the total volume of all batches of fuel designated as 15 ppm sulfur motor vehicle diesel fuel received for the compliance period. Any motor vehicle diesel fuel produced by or imported into the facility shall also be included in this volume.

$MV500_I$ = the total volume of all batches of fuel designated as 500 ppm sulfur motor vehicle diesel fuel received for the compliance period. Any motor vehicle diesel fuel produced by or imported into the facility shall also be included in this volume. * * *

* * * * *

(4) * * *

$MVNB_E = MV15_{BINV} + MV500_{BINV} - £MVB$

Where:

ΣMVB = the sum of the balances for motor vehicle diesel fuel for the current compliance period and previous compliance periods. * * *

* * * * *

(c) * * *

(1) * * *

$HSNRLM_I$ = the total volume of all batches of fuel designated as high sulfur NRLM received diesel fuel for the compliance period. Any high sulfur NRLM produced by or imported into the facility shall also be included in this volume. * * *

* * * * *

(3) * * *

HO_I = the total volume of all batches of fuel designated as heating oil received for the compliance period. Any heating oil produced by or imported into the facility shall also be included in this volume. * * *

* * * * *

(d) * * *

(1) * * *

$NR500_I$ = the total volume of all batches of fuel designated as 500 ppm sulfur NR diesel fuel received for the compliance period. Any 500 ppm sulfur NR diesel fuel produced by or imported into the facility shall also be included in this volume. * * *

(2) * * *

(ii) * * *

$LM500_I$ = the total volume of all batches of fuel designated as 500 ppm sulfur LM diesel fuel received for the compliance period. Any 500 ppm sulfur LM diesel fuel produced by or imported into the facility shall also be included in this volume.

(e) * * *

(2) * * *

$(\#2MV15_O - \#2MV15_P + \#2MV15_{INVCHG}) >= 0.8 \times \#2MV15_I$

Where: * * *

$\#2MV15_P$ = the total volume of fuel produced by or imported into the facility during the compliance period that was designated as #2D 15 ppm sulfur motor vehicle diesel fuel when it was delivered.

$\#2MV15_I$ = the total volume of fuel received during the compliance period that is designated as #2D 15 ppm sulfur motor vehicle diesel fuel. Any motor vehicle diesel fuel produced by or imported into the facility shall *not* be included in this volume. * * *

(3) * * *

$\#2MV500_O <= \#2MV500_I + \#2MV500_P - \#2MV500_{INVCHG} + 0.2 \times \#2MV15_I$

Where: * * *

$\#2MV500_I$ = the total volume of fuel received during the compliance period that is designated as #2D 500 ppm sulfur motor vehicle diesel fuel. Any motor vehicle diesel fuel produced by or imported into the facility shall not be included in this volume.

$\#2MV500_P$= the total volume of fuel produced by or imported into the facility during the compliance period that was designated as #2D 500 ppm sulfur motor vehicle diesel fuel when it was delivered. * * *

(4) * * *

$\#2MV500_O <= \#2MV500_I + \#2MV500_P - \#2MV500_{INVCHG} + 0.2 * (\#1MV15_I + \#2MV15_I)$

Where:

$\#1MV15_I$ the total volume of fuel received during the compliance period that is designated as #1D 15 ppm sulfur motor vehicle diesel fuel. Any motor vehicle diesel fuel produced by or imported into the facility shall not be included in this volume.

$\#1MV15_P$ = the total volume of fuel produced by or imported into the facility during the compliance period that was designated as #1D 15 ppm sulfur motor vehicle diesel fuel when it was delivered.

(5) * * *

$\#2MV500_O < \#2MV500_I + \#2MV500_P - \#2MV500_{INVCHG} + 0.2 * \#2MV15_I + \#1MV15_B + \#2NRLM500_S$

Where:

$\#1MV15_B$ = the total volume of fuel received during the compliance period that is designated as #1D 15 ppm sulfur motor

vehicle diesel fuel and that the facility can demonstrate they blended into #2D 500 ppm sulfur motor vehicle diesel fuel. Any motor vehicle diesel fuel produced by or imported into the facility shall not be included in this volume.

$\#2MV500_P$ = the total volume of fuel produced by or imported into the facility during the compliance period that was designated as #2MV 500 ppm sulfur motor vehicle diesel fuel when it was delivered. * * *

* * * * *

■ 15. Section 80.600 is amended as follows:

■ a. By revising paragraph (a)(6).

■ b. By adding paragraph (a)(13).

■ c. By revising paragraphs (b)(1) introductory text, (b)(1)(i) introductory text, (b)(1)(ii) introductory text, (b)(1)(iii) introductory text, (b)(1)(iv) introductory text, (b)(1)(v) introductory text.

■ d. By revising (b)(2).

■ e. By revising the first sentence of paragraph (b)(3).

§ 80.600 What records must be kept for purposes of the designate and track provisions?

(a) * * *

(6) The records for each batch with designations identified in paragraphs (a)(1) through (a)(5) of this section must clearly and accurately identify the batch number (including an indication as to whether the batch was received into the facility, produced by the facility, imported into the facility, or delivered from the facility), date and time of day (if multiple batches are delivered per day) that custody was transferred, the designation, the volume in gallons of the batch, and the name and the EPA entity and facility registration number of the facility to whom such batch was transferred.

* * * * *

(13) Refiners and importers who also receive fuel from another facility must also comply with the requirements of paragraph (b) of this section separately for those volumes.

(b) * * *

(1) Any distributor shall maintain the records specified in paragraphs (b)(2) through (b)(10) of this section for each batch of distillate fuel with the following designations for which custody is received or delivered as well as any batches produced. Records shall be kept separately for each of its facilities.

(i) For each facility that receives #2D 15 ppm sulfur motor vehicle diesel fuel and distributes any #2D 500 ppm sulfur motor vehicle diesel fuel, records for each batch of diesel fuel with the following designations for which custody is received or delivered as well as any batches produced during the time period from June 1, 2006 through May 31, 2007:

* * * * *

(ii) For each facility, records for each batch of diesel fuel with the following designations for which custody is received or delivered as well as any batches produced during the time period from June 1, 2007 through May 31, 2010:

* * * * *

(iii) For each facility that receives unmarked fuel designated as NR diesel fuel, LM diesel fuel or heating oil, records for each batch of diesel fuel with the following designations for which custody is received or delivered as well as any batches produced during the time period from June 1, 2010 through May 31, 2012:

* * * * *

(iv) For each facility that receives unmarked fuel designated as heating oil, records for each batch of diesel fuel with the following designations for which custody is received or delivered as well as any batches produced during the time period from June 1, 2012 through May 31, 2014:

* * * * *

(v) For each facility that receives unmarked fuel designated as heating oil, records for each batch of diesel fuel with the following designations for which custody is received or delivered as well as any batches produced during the time period beginning June 1, 2014:

* * * * *

(2) Records that for each batch clearly and accurately identify the batch number (including an indication as to whether the batch was received into the facility, produced by the facility, imported into the facility, or delivered from the facility), date and time of day (if multiple batches are delivered per day) that custody was transferred, the designation, the volume in gallons of each batch of each fuel, and the name and the EPA entity and facility registration number of the facility to whom or from whom such batch was transferred.

* * * * *

(3) Records that clearly and accurately identify the total volume in gallons of each designated fuel identified under paragraph (b)(1) of this section transferred, produced, or imported over each of the compliance periods, and over the periods from June 1, 2007 to the end of each compliance period.

* * *

* * * * *

■ 16. Section 80.601 is amended as follows:

■ a. By revising paragraph (a)(2).

■ b. By redesignating paragraphs (a)(4)(iii) through (a)(4)(v) as paragraphs (a)(4)(iv) through (a)(4)(vi).

■ c. By adding paragraph (a)(4)(iii).

■ d. By revising paragraph (b) introductory text and paragraph (b)(1).

■ e. Redesignating paragraphs (b)(3)(ii) through (b)(3)(ix) as paragraphs (b)(3)(iii) through (b)(3)(x).

■ f. Adding paragraph (b)(3)(ii).

§ 80.601 What are the reporting requirements for purposes of the designate and track provisions?

(a) * * *

(2) Separately for each designation category and separately for each transferor facility;

(i) The total volume in gallons of distillate fuel designated under § 80.598 for which custody was received by the reporting facility, and the EPA entity and facility registration number(s), as applicable, of the transferor; and

(ii) The total volume in gallons of distillate fuel designated under § 80.598 which was produced or imported by the reporting facility.

* * * * *

(4) * * *

(iii) The total volumes produced or imported at the facility of each fuel designation required to be reported in paragraphs (a)(1) through (a)(3) of this section over the quarterly compliance period.

* * * * *

(b) Annual reports. Beginning August 31, 2007, all entities required to maintain records for batches of fuel under § 80.600 must report the following information separately for each of its facilities to the Administrator on an annual basis, as specified in paragraph (d)(2) of this section:

(1) Separately for each designation category for which records are required to be kept under § 80.600 and separately for each transferor facility;

(i) The total volume in gallons of distillate fuel designated under § 80.598 for which custody was received by the reporting facility, and the EPA entity and facility registration number(s), as applicable, of the transferor; and

(ii) The total volume in gallons of distillate fuel designated under § 80.598 which was produced or imported by the reporting facility.

* * * * *

(3) * * *

(ii) The total volumes produced or imported at the facility of each fuel designation required to be reported in paragraph (b)(1) of this section over the quarterly compliance period.

* * * * *

■ 17. Section 80.604 is amended by removing and reserving paragraph(d)(5).
■ 18. Section 80.613 is amended by revising paragraph (a)(1) introductory text to read as follows:

§ 80.613 What defenses apply to persons deemed liable for a violation of a prohibited act under this subpart?

(a) * * *

(1) Any person deemed liable for a violation of a prohibition under § 80.612(a)(1)(i), (a)(1)(iii), (a)(2), or (a)(3), will not be deemed in violation if the person demonstrates all of the following, as applicable:

* * * * *

[FR Doc. 05–13781 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2005–0174; FRL–7723–7]

Sulfuryl fluoride; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of sulfuryl fluoride and of fluoride anion in or on commodities in food processing facilities. Dow AgroSciences LLC requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective July 15, 2005. Objections and requests for hearings must be received on or before September 13, 2005.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. EPA has established a docket for this action under docket identification (ID) number OPP–2005–0174. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket*. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Daniel Kenny, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7546; e-mail address: *kenny.dan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET *(http://www.epa.gov/edocket/)*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/*. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at*http://www.epa.gpo/opptsfrs/home/guidelin.htm/*.

II. Background and Statutory Findings

In the **Federal Register** of March 4, 2005 (70 FR 10621) (FRL–7701–8), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F6573) by Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fumigant sulfuryl fluoride, and of fluoride anion (also referred to as ''fluoride'' in this document), from the fumigation use of sulfuryl fluoride in food processing facilities, as follows:

1. The petition requested that 40 CFR 180.145 be amended by establishing tolerances for residues of fluoride in or on the following raw agricultural commodities (RAC): Animal feed at 130 parts per million (ppm); beef, meat at 40 ppm; cheese, postharvest at 5 ppm; cocoa bean, postharvest at 12 ppm; coconut, postharvest at 40 ppm; coffee, postharvest at 12 ppm; cottonseed, postharvest at 13 ppm; egg at 850 ppm; ginger, postharvest at 13 ppm; grain, cereal, forage, fodder and straw group 16, postharvest at 130 ppm; grass, forage, fodder and hay group 17, postharvest at 130 ppm; ham at 20 ppm; herbs and spices group 19, postharvest at 50 ppm; milk at 3 ppm; nut, pine, postharvest at 10 ppm; other processed food at 70 ppm; peanut, postharvest at 13 ppm; rice flour, postharvest at 98 ppm; and vegetable, legume, group 06, postharvest at 6 ppm. As a result of the residue data, and in order to provide more adequate coverage of all commodities that may be involved in the use of sulfuryl fluoride in food processing facilities, the proposed tolerances were subsequently revised to tolerances for residues of fluoride in or on all processed food commodities where a separate tolerance is not already established at 70 ppm; cattle, meat, dried at 40 ppm; cheese at 5.0 ppm; cocoa bean, postharvest at 20 ppm; coconut, postharvest at 40 ppm; coffee, postharvest at 15 ppm; cottonseed, postharvest at 70 ppm; eggs, dried at 900 ppm; ginger, postharvest at 70 ppm; ham at 20 ppm; herbs and spices, group 19 postharvest at 70 ppm; milk, powdered at 5.0 ppm; nut, pine, postharvest at 20 ppm; peanut, postharvest at 15 ppm; rice, flour, postharvest at 45 ppm; and vegetables, legume, group 6, postharvest at 70 ppm.

2. The petition requested that 40 CFR 180.575 be amended by establishing tolerances for residues of sulfuryl fluoride in or on the following RACs: Animal feed at 2.0 ppm; beef, meat at 0.01 ppm; cheese, postharvest at 0.5 ppm; cocoa bean, postharvest at 0.8 ppm; coconut, post harvest at 1.0 ppm; coffee, postharvest at 0.8 ppm; cottonseed, postharvest at 0.2 ppm; egg at 0.7 ppm; ginger, postharvest at 0.2 ppm; grain, cereal, forage, fodder and straw group 16, postharvest at 2.0 ppm; grass, forage, fodder and hay group 17, postharvest at 2.0 ppm; ham at 0.01 ppm; herbs and spices group 19, postharvest at 0.3 ppm; milk at 1.5 ppm; nut, pine, postharvest at 3.0 ppm; other processed food at 1.2 ppm; peanut, postharvest at 0.2 ppm; rice flour, postharvest at 0.08 ppm; and vegetable, legume, group 06, postharvest at 0.02 ppm. As a result of the residue data, and in order to provide more adequate coverage of all commodities that may be involved in the use of sulfuryl fluoride in food processing facilities, the proposed tolerances were subsequently revised to a tolerance for residues of sulfuryl fluoride in or on all processed food commodities where a separate tolerance is not already established at 2.0 ppm; cattle, meat, dried at 0.01 ppm; cheese at 2.0 ppm; cocoa bean, postharvest at 0.2 ppm; coconut, postharvest at 1.0 ppm; coffee, postharvest at 1.0 ppm; cottonseed, postharvest at 0.5 ppm; eggs, dried at 1.0 ppm; ginger, postharvest at 0.5 ppm; ham at 0.02 ppm; herbs and spices, group 19 postharvest at 0.5 ppm; milk, powdered at 2.0 ppm; nut, pine, postharvest at 0.2 ppm; peanut, postharvest at 0.5 ppm; rice, flour, postharvest at 0.05 ppm; and vegetables, legume, group 6, postharvest at 0.5 ppm.

That notice included a summary of the petition prepared by Dow AgroSciences LLC, the registrant. The Agency received 19 sets of written comments on this notice. In general, the comments addressed either procedural issues concerning the process of establishing tolerance levels for sulfuryl fluoride and total fluoride or addressed issues concerning the human health and other consequences that would result from the use of sulfuryl fluoride and increased human exposure to fluorides. In addition, numerous questions and requests for additional information were raised concerning issues related to EPA's human health risk assessment process and to possible secondary fluoride exposures. Most of the comments and questions relate to fluoride exposure and fluoride toxicology. The Agency has separately reviewed these comments and concludes that the information contained within does not support adopting a change in EPA's current evaluation of the adverse health effects of fluoride. The Agency has prepared a detailed response to the public comments regarding the establishment of tolerances for sulfuryl fluoride and for fluoride anion on food resulting from the application of sulfuryl fluoride as a fumigant in food processing facilities. This document has been made part of the public docket OPP–2005–0067 for this regulatory action.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances in the **Federal Register** of November 26, 1997 (62 FR 62961) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2) of FFDCA, for a tolerance for residues of sulfuryl fluoride on all processed food commodities where a separate tolerance is not already established at 2.0 ppm; cattle, meat, dried at 0.01 ppm; cheese at 2.0 ppm; cocoa bean, postharvest at 0.2 ppm; coconut, postharvest at 1.0 ppm; coffee, postharvest at 1.0 ppm; cottonseed, postharvest at 0.5 ppm; eggs, dried at 1.0 ppm; ginger, postharvest at 0.5 ppm; ham at 0.02 ppm; herbs and spices, group 19 postharvest at 0.5 ppm; milk, powdered at 2.0 ppm; nut, pine, postharvest at 0.2 ppm; peanut, postharvest at 0.5 ppm; rice, flour, postharvest at 0.05 ppm; and vegetables, legume, group 6, postharvest at 0.5 ppm, and residues for fluoride anion on all processed food commodities where a separate tolerance is not already established at 70 ppm; cattle, meat, dried at 40 ppm; cheese at 5.0 ppm; cocoa bean, postharvest at 20 ppm; coconut, postharvest at 40 ppm; coffee, postharvest at 15 ppm; cottonseed, postharvest at 70 ppm; eggs, dried at 900 ppm; ginger, postharvest at 70 ppm; ham at 20 ppm; herbs and spices, group 19 postharvest at 70 ppm; milk, powdered at 5.0 ppm; nut, pine, postharvest at 20 ppm; peanut, postharvest at 15 ppm; rice, flour, postharvest at 45 ppm; and vegetables, legume, group 6, postharvest at 70 ppm.EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Since residues of concern for sulfuryl fluoride are sulfuryl fluoride, *per se*, and fluoride anion, the Agency assessed the human health risk associated with both sulfuryl fluoride and fluoride anion in connection with this action. Due to the different toxicological effects elicited by these two chemicals, their risks have been assessed separately. The nature of the toxic effects caused by sulfuryl fluoride and by fluoride anion as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies reviewed are discussed in the **Federal Register** of January 23, 2004 (69 FR 3240) (FRL–7342–1).

B. Toxicological Endpoints

The dose at which the NOAEL from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study

selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

Three other types of safety or UFs may be used: ''Traditional UFs,'' the ''special FQPA safety factor,'' and the ''default FQPA safety factor.'' By the term ''traditional UF,'' EPA is referring to those additional UFs used prior to FQPA passage to account for database deficiencies. These traditional UFs have been incorporated by the FQPA into the additional safety factor for the protection of infants and children. The term ''special FQPA safety factor'' refers to those safety factors that are deemed necessary for the protection of infants and children primarily as a result of the FQPA. The ''default FQPA safety factor'' is the additional 10X safety factor that is mandated by the statute unless it is decided that there are reliable data to choose a different additional factor (potentially a traditional UF or a special FQPA safety factor).

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (aRfD or cRfD) where the RfD is equal to the NOAEL divided by an UF of 100 to account for interspecies and intraspecies differences and any traditional UFs deemed appropriate (RfD = NOAEL/UF). Where a special FQPA safety factor or the default FQPA safety factor is used, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of safety factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk). An example of how such a probability risk is expressed would be to describe the risk as one in one hundred thousand (1×10^{-5}), one in a million (1×10^{-6}), or one in ten million (1×10^{-7}). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated.

In assessing the risks associated with exposure to fluoride, EPA has relied on the toxicological assessment and Maximum Contaminant Levels (MCLs) established by the Agency's Office of Water and the hazard analysis performed by the Institute of Medicine of the National Academy of Science. A MCL is an enforceable level that is set as closely as feasible to the Maximum Contaminant Level Goal (MCLG) of a contaminant. The MCLG is the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MCL goals are non-enforceable health goals. For fluoride, both the MCL and the MCLG have been set at 4.0 ppm (4 milligrams/liter (mg/L)). EPA chose the MCL value to protect against cripplying skeletal fluorosis effects that were only seen where there was daily consumption of 20 mg or more of fluoride for 20 or more years. (50 FR 47142) (November 14, 1985). A 4 mg/L level in water is designed to limit total daily exposure to approximately 8 milligrams day (mg/day).

The Institute of Medicine (IOM) examined fluoride in 1997 and recommended a NOAEL for use in evaluating the risk posed by fluoride exposure. Its examination of the available data identified a NOAEL of 10 mg/day as relates to fluoride intake and skeletal fluorosis. The IOM further pointed out that exposures of 10 or more years are required to develop this condition and therefore concluded that skeletal fluorosis is not a concern for children under the age of 8. Their analysis results in a tolerable upper intake level of 10 mg/day for children age 8 and above and adults. In deriving a recommended upper limit for exposure, the IOM used an UF of 1, noting that the NOAEL is derived from human studies and that symptomatic skeletal fluorosis is not observed at intakes of 10 mg/day. As noted in the general discussion of fluoride toxicity, the FQPA safety factor can also be reduced to 1X; therefore, the safe dose level for skeletal fluorosis based on the IOM analysis is 10 mg/day.

A summary of the toxicological endpoints for sulfuryl fluoride and for fluoride anion used for use in human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of January 23, 2004 (69 FR 3240) (FRL–7342–1).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.575) for the residues of sulfuryl fluoride, in or on a variety of RACs. Tolerances currently exist for sulfuryl fluoride on cereal grains, dried fruits, and tree nuts as a result of postharvest fumigation application to grain processing and storage facilities. Tolerances have been established (40 CFR 180.145) for the residues of fluoride, in or on a variety of RACs as a result of applications of sulfuryl fluoride and cryolite on food. With this action, tolerances are established in association with the use of sulfuryl fluoride for the fumigation of dried beef, cheese, coffee, cottonseed, cocoa bean, coconuts, coffee, powdered eggs, ginger, ham,herbs and spices, powdered milk, pine nuts, peanuts, rice flour, and legume vegetables for the control of insects, and all other processed foods as a result of the treatment of areas and equipment within food and feed processing plants with sulfuryl fluoride for the control of insects. The term food and feed processing plant includes those facilities specifically listed under the Food and Feed Processing Plants subgroup within pesticide use site group 12 in Appendix A to 40 CFR part 158. Risk assessments were conducted by EPA to assess dietary exposures from sulfuryl fluoride and from fluoride anion in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure.

No toxicological endpoint attributable to a single exposure was identified in the available toxicology studies on sulfuryl fluoride or the fluoride anion. Therefore, acute dietary exposure assessments were not conducted.

ii. *Chronic exposure.* In conducting the chronic dietary risk assessment, EPA used the Dietary Exposure Evaluation Model (DEEM) software with the Food Commodity Intake Database (FCID),

which incorporates food consumption data as reported by respondents in the United States Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII), and accumulated exposure to the chemical for each commodity. Due to the potential for serial fumigation of a commodity or ingredient, first as part of a postharvest or grain mill fumigation and then again due to food processing facility fumigation, dietary exposure estimates from the previous assessment are combined with those from the current assessment. The actual probability of this occurring is likely to be very small; therefore, this assumption results in an overestimate of exposure. The following assumptions were made for the chronic exposure assessments.

For sulfuryl fluoride, the chronic analysis used average residue values from residue trials reflecting the maximum proposed use, percent market share estimates, and an estimate of the amount of yearly production that might be within the processing facility during fumigation.

In addition to assessing the exposure to sulfuryl fluoride in food, EPA included quantitative estimates of fluoride exposure from residues in foods from the use of sulfuryl fluoride and/or cryolite, background levels in foods, and consumption of fluoride-containing water. Also addressed quantitatively are exposure from the use of fluoridated toothpaste and inhalation of fluoride from the atmosphere. For each of these pathways of exposure, residue estimates are conservative to moderately conservative in nature. After assessing these pathways of exposure, drinking water and background levels in food are the principal sources of dietary exposure to fluoride.

iii. *Cancer*. Sulfuryl fluoride has been classified as ''not likely to be carcinogenic to humans'' and there is no evidence showing an increased risk of cancer following exposure to fluoride. Therefore, EPA has not conducted an assessment of cancer risk from dietary exposures for either sulfuryl fluoride or fluoride anion.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of the FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must pursuant to section 408(f)(1) require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. For the present action, EPA will issue such data call-ins for information relating to anticipated residues as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Such data call-ins will be required to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F) of FFDCA, EPA may require registrants to submit data on PCT.

The Agency used PCT information as follows:

EPA has estimated that 40% of the commodities for which an individual, specific tolerance is established by this action will be fumigated with sulfuryl fluoride. The exceptions are cocoa beans and ham, which were estimated at 100%. Sulfuryl fluoride is intended to be used as a methyl bromide alternative that is used to target pests in commodities and food processing facilities. Usage information indicates that an estimated 20 to 40% of the fumigated commodity market is fumigated using methyl bromide. Assuming full market penetration by sulfuryl fluoride, and using the upper bound percentage and applying it to the entire U.S. market as opposed to only the fumigated market, EPA believes that 40% PCT is a highly conservative over-estimation of actual potential usage of sulfuryl fluoride for these commodities.

For processed foods that may be present while fumigating areas and equipment within food processing facilities (i.e., the commodities covered by the catchall provision in the tolerance ''all processed foods not otherwise listed''), EPA has estimated the percentage of food processing facilities that will likely be fumigated, the frequency of fumigation, as well as the extent of a given facility's production that would be exposed during fumigation. Of the processing facilities in the U.S., it is estimated that approximately 40% would receive sulfuryl fluoride fumigation with, on average, 2.5 fumigations per year. Approximately one day's worth of production could be stored on-site and the facilities typically operate over 300 days per year. Assuming 3 fumigations per year, that gives a percent commodity treated estimate of $0.4 \times 3 \div 300 = 0.004$. For this assessment, it was assumed that rice mills could be fumigated 6 times per year, yielding a factor of 0.008. Since commodities would be exposed in their ''final'' form, processing factors were not used in this assessment. In the case of milk and egg, only dried food forms were included in the analysis since that is the form that would be present in the processing facility.

The Agency believes that the three conditions listed in this Unit have been met. With respect to condition 1, EPA finds that the PCT information described in this document for sulfuryl fluoride used in food processing facilities is reliable and has a valid basis. Sulfuryl fluoride is a postharvest fumigant in food processing facilities that will replace methyl bromide uses for which the Agency has good information about the actual amounts used. It is also possible that sulfuryl fluoride could replace other fumigant products for which there are also use data available, although not as refined as for methyl bromide. This has been considered when making the percent crop treated estimates which are considered to be conservative, i.e., estimating the upper range of the in food processing facilities that will likely be treated with sulfuryl fluoride. As to conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not

have available information on the regional consumption of food to which sulfuryl fluoride may be applied in a particular area.

2. *Dietary exposure from drinking water*. The Agency has determined that, because of the use pattern and physicochemical characteristics of sulfuryl fluoride, neither residues of sulfuryl fluoride nor of inorganic fluoride are expected to reach surface water or ground water due to the postharvest fumigation (an indoor use) of the commodities listed in Unit II. Residues of fluoride anion may be in drinking water due to intentional fluoridation. The nature of fluoride residues in drinking water and fluoride exposure estimates are discussed in the **Federal Register** of January 23, 2004 (69 FR 3240) (FRL–7342–1).

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Sulfuryl fluoride is currently registered for use on the following residential non-dietary sites: Fumigation of residential sites for termites. The risk assessment was conducted using the following residential exposure assumptions:

Sulfuryl fluoride is registered for fumigation of domestic structures. Exposure could occur when residents re-occupy a fumigated home; however, the label for the sulfuryl fluoride product that is used for fumigation of domestic structures (Vikane) restricts reentry to the residence until the measured levels of sulfuryl fluoride are very low. The Agency has determined, based on the available exposure data supporting the Vikane registration and the Vikane label restriction on reentry, that there is negligible exposure to sulfuryl fluoride from home fumigation.

Fluoride exposure may also occur from non-dietary sources, including incidental ingestion of toothpaste and inhalation of airborne fluoride. Other non-dietary exposures may occur; however, the Agency has included only exposure from toothpaste and the air in its quantitative assessment due to lack of data indicating that other sources of exposure are significant. The nature of non-dietary exposures to fluoride and non-dietary exposure estimates are discussed in the **Federal Register** of January 23, 2004 (69 FR 3240) (FRL–7342–1).

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to sulfuryl fluoride and any other substances and sulfuryl fluoride does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that sulfuryl fluoride has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's website at *http://www.epa.gov/pesticides/cumulative/*.

D. Safety Factor for Infants and Children

1. *In general*. Section 408 of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using UF (safety) in calculating a dose level that poses no appreciable risk to humans. In applying this provision, EPA either retains the default value of 10X when reliable data do not support the choice of a different factor, or, if reliable data are available, EPA uses a different additional safety factor value based on the use of traditional uncertainty factors and/or special FQPA safety factors, as appropriate.

2. *Prenatal and postnatal sensitivity*. In the sulfuryl fluoride developmental toxicity study in rats, neither quantitative nor qualitative evidence of increased susceptibility of fetuses to *in utero* exposure to sulfuryl fluoride was observed. In the sulfuryl fluoride developmental study in rabbits, neither quantitative nor qualitative evidence of increased susceptability of fetuses to *in utero*; exposure to sulfuryl fluoride was observed. In the sulfuryl fluoride 2-generation reproductive study in rats, neither quantitative nor qualitative evidence of increased susceptability of fetuses to sulfuryl fluoride was observed.

A very large body of information regarding the toxicology of fluoride is available in the open literature. A complete review or re-presentation of that information is beyond the scope of this assessment. For a comprehensive review of the toxicology of fluoride, the reader is referred to publications by the World Health Organization (2002), the National Research Council (1993), the Medical Research Council (1992), and the Department of Health and Human Services (Draft Document 1993). In conducting the assessment for fluoride, the Agency has used the toxicological assessment and Maximum Contaminant Level Goals (MCLGs) established by the Agency's Office of Water. The MCLG was established in 1986 and is based on an LOAEL of 20 mg/day, a safety factor of 2.5, and an adult drinking water intake of 2 L/day. The use of a safety factor of 2.5 ensures public health criteria while still allowing sufficient concentration of fluoride in water to realize its beneficial effects in protecting against dental caries.

3. *Conclusion*. The toxicity database for sulfuryl fluoride is complete with the exception of a developmental neurotoxicity (DNT) study in rats. The exposure data are sufficiently complete or are estimated based on data that reasonably accounts for potential exposures. Based on the available evidence, the Agency is requiring an inhalation DNT study in rats (OPPTS Harmonized Guideline 870.6300) as a condition of registration in order to more clearly and fully characterize the potential for neurotoxic effects in young animals.

The Agency has determined that a 10X FQPA safety factor in the form of a database (UFDB) is needed to account for the lack of the DNT study since the available data provide no basis to support reduction or removal of the default 10X factor. The following points were considered in this determination.

The current regulatory dose for chronic dietary risk assessment is the NOAEL of 8.5 milligrams/kilogram/day (mg/kg/day) (30 ppm; 0.13 mg/L) selected from a 90–day inhalation toxicity study in rabbits. This dose is also used for intermediate-term and long-term inhalation exposure risk assessments. The current dose for the short-term inhalation exposure risk

assessment is the NOAEL of 30 mg/kg day (100 ppm; 0.42 mg/L) from a 2–week inhalation toxicity study in rabbits. In addition, after considering the dose levels used in the neurotoxicity studies and in the 2–generation reproduction study, it is assumed that the DNT study with sulfuryl fluoride will be conducted at dose levels similar to those used in the 2–generation reproduction study (0, 5, 20, 150 ppm; 0, 0.02, 0.08, 0.6 mg/L). It is considered possible that the results of the DNT study could impact the endpoint selection for risk assessments because the lowest dose that may be tested in the DNT (5 ppm or 0.02 mg/L), based on the Agency's dose analysis, could become an effect level which would necessitate an additional factor resulting in doses which would then be lower than the current doses used for chronic dietary (8.5 mg/kg/day), intermediate, and long-term inhalation (30 ppm or 0.13 mg/L) and short-term inhalation (100 ppm or 0.42 mg/L) risk assessments.

Given these circumstances, the Agency does not have sufficient reliable data justifying selection of an additional safety factor for the protection of infants and children lower than the default value of 10X. Therefore, a UFDB of 10X will be applied to repeated dose exposure scenarios (i.e. chronic RfD, and residential short-term, intermediate-term, and long-term inhalation) to account for the lack of the DNT study with sulfuryl fluoride.

Given the wealth of reliable human data on fluoride, EPA believes no additional safety factor for the protection of children is necessary (1X). Relying on the extensive data bearing on skeletal fluorosis, EPA's Office of Water reduced the traditional intraspecies safety factor to 2.5X. This is reasonable, especially given that the NAS has recommended that a safe dose for fluoride should be set using no intraspecies safety factor or any other safety factor.

E. Aggregate Risks and Determination of Safety

1. *Acute risk*. No toxicological endpoint attributable to a single exposure was identified in the available toxicology studies for either sulfuryl fluoride and/or fluoride; therefore, no acute risk is expected from exposure to these compounds.

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to sulfuryl fluoride from food will utilize 2.4% of the cPAD for the U.S. population, 5.3% of the cPAD for infants less than 1 year of age, and 3.3% of the cPAD for children 6–12 years of age. There are no residential uses for sulfuryl fluoride that result in chronic residential exposure to sulfuryl fluoride. In addition, as discussed above, residues of sulfuryl fluoride will not occur in drinking water. Therefore, drinking water does not contribute to aggregate exposure, leaving residues in or on food as the only quantifiable exposure pathway for estimating aggregate risks. Estimated chronic dietary risks represent chronic aggregate risks, and are no more than 2.4% of the cPAD for the U.S. population or any subgroup. Therefore, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 1:

TABLE 1.–AGGREGATE RISK ASSESSMENT FOR CHRONIC EXPOSURE TO SULFURYL FLUORIDE

Population Subgroup	cPAD, mg/kg/day	Estimated Exposure (Current Request), mg/kg/day	Estimated Exposure (Previous Estimate), mg/kg/day	Estimated Exposure (Total), mg/kg/day	Risk, %cPAD
U. S. population	0.003	0.000070	0.000003	0.000073	2.4
All infants (<1 year)	0.003	0.000156	0.000002	0.000158	5.3
Children (1–2 years)	0.003	0.000236	0.000004	0.000240	8.0
Children (3–5 years)	0.003	0.000178	0.000004	0.000182	6.1
Children (6–12 years)	0.003	0.000096	0.000003	0.000099	3.3
Youth (13–19 years)	0.003	0.000052	0.000001	0.000053	1.8
Adults (20–49 years)	0.003	0.000056	0.000003	0.000059	2.0
Adults (50+ years)	0.003	0.000046	0.000004	0.000050	1.7
Females (13–49 years)	0.003	0.000052	0.000003	0.000055	1.8

As discussed previously in this Unit, to assess aggregate risk for fluoride, EPA included quantitative estimates of dietary exposure from background levels of fluoride in food, fluoride in water, fluoride from the pesticidal food uses of cryolite and sulfuryl fluoride, non-dietary exposure from the use of fluoridated toothpaste, and non-dietary exposure from fluoride residues in air. For each of these pathways of exposure, residue estimates are conservative to moderately conservative in nature. Total estimated aggregate exposures were calculated for the U.S. population and each subgroup and are shown in the following Table 2:

TABLE 2.–ESTIMATED AGGREGATE EXPOSURE TO FLUORIDE ANION BY SOURCE

Population Subgroup	From Sulfuryl Fluoride mg/kg/day	From Cryolite mg/kg/day	Background Food mg/kg/day	Water mg/kg/day	Tooth-paste mg/kg/day	Air mg/kg/day	Total mg/kg/day
U.S. population	0.0093	0.0007	0.0068	0.0269	0.0043	0.0006	0.049
All infants (<1 year)	0.0114	0.0010	0.0093	0.1424	0.0429	0.0019	0.209
Children (1–2 years)	0.0231	0.0033	0.0175	0.0407	0.0231	0.0020	0.110
Children (3–5 years)	0.0204	0.0021	0.0149	0.0338	0.0136	0.0012	0.086
Children (6–12 years)	0.0130	0.0009	0.0094	0.0227	0.0075	0.0007	0.054
Youth (13–19 years)	0.0078	0.0003	0.0062	0.0176	0.0050	0.0007	0.038
Adults (20–49 years)	0.0078	0.0004	0.0057	0.0252	0.0043	0.0006	0.044
Adults (50+ years)	0.0072	0.0005	0.0050	0.0256	0.0043	0.0006	0.043
Females (13–49 years)	0.0073	0.0005	0.0054	0.0238	0.0049	0.0006	0.043

In a prior tolerance action involving sulfuryl fluoride, aggregate exposure estimates expressed in milligrams per kilogram of body weight per day were then compared to the MCL for the U.S. population and each subgroup. Because the MCL was expressed in terms of an allowable level of fluoride in milligrams per liter of water, EPA converted the MCL into a reference dose-type number relying on standard age group body weights and water consumption figures. The IOM's conclusion that exposures to fluoride must continue for at least 10 years has convinced EPA that its prior risk assessment approach using the MCL to calculate a reference dose-type number mischaracterizes the risk by focusing attention on daily or yearly exposure rather than looking at total exposure over a 10–year period. In fact, the MCL, itself, was based on a concern that fluoride could cause skeletal fluorosis if there was exposure at a 20 mg/day level over a period of 20 years. Setting the MCL at 4 mg/L was based on the conclusion that value would limit exposure to 8 mg/day (assuming 2 liters of water consumed per day) over the long-term and would therefore, provide an adequate margin of exposure. Accordingly, in this action, EPA has characterized the risk by comparing total exposure for various age groups to the value deemed safe in choosing the MCL (8 mg/day) and identifying the 10–year span most likely to produce the highest exposure. Because the MCL was based on the finding that exposures over 8 mg/day would have to occur for 20 years or more, EPA believes it is appropriate to use the 8 mg/day figure to evaluate exposure for all populations subgroups, including infants and children. Nonetheless, out of an abundance of caution, and because the EPA document establishing the MCL value did not specifically address the level of exposure in children that could contribute to crippling skeletal fluorosis later in life, EPA has also evaluated children's exposure to fluoride by comparing it to the expected exposure under the MCL for children of 4 mg/day (assuming consumption of 1 liter of water a day).

As Table 3 shows, each of the age groups's exposure is well below the exposure value deemed safe by the MCL and the highest exposure over a 10–year period is for adults and their exposure is likely to be no greater than 38% of the safe level. Even when it is assumed that the maximum exposure for infants, children, and youths should be 4 mg/day, the highest 10–year period, which would be for the ages of 2–12, would only increase to 50% of the safe level. EPA conducted the same exercise using the IOM safe level of 10 mg/day. Although the IOM did not suggest that skeletal fluorosis could be a problem for children under the age of 8, neither did IOM state that exposure under the age of 8 could contribute to skeletal fluorosis later in life. Accordingly, as a conservative measure, EPA evaluated children under the age of 8 under the 10 mg/day exposure level as well. EPA did not conduct an alternative evaluation assuming a lower acceptable exposure level for children in relying on the IOM analysis because the IOM clearly applied its safe exposure level of 10 mg/day to children and adults. The results using the IOM safe level of 10 mg/day are presented in Table 4. It shows that exposure during the highest 10–year period is 31% of the safe dose.

TABLE 3.–AGGREGATE EXPOSURE AND RISK ESTIMATES FOR SKELETAL FLUOROSIS RELYING ON MCL

Population Subgroup	Total Allowable Exposure in mg/day under MCL	Total Flouride Exposure, mg/kg/day	Body Weight, kg	Total Fluoride Exposure, mg/day	Risk, % of Allowable Exposure under MCL
U.S. population (total)	8	0.049	70.0000	3.399	43
All infants (<1 year)	8	0.209	7.0000	1.462	18
Children (1–2 years)	8	0.110	13.0000	1.427	18
Children (3–5 years)	8	0.086	22.0000	1.891	24

TABLE 3.–AGGREGATE EXPOSURE AND RISK ESTIMATES FOR SKELETAL FLUOROSIS RELYING ON MCL—Continued

Population Subgroup	Total Allowable Exposure in mg/day under MCL	Total Flouride Exposure, mg/kg/day	Body Weight, kg	Total Fluoride Exposure, mg/day	Risk, % of Allowable Exposure under MCL
Children (6–12 years)	8	0.054	40.0000	2.168	27
Youth (13–19 years)	8	0.038	60.0000	2.254	28
Adults (20–49 years)	8	0.044	70.0000	3.077	39
Adults (50+ years)	8	0.043	70.0000	3.022	38
Females (13–49 years)	8	0.043	61.0000	2.595	32

TABLE 4.—AGGREGATE EXPOSURE AND RISK ESTIMATES FOR SKELETAL FLUOROSIS BASED ON ANALYSIS BY THE INSTITUTE OF MEDICINE OF THE NATIONAL ACADEMIES

Population Subgroup	IOM-selected NOAEL, mg/day	Total Fluoride Exposure, mg/kg/day	Body Weight, kg	Total Fluoride Exposure, mg/day	Risk, % of IOM- selected NOAEL
U.S. population (total)	10	0.049	70	3.399	34
Infants (<1 year)	10	0.209	7	1.462	15
Children (1–2 years)	10	0.110	13	1.427	14
Children (3–5 years)	10	0.086	22	1.891	19
Children (6–12 years)	10	0.054	40	2.168	22
Youth (13–19 years)	10	0.038	60	2.254	23
Adults (20–49 years)	10	0.044	70	3.077	31
Adults (50+ years)	10	0.043	70	3.022	30
Females (13–49 years)	10	0.043	61	2.595	26

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Sulfuryl fluoride is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

Residential exposure could occur with fluoride anion. However, as stated above, the endpoint of concern for fluoride anion has been identified as crippling skeletal fluorosis, which is a chronic effect. Therefore, fluoride anion is not expected to pose a short-term risk.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Sulfuryl fluoride is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

Residential exposure could occur with fluoride anion. However, as stated above, the endpoint of concern for fluoride anion has been identified as crippling skeletal fluorosis, which is a chronic effect. Therefore, fluoride anion is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population*. Sulfuryl fluoride has been classified as ''not likely to be carcinogenic to humans'' and there is no evidence showing an increased risk of cancer following exposure to fluoride. Therefore, EPA has not conducted an aggregate assessment of cancer risk for either sulfuryl fluoride or fluoride anion.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to sulfuryl fluoride and fluoride anion residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

There are no CODEX MRLs established for sulfuryl fluoride or fluoride anion.

V. Conclusion

Therefore, the tolerance is established for residues of sulfuryl fluoride in or on all processed food commodities where a separate tolerance is not already established at 2.0 ppm; cattle, meat, dried at 0.01 ppm; cheese at 2.0 ppm;

cocoa bean, postharvest at 0.2 ppm; coconut, postharvest at 1.0 ppm; coffee, postharvest at 1.0 ppm; cottonseed, postharvest at 0.5 ppm; eggs, dried at 1.0 ppm; ginger, postharvest at 0.5 ppm; ham at 0.02 ppm; herbs and spices, group 19 postharvest at 0.5 ppm; milk, powdered at 2.0 ppm; nut, pine, postharvest at 0.2 ppm; peanut, postharvest at 0.5 ppm; rice, flour, postharvest at 0.05 ppm; and vegetables, legume, group 6, postharvest at 0.5 ppm. In addition, tolerances are estalished for residues of fluoride anion in or on all processed food commodities where a separate tolerance is not already established at 70 ppm; cattle, meat, dried at 40 ppm; cheese at 5.0 ppm; cocoa bean, postharvest at 20 ppm; coconut, postharvest at 40 ppm; coffee, postharvest at 15 ppm; cottonseed, postharvest at 70 ppm; eggs, dried at 900 ppm; ginger, postharvest at 70 ppm; ham at 20 ppm; herbs and spices, group 19 postharvest at 70 ppm; milk, powdered at 5.0 ppm; nut, pine, postharvest at 20 ppm; peanut, postharvest at 15 ppm; rice, flour, postharvest at 45 ppm; and vegetables, legume, group 6, postharvest at 70 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of FFDCA, as amended by FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to FFDCA by FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of FFDCA, as was provided in the old sections 408 and 409 of FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2005–0174 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before September 13, 2005.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900L), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Suite 350, 1099 14th St., NW., Washington, DC 20005. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 564–6255.

2. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES**. Mail your copies, identified by docket ID number OPP–2005–0174, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in **ADDRESSES**. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule,

the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 1, 2005

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 3. Section 180.145 is amended by adding alphabetically the following commodities to the table in paragraph (a)(3) to read as follows:

§ 180.145 Flourine compounds; tolerances for residues.

(a) * * *

(3) * * *

Commodity	Parts per million
All processed food commodities not otherwise listed	70
* * * * *	
Cattle, meat, dried	40
Cheese	5.0
Cocoa bean, postharvest	20
Coconut, postharvest	40
Coffee, postharvest	15
* * * * *	
Cottonseed, postharvest	70
Eggs, dried	900
* * * * *	
Ginger, postharvest	70
* * * * *	
Ham	20
Herbs and spices, group 19, postharvest	70
* * * * *	
Milk, powdered	5.0
Nut, pine, postharvest	20
* * * * *	
Peanut, postharvest	15
* * * * *	
Rice, flour, postharvest	45
* * * * *	
Vegetables, legume, group 6, postharvest	70
* * * * *	

* * * * *

■ 5. Section 180.575 is amended by alphabetically adding the following commodities to the table in paragraph (a)(1) to read as follows:

§ 180.575 Sulfuryl fluoride; tolerances for residues.

(a)(1) *General.* * * *

Commodity	Parts per million
All processed food commodities not otherwise listed	2.0
* * * * *	
Cattle, meat, dried	0.01
Cheese	2.0
Cocoa bean, postharvest	0.2
Coconut, postharvest	1.0
Coffee, postharvest	1.0
* * * * *	
Cottonseed, postharvest	0.5
Eggs, dried	1.0
* * * * *	
Ginger, postharvest	0.5
Ham	0.02
Herbs and spices, group 19, postharvest	0.5
* * * * *	
Milk, powdered	2.0
Nut, pine, postharvest	0.2
* * * * *	
Peanut, postharvest	0.5
* * * * *	
Rice, flour, postharvest	0.05
* * * * *	
Vegetables, legume, group 6, postharvest	0.5
* * * * *	

* * * * *

[FR Doc. 05–13982 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

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

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in BFEs are in accordance with 44 CFR 65.4.

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

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

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

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Illinois:					
Kane (Case No. 04–05–2895P) (FEMA Docket No. P–7642).	City of Aurora	November 10, 2004, November 17, 2004, *Kane County Chronicle*.	The Honorable David L. Stover, Mayor, City of Aurora, 44 East Downer Place, Aurora, IL 60507.	February 16, 2005	170320

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Will (Case No. 04–05–3544P) (FEMA Docket No. P–7642).	Village of Bolingbrook.	January 28, 2005, February 4, 2005, *The Bolingbrook Sun*.	The Honorable Roger C. Claar, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, IL 60440.	January 13, 2005	170812
Cook (Case No. 03–05–3975P) (FEMA Docket No. P–7642).	Unincorporated Areas.	December 2, 2004, December 9, 2004, *The Chicago Tribune*.	The Honorable John Stroger, Jr., President, Cook County Board of Commissioners, 118 N. Clark Street, Room 537, Chicago, IL 60602.	March 10, 2005 ...	170054
Will (Case No. 04–05–4065P) (FEMA Docket No. P–7642).	City of Joliet	February 3, 2005, February 10, 2005, *Farmers Weekly Review*.	The Honorable Arthur Schultz, Mayor, City of Joliet, 150 West Jefferson Street, Joliet, IL 60432.	January 13, 2005	170702
Winnebago (Case No. 04–05–2896P) (FEMA Docket No. P–7642).	City of Love's Park.	January 24, 2005, January 31, 2005, *The Rockford Register Star*.	The Honorable Darryl F. Lindberg, Mayor, City of Loves Park, 100 Heart Boulevard, Loves Park, IL 61111.	January 14, 2005	170722
Will (Case No. 04–05–3549P) (FEMA Docket No. P–7642).	Village of Mokena	December 2, 2004, December 9, 2004, *The Lincoln-Way Sun*.	The Honorable Robert Chiszar, Mayor, Village of Mokena, 11004 Carpenter Street, Mokena, IL 60448.	March 10, 2005 ...	170705
Cook (Case No. 03–05–3975P) (FEMA Docket No. P–7642).	Village of Orland Park.	December 2, 2004, December 9, 2004, *The Orland Township Messenger*.	The Honorable Dan McLaughlin, Mayor, City of Orland Park, 14700 South Ravinia Avenue, Orland Park, IL 60462.	March 10, 2005 ...	170140
Cook (Case No. 03–05–3975P) (FEMA Docket No. P–7642).	Village of Tinley Park.	December 2, 2004, December 9, 2004, *The Star*.	The Honorable Edward Zabrocki, Mayor, Village of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, IL 60477.	March 10, 2005 ...	170169
Will (Case No. 04–05–3560P) (FEMA Docket No. P–7642).	Unincorporated Areas.	January 5, 2005, January 12, 2005, *The Herald News*.	The Honorable Lawrence Walsh, Will County Executive, Will County Office Building, 302 North Chicago Street, Joliet, IL 60432.	December 13, 2004.	170695
Winnebago (Case No. 04–05–2876 (FEMA Docket No. P–7642).	Unincorporated Areas.	January 24, 2005, January 31, 2005, *The Rockford Register Star*.	Mr. Scott Christiansen, Chairman, Winnebago County Board, 404 Elm Street, Rockford, IL 61101.	January 14, 2005	170720
Michigan:					
Macomb (Case No. 04–05–2345P) (FEMA Docket No. P–7642).	Township of Shelby.	January 24, 2005, January 31, 2005, *The Macomb Daily*.	Mr. Ralph L. Maccarone, Township Supervisor, Township of Shelby, 52700 Van Dyke Avenue, Shelby Township, MI 48316.	January 11, 2005	260126
Macomb (Case No. 04–05–2879P) (FEMA Docket No. P–7642).	City of Sterling Heights.	January 12, 2005, January 19, 2005, *Sterling Heights Sentry*.	The Honorable Richard J. Nottle, Mayor, City of Sterling Heights, 40555 Utica Road, Sterling Heights, MI 48311.	December 21, 2004.	260128

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Minnesota: Dakota (Case No. 04–05–2882P) (FEMA Docket No. P–7642).	City of Burnsville	December 2, 2004, December 9, 2004, *Dakota County Tribune*.	The Honorable Elizabeth Kautz, Mayor, City of Burnsville, 100 Civic Center Parkway, Burnsville, MN 55337.	March 10, 2005 ...	270102
Missouri:					
Clay (Case No. 04–07–531P) (FEMA Docket No. P–7642).	Village of Claycomo.	December 15, 2004, December 22, 2004, *Dispatch Tribune*.	The Honorable Lois Anderson, Village Administrator and Floodplain Administrator, Village of Claycomo, 115 East Highway 69, Claycomo, MO 64119.	March 23, 2005 ...	290089
St. Charles (Case No. 03–07–886P) (FEMA Docket No. P–7462).	City of O'Fallon	December 29, 2004, January 5, 2005, *The O'Fallon Journal*.	The Honorable Paul F. Renaud, Mayor, City of O'Fallon, O'Fallon Municipal Centre, 100 North Main Street, O'Fallon, MO 63366.	April 6, 2005	290316
New Mexico: Bernalillo (Case No. 04–06–1904P) (FEMA Docket No. P–7642).	City of Albuquerque.	January 21, 2005, January 28, 2005, *The Albuquerque Journal*.	The Honorable Martin Chavez, Mayor, City of Albuquerque, City/County Building, 11th Floor, One Civic Plaza NW, Albuquerque, NM 87103.	January 12, 2005	350002
Ohio: Shelby (Case No. 04–05–3548P) (FEMA Docket No. P–7642).	Unincorporated Areas.	December 22, 2004, December 29, 2004, *The Sidney Daily News*.	The Honorable John D. Schmitt, Shelby County Judge, Shelby County Courthouse, P.O. Box 947, Sidney, OH 45365.	March 30, 2005 ...	390503
Oklahoma:					
Tulsa (Case No. 03–06–1547P) (FEMA Docket No. P–7642).	City of Owasso	December 9, 2004, December 16, 2004, *Owasso Reporter*.	The Honorable Susan Kimball, Mayor, City of Owasso, P.O. Box 180, Owasso, OK 74055.	November 23, 2004.	400210
Tulsa (Case No. 03–06–1547P) (FEMA Docket No. P–7642).	Unincorporated Areas.	December 9, 2004, December 16, 2004, *Tulsa World*.	The Hon. Wilbert E. Collins, Sr., Chairman, Tulsa County, Board of Commissioners, 500 South Denver, Tulsa, OK 74103.	November 23, 2004.	400462
Texas:					
Parker (Case No. 04–06–1202P) (FEMA Docket No. P–7642).	City of Aledo	December 13, 2004, December 20, 2004, *The Weatherford Democrat*.	The Honorable Susan Langley, Mayor, City of Aledo, 100 Sanchez Trail, Aledo, TX 76008.	March 21, 2005 ...	481659
Travis (Case No. 03–06–2670P) (FEMA Docket No. P–7642).	City of Austin	December 15, 2004, December 22, 2004, *Austin American Statesman*.	The Honorable Will Wynn, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	March 23, 2005 ...	480624
Hays (Case No. 04–06–1001P) (FEMA Docket No. P–7642).	City of Buda	January 6, 2005, January 13, 2005, *The Free Press*.	The Honorable John Trube, Mayor, City of Buda, P.O. Box 1218, Buda, TX 78610.	April 14, 2005	481640
Denton (Case No. 04–06–1463P) (FEMA Docket No. P–7642).	City of Corinth	January 18, 2005, January 25, 2005, *Denton Record Chronicle*.	The Honorable Vic Burgess, Mayor, City of Corinth, 3300 Corinth Parkway, Corinth, TX 76208.	April 26, 2005	481143

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Tarrant (Case No. 04–06–1204P) (FEMA Docket No. P–7642).	City of Crowley	December 13, 2004, December 20, 2004, *The Star Telegram*.	The Honorable Billy Davis, Mayor, City of Crowley, 120 North Hampton Road, Crowley, TX 76036.	March 21, 2005 ...	480591
Denton (Case No. 03–06–2687P) (FEMA Docket No. P–7642).	City of The Colony	January 26, 2005, February 2, 2005, *The Colony Courier Leader*.	The Honorable John Dillard, Mayor, City of The Colony, City Hall 6800 Main Street, The Colony, TX 75056.	February 14, 2005	481581
Dallas (Case No. 04–06–867P) (FEMA Docket No. P–7642).	City of Dallas	December 22, 2004, December 29, 2004, *Dallas Morning News*.	The Honorable Laura Miller, Mayor, City of Dallas, Dallas City Hall, 1500 Marilla Street, Room 5EN, Dallas, TX 75201–6390.	March 30, 2005 ...	480171
Fort Bend (Case No. 04–06–2152P) (FEMA Docket No. P–7642).	Unincorporated Areas.	January 26, 2005, February 2, 2005, *Fort Bend Star*.	The Honorable Robert E. Hebert, Judge, Fort Bend County, 301 Jackson Street, Suite 719, Richmond, TX 77469.	January 14, 2005	480228
Tarrant (Case No. 04–06–1204P) (FEMA Docket No. P–7642).	City of Fort Worth	December 13, 2004, December 20, 2004, *The Star Telegram*.	The Honorable Michael Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	March 21, 2005 ...	480596
Hays (Case No. 04–06–1001P) (FEMA Docket No. P–7642).	Unincorporated Areas.	January 6, 2005, January 13, 2005, *The Free Press*.	The Honorable Jim Powers, Judge, Hays County, 111 E. San Antonio Street, Suite 300, San Marcos, TX 78666.	April 14, 2005	480321
Tarrant (Case No. 03–05–1850P) (FEMA Docket No. P–7640).	City of Hurst	October 1, 2004, October 8, 2004, *The Star Telegram*.	The Honorable Richard Ward, Mayor, City of Hurst, 1505 Precinct Line Road, Hurst, TX 76054.	October 7, 2004 ..	480601
Fort Bend Harris and Waller (Case No. 04–06–2152P) (FEMA Docket No. P–7642).	City of Katy	January 26, 2005, February 2, 2005, *The Katy Times*.	The Honorable Doyle Callender, Mayor, City of Katy, 910 Avenue C, Katy, TX 77493.	January 14, 2005	480301
Parker (Case No. 04–06–1202P) (FEMA Docket No. P–7642).	Unincorporated Areas.	December 13, 2004, December 20, 2004, *The Weatherford Democrat*.	The Honorable Mark Riley, Judge, Parker County, 1 Courthouse Square, Weatherford, TX 76086.	March 21, 2005 ...	480520
Waller (Case No. 04–06–2152P) (FEMA Docket No. P–7642).	Unincorporated Areas.	January 27, 2005, February 3, 2005, *Waller County News Citizen*.	The Honorable Owen Ralston, Judge, Waller County, 836 Austin Street, Room 203, Hempstead, TX 77445.	January 14, 2005	480460

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 7, 2005.

David I. Maurstad,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 05–13931 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

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

ACTION: Final rule.

SUMMARY: Modified Base (1% annual chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in BFEs are in accordance with 44 CFR 65.4.

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

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

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

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Calhoun (FEMA Docket No. D–7563).	Unincorporated Areas.	September 28, 2004, October 5, 2004, *Anniston Star*.	Mr. Ken Joiner, Calhoun County Administrator, 1702 Noble Street, Suite 103, Anniston, Alabama 36201.	September 21, 2004.	010013 C

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida: Charlotte (FEMA Docket No. D–7563).	Unincorporated Areas.	September 27, 2004, October 4, 2004, *Sun Herald*.	Mr. Bruce Loucks, Charlotte County Administrator, Charlotte County Administration Building, 18500 Murdock Circle, Port Charlotte, Florida 33948.	September 20, 2004.	120061 F
Delaware: New Castle (FEMA Docket No. D–7563).	Unincorporated Areas.	August 17, 2004, August 24, 2004, *The News Journal*.	Mr. Thomas P. Gordon, New Castle County Executive, New Castle County Government Center, 87 Reads Way, New Castle, Delaware 19720.	November 23, 2004.	105085 G
Georgia: Gwinnett (FEMA Docket No. D–7565).	Unincorporated Areas.	October 7, 2004, October 14, 2004, *Gwinnett Daily Post*.	Mr. F. Wayne Hill, Chairman of the Gwinnett County, Board of Commissioners, Justice and Administration Center, 75 Langley Drive, Lawrenceville, Georgia 30045.	September 29, 2004.	130322 C
Massachusetts: Suffolk (FEMA Docket No. D–7561).	City of Boston	July 16, 2004, July 23, 2004, *Boston Herald*.	The Honorable Thomas Menino, Mayor of the City of Boston, 1 City Hall Plaza, 5th Floor, Boston, Massassachusetts 02201.	July 9, 2004	250286 D
Mississippi: DeSoto (FEMA Docket No. D–7651).	City of Olive Branch.	August 5, 2004, August 12, 2004, *The DeSoto County Tribune*.	The Honorable Samuel P. Rikard, Mayor of the City of Olive Branch, City Hall, 9189 Pigeon Roost Road, Olive Branch, Mississippi 38654.	July 27, 2004	280286 E
North Carolina: Durham (FEMA Docket No. D–7563).	City of Durham	August 11, 2004, August 18, 2004, *The Herald Sun*.	The Honorable William V. Bell, Mayor of the City of Durham, Office of the Mayor, 101 City Hall Plaza, Durham, North Carolina 27701.	November 17, 2004.	370086 G
Pennsylvania:					
Dauphin (FEMA Docket No. D–7651).	Township of Lower Paxton.	July 19, 2004, July 26, 2004, *The Patriot News*.	Mr. William B. Hawk, Chairman of the Township of Lower Paxton Board of Supervisors, 75 South Houcks Road, Suite 207, Harrisburg, Pennsylvania 17109.	October 25, 2004	420384 B
Bucks	Township of Northampton.	August 4, 2004, August 11, 2004, *Bucks County Courier Times*.	Mr. Bruce Townsend, Township Northampton Manager, 55 Township Road, Richboro, Pennsylvania 18954.	November 10, 2004.	420208 F
Bucks (FEMA Docket No. D–7561).	Township of Warminster.	August 4, 2004, August 11, 2004, *The Intelligencer*.	Ms. Judith Smith, Township of Warminster Manager, 401 Gibson Avenue, Warminster, Pennsylvania 18794.	November 10, 2004.	420990 F
Bucks (FEMA Docket No. D–7561).	Township of Warrington.	August 4, 2004, August 11, 2004, *The Intelligencer*.	Mr. John D. Bonargo, Sr., Township of Warrington Manager, Township Building, 852 Easton Road, Warrington, Pennsylvania 18976.	November 10, 2004.	420208 F
Bucks (FEMA Docket No. D–7561).	Township of Warwick.	August 4, 2004, August 11, 2004, *The Intelligencer*.	Ms. Judith A. Algeo, Chairman of the Township of Warwick, Board of Supervisors, 1733 Township Greene, Jamison, Pennsylvania 18929.	November 10, 2004.	420209 F
Bucks (FEMA Docket No. D–7561).	Township of Wrightstown.	August 4, 2004, August 11, 2004, *Bucks County Courier Times*.	Mr. Chester S. Pogonowski, Chairman of the Township of Wrightstown Board of Supervisors, 738 Penns Park Road, Wrightstown, Pennsylvania 18940.	November 10, 2004.	421045 F
South Carolina:					
Horry (FEMA Docket No. D–7563).	Unincorporated Areas.	August 27, 2004, September 3, 2004, *The Sun News*.	Mr. Danny Knight, Horry County Administrator, P.O. Box 1236, Conway, South Carolina 29528.	December 3, 2004	450104 H
Charleston (FEMA Docket No. D–7563).	City of Isle of Palms.	October 1, 2004, October 8, 2004, *The Post & Courier*.	The Honorable F. Michael Sottile, Mayor of the City of Isle of Palms, P.O. Box 508, Isle of Palms, South Carolina 29451.	September 23, 2004.	455416 E
Sumter (FEMA Docket No. D–7563).	Unincorporated Areas.	August 26, 2004, September 2, 2004, *The Item*.	Mr. William T. Noonan, Sumter County Administrator, 13 East Canal Street, Sumter, South Carolina 29150.	December 2, 2004	450182 C
Virginia: Fauquier (FEMA Docket No. D–7561).	Unincorporated Areas.	July 15, 2004, July 22, 2004, *Fauquier Citizen*.	Mr. G. Robert Lee, Fauquier County Administrator, 40 Culpeper Street, Warrenton, Virginia 20186.	July 9, 2004	510055 B

Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 6, 2005.

David I. Maurstad,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 05–13930 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

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

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations and modified Base Flood Elevations (BFEs) are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: *Effective Date:* The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below for the BFEs and modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and 44 CFR part 67.

The Federal Emergency Management Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

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

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended to read as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

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

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location of referenced elevation	♦Elevation in feet (NAVD) Modified	Communities affected
Boggs Creek:		
Approximately 100 feet upstream of East McCarty Street ..	♦556	FEMA Docket No. P7675, City of Jefferson City.
Approximately 3,400 feet upstream of Scenic Drive	♦612	
Dickerson Creek:		
Approximately 120 feet upstream of Business U.S. Highway 50.	♦648	Cole County, (Unincorporated Areas).
Approximately 1,880 feet upstream of confluence of Dickerson Creek Tributary No. 2.	♦723	
Dickerson Creek Tributary No. 1:		
Approximately 180 feet upstream of the confluence with Dickerson Creek.	♦648	FEMA Docket No. P7675, Cole County (Unincorporated Areas).
Approximately 740 feet upstream of Business U.S. Highway 50.	♦651	
Dickerson Creek Tributary No. 2:		
At confluence with Dickerson Creek	♦700	City of Jefferson City Cole County (Unincorporated Areas).
Approximately 2,750 feet upstream of U.S. Highway 50	♦727	
East Branch Wears Creek:		

Source of flooding and location of referenced elevation	♦Elevation in feet (NAVD) Modified	Communities affected
At confluence with Wears Creek	♦561	City of Jefferson City.
Approximately 150 feet upstream of Lafayette Street	♦578	
Grays Creek:		
At the confluence with Missouri River	♦562	City of Jefferson City Cole County (Unincorporated Areas).
Approximately 2.2 miles upstream of State Highway 179/ Rock Hill Road.	♦562	
Grays Creek Tributary:		
At the confluence with Grays Creek	♦562	City of Jefferson City.
Approximately 4,180 feet upstream of confluence with Grays Creek.	♦562	
Moreau River:		
At the confluence with Missouri River	♦552	City of Jefferson City Cole County (Unincorporated Areas).
Approximately 5.2 miles upstream of U.S. Highway 54	♦591	
North Branch Wears Creek:		
At confluence with Wears Creek:	♦561	FEMA Docket No. P7675, City of Jefferson City.
Approximately 30 feet upstream of Schellridge Drive/Jaycee Drive.	♦614	
Osage River:		
At the eastern County Boundary (approximately 7,750 feet downstream of Union Pacific Railroad).	♦548	City of Wardsville, Cole County (Unincorporated Areas).
Approximately 10.1 miles upstream of State Highway B	♦563	
Wears Creek:		
Approximately 80 feet downstream of West Main Street	♦557	City of Jefferson City, Cole County (Unincorporated Areas).
Approximately 2,850 feet upstream of Frog Hollow Road	♦609	

ADDRESSES:

Unincorporated Areas of Cole County, Missouri

Maps are available for inspection at the Department of Public Works, 5055 Monticello Road, Jefferson City, Missouri.

City of Jefferson City, Cole County, Missouri

Maps are available for inspection at City Hall, 320 East McCarty Street, Jefferson City, Missouri.

City of Wardsville, Cole County, Missouri

Maps are available for inspection at 5805 Wardsville Road, Jefferson City, Missouri.

Big Papillion Creek:		
Approximately 750 feet downstream of Harrison Street	♦997	FEMA Docket No. P7675, City of Omaha.
Approximately 200 feet downstream of Burlington Northern & Santa Fe Railway.	♦1,003	
Elkhorn River:		
Approximately 7,800 feet downstream of West Q Road	♦1,102	Douglas County (Unincorporated Areas).
Approximately 4,350 feet downstream of West Q Road	♦1,105	
Platte River:		
Approximately 23,200 feet downstream of West Center Road/U.S. Highway 275/State Highway 92.	♦1,102	Douglas County (Unincorporated Areas).
At the northern County Boundary (approximately 35,500 feet upstream of Ida Street/State Highway 64).	♦1,192	

ADDRESSES:

Unincorporated Areas of Douglas County, Nebraska

Maps are available for inspection at Community Map Repository, 3015 Menke Circle, Omaha, Nebraska.

City of Omaha, Douglas County, Nebraska

Maps are available for inspection at the Community Map Repository, City of Omaha, 1819 Farnam Street, Omaha, Nebraska.

Elkhorn River:		
Just upstream of the confluence with the Platte River	♦1,086	FEMA Docket No. P7675 Sarpy County (Unincorporated Areas).
At the northern County Boundary (approximately 5.75 miles upstream of the confluence with the Platte River).	♦1,103	
Platte River:		
Approximately 800 feet upstream of the confluence with the Missouri River.	♦966	Sarpy County (Unincorporated Areas).
At the northern County Boundary (approximately 5.11 miles upstream of the confluence of the Elkhorn River).	♦1,106	
Springfield Creek:		
At the confluence with the Platte River	♦1,011	Sarpy County (Unincorporated Areas).
Approximately 200 feet upstream of Buffalo Road	♦1,011	

ADDRESSES:

Unincorporated Areas of Sarpy County, Nebraska

Maps are available for inspection at the Community Map Repository, Sarpy County Courthouse, 1210 Golden Gate Drive, Papillion, Nebraska.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 6, 2005.

David I. Maurstad,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 05–13929 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2005–21826]

RIN 2127–AJ55

Federal Motor Vehicle Safety Standards; Platform Lifts for Motor Vehicles, Platform Lift Installations in Motor Vehicles

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

ACTION: Denial of petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration of the October 1, 2004 final rule (69 FR 58843), which was in response to the initial petitions for reconsideration of the December 27, 2002 final rule (67 FR 79416) that established two new Federal motor vehicle safety standards (FMVSSs); FMVSS No. 403, *Platform lift systems for motor vehicles*, and FMVSS No. 404, *Platform lift installations in motor vehicles.* The purpose of these standards is to prevent injuries and fatalities during lift operation. In the October 2004 final rule the agency clarified the applicability of the standards as well as amended the definitions of certain operational functions, the requirements for lift lighting on public lifts, the interlock requirements, compliance procedures for lifts that manually deploy/stow, the environmental resistance requirements, the edge guard requirements, the wheelchair test device specifications, and the location requirements for public lift controls. The agency received petitions for reconsideration of the October 2004 final rule from a school bus manufacturer, a lift interlock/control manufacturer, a vehicle association, a school bus technical council and a dealer's association. The agency is denying the petitioners' request to require interlocks be designed to prevent ''malicious'' release and to place responsibility for lighting requirements under FMVSS No. 403. The request to amend the lighting intensity requirements under FMVSS No. 404 will be addressed in a separate notice as a petition for rulemaking.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may contact William Evans, Office of Crash Avoidance Safety Standards at (202) 366–2272. For legal issues, you may contact Christopher Calamita, Office of Chief Counsel, at (202) 366–2992. You may send mail to these officials at the National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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E. Reduce Platform Illumination Requirements of FMVSS No. 404

I. Background

December 27, 2002 Final Rule

On December 27, 2002, the agency published in the **Federal Register** a final rule establishing FMVSS No. 403, *Platform lift systems for motor vehicles*, and FMVSS No. 404, *Platform lift installations in motor vehicles* (67 FR 79416). These standards provide practicable performance-based requirements and compliance procedures for the regulations promulgated by the DOT under the Americans with Disabilities Act (ADA) [1]. FMVSS Nos. 403 and 404 provide that lift systems and vehicles manufactured with lift systems must comply with objective safety requirements.

FMVSS No. 403 establishes requirements for platform lifts that are designed to carry passengers who rely on wheelchairs, scooters, canes, and other mobility aids into and out of motor vehicles. The standard requires that lifts meet requirements such as minimum platform dimensions, maximum platform velocity/acceleration/noise level, maximum size limits for platform protrusions and gaps, maximum platform deflection, environmental resistance (corrosion resistance), platform slip resistance, etc. The standard also includes requirements for handrails, a threshold-warning signal, retaining barriers, platform markings, platform lighting, fatigue endurance, strength, controls and interlocks. Performance tests are specified for most requirements.

FMVSS No. 404 establishes requirements for vehicles that as manufactured, are equipped with platform lifts. The lifts must be certified as meeting FMVSS No. 403, must be installed according to the lift manufacturer's instructions and must continue to meet all of the applicable requirements of FMVSS No. 403 after installation. The standard also requires that specific information is made available to lift users.

Recognizing the different usage patterns of platform lifts used in public transit versus those of platform lifts for individual use, the agency established separate requirements for public use lifts and private use lifts. FMVSS No. 404, S4.1.1 requires that lift-equipped buses, school buses and multipurpose passenger vehicles other than motor homes with a gross vehicle weight rating (GVWR) greater than 4,536 kg (10,000 lb) must be equipped with a lift certified to all applicable public use lift requirements set forth in FMVSS No. 403. Since lifts on these vehicles will generally be subject to more stress and cyclic loading and will be used by more and varied populations, additional requirements relative to platform size, controls, handrails, platform lighting, platform markings, noise level, etc. are appropriate.

In order to provide manufacturers sufficient time to meet any new requirements established in FMVSS Nos. 403 and 404, the agency provided a two-year lead-time, which scheduled the standards to become effective on December 27, 2004.

Petitions for Reconsideration to the December 27, 2002 Final Rule

In response to the December 27, 2002 final rule, the agency received six petitions for reconsideration from platform lift manufacturers, vehicle manufacturers, and a transportation safety research organization. The agency

[1] Pub. L. 101–336, 42 U.S.C. 12101, *et seq.* The ADA directed the DOT to issue regulations to implement the transportation provisions that pertain to vehicles used by the public.

responded to these petitions in a final rule published in the **Federal Register** on October 1, 2004 (69 FR 58843). In the October 2004 final rule the agency amended FMVSS Nos. 403 and 404 to clarify the applicability of the standards so that they do not apply to special purpose lifts and lifts installed on ambulances, redefined the terms ''deploy'' and ''stow'' to be less design restrictive, established the lighting requirements as a vehicle requirement, permitted lift manufacturers to rely on existing vehicle components to comply with the interlock requirements, excluded lifts that manually deploy and stow from certain lift performance requirements, permitted a wider range of platform lift designs to comply with environmental resistance (corrosion resistance) requirements for internally stowed lifts, provided more flexibility in the degree of platform deflection between the unloaded platform and the vehicle floor, reduced the required extension of continuous edge guards to the inner platform edge, established a performance based alternative to the continuous edge guard requirement, established further specifications for the wheelchair test device, clarified the term ''control system,'' provided flexibility in the placement of the control system panel, and made several editorial corrections to the regulatory text adopted by the final rule.

Petitions for Reconsideration to the October 1, 2004 Final Rule

In response to the October 2004 final rule, the agency received timely petitions from Safety Systems and Controls, Inc. (SSC), an interlock manufacturer; the Adaptive Driving Alliance, a dealer/manufacturer industry organization; the School Bus Manufacturers Technical Council (SBMTC), a technical advisor to the school bus industry; the Manufacturers Council of Small School Buses (MCSSB), an affiliate of the National Truck Equipment Association; and Blue Bird, a bus manufacturer.

The petitions requested (A) a change in the wording in S6.10.2.1 of FMVSS No. 403 to state that the design of the interlock should be such that it discourages ''malicious'' release rather than ''accidental'' release; (B) that the responsibility of platform lighting for public use lifts be moved from the vehicle manufacturer (FMVSS No. 404) back to the lift manufacturer (FMVSS No. 403); (C) a delay in the compliance date of the platform lighting requirements; (D) clarification of FMVSS Nos. 403 and 404 relative to modifiers installing used non-403 compliant lifts manufactured before the FMVSS No. 403 compliance date in vehicles manufactured after the FMVSS No. 404 compliance date; and (E) that the platform illumination requirements be reduced from the NHTSA minimum of 54 lm/m^2 or 54 Lux (5 lm/ft^2 or 5 foot-candles) to the ADA and Federal Transit Administration minimum [2] of 22 lm/m^2 or 22 Lux (2 lm/ft^2 or 2 foot-candles). This notice addresses these issues, which were included in the petitions for reconsideration to the October 1, 2004 final rule.

December 23, 2004 Interim Final Rule

During the months preceding the scheduled December 27, 2004 effective date of FMVSS Nos. 403 and 404, the agency received numerous communications and petitions for reconsideration to the October 1, 2004 final rule requesting that the compliance date of the standards be delayed. Vehicle manufacturers stated that there would be a disruption in vehicle production lines due to the unavailability of lifts on the compliance date. Vehicle manufacturers also stated that the compliance dates for FMVSS Nos. 403 and 404 should have been staggered so that FMVSS No. 404 became effective after FMVSS No. 403. Vehicle manufacturers also indicated that lift manufacturers were not making several popular low-end and specialty lifts compliant with FMVSS No. 403 and that the purchasers of these lifts needed time to find suitable FMVSS No. 403 compliant substitutes. Bus manufacturers requested a delay in the lighting requirements portion of FMVSS No. 404 as they felt that the minimum required platform illumination was too intense and the responsibility for the requirement should be shifted back to FMVSS No. 403, where it would again be the responsibility of lift manufacturers. Numerous inquiries and complaints indicated that there was significant confusion relative to the requirements, the test procedures, the application of the standards and how the compliance date applied to multi-stage vehicles. On December 23, 2004, NHTSA published an interim final rule in the **Federal Register** (69 FR 76865) delaying the compliance date of FMVSS No. 403 from December 27, 2004 to April 1, 2005 and delaying the compliance date of FMVSS No. 404 from December 27, 2004 to July 1, 2005.

[2] Federal Transit Administration, Guideline Specifications for Passive Lifts, Active Lifts, Wheelchair Ramps and Securement Devices, September 1992, DOT–T–93–03.

II. Petitions for Reconsideration

A. Change the Wording in S6.10.2.1 of FMVSS No. 403 To State That the Design of the Interlock Should Be Such That It Discourages ''Malicious'' Release Rather Than ''Accidental'' Release

A petition for reconsideration was received from SSC, in which it requested that the interlock required by S6.10.2.1 of FMVSS No. 403 be designed in a way that discourages ''malicious'' release rather than ''accidental'' release. S6.10.2.1 requires interlocks that prevent forward or rearward mobility of the vehicle unless the platform is stowed. SSC stated that if the interlock were designed to discourage ''malicious'' release, the driver would be more likely to leave the engine running when leaving the drivers compartment to operate a lift or attend to passengers. SSC stated that leaving the engine running would allow the driver to keep the heat or air conditioning running which would provide passengers with a more stable and comfortable environment and that such a requirement would also support efforts in California to permit drivers to leave the engine running when they momentarily leave the driver's compartment to perform other duties. The petition provided an example of an interlock that meets the requirements of S6.10.2.1 and is designed to prevent ''malicious'' release. Such an interlock would be engaged with a key. If the driver's safety belt was unlatched and the interlock was disengaged (a position that would permit vehicle movement), a warning signal would alert the driver. As an attachment to a separate letter, SCC submitted an article to NHTSA that it claims supports the need to design the interlock in a way that discourages ''malicious'' release. The article describes a situation where a student got off the bus at the wrong stop. When the driver and attendant left the bus to retrieve the student, the student doubled-back, boarded the bus, locked the door and drove the bus for several blocks knocking down mailboxes and striking a pole. Apparently there were no injuries, just property damage. The article, however, did not mention anything about a lift being deployed, a lift interlock, etc.

Agency response: The agency is denying petitioner's request to require that interlocks be designed to prevent ''malicious'' release. In the supplemental notice of proposed rulemaking (SNPRM) published on July 27, 2000 (65 FR 46228), the first interlock which inhibits forward or rearward mobility of the vehicle unless the platform is stowed (presently

S6.10.2.1) did not specify any special design characteristics. Public comments to the SNPRM, which the agency responded to in the preamble of the final rule published December 27, 2002 (67 FR 79416), suggested that the requirement specify that the interlock be designed in such a way as to prevent ''accidental'' or ''malicious'' release. In its response, the agency required that interlocks be designed to prevent ''accidental'' release only. There was no data indicating that ''malicious'' release of the interlock was a safety problem and requiring manufacturers to design for ''malicious'' release would impart additional costs. In responding to comments requesting that the standard require interlocks to be designed to prevent ''malicious'' release, the agency stated that the second interlock (presently S6.10.2.2), which prevents operation of the platform lift from the stowed position unless forward or rearward mobility of the vehicle is inhibited, already requires that the vehicle transmission be in Park or Neutral and either the parking brake or the service brakes be applied (the service brakes, if applied, must be applied by means other than the driver pressing the service brake pedal). The information supplied by SCC article did not include any descriptions of a deployed lift or the ''malicious'' release of an interlock designed to prevent vehicle movement when the lift is not stowed. Such a case would not be adequate justification to initiate a change in the regulation.

B. Move the Platform Lighting Requirements for Public Use Lifts From FMVSS No. 404 Where It Is the Responsibility of Vehicle Manufacturers Back to FMVSS No. 403 Where It Would Be the Responsibility of Lift Manufacturers

Petitions from SBMTC, MCSSB and Blue Bird requested that the platform lighting requirement be moved from FMVSS No. 404 to FMVSS No. 403, under which it would be the responsibility of lift manufacturers. The petitioners stated that the October 2004 final rule moved this requirement from FMVSS No. 403 to FMVSS No. 404 three months before the effective date, which gave vehicle manufacturers little time to react. The petitioners noted that while NHTSA stated in its October 1, 2004 final rule that bus manufacturers already provide some lighting in order to comply with ADA requirements, school bus manufacturers are not obligated to comply with ADA. The petitioners explained that school bus manufacturers have not traditionally provided lighting. Petitioners stated that if the platform lighting requirements were not amended, then the compliance date of the platform lighting portion of FMVSS No. 404 should be delayed.

Agency response: NHTSA is denying the petitioners request to move the platform lighting requirements to FMVSS No. 403 and has determined that the December 2004 interim final rule has made the petitioners request for a delay of the compliance date moot.

Under the December 27, 2002 final rule, manufacturers of public use platform lifts were required to either provide platform lighting incorporated into the lift or to provide separate platform lighting hardware along with the lift which includes detailed installation instructions that addressed the mounting, powering, location and positioning of platform lighting, as well as an operational test procedure. FMVSS No. 403 originally required that upon a lift being installed in accordance with the lift manufacturer's installation instructions, the illumination on all portions of the platform must be at least 54 lm/m^2 or 54 Lux (5 lm/ft^2 or 5 foot-candles) and the illumination on all portions of the passenger-unloading ramp would be at least 11 lm/m^2 or 11 Lux (1 lm/ft^2 or 1 foot-candle) throughout the range of passenger operation.

A petition for reconsideration to the December 27, 2002 final rule was received from Braun Corporation. Braun stated that identical lift products might be installed on a wide variety of vehicles. Braun claimed that although lift manufacturers can easily provide the method of interfacing platform lighting with the lift, they would have difficulty in determining the amount of lighting that will be required for each lift/vehicle application. Braun stated that the level of light intensity required to meet the standard is application-specific and should be determined at the time of lift installation. Braun further stated that public use vehicle manufacturers have already accepted responsibility for complying with the lighting requirements of 36 CFR 1192.31.[3] Thus, Braun requested that the lighting requirements be the responsibility of vehicle manufacturers. NHTSA agreed with Braun and in the October 2004 final rule, moved the requirements for platform lighting from FMVSS No. 403 to FMVSS No. 404. Even though school buses are not required to comply with ADA requirements, there remains a large number of motor coaches and transit buses that already comply with ADA requirements and who routinely provide lighting for doorways, step wells, lifts and ramps.

Under FMVSS Nos. 403 and 404 as established December 2002, vehicle manufacturers were responsible for installing lighting in accordance with the lighting requirements then in FMVSS No. 403. The difference under the October 2004 final rule is that lift manufacturers are not required to supply the lighting hardware.

Despite removal of the lighting requirements from FMVSS No. 403, lifts currently are available with platform lighting incorporated on the lift. Vehicle manufacturers who traditionally have not provided lift lighting may purchase lifts that incorporate the lighting into the lift. By maintaining the platform lighting requirement in FMVSS No. 404 bus manufacturers that are already required to supply lighting under the ADA requirements will not need to purchase lifts equipped with lighting hardware that may be redundant. We note that as the FMVSS No. 404 lighting requirements are more stringent than the ADA requirements, existing vehicle lighting may need to be supplemented. Bus manufacturers that are not required to provide lighting under the ADA may purchase lifts that have lighting incorporated into the platform lift system, and thereby comply with FMVSS No. 404. In this respect, the cost of lighting for vehicle manufacturers should be the same as if the lighting requirement were under FMVSS No. 403.

C. Delay the Compliance Date of the Platform Lighting Requirements in FMVSS No. 404

Petitions from the SBMTC, MCSSB and Blue Bird requested that NHTSA delay the compliance date of the portion of the standards relating to the platform lighting requirements on public use lifts. A delay was requested as the petitioners disagreed with the transfer of the platform lighting requirements for public use lifts that occurred in the October 2004 final rule. The petitioners stated that a delay in the platform lighting portions of the standards would provide the time needed to address the change in the responsibility for the lighting requirements as well as various other concerns, including the required intensity.

Agency response: As explained above, NHTSA published an interim final rule in December 2004, which delayed the compliance date of FMVSS No. 403 from December 27, 2004 to April 1, 2005 and delayed the compliance date of FMVSS No. 404 from December 27, 2004 to July 1, 2005. As the original

[3] Section 1192.31 of the ADA adopts the lighting standards set forth in the ATBCB's Accessibility Guidelines for Transportation Vehicles.

effective date was approaching, the delay requested by this petition was granted before the publication of this response to petitions for reconsideration. The agency believes that no additional delay is necessary, and that further delay could renew confusion within the industry.

D. Clarify FMVSS Nos. 403 and 404 Relative to Modifiers Installing Used Non-403 Compliant Lifts Manufactured Before the FMVSS No. 403 Effective Date in Vehicles Manufactured After the FMVSS No. 404 Effective Date

The Adaptive Driving Alliance submitted a request for clarification regarding the applicability of FMVSS Nos. 403 and 404 as applied to modifiers [4] installing lifts manufactured before the FMVSS No. 403 effective date on vehicles manufactured after the FMVSS No. 404 effective date. The request stated that such clarification is needed to address the situation where vehicle owners want to transfer existing non-403 compliant lifts from their old vehicles to new vehicles that were manufactured after the FMVSS No. 404 effective date. The Adaptive Driving Alliance also requested clarification as to the applicability of FMVSS Nos. 403 and 404 to modifiers installing their existing inventory of non-403 compliant lifts into vehicles manufactured both before and after the FMVSS No. 404 effective date.

Agency response: In general, on and after April 1, 2005, all platform lifts manufactured for installation in motor vehicles that are intended to assist persons with limited mobility in entering and exiting a vehicle must comply with FMVSS No. 403. All vehicles manufactured on and after July 1, 2005 that are equipped with such lifts at first retail sale must comply with FMVSS No. 404. At any time a new or used non-403 compliant lift manufactured before April 1, 2005 may be installed on any vehicle manufactured before July 1, 2005 and on vehicles manufactured on or after July 1, 2005 provided that the vehicle was not equipped with a Standard No. 403-compliant lift at first retail sale.

The clarifications requested by the Adaptive Driving Alliance have been addressed in detail through interpretation letters issued by the agency. These documents may be obtained by searching the interpretation files (key words: platform lift) at *http://www.nhtsa.dot.gov.* Specifically, interpretations provided to The Braun Corporation, Prevost Car, Inc. and Mr. Jacques Bolduc address the issues raised in the Adaptive Driving Alliance's request.

E. Reduce Platform Illumination Requirements of FMVSS No. 404

Petition for reconsideration of the October 2004 final rule from Blue Bird, SBMTC, and MCSSB also requested that the required intensity of the platform lighting be reduced to the levels specified by the ADA and FTA. However, the issue of the required level of luminance on the lift platforms was not raised in the October 2004 final rule or the petitions that prompted the October 2004 final rule. With regard to the lighting requirements, the October 2004 final rule only addressed under which standard the lighting requirements would be established. In the December 23, 2004 interim final rule the agency recognized the petitioners concern with lighting levels and noted that this concern was outside the scope of the October 2004 final rule. The agency has decided to address this issue as a petition for rulemaking in a separate notice.

Authority: 49 U.S.C. 322, 30111, 30115, 30166 and 30177; delegation of authority at 49 CFR 1.50.

Issued on: July 11, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05–13960 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–59–P

[4] A modifier under NHTSA regulations is an auto repair business that alters a vehicle after first retail sale.

Proposed Rules

Federal Register
Vol. 70, No. 135
Friday, July 15, 2005

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 97

[Doc. # ST–05–02]

RIN 0581–AC42

Plant Variety Protection Office, Fee Increase

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to increase Plant Variety Protection (PVP) Office application, search, and certificate issuance fees by 20 percent. The last general fee increase in February 2003 is no longer adequate to cover current program obligations for administrative and information technology needs. The PVP Act of 1970 requires that reasonable fees be collected from applicants seeking certificates of protection in order to maintain the program. Also, a technical amendment would allow applicants to send voucher seed samples directly to the public repository.

DATES: Comments must be received on or before August 15, 2005.

ADDRESSES: Interested persons are invited to submit comments concerning this proposed rule. Comments should be sent in triplicate to Dr. Paul Zankowski, Commissioner, PVP Office, Room 401, NAL Building, 10301 Baltimore Boulevard, Beltsville, MD 20705, telephone 301–504–5518, fax 301–504–5291, *PVPOmail@usda.gov,* and should refer to the docket title and number located in the heading of this document. Comments received will be available for public inspection at the same location, between the hours of 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Janice M. Strachan, USDA, AMS, Science and Technology (S&T), PVP Office, NAL Building, Room 401, 10301 Baltimore Avenue, Beltsville, MD 20705–2351, telephone 301–504–5518, fax 301–504–5291, and e-mail *Janice.Strachan@usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Order 12866

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

II. Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small business entities. There are more than 800 users of the PVP's variety protection service, of whom about 100 may file applications in a given year. Some of these users are small business entities under the criteria established by the Small Business Administration (13 CFR 121.201). The AMS has determined that this action would not have a significant economic impact on a substantial number of these small business entities.

The Plant Variety Protection (PVP) Office administers the PVP Act of 1970, as amended (7 U.S.C. 2321 *et seq.*), and issues Certificates of Protection that provide intellectual property rights to developers of new varieties of plants. A Certificate of Protection is awarded to an owner of a variety after examination indicates that it is new, distinct from other varieties, genetically uniform, and stable through successive generations. This action will raise the fees charged to users of plant variety protection. The AMS estimates that the rule will yield an additional $277,200 during fiscal year (FY) 2006. The costs to private and public business entities will be proportional to their use of the service, and shared equitably. The costs to individual users will increase by $816.00 per PVP Certificate issued or by 20 percent per application. Plant Variety Protection is a voluntary service.

AMS regularly reviews its user fee financed programs to determine if fees are adequate. The most recent review determined that the existing fee schedule will not generate sufficient revenue to cover the program's operating costs, depleting the trust fund reserve balance. From 1995 and through 2005, federal salaries have increased 43 percent and inflation has increased the cost of supplies and services by 25 percent. The net effect on the PVP Office is an increase in overall expenses of 41 percent since 1995, offset by fee increases of 10 percent in September 2000 and 35 percent in February 2003. The income of the PVP Office is dependent mainly on the number of new applications filed, which fluctuated between 277 and 354 applications since FY 2000, while typical operating expenses remain fixed. During this period, additional funding was needed for continued technological improvements and office relocation. In FY 2001 through FY 2004, expenses have exceeded income each year, despite earlier fee increases. Program operations were maintained by using the trust fund reserves, thus reducing those reserves. The PVP Office needs to adjust fees to provide adequate revenue for current program operations and to rebuild an adequate trust fund reserve. Without a fee increase, FY 2006 revenues are projected at $1,496,000; costs are projected at $1,614,720 for a loss of $118,720. The trust fund reserve would be inadequate to satisfy Agency policy and prudent financial management by the end of fiscal year 2007.

AMS calculated the new fee schedule by projecting FY 2007 revenues of $1,496,000 and program obligations of $1,705,662. This indicates a projected loss to the program of $209,662 for FY 2007. Without a fee increase, the reserve balance at the end of FY 2007 is projected to drop to $756,796, which corresponds to 5 months of operating funds in the reserve balance. With a fee increase of 20 percent, FY 2007 revenues are projected to be $1,773,200 and the trust fund reserve balance is expected to be $1,867,018, which corresponds to 13 months of operating funds in the reserve balance. This level of trust fund maintenance satisfies Agency requirements.

The proposed action also will amend regulations related to the voucher seed sample. The voucher seed sample is a supplement to the Exhibit C description of the variety and is kept for the life of the certificate. Currently, seed samples are submitted to the PVP Office, which

then ships the seed samples to the public repository at the ARS facility in Ft. Collins, CO. The proposal will permit voucher seed samples to be submitted directly to the public repository. A small seed sample (15–25 seeds), which may be needed for the examination of crops which have distinctive seed characteristics, may be required for some crops at the discretion of the examiner. Periodically, the germination rate of the voucher seed sample is tested to verify that it remains a viable sample for long-term storage. These tests use up the stored seed sample. A larger initial seed sample is needed to ensure that germination testing does not deplete the stored sample.

A new section will be added to give stakeholders guidance in how, when, and where to make the seed deposit. Because the PVP Office was handling the seed deposit, these regulations were deemed unnecessary in the past. Now that applicants will be depositing seeds themselves, they will need additional guidance in how to package the seeds, where to send them, and when to deposit them in relation to the filing of a PVP applicant. This proposed section is based on similar regulatory language present in the U.S. Patent and Trademark Regulations (54 FR 34880, August 22, 1989, effective January 1, 1990). The patent-related text has been adapted to fit the specific circumstances of the PVP Office.

III. Civil Justice Reform

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect, nor will it preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the proposed rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of the rule.

IV. Paperwork Reduction Act

This rule does not contain any information collection or record keeping requirements that are subject to the Office of Management and Budget approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Background Information

The PVP Program is a voluntary, user fee-funded service, conducted under the Authority of the Plant Variety Protection Act (7 U.S.C. 2321 *et seq.*). The Act authorizes the Secretary of Agriculture to provide intellectual property rights that facilitate marketing of new varieties of seed-propagated crops and tubers. The Act also requires that reasonable fees be collected from the users of the services to cover the costs of maintaining the program.

In January 2003, AMS published a rule in the **Federal Register** (60 FR 17188) that increased Plant Variety Protection Office fees and that became effective February 2003.

In February 2004, the AMS Budget Office performed a fee analysis that indicated the need to increase the program fee schedule in order to recover the administrative and information technology costs and maintain an adequate program reserve balance. For FY 2006, user fee revenues and program obligations are projected to be $1,496,000 and $1,614,720, respectively, resulting in an estimated $118,720 program deficit. AMS estimates that this proposed rule would yield an additional $227,100 during FY 2006 that will offset increased program operating costs. With a fee increase, FY 2007 revenues and expenditures are projected to be $1,773,200 and $1,705,662, respectively.

AMS used the fees currently charged as a base for calculating the new fee schedule for FY 2005. The fees set forth in Sec. 97.175 as of February 2003 would be increased. The supplemental fees that were established in May 2005 will not be increased, including the $250.00 portion of the allowance and issuance fee that was implemented to recover the costs of improving the PVP program's electronic archiving capabilities. The application fee will be increased from $432 to $518, the search fee from $3,220 to $3,864, and the original issuance fee from $432 to $518. The fees for reviving an abandoned application, correcting or re-issuance of a certificate are increased from $432 to $518. The charge for granting an extension for responding to a request is increased from $74 to $89. The hourly charge for any other service not specified will increase from $89 to $107. The fee for appeal to the Secretary (refundable if appeal overturns the Commissioner's decision) is increased from $4,118 to $4,942. Reproduction of records, drawings, certificates, exhibits or printed materials, late payment, and replenishment of seeds will increase by 20 percent. These fee increases are necessary to recover the costs of this fee-funded program.

At the March 2003 annual meeting, the Plant Variety Protection Advisory Board was informed of the anticipated FY 2005 cost increases for maintaining program operations and administration. We also consulted with the Board regarding potential increases to the basic fee schedule for FY 2005. They recommended that fees be increased. This rule makes the minimum changes in the regulations to implement the recommended increased fees to maintain the program as a fee-funded program.

The Plant Variety Protection Board recommended that internal processes related to the handling of seed samples be streamlined. Section 97.6(d) was recently amended to provide that cell cultures for tuber-reproduced varieties need not be deposited until after the examination has been completed, rather than at the time the application is filed. A similar change was made for the establishment of plots of vegetative material for self-incompatible parents of hybrids. The requirement that 2,500 seeds of the basic variety must be submitted while the application was modified to allow waivers of this requirement. This proposed rule would further simplify this process by applying the same requirements to seeds and allowing the applicant to submit a declaration that the seed sample will be deposited, rather than requiring that the sample be submitted with the application. This would increase efficiencies in the PVP Office by removing the necessity for the Office to routinely handle the samples and forward them to the National Center for Genetic Resources Preservation (NCGRP) facility in Ft. Collins, Colorado. The NCGRP is the only public depository approved by the Commissioner at the present time.

We also propose that a larger initial seed sample be deposited to ensure that germination testing does not deplete the stored sample. We propose addition of Section 97.7, which will provide guidance to applicants in how, when, and where to deposit their voucher seed samples.

A 30-day comment period is provided to allow interested persons the opportunity to respond to the proposal, including any regulatory and informational impact of this action on small businesses. Thirty days is deemed appropriate because present fees are inadequate to properly cover program costs and additional revenues need to be generated to effectively operate the program.

List of Subjects in 7 CFR Part 97

Plants, Seeds.

For reasons set forth in the preamble, it is proposed that 7 CFR part 97 be amended as follows.

PART 97—PLANT VARIETY AND PROTECTION

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

Authority: 7 U.S.C. 2321 *et seq.*

2. Section 97.6(d)(1) is revised to read as follows:

§ 97.6 Application for certificate.

* * * * *

(d) * * *

(1) A declaration that at least 3,000 seeds of the viable basic seed required to reproduce the variety will be deposited in a public depository approved by the Commissioner and will be maintained for the duration of the certificate; or

* * * * *

3. Section 97.7 is added to read as follows:

§ 97.7 Deposit of Voucher Specimen.

(a) *Voucher specimen types.* As regards the deposit of voucher specimen material for purposes of plant variety protection applications under 7 U.S.C. 2321 *et seq.*, the term voucher specimen shall include material that is capable of self-replication either directly or indirectly. Representative examples include seeds, plant tissue cells, cell lines, and plots of vegetative material of self-incompatible parental lines of hybrids. Seed samples should not be treated with chemicals or coatings.

(b) *Need to make a deposit.* Applications for plant variety protection require deposit of a voucher specimen of the variety. The deposit shall be acceptable if made in accordance with these regulations. Sample packages shall meet the packaging and deposit requirements of the depository. Samples and correspondence about samples shall be identified, minimally, by:

(1) The application number assigned by the Office;

(2) The crop kind, genus and species, and variety denomination; and

(3) The name and address of the depositor.

(c) *Acceptable depository.* A deposit shall be recognized for the purposes of these regulations if made in:

(1) The National Center for Genetic Resources Preservation, USDA, ARS, 1111 South Mason Street, Fort Collins, CO 80521–4500; or

(2) Any other depository recognized to be suitable by the Office. Suitability will be determined by the Commissioner on the basis of the administrative and technical competence, and agreement of the depository to comply with the terms and conditions applicable to deposits for plant variety protection purposes. The Commissioner may seek the advice of impartial consultants on the suitability of a depository. The depository must:

(i) Have a continuous existence;

(ii) Exist independent of the control of the depositor;

(iii) Possess the staff and facilities sufficient to examine the viability and quantity of a deposit, and store the deposit in a manner which ensures that it is kept viable and uncontaminated;

(iv) Provide for sufficient safety measures to minimize the risk of losing biological material deposited with it;

(v) Be impartial and objective;

(vi) Refrain from distributing samples while the application is being examined and during the term of protection but, after control of the sample is transferred by the Office to the depository, furnish samples of the deposited material in an expeditious and proper manner;

(vii) Have the capability to destroy samples or return samples to the Office when requested by the Office; and

(viii) Promptly notify the Office of low viability or low quantity of the sample.

(3) A depository seeking status under paragraph (c)(2) of this section must direct a communication to the Commissioner which shall:

(i) Indicate the name and address of the depository to which the communication relates;

(ii) Contain detailed information as to the capacity of the depository to comply with the requirements of paragraph (c)(2) of this section, including information on its legal status, scientific standing, staff, and facilities;

(iii) Indicate that the depository intends to be available, for the purposes of deposit, to any depositor under these same conditions;

(iv) Where the depository intends to accept for deposit only certain kinds of biological material, specify such kinds; and

(v) Indicate the amount of any fees that the depository will, upon acquiring the status of suitable depository under paragraph (c)(2) of this section, charge for storage, viability statements and furnishings of samples of the deposit.

(4) A depository having status under paragraph (c)(2) of this section limited to certain kinds of biological material may extend such status to additional kinds of biological material by directing a communication to the Commissioner in accordance with paragraph (c)(3) of this section. If a previous communication under paragraph (c)(3) of this section is of record, items in common with the previous communication may be incorporated by reference.

(5) Once a depository is recognized to be suitable by the Commissioner or has defaulted or discontinued its performance under this section, notice thereof will be published in the Official Journal of the Plant Variety Protection Office or by other methods typically used for dissemination of information related to the procedures of the Office.

(d) *Time of making an original deposit.* An original deposit of materials for seed-reproduced plants shall be made within three months of the filing date of the application or prior to issuance of the certificate, whichever occurs first. A waiver may be granted for good cause, such as delays in obtaining a phytosanitary certificate for the importation of voucher sample materials. When the original deposit is made, the applicant must promptly submit a statement from a person in a position to corroborate the fact, stating that the voucher specimen material which is deposited is the variety specifically identified in the application as filed. Such statement must be filed in the application and must contain the identifying information listed in paragraph (b) of this section and:

(1) The name and address of the depository;

(2) The date of deposit;

(3) The accession number given by the depository; and

(4) A statement that the deposit is capable of reproduction.

(e) *Replacement or supplement of deposit.* If the depository possessing a deposit determines either that the sample viability is low or that the sample quantity is low, and if this finding is made during the pendency of an application or during the term of protection of the certificate, the Office shall notify the depositor of the need for making a replacement or supplemental deposit. Such deposits will be governed by the same considerations governing the need for making an original deposit under the provisions set forth in paragraph (d) of this section. Notification to the Office concerning deposit of the replacement or supplemental sample shall contain a statement from a person in a position to corroborate the fact, stating that the replacement or supplemental deposit is of a biological material which is identical to that originally deposited.

(f) *Term of deposit.* A voucher specimen deposit made in support of an application for plant variety protection shall be made for a term of at least twenty (20) years. In any case, samples must be stored under agreements that would make them available to the Office

during the enforceable life of the certificate for which the deposit was made.

(g) *Viability of deposit.* A deposit of biological material that is capable of self-replication either directly or indirectly must be viable at the time of deposit and during the term of deposit. Viability may be tested by the depository periodically. The test must conclude only that the deposited material is capable of reproduction. No evidence necessarily is required regarding the ability of the deposited material to perform any function described in the application. If a viability test indicates that the deposit is not viable upon receipt or that the quantity of material is insufficient, the examiner shall proceed as if no deposit was made. The examiner will accept the conclusion set forth in a viability statement issued by a depository recognized under paragraph (c) of this section.

(h) *Furnishing of samples.* A deposit must be made under conditions that assure that:

(1) Public access to the deposit will not be available during pendency of the application or during the term of protection; and

(2) All restrictions on the availability to the public of the deposited material will be irrevocably removed upon the abandonment, cancellation, expiration, or withdrawal of the certificate.

(i) *Examination procedures.* The examiner shall determine, prior to issuance of the certificate, in each application if a voucher sample deposit actually made is acceptable for plant variety protection purposes.

4. Section 97.175 is revised to read as follows:

§ 97.175 Fees and charges.

The following fees and charges apply to the services and actions specified below:

(a) Filing the application and notifying the public of filing—$518.00.

(b) Search or examination—$3,864.00.

(c) Submission of new application data, after notice of allowance, prior to issuance of certificate—$432.00.

(d) Allowance and issuance of certificate and notifying public of issuance—$768.00.

(e) Revive an abandoned application—$518.00.

(f) Reproduction of records, drawings, certificates, exhibits, or printed material (cost per page of material)—$1.80.

(g) Authentication (each page)—$1.80.

(h) Correcting or re-issuance of a certificate—$518.00.

(i) Recording an assignment, any revision of an assignment, or withdrawal or revocation of an assignment (per certificate or application)—$41.00.

(j) Copies of 8 x 10 photographs in color—$41.00.

(k) Additional fee for reconsideration—$518.00.

(l) Additional fee for late payment—$41.00.

(m) Fee for handling replenishment seed sample (applicable only for certificates issued after June 20, 2005)—$38.00.

(n) Additional fee for late replenishment of seed—$41.00.

(o) Filing a petition for protest proceeding—$4,118.00.

(p) Appeal to Secretary (refundable if appeal overturns the Commissioner's decision)—$4,942.00.

(q) Granting of extensions for responding to a request—$89.00.

(r) Field inspections by a representative of the Plant Variety Protection Office, made at the request of the applicant, shall be reimbursable in full (including travel, per diem or subsistence, and salary) in accordance with Standardized Government Travel Regulation.

(s) Any other service not covered above will be charged for at rates prescribed by the Commissioner, but in no event shall they exceed $107.00 per employee-hour.

Dated: July 11, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–13946 Filed 7–14–05; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AH72

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® –24P, –52B, –61BT, –32PT, –24PHB, and –24PTH Revision; Withdrawal of Proposed Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC) is withdrawing a proposed rule to revise the NUHOMS® –24P, –52B, –61BT, –32PT, –24PHB, and –24PTH cask system listing within the list of approved spent fuel storage casks to include Amendment No. 8 to Certificate of Compliance (CoC) Number 1004. The NRC is taking this action because the NRC staff has become aware of changes in the Technical Specifications (TS) associated with this CoC. A notice withdrawing the direct final rule is published in the final rule section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6219 (e-mail: *jmm2@nrc.gov*).

SUPPLEMENTARY INFORMATION: On May 25, 2005 (70 FR 30015), the NRC published in the **Federal Register** a proposed rule amending its regulations in 10 CFR 72.214 to revise the Standardized NUHOM® System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 8 to the CoC. Amendment No. 8 modifies the present cask system by adding a new spent fuel storage and transfer system, designated the NUHOMS® –24PTH System. The NRC also concurrently published a direct final rule on May 25, 2005 (70 FR 29931) that would have become effective on August 8, 2005.

The NRC has become aware of changes in the TS associated with this CoC; therefore, the NRC is withdrawing the proposed rule. The NRC will publish a direct final rule, and its companion proposed rule, after the needed revisions to the TS are made.

Dated at Rockville, Maryland, this 6th day of July, 2005.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Acting Executive Director for Operations.

[FR Doc. 05–13932 Filed 7–14–05; 8:45 am]

BILLING CODE 7590–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Federal Credit Union Bylaws

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: NCUA is proposing changes to update, clarify and simplify the Federal Credit Union (FCU) Bylaws. NCUA proposes these changes because numerous bylaw amendments approved by the NCUA Board over the past five years reveal the need to modify bylaws or remove provisions that have become outdated or obsolete.

DATES: Comments must be received by October 13, 2005.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- NCUA Web Site: *http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html*. Follow the instructions for submitting comments.
- E-mail: Address to *regcomments@ncua.gov*. Include ''[Your name] Comments on FCU Bylaws'' in the e-mail subject line.
- Fax: (703) 518–6319. Use the subject line described above for e-mail.
- Mail: Address to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- Hand Delivery/Courier: Same as mail address.

Public inspection: All public comments are available on the agency's Web site at *http://www.ncua.gov/RegulationsOpinionsLaws/comments* as submitted, except as may not be possible for technical reasons. Public comments will not be edited to remove any identifying or contact information. Paper copies of comments may be inspected in NCUA's law library, at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6546 or send an e-mail to *OGC Mail @ncua.gov*.

FOR FURTHER INFORMATION CONTACT: Chrisanthy J. Loizos or Elizabeth Wirick, Staff Attorneys, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

A. Background

Section 108 of the Federal Credit Union Act (the Act) requires the NCUA Board to prepare bylaws that ''shall be used'' by FCUs. 12 U.S.C. 1758. In 1999, the NCUA Board issued revised FCU Bylaws. 64 FR 55760 (Oct. 14, 1999). The 1999 revision included consolidating the existing bylaws into one publication, deleting outdated and obsolete bylaws, and using plain English.

In the five years since that revision, NCUA has approved numerous bylaw amendments that tended to clarify or update bylaws to keep pace with changes in technology and business practice. In 2003, NCUA reviewed the FCU Bylaws under the Board's policy to ''update, clarify and simplify existing regulations and eliminate unnecessary and redundant and unnecessary provisions.'' NCUA Interpretive Ruling and Policy Statement (IRPS) 87–2, Developing and Reviewing Government Regulations. As a result of this review, the Board issued a Notice and Request for Comment (Request) soliciting comments on ways to improve the FCU Bylaws. 69 FR 58203 (Sept. 29, 2004). The Request also sought comment on specific, suggested changes to the FCU Bylaws based on amendments FCUs had submitted for approval since 1999.

The Board received comments on the various issues raised in the Request as well as numerous other suggestions for improving the FCU Bylaws and NCUA's process for issuing the Bylaws and reviewing amendments. This proposal incorporates many of the comments NCUA received in response to the Request, The proposal also continues the process of updating the bylaw language with plain English.

B. Comments

General

NCUA received twenty-seven comment letters in response to the Request. NCUA received comments from ten federal credit unions, ten credit union trade organizations, one bank trade organization, five members and one proxy consultant. All of the commenters supported or suggested some change to the current FCU Bylaws. Specific comments regarding the proposed changes noted in the Request and suggestions to alter other bylaw provisions are discussed below in the Article-by-Article Analysis.

Other Suggestions

Approximately half of the commenters asked NCUA to give FCUs more flexibility to draft their bylaws. Several commenters stated that Section 108 of the FCU Act requires only FCU incorporators to use bylaws prepared by NCUA and does not specifically require FCUs to continue to use NCUA's draft after incorporation. Six commenters stated NCUA should specify content requirements for the bylaws but permit FCUs to draft their own bylaws. One commenter stated FCUs should adopt bylaws consistent with the state corporation law of the state where they are headquartered, noting that FCUs benefit from the state's nonprofit corporation laws, as well as guidance developed as a result of relevant state court decisions. Three commenters suggested an alternative to the nonstandard amendment procedures that would give FCUs the option of following the NCUA model bylaws or adopting their own. Three commenters requested that NCUA give FCUs more flexibility by allowing FCUs to amend their bylaws as they see fit within safety and soundness parameters without obtaining approval from NCUA. They suggested that NCUA allow FCUs to seek approval for nonstandard bylaws but not require it. One commenter incorporated many of these comments by suggesting that NCUA permit FCUs to: (1) Retain the current standard bylaws, along with the options NCUA has approved; (2) submit nonstandard bylaws for approval, if they wish; or (3) draft their own bylaws, or portions of their bylaws, consistent with a list that NCUA would develop containing specific issues and content requirements that an FCU must include.

NCUA believes many of the commenters read the FCU Act too narrowly with regard to NCUA's responsibility for preparing and approving bylaws. NCUA does not construe Section 108 of the FCU Act to require that only newly chartered FCUs use NCUA's form bylaws. The Act not only requires NCUA to prepare form bylaws, but requires NCUA to approve proposed bylaws before an FCU's charter is complete. The Act does not contemplate a period of time after which an FCU may use alternate bylaws. Inherent in NCUA's responsibility to approve bylaws before an FCU can engage in business, is its authority to approve form bylaw changes and amendments while an FCU operates.

NCUA also believes there are several benefits to issuing FCU Bylaws for all FCUs. The form FCU Bylaws address the member protections the Act affords and function as a contract between the FCU and its members; the FCU Bylaws give members notice of their rights, particularly when they are unfamiliar with the FCU Act. The FCU Bylaws adopted by NCUA also ensure that all FCUs use essentially the same rules for governing themselves, consistent with the requirements and limitations in the Act. This uniformity enhances the significance of the federal charter and has the practical benefit of reducing the amount of examiner time spent reviewing bylaws. Finally, FCUs may request approval to amend their bylaws when appropriate on a case-by-case basis. The amendment process gives FCUs flexibility to adjust with business developments as necessary.

Some commenters questioned the level of detail NCUA currently uses in the bylaws. One commenter stated the current bylaws are not easily comprehensible for FCU officials and

employees. While this proposal deletes a few obsolete provisions, NCUA does not agree that the FCU Bylaws are too detailed. NCUA receives numerous inquiries every year regarding interpretations of various provisions in the FCU Bylaws. The proposal attempts to clarify provisions that have caused confusion in the past. In some instances, a proposed change offers more detail or further elaboration of a concept to help FCU officials, employees and members better understand a provision.

C. Article-by-Article Analysis

Introduction

The proposal includes a new Introduction to address generally the function of the FCU Bylaws, methods for amending bylaws and some additional guidance.

Section Headings

The proposal adds headings to each section of the bylaws in order to make it easier to locate bylaw provisions.

Article II. Qualifications for Membership

The proposal inserts staff commentary at the end of Article II to address membership-related issues that FCUs commonly question. These staff comments are generally derived from Office of General Counsel opinions regarding membership fees and share balances below par value.

The proposal amends Section 4 to clarify that FCUs may restrict services or access to FCU facilities to members who cause a loss to the FCU or are disruptive to FCU operations.

Article III. Shares of Members

The proposal inserts staff commentary at the end of Article III to address share-related issues that FCUs commonly question. These staff comments are generally derived from Office of General Counsel opinions regarding payment of membership shares and par value of shares.

The proposal amends Section 4 to clarify the requirement that shares with accrued credits for unpaid dividends will retain those credits if transferred to another member. One commenter suggested this section is confusing and should be deleted because membership shares cannot be transferred. Provisions of Article II and other sections of this Article address the situation where a member draws down an account below the par value of the membership share, so this section need not repeat the requirement for members to maintain deposits equal to one share. Further, NCUA believes this section serves as another reminder of FCUs' member-owned structure.

The proposal deletes paragraph 5(b), which required shares paid in under accumulated payroll deduction plans to be credited to members' accounts before withdrawal of the shares. This paragraph is unnecessary because it addresses operational procedures of the FCU that are subject to the Federal Reserve's Regulations on Electronic Fund Transfers and Funds Availability. 12 CFR parts 205, 229. Also, this paragraph referred to the Accounting Manual for Federal Credit Unions, which applies only to FCUs with assets under $10 million.

The proposal amends paragraph 5(c) to clarify that coverage provided under an FCU's overdraft protection policy does not count as a delinquency for purposes of triggering the requirement that the credit committee or loan officer approve any withdrawals of shares below the amount of the member's liability to the FCU.

The proposal amends paragraph 5(d) to delete the requirement to discontinue the share account of a deceased member within 4 years. Imposing a specific time limit is unnecessary, and NCUA has approved a number of requests for longer or shorter maximum time limits. The remaining portion of this paragraph allows the FCU to continue the account of a deceased member only until the end of the dividend period in which the administration of the deceased's estate is completed.

The proposal amends Section 7 to permit FCUs to decide whether to allow joint account holders to be members without each opening a separate account. Commenters agreed that this change would give FCUs flexibility in determining how to implement their membership policies and manage their accounts.

Article IV. Meetings of Members

The proposal amends Section 1 to delete the requirement that the annual meeting be held ''within the period authorized by the Act'' because the Act no longer specifies a time period for holding the annual meeting. Instead, the proposal adds a blank for the FCU to insert the date of its annual meeting. NCUA believes it is helpful to members to include the date of the annual meeting in the bylaws, and offers examples, such as ''during the month of March.''

The proposal amends Section 3 to increase the maximum number of member signatures required to call a special meeting from 500 to 750. NCUA is proposing to increase this number because special meetings are expensive to conduct and can be called by only a small percentage of an FCU's membership. There is no time limit for obtaining the number of signatures required to call a special meeting. Increasing the limit will help ensure that special meetings are called only when an issue is of interest to a broad group of FCU members, but will not prevent members from obtaining a special meeting.

The proposal amends Section 4 to include references to the Act and NCUA regulations where they require items of business for the annual meeting agenda. Several commenters requested that the bylaws not provide a specific list of agenda items, but NCUA believes listing the suggested items and inserting references to requirements under the Act and regulations will help inform FCU members of events at the annual meeting. The proposal adds the requirement that FCUs participating in the Community Development Revolving Loan Program provide reports on the progress of providing needed community services to paragraph (c). 12 CFR 706(b). Paragraph (f) references the Act's requirement for the supervisory committee to report at the annual meeting. 12 U.S.C. 1761d. Paragraph (i) references the Act's requirement to hold elections annually. 12 U.S.C. 1761(a).

The proposal includes a new sentence at the end of Section 4 to notify members of the rules of order or procedure that the FCU will use when conducting member meetings. Members are entitled to know which rules will govern the process for conducting the meeting and making decisions. NCUA has long held the view that, during a membership meeting, an FCU member may make a motion for members to take action if the Act has entrusted the members with such action. Conversely, an FCU board need not recognize a member's motion if the motion is beyond the members' authority under the Act. In preserving the democratic process in FCUs as member-owned institutions, NCUA also has long recognized that members have the right to move for a member vote to recommend board action. If a member has followed the rules of order chosen by an FCU and moves for a membership recommendation to the board, the chair must recognize the motion even though the board is not bound to adopt the recommendation. This process avails members the opportunity to voice any issues, concerns or suggestions they may have for management and becomes part of a meeting's record. The proposal identifies four authorities an FCU may choose. NCUA requests comment on the proposal and alternative procedures, but notes the ability of members to make a motion during a membership meeting is

fundamental to the process and the right to be heard on matters that concern them as FCU members.

Article V. Elections

The proposal inserts NCUA staff commentary at the end of Article V to address election-related issues that FCUs commonly question. The staff comments regarding eligibility requirements, nomination criteria for the nominating committee, names on ballots, ballot secrecy and plurality voting are generally derived from legal opinions issued by NCUA's Office of General Counsel.

All Options

The proposal amends Section 4 to delete the second sentence, which read, ''A trustee, or other person acting in a representative capacity, is not, as such, entitled to vote.'' As discussed in the Request, this provision is now outdated because a trust is recognized as a legal entity and may qualify for membership in its own right.

The proposal revises Section 7 to insert a blank space for the minimum age for voting and holding office, so that FCU boards are aware of the need to establish a minimum age. The current version of the bylaws requires the board of directors to adopt a resolution establishing the minimum age. NCUA believes including the actual minimum age in the bylaw, rather than a separate board resolution that may or may not be available to the members, makes it easier for members to determine the age requirements for voting and holding office. The proposal also adds language to Section 7 to clarify that the minimum age for signing nominating petitions or requests for special meetings is the same as the minimum age for voting and holding office.

One commenter suggested adding a self-nomination alternative as Option A5 to this article. The commenter suggested that FCUs notify members they are seeking nominations and allow members to nominate themselves for director positions. All nominees would be included on the ballot, and nominations by petition and from the floor would be prohibited. After considering this suggestion, NCUA decided not to add it to the bylaws. While the potential for broadening the pool of qualified board candidates and allowing more participation by all FCU members is an important goal, NCUA does not believe this goal requires such a drastic change to the bylaws. Rather, an FCU seeking to encourage members to nominate themselves can use its newsletter to publicize that the nominating committee is seeking nominees. An FCU that wishes to make it easier for members to run for director positions can simply reduce the number of signatures required for nomination by petition. NCUA believes that the current version of the bylaws provides sufficient flexibility to accomplish the commenter's objective.

Options A2, A3 and A4

The proposal retains the 500 as the maximum number of signatures required for a petition for nomination for a director position in Options A2, A3 and A4. A number of commenters requested an increase in this maximum, or requiring the signatures of 1% of members on nominating petitions regardless of an FCU's size. NCUA has considered this request, but believes that the 500 signature maximum is appropriate. Because the membership of many FCUs is geographically dispersed and many members transact much of their business electronically, the requirement to obtain at least 500 signatures is a significant hurdle to a member seeking a nomination to a director position. Also, signatures on the nominating petitions must be obtained in the time between the mailing of the written notice to members that nominations for vacancies may be made by petition and 40 days before the annual meeting, which may be as few as 30 days. After considering these factors, NCUA believes that the 500 signature maximum should not be increased.

The proposal clarifies language in Section 2 of Options A2, A3 and A4 that might be interpreted as permitting FCUs to designate which candidates are running for a particular open seat. The staff commentary restates NCUA's view that elections are not conducted on a seat by seat basis and the winners of the board elections are the nominees who win the most votes. The revised language in Section 2 conforms the bylaws to NCUA's longstanding interpretation.

Option A4

The proposal amends Section 2(c)(2) to require FCUs to mail paper ballots to all members when conducting an election by electronic means. The Request sought comments as to whether FCUs should be required to include a mail ballot with its electronic election procedure instructions rather than require a member without the requisite electronic device to request a ballot under Option A4. The majority of commenters opposed this proposal, with one noting that it would defeat the purpose of electronic ballots. NCUA, however, proposes this requirement for comment again because it believes that members without the equipment or desire to vote electronically should not be subject to additional hurdles in attempting to exercise their vote. Also, NCUA staff has observed an FCU successfully combine its electronic voting instruction and mail ballot on one sheet of paper, providing members with the option and convenience of voting electronically or through the mail.

The proposal clarifies that a ''properly designed'' ballot under Section 2(d)(5) of Option A4 is one that preserves the secrecy of the ballot. The Request sought comments regarding the design of ballots and what constitutes a ''properly designed'' ballot under this paragraph, when the ballot, identification form and mailing envelope are combined in one form. The Request asked whether an explicit secrecy requirement should be added to this provision. All nine commenters on this proposal supported including a secrecy requirement.

The proposal retains the specifications for mail ballots under the current bylaws. Unless the FCU adopts one ''properly designed'' form, the bylaws detail specific requirements for mail ballots, including separate envelopes for the ballot and the identification form within the mailing requirement. Several commenters characterized these requirements as excessively detailed and burdensome. These procedures demonstrate one method of ensuring the secrecy of the balloting process, and FCUs have alternatives such as the combination form also permitted under this option. NCUA, accordingly, does not believe the inclusion of these specifications is overly burdensome and proposes to retain them to demonstrate one option for preserving secrecy.

Article VI. Board of Directors

The proposal amends Section 2 to clarify that FCU employees, immediate family members of directors or committee members, and a combination of both, cannot constitute a majority of directors on an FCU's board.

The proposal amends Section 4 to provide that FCU directors fill vacancies on the board of directors, credit committee, and supervisory committee ''as soon as possible, but no later than the next regularly scheduled board meeting.'' The proposed language replaces the current standard that directors fill vacancies ''within a reasonable time.'' One commenter stated that the current standard is vague and should be removed. As NCUA noted in the preamble to the 1999 FCU Bylaws,

FCU directors should have ''flexibility to deal with different situations and determine what is reasonable under the circumstances'' when filling a vacancy. 64 FR 55760, 55762 (Oct. 14, 1999). While NCUA continues to recognize that some flexibility is necessary, NCUA believes that directors must fill vacancies expeditiously to ensure that an FCU's board functions with the proper amount of directors as dictated by its bylaws. NCUA solicits comments as to whether the FCU Bylaws should include a time frame such as the one proposed so that FCU boards act quickly to fill vacancies. NCUA also welcomes comment on whether another time frame would be appropriate if included in the bylaws.

The proposal adds to the list of board responsibilities in Section 6(d) by acknowledging that boards should establish a training policy for directors and volunteer officials that covers areas such as ethics, fiduciary responsibilities and accounting, as part of the duties customarily performed by boards of directors.

In the Request, NCUA welcomed comments on whether particular corporate governance practices or related issues should be added to the FCU Bylaws, such as board training or ethics. Several commenters offered suggestions in this regard. Two commenters opposed including director training requirements in the bylaws. They stated it would make it more difficult to attract volunteer board members. One commenter noted that the manager should have the necessary training so that the manager can properly inform the board of directors. One commenter did not oppose including corporate governance practices and related issues like board training or ethics in the bylaws but asked that NCUA leave the specifics of these policies to FCUs.

Two commenters did not support including Sarbanes Oxley Act (SOXA) corporate governance provisions in the bylaws because SOXA does not apply to credit unions. They stated NCUA should adopt any standards it wants to impose through rulemaking. Another commenter stated, if NCUA is considering SOXA-like provisions for FCUs, it should recognize fundamental differences between FCUs and public companies. This commenter also stated, while the adoption of director experience requirements, training provisions, and independence standards would enhance safety and soundness, it is not appropriate to address these issues in the bylaws and NCUA should simply identify elements of SOXA that FCUs should adopt. Another commenter stated FCUs should address good corporate governance practices through policies and procedures rather than detail them in bylaws. One commenter stated the largest and most complex FCUs should be required to comply with the principles of SOXA to the same extent that similarly situated banks must comply.

After reviewing the comments, the NCUA Board agrees that FCUs should establish their own policies and procedures regarding training and ethics and that it is inappropriate to include particular requirements in the FCU Bylaws. Because it would be difficult to fashion provisions suitable for all FCUs in areas such as training, NCUA proposes that the bylaws include, within the board's responsibilities in Section 6, the adoption of a policy to address training for new and incumbent directors and volunteer officials. NCUA proposes this amendment because training programs particularly help newly elected volunteer directors and committee members become familiar with their new positions and help more experienced individuals keep their knowledge and skills current. NCUA believes FCUs are currently providing various formal and informal training opportunities for their officials and notes that its expectation is that boards of directors will determine their own training needs in the context of an FCU's activities and resources.

The proposal includes language in Section 7 to remind directors that only a quorum of the remaining directors is necessary to fill vacant board seats as provided in Section 4.

The proposal separates the provisions regarding the removal of directors and credit committee members from that addressing the removal of board officers in the first paragraph of Section 8. One commenter suggested that NCUA amend this paragraph because it discusses the declaration of a director or committee member's seat as vacant for failing to attend meetings or otherwise failing to perform the duties of the position. It also permits the board to remove a board officer for failure to perform the officer's duties. The commenter recommended that NCUA revise this section to include only provisions related to directors and amend Article VII and Article VIII to include the provisions about board officers and credit committee members, respectively. The proposal retains these removal provisions for directors, credit committee members and board officers in Section 8 because Article VI generally sets out the powers of the board of directors, particularly the authority to remove and fill vacancies. The proposal, however, sets apart the provision regarding board officers to make it easier for the reader to locate.

Article VII. Board Officers, Management Officials and Executive Committee

The proposal amends Section 1 to restate a restriction in Article 6, Section 2 that prevents a management official or assistant management official from serving as board chair.

A commenter asked NCUA to increase the number of days between a board's reorganization meeting and the annual meeting from seven to thirty days in Section 2 stating that the seven-day limit is onerous when there are scheduling conflicts. Many FCUs hold the first board meeting of the newly elected board immediately following the annual meeting. FCU boards may also conduct meetings by teleconference. NCUA believes it is unnecessary to change the seven-day limit in light of these options and the necessity for board officers to be elected as soon as possible to prevent interruptions in the board's operation. NCUA, however, seeks comment to determine whether the seven-day limit is a problem for FCUs.

One commenter suggested that NCUA remove Section 6(c), the paragraph requiring the financial officer to post a copy of the current financial statement monthly in a conspicuous place in the FCU. NCUA is not inclined to remove the paragraph. The agency, however, solicits comments regarding the suggestion, particularly on whether FCU members benefit from public access to this information and alternatives to the monthly statements.

The proposal revises Section 10 regarding the appointment of the executive committee and delegations to it. One commenter stated that the first sentence in Section 10 should refer only to the functions authorized under the FCU Act because NCUA's regulations do not authorize any functions for the executive committee. Another commenter asked NCUA to delineate the authorities a board may delegate to an executive committee. NCUA has incorporated both suggestions in the proposal by clarifying that the FCU Act permits FCU boards to appoint executive committees and requiring that boards be specific in their delegations to executive committees. The proposal also rearranges the sentence listing the positions the board may authorize to approve membership applications so that it is easier to read.

Article IX. Supervisory Committee

The proposal amends Section 1 to prohibit both the compensated officer

and the financial officer from serving on the supervisory committee. The Request noted that the FCU Act precludes the director who is the ''compensated officer'' from being the director who can also be on the supervisory committee. 12 U.S.C. 1761(b). The Request proposed replacing ''financial officer'' with ''compensated officer'' so that the bylaw regarding this issue is consistent with the FCU Act. Five commenters supported the change. Three commenters raised concerns about the change because they believe the financial officer, whether compensated or not, should not serve on the supervisory committee. They stated that the financial officer must be excluded from the supervisory committee to prevent the person in charge of the financial records from auditing those records. One of these commenters suggested excluding both the financial officer and any compensated director if necessary. NCUA agrees that the bylaws should prohibit both the compensated officer and the financial officer from serving on the supervisory committee as dictated by either the Act or principles of sound internal controls.

One commenter suggested removing the word ''all'' from Section 4 because it currently requires the supervisory committee to verify the accounts of ''all members'' with the financial officer even though the supervisory committee rule permits FCUs to use a sampling method to verify accounts. 12 CFR 715.8. NCUA agrees that the rule permits sampling methods for account verification and proposes to remove the word ''all'' as recommended.

Article XI. Loans and Lines of Credit to Members

The proposal includes an instruction to FCUs that gives them the option to include business loans in Section 1 for consistency with a similar instruction in Article 1, Section 2.

Article XIII. Deposit of Funds

The proposal deletes Article XIII but reserves it to retain the current numbering of the bylaws. A commenter suggested that NCUA remove the article's provisions requiring FCUs to set deadlines for depositing funds into a qualified depository. NCUA believes this article is no longer necessary as it addresses a basic issue of safety and soundness. FCUs should be able to deposit funds properly without guidance in the FCU bylaws.

Article XIV. Expulsion and Withdrawal

The proposal expands the provision in Section 1 by including the two methods to expel a member under the FCU Act. 12 U.S.C. 1764(a),(b). NCUA believes the additional language about expulsion gives members notice as to the methods allowed by law.

NCUA notes that one commenter asked that the bylaws permit a board to expel a member without a special meeting of the members for extraordinary circumstances, such as when a member poses a threat to the well-being or safety of FCU employees. The commenter noted that an FCU has a duty to protect its employees and should not be subject to a delay if the circumstances require immediate expulsion. Under the FCU Act, a member may be expelled only by members at a special meeting or under board policy for nonparticipation. 12 U.S.C. 1764. As such, a legislative change to the FCU Act must be adopted to allow additional expulsion procedures.

Article XV. Minors

The proposal amends this article to note that state law controls transactions between FCUs and minors. One commenter stated that this article, which allows shares to be issued in the name of a minor, is unnecessary as the FCU Act already permits this. Another commenter stated that NCUA should provide guidance to FCUs as to what type of shares may be issued in the name of a minor because in many states a person must be eighteen to enter into a legally binding contract. While the article does restate a provision in 12 U.S.C. 1765, NCUA believes the bylaws should include certain provisions in the FCU Act related to member rights, including those pertaining to minors. The proposal, therefore, retains the current language and includes a sentence with regard to the applicability of state law in these transactions.

Article XVI. General

One commenter asked that NCUA revise Section 3 so that the FCU's board or supervisory committee, or NCUA, can initiate the removal of directors and committee members, but not the membership who have called a special meeting for this purpose. NCUA disagrees with this suggestion and notes that the Model Business Corporation Act permits shareholders to call a special meeting to remove a director. MODEL BUS. CORP. ACT §§ 7.02(a)(2), 8.08(d) (2003). Furthermore, members have the power to elect directors under the FCU Act. 12 U.S.C. 1761(a). Inherent in their authority to elect is the power to remove to directors, so members must be able to initiate the removal process.

The proposal amends Section 6, as suggested by two commenters, to limit director and committee member access to the FCU's books and records on the condition that they have a proper purpose. This change is consistent with longstanding NCUA policy.

One commenter suggested that NCUA remove Section 7, which requires each member to keep the FCU informed of his or her address but the proposal retains Section 7. NCUA believes this section should remain because the FCU Bylaws are a contract between the FCU and its members, and members should be aware of their responsibility to provide current contact information to the FCU.

Article XVIII. Definitions

The proposed FCU Bylaws make various adjustments to the definition section. The proposal deletes the definitions of ''paid in and unimpaired capital'' and ''surplus'' in Section 1 because the NCUA Board defined these phrases in NCUA's Definitions rule. 12 CFR 700.2(f). Section 1, however, retains the remaining definitions for ease of reference and moves the definition of ''immediate family member'' from Section 2 to Section 1. The proposal also rearranges the definitions in Section 1 in alphabetical order consistent with plain English principles.

The proposal removes Section 2 from Article XVIII because NCUA's Chartering and Field of Membership Manual contains all the field of membership-related definitions under Section 2. NCUA Interpretive Ruling and Policy Statement 03–1. If an FCU chooses to adopt a more restrictive definition of ''immediate family member'' or ''household'' for purposes of determining eligibility in the FCU's field of membership, the FCU may insert its own more restrictive definition in Section 1.

D. Request for Comments

NCUA seeks comment on the proposed changes to the FCU Bylaws, in addition to any other suggestions to improve or clarify the FCU Bylaws.

So that commenters may easily find the proposed changes in this notice, NCUA has used bold typeface to indicate article and section titles and also has placed the word ''(NEW)'' in bold to identify provisions with substantive amended language. Proposed deletions appear in brackets. For purposes of publishing this notice in the **Federal Register**, NCUA has identified credit union instructions using the word ''Instruction.'' Further, nonsubstantive plain English changes are not indicated in this notice. A copy of the proposal that identifies each

change and deletion is available on NCUA's Web site or commenters may contact either of the individuals listed in the **FOR FURTHER INFORMATION CONTACT** paragraph above.

By the National Credit Union Administration Board on June 30, 2005.

Mary F. Rupp,

Secretary of the Board.

The Federal Credit Union Bylaws

(NEW) Introduction

Effective date. After consideration of public comment, the National Credit Union Administration (NCUA) Board adopted these bylaws on _____. Unless a federal credit union has adopted bylaws before _____, it must adopt these revised bylaws.

Adoption of all or part of these bylaws. Although federal credit unions may retain any previously approved version of the bylaws, the NCUA Board encourages federal credit unions to adopt the revised bylaws because it believes they provide greater clarity and flexibility for credit unions and their officials and members. Federal credit unions may also adopt portions of the revised bylaws and retain the remainder of previously approved bylaws, but the NCUA Board cautions federal credit unions to be extremely careful. Federal credit unions must be careful because they run the risk of having inconsistent or conflicting provisions because of the various options the revised bylaws provide as well as other revisions in the text.

Bylaw amendments. Federal credit unions continue to have the flexibility to request a bylaw amendment if the need arises. NCUA must approve any bylaw amendments; federal credit unions may no longer adopt amendments from the ''Standard Bylaw Amendments'' booklet because the 1999 revisions to the bylaws included sufficient flexibility to make the separate list of standard bylaw amendments superfluous. Thus, NCUA no longer differentiates between ''standard'' and ''nonstandard'' bylaw amendments.

The procedure for approval of bylaw amendments is as follows:

- The federal credit union wishing to adopt a bylaw amendment must file a request with its regional director.
- The request must include the section of the bylaws to be amended; the reason for or purpose of the amendment, including an explanation of why the amendment is desirable and what it will accomplish for the credit union; and the specific, proposed wording of the amendment.
- After review by the regional director and consultation within the agency, the regional director will advise the credit union if a proposed amendment is approved.

Federal credit unions considering an amendment may find it useful to review the section of the agency website on bylaws that has opinions issued by the Office of General Counsel about particular bylaw amendments. Even if an identical amendment has been previously approved, the credit union must submit the proposed amendment to NCUA for review under the procedure listed above.

The nature of the bylaws. The Federal Credit Union Act requires the NCUA Board to prepare bylaws for federal credit unions. 12 U.S.C. 1758. The bylaws address a broad range of matters concerning a credit union's organization and governance, the relationship of the credit union to its members, and the procedures and rules a credit union follows. The bylaws supplement the broad provisions of: A federal credit union's charter, which establishes the existence of a federal credit union; the Federal Credit Union Act, which establishes the powers of federal credit unions; and NCUA regulations, which implement the Federal Credit Union Act. As a legal matter, a federal credit union's bylaws must conform to and cannot be inconsistent with any provision of its charter, the Federal Credit Union Act, NCUA regulations or other laws or regulations applicable to its operations.

NCUA's long standing view is the bylaws, among other effects, function as a contract between a credit union and its members. While NCUA provides guidance and interpretations of the bylaws, generally state corporate law, to the extent it is consistent with the Federal Credit Union Act and NCUA regulations, determines disputes regarding the enforcement of bylaw provisions. Therefore, NCUA generally does not become involved in resolving internal governance disputes in federal credit unions involving bylaw disputes unless a matter presents a safety and soundness concern.

BYLAWS

Federal Credit Union, Charter No. _____

(A corporation chartered under the laws of the United States)

Article I. Name—Purposes

Section 1. **Name.** The name of this credit union is as stated in Section 1 of the charter (approved organization certificate) of this credit union.

Section 2. **Purposes.** The purpose of this credit union is to promote thrift among its members by affording them an opportunity to accumulate their savings and to create for them a source of credit for provident or productive purposes.

Instruction: The credit union may add business as one of its purposes by placing a comma after ''provident'' and inserting ''business.''

Article II. Qualifications for Membership

Section 1. **Field of membership.** The field of membership of this credit union is limited to that stated in Section 5 of its charter.

Section 2. **Membership application procedures.** Applications for membership from persons eligible for membership under Section 5 of the charter must be signed by the applicant on forms approved by the board. The applicant is admitted to membership after approval of an application by a majority of the directors, a majority of the members of a duly authorized executive committee, or by a membership officer, and after subscription to at least one share of this credit union and the payment of the initial installment, and the payment of a uniform entrance fee if required by the board. If a person whose membership application is denied makes a written request, the credit union must explain the reasons for the denial in writing.

Section 3. **Maintenance of membership share required.** A member who withdraws all shareholdings or fails to comply with the time requirements for restoring his or her account balance to par value in Article III, Section 3, ceases to be a member. By resolution, the board may require persons readmitted to membership to pay another entrance fee.

Section 4. **(NEW) Continuation of membership.** Once a member becomes a member that person may remain a member until the person or organization chooses to withdraw or is expelled in accordance with the Act and Article XIV of these bylaws. A member who is disruptive to credit union operations may be subject to limitations on services and access to credit union facilities.

Instruction: A credit union that wishes to restrict services to members no longer within the field of membership should specify the restrictions in this section.

(NEW) Staff commentary on qualifications for membership:

Entrance fee—FCUs may not vary the entrance fee among different classes of members because the Act requires a

uniform fee. FCUs may, however, eliminate the entrance fee for all applicants.

Article III. Shares of Members

Section 1. **Par value.** The par value of each share will be $_____. Subscriptions to shares are payable at the time of subscription, or in installments of at least $_____ per month.

Section 2. **Cap on shares held by one person.** The board may establish, by resolution, the maximum amount of shares that any one member may hold.

Section 3. **Time periods for payment and maintenance of membership share.** A member who fails to complete payment of one share within _____ of admission to membership, or within _____ from the increase in the par value of shares, or a member who reduces the share balance below the par value of one share and does not increase the balance to at least the par value of one share within _____ of the reduction may be terminated from membership.

Section 4. **Transferability.** Shares may only be transferred from one member to another by an instrument in a form as the board may prescribe. Shares that accrue credits for unpaid dividends retain those credits when transferred.

Section 5. **Withdrawals.** Money paid in on shares or installments of shares may be withdrawn as provided in these bylaws or regulation on any day when payment on shares may be made provided, however, that

(a) The board has the right, at any time, to require members to give up to 60 days written notice of intention to withdraw the whole or any part of the amounts paid in by them.

(b) **(NEW)** (RESERVED) [The board may determine that, if shares are paid in under an accumulated payroll deduction plan as prescribed in the Accounting Manual for Federal Credit Unions, they may not be withdrawn until credited to members' accounts.]

(c) **(NEW)** No member may withdraw any shareholdings below the amount of the member's primary or contingent liability to the credit union if the member is delinquent as a borrower, or if borrowers for whom the member is comaker, endorser, or guarantor are delinquent, without the written approval of the credit committee or loan officer. Coverage of overdrafts under an overdraft protection policy does not constitute delinquency for purposes of this paragraph. Shares issued in an irrevocable trust as provided in Section 6 of this article are not subject to withdrawal restrictions except as stated in the trust agreement.

(d) **(NEW)** The share account of a deceased member (other than one held in joint tenancy with another member) may be continued until the close of the dividend period in which the administration of the deceased's estate is completed [, but not to exceed a period of 4 years].

(e) The board will have the right, at any time, to impose a fee for excessive share withdrawals from regular share accounts. The number of withdrawals not subject to a fee and the amount of the fee will be established by board resolution and will be subject to regulations applicable to the advertising and disclosure of terms and conditions on member accounts.

Section 6. **Trusts.** Shares may be issued in a revocable or irrevocable trust, subject to the following:

When shares are issued in a revocable trust, the settlor must be a member of this credit union in his or her own right. When shares are issued in an irrevocable trust, either the settlor or the beneficiary must be a member of this credit union. The name of the beneficiary must be stated in both a revocable and irrevocable trust. For purposes of this section, shares issued pursuant to a pension plan authorized by the rules and regulations will be treated as an irrevocable trust unless otherwise indicated in the rules and regulations.

Section 7. **(NEW) Joint accounts and membership requirements.**

Instruction: Select one option and check the box corresponding to that option.

____**Option A—Separate account not required to establish membership**

Owners of a joint account may both be members of the credit union without opening separate accounts. For joint membership, both owners are required to fulfill all of the membership requirements including each member purchasing and maintaining at least one share in the account.

____**Option B—Separate account required to establish membership**

Each member must purchase and maintain at least one share in a share account that names the member as the sole or primary owner. Being named as a joint owner of a joint account is insufficient to establish membership.

(NEW) Staff commentary on shares:

Installments—The Act requires credit unions to permit membership shares to be paid in installments.

Par value—FCUs may establish differing par values for different classes of members or types of accounts, provided this action does not violate any federal, state or local antidiscrimination laws. For example, an FCU may want to establish a higher par value for recent credit union members, without requiring long-time members to bring their accounts up to the new par value. A differing par value may also be permissible for different types of accounts, such as requiring a higher par value for a member with only a share draft account. If a credit union adopts differing par values, all of the possible par values should be stated in Section 1.

Reduction in share balance below par value—When a member's account balance falls below the par value, Section 3 requires FCUs to allow members a minimum time period to restore their account balance to the par value before membership is terminated. FCUs may not delete this requirement or delete references to this requirement in Article II, Section 3.

Article IV. Meetings of Members

Section 1. **(NEW) Annual meeting.** The annual meeting of the members must be held [within the period authorized in the Act,] _____ in the county in which any office of the credit union is located or within a radius of 100 miles of an office, at the time and place as the board determines and announces in the notice of the annual meeting.

Instruction: Insert time for annual meeting, for example, ''during the month of March/on the third Saturday of April/no later than March 31'' in blank.

Section 2. **Notice of meetings required.** At least 30 but no more than 75 days before the date of any annual meeting or at least 7 days before the date of any special meeting of the members, the secretary must give written notice to each member by in person delivery, or by mailing the written notice to each member at the address that appears on the records of this credit union. Notice of the annual meeting may be given by posting the notice in a conspicuous place in the office of this credit union where it may be read by the members, at least 30 days before the meeting, if the annual meeting is to be held during the same month as that of the previous annual meeting and if this credit union maintains an office that is readily accessible to members where regular business hours are maintained. Any meeting of the members, whether annual or special, may be held without prior notice, at any place or time, if all the members entitled to vote, who are not present at the meeting, waive notice in writing, before, during, or after the meeting.

Notice of any special meeting must state the purpose for which it is to be held, and no business other than that related to this purpose may be transacted at the meeting.

Section 3. **(NEW) Special meetings.** Special meetings of the members may be called by the chair or the board of directors upon a majority vote, or by the supervisory committee as provided in these bylaws. A special meeting must be called by the chair within 30 days of the receipt of a written request of 25 members or 5% of the members as of the date of the request, whichever number is larger. However, a request of no more than [500] 750 members may be required to call a special meeting.

The notice of a special meeting must be given as provided in Section 2 of this article. Special meetings may be held at any location permitted for the annual meeting.

Section 4. **(NEW) Items of business for annual meeting.** The suggested order of business at annual meetings of members is—

(a) Ascertainment that a quorum is present.

(b) Reading and approval or correction of the minutes of the last meeting.

(c) Report of directors, if there is one. For credit unions participating in the Community Development Revolving Loan Program, the directors must report the credit union's progress on providing needed community services, unless a written report on this subject is sent to members, as required by NCUA Regulations.

(d) Report of the financial officer or the chief management official.

(e) Report of the credit committee, if there is one.

(f) Report of the supervisory committee, as required by Section 115 of the Act.

(g) Unfinished business.

(h) New business other than elections.

(i) Elections, as required by Section 111 of the Act.

(j) Adjournment.

To the extent consistent with these bylaws, all meetings of the members will be conducted according to _____. The order of business for the annual meeting may vary from the suggested order, provided it includes all required items and complies with the rules of procedure adopted by the credit union.

Instruction: The credit union must fill in the blank with one of the following authorities, noting the edition to be used: Democratic Rules of Order, The Modern Rules of Order, Robert's Rules of Order, or Sturgis' Standard Code of Parliamentary Procedure.

Section 5. *Quorum.* Except as otherwise provided, 15 members constitute a quorum at annual or special meetings. If no quorum is present, an adjournment may be taken to a date at least 7 but not more than 14 days thereafter. The members present at any adjourned meeting will constitute a quorum, regardless of the number of members present. The same notice must be given for the adjourned meeting as is prescribed in Section 2 of this article for the original meeting, except that the notice must be given at least 5 days before the date of the meeting as fixed in the adjournment.

Article V. Elections

Instruction: The credit union must select one of the four voting options. This may be done by printing the credit union's bylaws with the option selected or retaining this copy and checking the box of the option selected. All options continue with Section 3 of this article.

____**Option A1—In-person elections; nominating committee and nominations from floor**

Section 1. **Nomination procedures.** At least 30 days before each annual meeting, the chair will appoint a nominating committee of three or more members. It is the duty of the nominating committee to nominate at least one member for each vacancy, including any unexpired term vacancy, for which elections are being held, and to determine that the members nominated are agreeable to the placing of their names in nomination and will accept office if elected.

Section 2. **Election procedures.** After the nominations of the nominating committee have been placed before the members, the chair calls for nominations from the floor. When nominations are closed, the chair appoints the tellers, ballots are distributed, the vote is taken and tallied by the tellers, and the results announced. All elections are determined by plurality vote and will be by ballot except where there is only one nominee for the office.

____**Option A2—In-person elections; nominating committee and nominations by petition**

Section 1. **Nomination procedures.** At least 120 days before each annual meeting, the chair will appoint a nominating committee of three or more members. It is the duty of the nominating committee to nominate at least one member for each vacancy, including any unexpired term vacancy, for which elections are being held, and to determine that the members nominated are agreeable to the placing of their names in nomination and will accept office if elected.

The nominating committee files its nominations with the secretary of the credit union at least 90 days before the annual meeting, and the secretary notifies in writing all members eligible to vote at least 75 days before the annual meeting that nominations for vacancies may also be made by petition signed by 1% of the members with a minimum of 20 and a maximum of 500.

(NEW) The written notice must indicate that the election will not be conducted by ballot and there will be no nominations from the floor when the number of nominees equals the number of positions to be filled. A brief statement of qualifications and biographical data in a form approved by the board of directors will be included for each nominee submitted by the nominating committee with the written notice to all eligible members. Each nominee by petition must submit a similar statement of qualifications and biographical data with the petition. The written notice must state the closing date for receiving nominations by petition. In all cases, the period for receiving nominations by petition must extend at least 30 days from the date that the petition requirement and the list of nominating committee's nominees are mailed to all members. To be effective, nominations by petition must be accompanied by a signed certificate from the nominee or nominees stating that they are agreeable to nomination and will serve if elected to office. Nominations by petition must be filed with the secretary of the credit union at least 40 days before the annual meeting and the secretary will ensure that nominations by petition, along with those of the nominating committee, are posted in a conspicuous place in each credit union office at least 35 days before the annual meeting.

Section 2. **Election procedures.** All persons nominated by either the nominating committee or by petition must be placed before the members. When nominations are closed, the chair appoints the tellers, ballots are distributed, the vote is taken and tallied by the tellers, and the results announced. All elections are determined by plurality vote and will be by ballot except where there is only one nominee for each position to be filled.

(NEW) If sufficient nominations are made by the nominating committee or by petition to provide at least as many nominees as positions to be filled, nominations cannot be made from the floor. [Nominations cannot be made from the floor unless insufficient nominations have been made by the

nominating committee or by petition to provide for one nominee for each position to be filled or circumstances prevent the candidacy of the one nominee for a position to be filled. Only those positions without a nominee are subject to nominations from the floor.] In the event nominations from the floor are permitted and result in more nominees than positions to be filled, when nominations have been closed, the chair appoints the tellers, ballots are distributed, the vote is taken and tallied by the tellers, and the results announced. When the number of nominees equals the number of [only one member is nominated for each] positions to be filled, the chair may take a voice vote or declare each nominee elected by general consent or acclamation at the annual meeting.

__Option A3—Election by ballot boxes or voting machine; nominating committee and nomination by petition

Section 1. **Nomination procedures.** At least 120 days before each annual meeting, the chair will appoint a nominating committee of three or more members. It is the duty of the nominating committee to nominate at least one member for each vacancy, including any unexpired term vacancy, for which elections are being held, and to determine that the members nominated are agreeable to the placing of their names in nomination and will accept office if elected.

The nominating committee files its nominations with the secretary of the credit union at least 90 days before the annual meeting, and the secretary notifies in writing all members eligible to vote at least 75 days before the annual meeting that nominations for vacancies may also be made by petition signed by 1% of the members with a minimum of 20 and a maximum of 500.

(NEW) The written notice must indicate that the election will not be conducted by ballot and there will be no nominations from the floor when the [there is only one] number of nominees equals the number of [for each] positions to be filled. A brief statement of qualifications and biographical data in a form approved by the board of directors will be included for each nominee submitted by the nominating committee with the written notice to all eligible members. Each nominee by petition must submit a similar statement of qualifications and biographical data with the petition. The written notice must state the closing date for receiving nominations by petition. In all cases, the period for receiving nominations by petition must extend at least 30 days from the date of the petition requirement and the list of nominating committee's nominees are mailed to all members. To be effective, nominations by petition must be accompanied by a signed certificate from the nominee or nominees stating that they are agreeable to nomination and will serve if elected to office. Nominations by petition must be filed with the secretary of the credit union at least 40 days before the annual meeting and the secretary will ensure that nominations by petition along with those of the nominating committee are posted in a conspicuous place in each credit union office at least 35 days before the annual meeting.

Section 2. **Election procedures.** All elections are determined by plurality vote. The election will be conducted by ballot boxes or voting machines, subject to the following conditions:

(a) The board of directors will appoint the election tellers;

(b) If sufficient nominations are made by the nominating committee or by petition to provide more nominees than positions to be filled, the secretary, at least 10 days before the annual meeting, will cause ballot boxes and printed ballots, or voting machines, to be placed in conspicuous locations, as determined by the board of directors with the names of the candidates posted near the boxes or voting machines. The name of each candidate will be followed by a brief statement of qualifications and biographical data in a form approved by the board of directors;

(c) After the members have been given 24 hours to vote at conspicuous locations as determined by the board of directors, the ballot boxes or voting machines will be opened, the vote tallied by the tellers, the tallies placed in the ballot boxes, and the ballot boxes resealed. The tellers are responsible at all times for the ballot boxes or voting machines and the integrity of the vote. A record must be kept of all persons voting and the tellers must assure themselves that each person voting is entitled to vote; and

(d) The tellers will take the ballot boxes to the annual meeting. At the annual meeting, printed ballots will be distributed to those in attendance who have not voted and their votes will be deposited in the ballot boxes placed by the tellers, before the beginning of the meeting, in conspicuous locations with the names of the candidates posted near them. After those members have been given an opportunity to vote at the annual meeting, balloting will be closed, the ballot boxes opened, the vote tallied by the tellers and added to the previous count, and the chair will announce the result of the vote.

__Option A4—Election by electronic device (including but not limited to telephone and electronic mail) or mail ballot; nominating committee and nominations by petition

Section 1. **Nomination procedures.** At least 120 days before each annual meeting, the chair will appoint a nominating committee of three or more members. It is the duty of the nominating committee to nominate at least one member for each vacancy, including any unexpired term vacancy, for which elections are being held, and to determine that the members nominated are agreeable to the placing of their names in nomination and will accept office if elected.

(NEW) The nominating committee files its nominations with the secretary of the credit union at least 90 days before the annual meeting, and the secretary notifies in writing all members eligible to vote at least 75 days before the annual meeting that nominations for vacancies may also be made by petition signed by 1% of the members with a minimum of 20 and a maximum of 500. The secretary may use electronic mail to notify members who have opted to receive notices or statements electronically.

(NEW) The [written] notice must indicate that the election will not be conducted by ballot and there will be no nominations from the floor when the [there is only one] number of nominees equals the number of [for each] positions to be filled. A brief statement of qualifications and biographical data in a form approved by the board of directors will be included for each nominee submitted by the nominating committee with the [written] notice to all eligible members. Each nominee by petition must submit a similar statement of qualifications and biographical data with the petition. The [written] notice must state the closing date for receiving nominations by petition. In all cases, the period for receiving nominations by petition must extend at least 30 days from the date of the petition requirement and the list of nominating committee's nominees are mailed to all members. To be effective, nominations by petition must be accompanied by a signed certificate from the nominee or nominees stating that they are agreeable to nomination and will serve if elected to office. Nominations by petition must be filed with the secretary of the credit union at least 40 days before the annual meeting and the secretary will ensure that nominations by petition, along with those of the nominating committee, are posted in a conspicuous place in each

credit union office at least 35 days before the annual meeting.

Section 2. **Election procedures. All elections are determined by plurality vote.** All elections will be by electronic device or mail ballot, subject to the following conditions:

(a) The board of directors will appoint the election tellers;

(b) **(NEW)** If sufficient nominations are made by the nominating committee or by petition to provide more [than one] nominees than [for any] positions to be filled, the secretary, at least 30 days before the annual meeting, will cause either a printed ballot or notice of ballot to be mailed to all members eligible to vote. Electronic mail may be used to provide the notice of ballot to members who have opted to receive notices or statements electronically;

(c) If the credit union is conducting its elections electronically, the secretary will cause the following materials to be mailed to each eligible voter and the following procedures will be followed:

(1) One notice of balloting stating the names of the candidates for the board of directors and the candidates for other separately identified offices or committees. The name of each candidate must be followed by a brief statement of qualifications and biographical data in a form approved by the board of directors.

(2) (**NEW**) One mail ballot that conforms to Section 2(d) of this article and one instruction sheet stating specific instructions for the electronic election procedure, including how to access and use the system, and the period of time in which votes will be taken. The instruction will state that members without the requisite electronic device necessary to vote on the system may vote by submitting the enclosed mail ballot [upon written or telephone request] and specify the date the [request] mail ballot must be received by the credit union.

(3) It is the duty of the tellers of election to verify, or cause to be verified the name of the voter and the credit union account number as they are registered in the electronic balloting system. It is the duty of the teller to test the integrity of the balloting system at regular intervals during the election period.

(4) Ballots must be received no later than midnight, 5 calendar days before the annual meeting.

(5) [Voting will be closed at the midnight deadline specified in subsection (4) hereof and the] The vote will be tallied by the tellers. The result must be verified at the annual meeting and the chair will make the result of the vote public at the annual meeting.

(6) (**NEW**) In the event of malfunction of the electronic balloting system, the board of directors may in its discretion order elections be held by mail ballot only. The mail ballots must conform to Section 2(d) of this article and must be mailed once more to all eligible members 30 days before the annual meeting. The board may make reasonable adjustments to the voting time frames above, or postpone the annual meeting when necessary, to complete the elections before the annual meeting.

(d) If the credit union is conducting its election by mail ballot, the secretary will cause the following materials to be mailed to each member and the following procedures will be followed:

(1) (**NEW**) One ballot, clearly identified as the ballot on which the names of the candidates for the board of directors and the candidates for other separately identified offices or committees are printed in random order [as determined by the draw of lots]. The name of each candidate will be followed by a brief statement of qualifications and biographical data in a form approved by the board of directors;

(2) One ballot envelope clearly marked with instructions that the completed ballot must be placed in that envelope and sealed;

(3) One identification form to be completed so as to include the name, address, signature and credit union account number of the voter;

(4) One mailing envelope in which the voter, following instructions provided with the mailing envelope, must insert the sealed ballot envelope and the identification form, and which must have postage prepaid and be preaddressed for return to the tellers;

(5) (**NEW**) When properly designed with features that preserve the secrecy of the ballot, one form can be printed that represents a combined ballot and identification form, and postage prepaid and preaddressed return envelope;

(6) It is the duty of the tellers to verify, or cause to be verified, the name and credit union account number of the voter as appearing on the identification form; to place the verified identification form and the sealed ballot envelope in a place of safekeeping pending the count of the vote; in the case of a questionable or challenged identification form, to retain the identification form and sealed ballot envelope together until the verification or challenge has been resolved;

(7) Ballots mailed to the tellers must be received by the tellers no later than midnight 5 days before the date of the annual meeting;

(8) [Voting will be closed at the midnight deadline specified in subsection (7) hereof and the] The vote will be tallied by the tellers. The result will be verified at the annual meeting and the chair will make the result of the vote public at the annual meeting.

All options continue here.

Section 3. **Order of nominations.** Nominations may be in the following order:

(a) Nominations for directors.

(b) Nominations for credit committee members, if applicable. Elections may be by separate ballots following the same order as the above nominations or, if preferred, may be by one ballot for all offices.

Section 4. **(NEW) Proxy and agent voting.** Members cannot vote by proxy. A member other than a natural person may vote through an agent designated in writing for the purpose. [A trustee, or other person acting in a representative capacity, is not, as such, entitled to vote.]

Section 5. **One vote per member.** Irrespective of the number of shares, no member has more than one vote.

Section 6. **Submission of information regarding credit union officials to NCUA.** The names and addresses of members of the board, board officers, executive committee, and members of the credit committee, if applicable, and supervisory committees must be forwarded to the Administration in accordance with the Act and regulations in the manner as may be required by the Administration.

Section 7. **(NEW) Minimum age requirement.** [The board may establish by resolution a minimum age, not greater than 18 years of age, as a qualification for eligibility to vote at meetings of the members, or to hold elective or appointive office, or both.] Members must be at least ____ years of age by the date of the meeting (or for appointed offices, the date of appointment) in order to vote at meetings of the members, hold elective or appointive office, sign nominating petitions, or sign petitions requesting special meetings.

Instruction: The credit union may select the absentee ballot provision in conjunction with the voting procedure it has selected. This may be done by printing the credit union's bylaws with this provision or by retaining this copy and checking the box.

Section 8. **Absentee ballots.** The board of directors may authorize the use of absentee ballots in conjunction with the other procedures authorized in this article, subject to the following conditions:

(a) The board of directors will appoint the election tellers;

(b) If sufficient nominations are made by the nominating committee or by petition to provide more than one nominee for any position to be filled, the secretary, at least 30 days before the annual meeting, will cause printed ballots to be mailed to all members of the credit union who are eligible to vote and who have submitted a written request for an absentee ballot;

(c) The secretary will cause the following materials to be mailed to each [such] eligible voter who has submitted a written request for an absentee ballot:

(1) **(NEW)** One ballot, clearly identified as the ballot on which the names of the candidates for the board of directors and the candidates for other separately identified offices or committees are printed in random order [as determined by the draw of the lots]. The name of each candidate will be followed by a brief statement of qualifications and biographical data in a form approved by the board of directors;

(2) One ballot envelope clearly marked with instructions that the completed ballot must be placed in that envelope and sealed;

(3) One identification form to be completed so as to include the name, address, signature and credit union account number of the voter;

(4) One mailing envelope in which the voter, pursuant to instructions provided with the envelope, must insert the sealed ballot envelope and the identification form, and which must have postage prepaid and be preaddressed for return to the tellers;

(5) **(NEW)** When properly designed with features that preserve the secrecy of the ballot, one form can be printed that represents a combined ballot and identification form, and postage prepaid and preaddressed return envelope;

(d) It is the duty of the election tellers to verify, or cause to be verified, the name and credit union account number of the voter as appearing on the identification form; to place the verified identification and the sealed ballot envelope in a place of safekeeping pending the count of the vote; in the case of a questionable or challenged identification form, to retain the identification form and the sealed ballot envelope together until the verification or challenge has been resolved; and in the event that more than one voting procedure is used, to verify that no eligible voter has voted more than one time;

(e) Ballots mailed to the tellers [pursuant to subsection (b) hereof,] must be received by the tellers no later than midnight 5 days before the date of the annual meeting; and

(f) [After the expiration of the period of time specified in the preceding subsection (e), the voting by absentee ballot will be closed and] Absentee ballots will be deposited in the ballot boxes to be taken to the annual meeting or included in a precount in accordance with procedures specified in Article V, Section 2.

(NEW) Staff commentary on the election process:

Eligibility requirements: The Act and the FCU Bylaws contain the only eligibility requirements for membership on an FCU's board of directors, which are as follows:

(a) The individual must be a member of the FCU before distribution of ballots;

(b) The individual cannot have been convicted of a crime involving dishonesty or breach of trust unless the NCUA Board has waived the prohibition for the conviction; and

(c) The individual meets the minimum age requirement established under Article V, Section 7 of the FCU Bylaws.

Anyone meeting the three eligibility requirements may run for a seat on the board of directors if properly nominated. It is the nominating committee's duty to ascertain that all nominated candidates, including those nominated by petition, meet the eligibility requirements.

Nomination criteria for nominating committee: The FCU Act and the FCU Bylaws do not prohibit a board of directors from establishing reasonable criteria, in addition to the eligibility requirements, for a nominating committee to follow in making its nominations, such as financial experience, years of membership, or conflict of interest provisions. The board's nomination criteria, however, applies only to individuals nominated by the nominating committee; they cannot be imposed on individuals who meet the eligibility requirements and are properly nominated from the floor or by petition.

Candidates' names on ballots: When producing an election ballot, the FCU's secretary may order the names of the candidates on the ballot using any method for selection provided it is random and used consistently from year to year so as to avoid manipulation or favoritism.

Secret ballots: An FCU must establish an election process that assures members their votes remain confidential and secret from all interested parties. If the election process does not separate the member's identity from the ballot, FCUs should use a third-party teller that has sole control over completed ballots. If the ballots are designed so that members' identities remain secret and are not disclosed on the ballot, FCUs may use election tellers from the FCU. In any case, FCU employees, officials, and members must not have access to ballots identifying members or to information that links members' votes to their identities.

Plurality voting: At least one nominee must be nominated for each vacant seat. When there are more nominees than seats open for election, the nominees who receive the greatest number of votes are elected to the vacant seats.

Article VI. Board of Directors

Section 1. **Number of members.** The board consists of ____members, all of whom must be members of this credit union. The number of directors may be changed to an odd number not fewer than 5 nor more than 15 by resolution of the board. No reduction in the number of directors may be made unless corresponding vacancies exist as a result of deaths, resignations, expiration of terms of office, or other actions provided by these bylaws. A copy of the resolution of the board covering any increase or decrease in the number of directors must be filed with the official copy of the bylaws of this credit union.

Section 2. **(NEW) Composition of board.** ____(Fill in the number) directors or committee members may be a paid employee of the credit union. ____(Fill in the number) immediate family members of a director or committee member may be a paid employee of the credit union. In no case may employees, [and] family members, or employees and family members constitute a majority of the board. The board may appoint a management official who ____(may or may not) be a member of the board and one or more assistant management officials who ____(may or may not) be a member of the board. If the management official or assistant management official is permitted to serve on the board, he or she may not serve as the chair.

Section 3. **Terms of office.** Regular terms of office for directors must be for periods of either 2 or 3 years as the board determines. All regular terms must be for the same number of years and until the election and qualification of successors. Regular terms must be fixed at the first meeting [beginning], or upon any increase or decrease in the number of directors, so that approximately an equal number of regular terms must expire at each annual meeting.

Section 4. **(NEW) Vacancies.** Any vacancy on the board, credit committee, if applicable, or supervisory committee will be filled [within a reasonable time] as soon as possible, but no later than the next regularly scheduled board meeting, by vote of a majority of the directors then holding office. Directors and credit committee members appointed to fill a vacancy will hold office only until the next annual meeting, at which any unexpired terms will be filled by vote of the members, and until the qualification of their successors. Members of the supervisory committee appointed to fill a vacancy will hold office until the first regular meeting of the board following the next annual meeting of members, at which the regular term expires, and until the appointment and qualification of their successors.

Section 5. **Regular and special meetings.** A regular meeting of the board must be held each month at the time and place fixed by resolution of the board. One regular meeting each calendar year must be conducted in person. If a quorum is present in person for the annual in person meeting, the remaining board members may participate using audio or video teleconference methods. The other regular meetings may be conducted using audio or video teleconference methods. The chair, or in the chair's absence the ranking vice chair, may call a special meeting of the board at any time and must do so upon written request of a majority of the directors then holding office. Unless the board prescribes otherwise, the chair, or in the chair's absence the ranking vice chair, will fix the time and place of special meetings. Notice of all meetings will be given in the manner the board may from time to time by resolution prescribe. Special meetings may be conducted using audio or video teleconference methods.

Section 6. **Board responsibilities.** The board has the general direction and control of the affairs of this credit union and is responsible for performing all the duties customarily performed by boards of directors. This includes but is not limited to the following:

(a) Directing the affairs of the credit union in accordance with the Act, these bylaws, the rules and regulations and sound business practices.

(b) Establishing programs to achieve the purposes of this credit union as stated in Article I, Section 2, of these bylaws.

(c) Establishing a loan collection program and authorizing the chargeoff of uncollectible loans.

(d) **(NEW)** Establishing a policy to address training for newly elected and incumbent directors and volunteer officials, in areas such as ethics and fiduciary responsibility, regulatory compliance, and accounting, and determining that all persons appointed or elected by this credit union to any position requiring the receipt, payment or custody of money or other property of this credit union, or in its custody or control as collateral or otherwise, are properly bonded in accordance with the Act and regulations.

(e) Performing additional acts and exercising additional powers as may be required or authorized by applicable law.

Instruction: If the credit union has an elected credit committee, you do not need to check a box. If the credit union has no credit committee check Option 1 and if it has an appointed credit committee check Option 2.

____**Option 1 No Credit Committee**

(f) Reviewing denied loan applications of members who file written requests for review.

(g) Appointing one or more loan officers and delegating to those officers the power to approve or disapprove loans, lines of credit or advances from lines of credit.

(h) In its discretion, appointing a loan review committee to review loan denials and delegating to the committee the power to overturn denials of loan applications. The committee will function as a mid-level appeal committee for the board. Any denial of a loan by the committee must be reviewed by the board upon written request of the member. The committee must consist of three members and the regular term of office of the committee member will be for two years. Not more than one member of the committee may be appointed as a loan officer.

____**Option 2 Appointed Credit Committee**

(f) Appointing an odd number of credit committee members as provided in Article VIII of these bylaws.

Section 7. **(NEW) Quorum.** A majority of the number of directors, including any vacant positions, constitutes a quorum for the transaction of business at any meeting, except that vacancies may be filled by a quorum consisting of a majority of the directors holding office as provided in Section 4 of this article. Fewer than a quorum may adjourn from time to time until a quorum is in attendance.

Section 8. **(NEW) Attendance and removal.** If a director or a credit committee member, if applicable, fails to attend regular meetings of the board or credit committee, respectively, for 3 consecutive months, or 4 meetings within a calendar year, or otherwise fails to perform any of the duties as a director or a credit committee member, the office may be declared vacant by the board and the vacancy filled as provided in the bylaws. [The board may remove any board officer from office for failure to perform the duties thereof, after giving the officer reasonable notice and opportunity to be heard.]

The board may remove any board officer from office for failure to perform the duties thereof, after giving the officer reasonable notice and opportunity to be heard.

When any board officer, membership officer, executive committee member or investment committee member is absent, disqualified, or otherwise unable to perform the duties of the office, the board may by resolution designate another member of this credit union to fill the position temporarily. The board may also, by resolution, designate another member or members of this credit union to act on the credit committee when necessary in order to obtain a quorum.

Section 9. **Suspension of supervisory committee members.** Any member of the supervisory committee may be suspended by a majority vote of the board of directors. The members of this credit union will decide, at a special meeting held not fewer than 7 nor more than 14 days after any suspension, whether the suspended committee member will be removed from or restored to the supervisory committee.

Article VII. Board Officers, Management Officials and Executive Committee

Section 1. **(NEW) Board officers.** The board officers of this credit union are comprised of a chair, one or more vice chairs, a financial officer, and a secretary, all of whom are elected by the board and from their number. The board determines the title and rank of each board officer and records them in the addendum to this article. One board officer, the _____, may be compensated for services as determined by the board. If more than one vice chair is elected, the board determines their rank as first vice chair, second vice chair, and so on. The offices of the financial officer and secretary may be held by the same person. If a management official or assistant management official is permitted to serve on the board, he or she may not serve as the chair. Unless removed as provided in these bylaws, the board officers elected at the first meeting of the board hold office until the first meeting of the board following the first annual meeting of the members and

until the election and qualification of their respective successors.

Section 2. **Election and term of office.** Board officers elected at the meeting of the board next following the annual meeting of the members, which must be held not later than 7 days after the annual meeting, hold office for a term of 1 year and until the election and qualification of their respective successors: provided, however, that any person elected to fill a vacancy caused by the death, resignation, or removal of an officer is elected by the board to serve only for the unexpired term of that officer and until a successor is duly elected and qualified.

Section 3. **Duties of chair.** The chair presides at all meetings of the members and at all meetings of the board, unless disqualified through suspension by the supervisory committee. The chair also performs other duties customarily assigned to the office of the chair or duties he or she is directed to perform by resolution of the board not inconsistent with the Act and regulations and these bylaws.

Section 4. **Approval required.** The board must approve all individuals who are authorized to sign all notes of this credit union and all checks, drafts and other orders for disbursement of credit union funds.

Section 5. **Vice chair.** The ranking vice chair has and may exercise all the powers, authority, and duties of the chair during the chair's absence or inability to act.

Section 6. **Duties of financial officer.** The financial officer manages this credit union under the control and direction of the board unless the board has appointed a management official to act as general manager. Subject to limitations, controls and delegations as the board may impose, the financial officer will:

(a) Have custody of all funds, securities, valuable papers and other assets of this credit union.

(b) **(NEW)** Provide and maintain full and complete records of all the assets and liabilities of this credit union in accordance with forms and procedures prescribed in regulations and other guidance [the Accounting Manual for Federal Credit Unions or otherwise] approved by the Administration, including, for small credit unions, the Accounting Manual for Federal Credit Unions.

(c) Within 20 days after the close of each month, ensure that a financial statement showing the condition of this credit union as of the end of the month, including a summary of delinquent loans is prepared and submitted to the board and post a copy of the statement in a conspicuous place in the office of the credit union where it will remain until replaced by the financial statement for the next succeeding month.

(d) Ensure that financial and other reports the Administration may require are prepared and sent.

(e) Within standards and limitations prescribed by the board, employ tellers, clerks, bookkeepers, and other office employees, and have the power to remove these employees.

(f) Perform other duties customarily assigned to the office of the financial officer or duties he or she is directed to perform by resolution of the board not inconsistent with the Act, regulations and these bylaws.

The board may employ one or more assistant financial officers, none of whom may also hold office as chair or vice chair, and may authorize them, under the direction of the financial officer, to perform any of the duties devolving on the financial officer, including the signing of checks. When designated by the board, any assistant financial officer may also act as financial officer during the financial officer's temporary absence or temporary inability to act.

Section 7. **Duties of management official and assistant management official.** The board may appoint a management official who is under the direction and control of the board or of the financial officer as determined by the board. The management official may be assigned any or all of the responsibilities of the financial officer described in Section 6 of this article. The board will determine the title and rank of each management official and record them in the addendum to this article. The board may employ one or more assistant management officials. The board may authorize assistant management officials under the direction of the management official, to perform any of the duties devolving on the management official, including the signing of checks. When designated by the board, any assistant management official may also act as management official during the management official's temporary absence or temporary inability to act.

Section 8. **Board powers regarding employees.** The board employs, fixes the compensation, and prescribes the duties of employees as may in the discretion of the board be necessary, and has the power to remove employees, unless it has delegated these powers to the financial officer or management official. Neither the board, the financial officer, nor the management official has the power or duty to employ, prescribe the duties of, or remove necessary clerical and auditing assistance employed or used by the supervisory committee and, if there is a credit committee, the power or duty to employ, prescribe the duties of, or remove any loan officer appointed by the credit committee.

Section 9. **Duties of secretary.** The secretary prepares and maintains full and correct records of all meetings of the members and of the board, which records will be prepared within 7 days after the respective meetings. The secretary must promptly inform the Administration in writing of any change in the address of the office of this credit union or the location of its principal records. The secretary will give or cause to be given, in the manner prescribed in these bylaws, proper notice of all meetings of the members, and perform other duties he or she may be directed to perform by resolution of the board not inconsistent with the Act, regulations and these bylaws. The board may employ one or more assistant secretaries, none of whom may also hold office as chair, vice chair, or financial officer, and may authorize them under direction of the secretary to perform any of the duties assigned to the secretary.

Section 10. **(NEW) Executive committee.** [The board may appoint an executive committee of not fewer than three directors to serve at its pleasure, to act for it with respect to specifically delegated functions authorized by the Act and regulations.] As authorized by the Act, the board may appoint an executive committee of not fewer than three directors to serve at its pleasure, to act for it with respect to the board's specifically delegated functions. When making delegations to the executive committee, the board must be specific with regard to the committee's authority and limitations related to the particular delegation. The board may also authorize any of the following to approve membership applications under conditions the board and these bylaws may prescribe: an executive committee; a membership officer(s) appointed by the board from the membership, other than a board member paid as an officer; the financial officer; any assistant to the paid officer of the board or to the financial officer; or any loan officer. [The board may also authorize such executive committee or a membership officer(s) appointed by the board from the membership other than a board member paid as an officer, the financial officer, any assistant to the paid officer of the board or to the financial officer or any loan officer, to serve at its pleasure to approve applications for membership under such conditions as

the board and these bylaws may prescribe.] No executive committee member or membership officer may be compensated as such.

Section 11. **Investment committee.** The board may appoint an investment committee composed of not less than two, to serve at its pleasure to have charge of making investments under rules and procedures established by the board. No member of the investment committee may be compensated as such.

Addendum: The board must list the positions of the board officers and management officials of this credit union. They are as follows:

Instruction: Select Option 1 if the credit union has a credit committee and Option 2 if it does not have a credit committee.

____ Option 1 Article VIII. Credit Committee

Section 1. **Credit committee members.** The credit committee consists of ____ members. All the members of the credit committee must be members of this credit union. The number of members of the credit committee must be an odd number and may be changed to not fewer than 3 nor more than 7 by resolution of the board. No reduction in the number of members may be made unless corresponding vacancies exist as a result of deaths, resignations, expiration of terms of office, or other actions provided by these bylaws. A copy of the resolution of the board covering any increase or decrease in the number of committee members must be filed with the official copy of the bylaws of this credit union.

Section 2. **Terms of office.** Regular terms of office for elected credit committee members are for periods of either 2 or 3 years as the board determines: Provided, however, that all regular terms are for the same number of years and until the election and qualification of successors. The regular terms are fixed at the beginning, or upon any increase or decrease in the number of committee members, that approximately an equal number of regular terms expire at each annual meeting.

Regular terms of office for appointed credit committee members are for periods as determined by the board and as noted in the board's minutes.

Section 3. **Officers of credit committee.** The credit committee chooses from their number a chair and a secretary. The secretary of the committee prepares and maintains full and correct records of all actions taken by it, and those records must be prepared within 3 days after the action. The offices of the chair and secretary may be held by the same person.

Section 4. **Credit committee powers.** The credit committee may, by majority vote of its members, appoint one or more loan officers to serve at its pleasure, and delegate to them the power to approve application for loans or lines of credit, share withdrawals, releases and substitutions of security, within limits specified by the committee and within limits of applicable law and regulations. Not more than one member of the committee may be appointed as a loan officer. Each loan officer must furnish to the committee a record of each approved or not approved transaction within 7 days of the date of the filing of the application or request, and this record becomes a part of the records of the committee. All applications or requests not approved by a loan officer must be acted upon by the committee. No individual may disburse funds of this credit union for any application or share withdrawal which the individual has approved as a loan officer.

Section 5. **Credit committee meetings.** The credit committee holds meetings as the business of this credit union may require, and not less frequently than once a month. Notice of meetings will be given to members of the committee in a manner as the committee may from time to time, by resolution, prescribe.

Section 6. **Credit committee duties.** For each loan or line of credit, the credit committee or loan officer must inquire into the character and financial condition of the applicant and the applicant's sureties, if any, to ascertain their ability to repay fully and promptly the obligations incurred by them and to determine whether the loan or line of credit will be of probable benefit to the borrower. The credit committee and its appointed loan officers should endeavor diligently to assist applicants in solving their financial problems.

Section 7. **Unapproved loans prohibited.** No loan or line of credit may be made unless approved by the committee or a loan officer in accordance with applicable law and regulations.

Section 8. **Lending procedures.** Subject to the limits imposed by applicable law and regulations, these bylaws, and the general policies of the board, the credit committee, or a loan officer, determines the security, if any, required for each application and the terms of repayment. The security furnished must be adequate in quality and character and consistent with sound lending practices. When funds are not available to make all the loans and lines of credit for which there are applications, preference should be given, in all cases, to the smaller applications if the need and credit factors are nearly equal.

____ Option 2 Article VIII. Loan Officers (No Credit Committee)

Section 1. **Records of loan officer; prohibition on loan officer disbursing funds.** Each loan officer must maintain a record of each approved or not approved transaction within 7 days of the filing of the application or request, and that record becomes a part of the records of the credit union. No individual may disburse funds of this credit union for any application or share withdrawal which the individual has approved as a loan officer.

Section 2. **Duties of loan officer.** For each loan or line of credit, the loan officer must inquire into the character and financial condition of the applicant and the applicant's sureties, if any, to ascertain their ability to repay fully and promptly the obligations incurred by them and to determine whether the loan or line of credit will be of probable benefit to the borrower. The loan officers should endeavor diligently to assist applicants in solving their financial problems.

Section 3. **Unapproved loans prohibited.** No loan or line of credit may be made unless approved by a loan officer in accordance with applicable law and regulations.

Section 4. **Lending procedures.** Subject to the limits imposed by law and regulations, these bylaws, and the general policies of the board, a loan officer determines the security if any required for each application and the terms of repayment. The security furnished must be adequate in quality and character and consistent with sound lending practices. When funds are not available to make all the loans and lines of credit for which there are applications, preference should be given, in all cases, to the [smaller] applications for lesser amounts if the need and credit factors are nearly equal.

Article IX. Supervisory Committee

Section 1. **(NEW) Appointment and membership.** The supervisory committee is appointed by the board from among the members of this credit union, one of whom may be a director other than the financial officer or the compensated officer of the board. The board determines the number of members on the committee, which may not be fewer than 3 nor more than 5. No member of the credit committee, if applicable, or any employee of this credit union may be appointed to the committee. Regular terms of committee members are for periods of 1, 2, or 3 years as the board determines: Provided,

however, that all regular terms are for the same number of years and until the appointment and qualification of successors. The regular terms are fixed at the beginning, or upon any increase or decrease in the number of committee members, so that approximately an equal number of regular terms expires at each annual meeting.

Section 2. **Officers of supervisory committee.** The supervisory committee members choose from among their number a chair and a secretary. The secretary of the supervisory committee prepares, maintains, and has custody of full and correct records of all actions taken by it. The offices of chair and secretary may be held by the same person.

Section 3. **Duties of supervisory committee.** The supervisory committee makes, or causes to be made, the audits, and prepares and submits the written reports required by the Act and regulations. The committee may employ and use clerical and auditing assistance required to carry out its responsibilities prescribed by this article, and may request the board to provide compensation for this assistance. It will prepare and forward to the Administration required reports.

Section 4. **(NEW) Verification of accounts.** The supervisory committee will cause the verification of the accounts of [all] members with the records of the financial officer from time to time and not less frequently than as required by the Act and regulations. The committee must maintain a record of this verification.

Section 5. **Powers of supervisory committee—removal of directors and credit committee members.** By unanimous vote, the supervisory committee may suspend until the next meeting of the members any director, board officer, or member of the credit committee. In the event of any suspension, the supervisory committee must call a special meeting of the members to act on the suspension, which meeting must be held not fewer than 7 nor more than 14 days after the suspension. The chair of the committee acts as chair of the meeting unless the members select another person to act as chair.

Section 6. **Powers of supervisory committee—special meetings.** By the affirmative vote of a majority of its members, the supervisory committee may call a special meeting of the members to consider any violation of the provisions of the Act, the regulations, or of the charter or the bylaws of this credit union, or to consider any practice of this credit union which the committee deems to be unsafe or unauthorized.

Article X. Organization Meeting

Section 1. **Initial meeting.** When application is made for a federal credit union charter, the subscribers to the organization certificate must meet for the purpose of electing a board of directors and a credit committee, if applicable. Failure to commence operations within 60 days following receipt of the approved organization certificate is cause for revocation of the charter unless a request for an extension of time has been submitted to and approved by the Regional Director.

Section 2. **Election of directors and credit committee.** The subscribers elect a chair and a secretary for the meeting. The subscribers then elect from their number, or from those eligible to become members of this credit union, a board of directors and a credit committee, if applicable, all to hold office until the first annual meeting of the members and until the election and qualification of their respective successors. If not already a member, every person elected under this section or appointed under Section 3 of this article, must qualify within 30 days by becoming a member. If any person elected as a director or committee member or appointed as a supervisory committee member does not qualify as a member within 30 days of election or appointment, the office will automatically become vacant and be filled by the board.

Section 3. **Election of board officers.** Promptly following the elections held under the provisions of Section 2 of this article, the board must meet and elect the board officers who will hold office until the first meeting of the board of directors following the first annual meeting of the members and until the election and qualification of their respective successors. The board also appoints a supervisory committee at this meeting as provided in Article IX, Section 1, of these bylaws and a credit committee, if applicable. The members so appointed hold office until the first regular meeting of the board following the first annual meeting of the members and until the appointment and qualification of their respective successors.

Article XI. Loans and Lines of Credit to Members

Section 1. **Loan purposes.** Loans may only be made to members and for provident or productive purposes in accordance with applicable law and regulations.

(NEW) Instruction: The credit union may add business as one of its purposes by placing a comma after ''provident'' and inserting ''business.''

Section 2. **Delinquency.** Any member whose loan is delinquent may be required to pay a late charge as determined by the board of directors.

Article XII. Dividends

Section 1. **Power of board to declare dividends.** The board establishes dividend periods and declares dividends as permitted by the Act and applicable regulations.

Article XIII. [Deposit of Funds] (RESERVED)

[Section 1. All funds of this credit union, except for petty cash and cash change funds, must be deposited in such qualified depository or depositories from among those authorized by applicable law and regulations as the board may from time to time by resolution designate; and must be so deposited not later than the ____ (fill in number) banking day after their receipt: provided, however, that receipts in the aggregate of $___ (fill in number) or less may be held as long as 1 week before they are deposited.]

Article XIV. Expulsion and Withdrawal

Section 1. **(NEW) Expulsion procedure; expulsion or withdrawal does not affect members' liability or shares.** A member may be expelled [only in the manner provided by the Act] by a two-thirds vote of the members present at special meeting called for that purpose, but only after the member has been given the opportunity to be heard. A member also may be expelled under a nonparticipation policy adopted by the board of directors and provided to each member in accordance with the Act. Expulsion or withdrawal will not operate to relieve a member of any liability to this credit union. All amounts paid in on shares by expelled or withdrawing members, before their expulsion or withdrawal, will be paid to them in the order of their withdrawal or expulsion, but only as funds become available and only after deducting any amounts due to this credit union.

Article XV. Minors

Section 1. **(NEW) Minors permitted to own shares.** Shares may be issued in the name of a minor. State law governs the rights of minors to transact business with this credit union.

Article XVI. General

Section 1. **Compliance with law and regulation.** All power, authority, duties,

and functions of the members, directors, officers, and employees of this credit union, pursuant to the provisions of these bylaws, must be exercised in strict conformity with the provisions of applicable law and regulations, and of the charter and the bylaws of this credit union.

Section 2. **Confidentiality.** The officers, directors, members of committees and employees of this credit union must hold in confidence all transactions of this credit union with its members and all information respecting their personal affairs, except when permitted by state or federal law.

Section 3. **Removal of directors and committee members.** Notwithstanding any other provisions in these bylaws, any director or committee member of this credit union may be removed from office by the affirmative vote of a majority of the members present at a special meeting called for the purpose, but only after an opportunity has been given to be heard.

Section 4. **Conflicts of interest prohibited.** No director, committee member, officer, agent, or employee of this credit union may participate in any manner, directly or indirectly, in the deliberation upon or the determination of any question affecting his or her pecuniary or personal interest or the pecuniary interest of any corporation, partnership, or association (other than this credit union) in which he or she is directly or indirectly interested. In the event of the disqualification of any director respecting any matter presented to the board for deliberation or determination, that director must withdraw from the deliberation or determination; and if the remaining qualified directors present at the meeting plus the disqualified directors or directors constitute a quorum, the remaining qualified directors may exercise with respect to this matter, by majority vote, all the powers of the board. In the event of the disqualification of any member of the credit committee, if applicable, or the supervisory committee, that committee member must withdraw from the deliberation or determination.

Section 5. **Records.** Copies of the organization certificate of this credit union, its bylaws and any amendments to the bylaws, and any special authorizations by the Administration must be preserved in a place of safekeeping. Copies of the organization certificate and field of membership amendments should be attached as an appendix to these bylaws. Returns of nominations and elections and proceedings of all regular and special meetings of the members and directors must be recorded in the minute books of this credit union. The minutes of the meetings of the members, the board, and the committees must be signed by their respective chairmen or presiding officers and by the persons who serve as secretaries of those meetings.

Section 6. **(NEW) Availability of credit union records.** All books of account and other records of this credit union must be available at all times to the directors and committee members of this credit union provided they have a proper purpose for obtaining the records. The charter and bylaws of this credit union must be made available for inspection by any member and, if the member requests a copy, it will be provided for a reasonable fee.

Section 7. **Member contact information.** Members must keep the credit union informed of their current address.

Section 8. **Indemnification.** (a) The credit union may elect to indemnify to the extent authorized by (check one)

[ ] law of the state of _____:

[ ] Model Business Corporation Act:

The following individuals from any liability asserted against them and expenses reasonably incurred by them in connection with judicial or administrative proceedings to which they are or may become parties by reason of the performance of their official duties (check as appropriate).

[ ] current officials

[ ] former officials

[ ] current employees

[ ] former employees

(b) The credit union may purchase and maintain insurance on behalf of the individuals indicated in (a) above against any liability asserted against them and expenses reasonably incurred by them in their official capacities and arising out of the performance of their official duties to the extent such insurance is permitted by the applicable state law or the Model Business Corporation Act.

(c) The term ''official'' in this bylaw means a person who is a member of the board of directors, credit committee, supervisory committee, other volunteer committee (including elected or appointed loan officers or membership officers), established by the board of directors.

Article XVII. Amendments of Bylaws and Charter

Section 1. **Amendment procedures.** Amendments of these bylaws may be adopted and amendments of the charter requested by the affirmative vote of two-thirds of the authorized number of members of the board at any duly held meeting of the board if the members of the board have been given prior written notice of the meeting and the notice has contained a copy of the proposed amendment or amendments. No amendment of these bylaws or of the charter may become effective, however, until approved in writing by the NCUA Board.

Article XVIII. (NEW) Definitions

Section 1. **General definitions.** When used in these bylaws the terms:

''Act'' means the Federal Credit Union Act, as amended.

''Administration'' means the National Credit Union Administration.

''Applicable law and regulations'' means the Federal Credit Union Act and rules and regulations issued thereunder or other applicable federal and state statutes and rules and regulations issued thereunder as the context indicates (such as The Higher Education Act of 1965).

''Board'' means board of directors of the federal credit union.

''Immediate family member'' means spouse, child, sibling, parent, grandparent, grandchild, stepparents, stepchildren, stepsiblings, and adoptive relationships.

''NCUA Board'' means the Board of the National Credit Union Administration.

[''Paid in and unimpaired capital,'' as of a given date, means the balance of the paid-in share accounts as of such date, less any losses that may have been incurred for which there is no reserve or which have not been charged against undivided earnings.]

''Regulation'' or ''regulations'' means rules and regulations issued by the NCUA Board.

''Share'' or ''shares'' means all classes of shares and share certificates that may be held in accordance with applicable law and regulations.

[''Surplus,'' as of a given date, means the credit balance of the undivided earnings account on such date, after all losses have been provided for and net earnings or net losses have been added thereto or deducted therefrom, as the case may be. Reserves are not considered as a part of the surplus.]

Instruction: A credit union may insert a more restrictive definition of ''immediate family member'' or ''household'' than found in NCUA's Chartering and Field of Membership Manual for purposes of determining eligibility in the credit union's field of membership.

[Section 2. If included in the definition of the field of membership in the organization certificate charter of

this credit union, the term or expressions:

(a) ''Organizations of such persons'' means an organization or organizations composed exclusively of persons who are within the field of membership of this credit union.

(b) ''Immediate family member'' eligibility is limited to spouse, child, sibling, parent, grandparent or grandchild. For the purposes of this definition, immediate family member includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

Instruction: A credit union may adopt a more restrictive definition of this term by deleting this definition from its bylaws and replacing it with its own more restrictive definition.

(c) ''Household'' is defined as persons living in the same residence maintaining a single economic unit.

Instruction: A credit union may adopt a more restrictive definition of this term by deleting this definition from its bylaws and replacing it with its own more restrictive definition.]

[FR Doc. 05–13312 Filed 7–14–05; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 35, 131, 154, 157, 250, 281, 284, 300, 341, 344, 346, 347, 348, 375, and 385

[Docket No. RM01–5–000]

Electronic Tariff Filings

July 6, 2005.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of additional proposals and procedures.

SUMMARY: The Federal Energy Regulatory Commission is making additional proposals, requesting comments, and establishing procedures related to its July 8, 2004, Notice of Proposed Rulemaking (69 FR 43929) (NOPR). The Commission is proposing to revise its prior proposal that natural gas companies and public utilities file pre-existing agreements electronically. The Commission is proposing that only current tariffs and future agreements, and not pre-existing non-conforming rate schedules and agreements, be filed electronically. The Commission is proposing to permit electronic service of all initial and subsequent tariff filings upon the implementation of electronic tariff filing. The Commission is seeking comment on whether oil pipelines should utilize an approach to tariff filing that differs from the approach to be utilized in the gas pipeline and electric industries. In addition, Commission staff will be establishing a second technical conference in the next few months once the changes to the Commission's software that have been identified are completed. Comments on the non-regulatory text portion of the proposal are anticipated to be due within 60 days after the conference. A future notice will be issued announcing a date for a second technical conference to discuss the electronic tariff filing software to be used in compliance with the NOPR.

DATES: August 1, 2005, for comments on the proposed regulatory text, electronic service, and any changes to the method of filing for oil pipelines.

ADDRESSES: Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* Commenters unable to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426. Refer to the Comment Procedures section of the preamble of the Notice of Proposed Rulemaking for additional information on how to file comments.

FOR FURTHER INFORMATION CONTACT:

H. Keith Pierce (Technical Information), Office of Markets, Tariffs, and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. (202) 502–8525. *Keith.Pierce@ferc.gov.*

Jamie Chabinsky (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. (202) 502–6040. *Jamie.Chabinsky@ferc.gov.*

Bolton Pierce (Software Information), Office of Markets, Tariffs, and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. (202) 502–8803. *Bolton.Pierce@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Notice of Additional Proposals and Procedures

1. In a Notice of Proposed Rulemaking (NOPR) issued on July 8, 2004, the Commission proposed to require public utilities, gas and oil pipelines to file tariff and tariff related material electronically.[1] Since the issuance of the NOPR, Commission staff has been working with industry to develop electronic tariff (eTariff) filing software that will meet the needs of industry, the Commission, and the public alike. In recognition of the complex nature of creating electronic tariff and rate case filing software, the Commission staff hosted a technical conference on June 1, 2005, to discuss the software that has been developed thus far.

2. Based on the results of these efforts, the Commission is proposing two changes to the NOPR intended to ease utilities' burdens in complying and to expand the efficiency of the electronic filing process. The Commission is proposing to exempt old, paper versions of agreements and tariffs that are not being revised frequently from the electronic filing requirement. The Commission also is proposing to allow participants to electronically serve tariff and tariff related material once electronic tariff filing is implemented. Additionally, the Commission is seeking comments on whether oil pipelines should utilize an approach to tariff filing that differs from the approach to be utilized in the gas pipeline and electric industries.

3. Further, the Commission is instructing staff to establish a procedural schedule with respect to completion of the electronic tariff software. The electronic tariff software is being revised to incorporate, where practically feasible, functions requested by conference participants. Staff will hold a second technical conference once the eTariff filing software incorporates these changes, so that the industries can see a demonstration of the functional software. Comments on the software will likely be due 60 days after the second technical conference. The technical conference and comment dates will be announced in a subsequent notice.

Proposed Changes to the NOPR

Reduction in Compliance Obligations

4. The Commission's July 8 NOPR proposed that regulated entities convert old or non-conforming paper rate schedules and agreements, for which an electronic version does not exist, into electronic word searchable sections. In light of the technical conference discussion, the Commission proposes to ease the burden of compliance by not requiring regulated entities to convert these materials into electronic format. However, if the materials are amended or changed and refiled, the Commission will require that regulated entities

[1] *Electronic Tariff Filings, Notice of Proposed Rulemaking,* 69 FR 43939 (July 23, 2004) FERC Stats. & Regs., Proposed Regulations ¶ 32,575 (July 8, 2004) (July 8 NOPR).

convert the materials into electronic format and file them utilizing the eTariff process. The Commission further proposes that these revised materials will not be required to be fully word searchable since scanning of paper agreements into a graphic is less burdensome than conversion to electronic text documents. Thus, with respect to old contracts that are lengthy, a utility can file in graphic format portions of unchanged text, while filing in electronic, word searchable format, those sections that are, or are likely to be revised. Pipelines and public utilities also would be required to file an index of those tariffs and agreements that are not being filed as part of their initial baseline compliance tariffs, and would continue to abide by their obligations to make these tariffs and agreements available, upon request.[2] As a company complies by making its electronic tariff filing with the index of tariffs and agreements not included in the electronic filing, the Commission will no longer update or maintain the company's paper tariff.

5. As applied to filings by electric utilities, all generally applicable tariffs, which includes the open access transmission tariffs (OATTs), power sales tariffs, and market-based rate tariffs, as well as new agreements will still need to be filed utilizing the Commission's eTariff software, as the July 8 NOPR proposed. However, old or non-conforming rate schedules and agreements will not need to be converted unless they are revised. When such agreements and rate schedules are revised, electric public utilities must file the entire agreement utilizing the eTariff software and conform to the requirement in Order No. 614 that a utility filing a service agreement must file a complete agreement with appropriate designation.[3]

6. As applied to gas pipelines, pipelines would have to convert and file their Volume No. 1 tariffs, which reflect generally available services, but would not have to file special rate schedules or special operating arrangements included in Volume No. 2 tariffs nor any existing negotiated rate or non-conforming service agreements that are not in an electronic format unless they are revised.

Electronic Service

7. The Commission's intention is to permit utilities and pipelines to avail themselves of electronic service (eService) of tariff and related filings upon the implementation of electronic tariff filing. Order Nos. 653 and 653–A[4] amended the Commission's regulations to provide for eService of Commission issuances and to enhance the use of electronic service between parties to Commission proceedings. But these orders did not apply to all tariff related filings. The Commission proposes to conform the service requirements in parts 35, 154, 300, 341, and 385 to allow for eService of electronically filed tariffs. This would include first time tariff filings where no official service list has been established. Specifically, § 385.2010 would need to be revised to reflect this. The Commission previously established August 1, 2005, as the comment date for comments related to the regulatory text of the July 8 NOPR. We invite commenters to alert us to any specific parts of the Commission's regulations, for which revisions were not proposed in the NOPR, that will require revision to reflect that eService will be permitted.[5] Comments related to eService regulatory text changes should be included in comments related to the regulatory text of the July 8 NOPR which are due August 1, 2005.

Comments on Filing of Oil Pipeline Tariffs

8. The Commission is inviting comments on whether a different approach is warranted to reduce the filing burden on oil pipelines as a result of the differences in the structure and use of oil pipeline tariffs. Oil pipeline tariffs are often less lengthy than gas and electric tariffs, focusing on specific movements between locations. The number of oil pipeline tariff filings is far less than gas and electric filings and far fewer protests are filed. The current format for identifying changes in oil pipeline tariffs is different, utilizing symbols within the tariff itself to identify changed provisions. The potential audience for using these tariffs also may be more limited. As a result, there may be less need for storing oil pipeline tariffs in a format that permits broad ranging text searches across a tariff and easy assembly of individual tariff provisions.

9. Specifically, the Commission is seeking comments on whether oil pipelines should continue to file paper tariffs or whether there are different filing options that oil pipelines could use. Because oil pipeline tariffs are generally short, the Commission requests comment on an alternative filing approach under which oil pipelines could be permitted to file Adobe Acrobat (PDF) versions of their tariffs as attachments using the Commission's software.[6] An oil pipeline adopting this option would file its entire tariff (which authorizes a specific movement or movements, or rules and regulations governing crude or refined products) each time it revises or updates that tariff. The filer would continue to use the existing symbol nomenclature to identify changes in that tariff. It also would file an updated table of contents in text format cross referencing the subject matter (movements or rules and regulations) encompassed by each of its tariffs.

10. Adoption of such an approach, however, would mean that search capability across all a company's tariffs would be limited and users would have to download a copy of the Adobe file and use the Adobe Reader,[7] or other PDF reader, to view and work with the tariff.

11. The Commission seeks specific comment on the following issues:

(a) Should oil pipelines be allowed to continue to file in paper format? Does this determination need to be uniform for the oil industry or would it be feasible to provide this as an option to those oil pipelines that choose not to use the Commission's filing software? What impact would filing tariffs by different methods have on public access and research?

(b) Would the proposed PDF alternative filing method reduce the difficulties oil pipelines have found using the Commission's filing software and would it provide sufficient information to state regulators, oil pipeline customers, and other users of oil pipeline tariffs? Specifically, commenters should address:

(i) How important is it to be able to do electronic tariff research on oil pipeline rates and rules and regulations. In particular, how important is it to be able to do text searches across all the individual tariffs filed by an oil company?

[2] Section 4(c) of the Natural Gas Act, 15 U.S.C. 717c(c); section 205(c) of the Federal Power Act, 16 U.S.C. 824d(c), and section 6 of the Interstate Commerce Act, 49 U.S.C. App. 1(6).

[3] *Designation of Electric Rate Schedule Sheets,* Order No. 614, 65 FR 18221, 18224 (April 7, 2000), FERC Stats. & Regs. ¶ 31,096, at 31,504 (2000).

[4] *Electronic Notification of Commission Issuances,* Order No. 653, 70 FR 8720 (February 23, 2005), FERC Stats. & Regs. ¶ 31,176 (2005), order on reh'g, Order No. 653–A, 111 FERC ¶ 61,021 (2005).

[5] *See, e.g.,* 18 CFR 154.2 (defining posting of a tariff as requiring the pipeline to ''mail to each affected customer and interested state commission a copy of the tariff, or part thereof'').

[6] Due to the length of gas tariffs and electric OATTs, this approach would not be feasible for such filings.

[7] The Commission currently posts filings in Adobe Acrobat on its e-Library Web site. Users can obtain an Adobe reader without charge. *http://www.adobe.com/support/downloads/main.html.*

(ii) Should oil pipelines adopting this option also be required to maintain their complete tariffs on their respective Web sites for the benefit of their customers? How much information, in addition to effective tariffs, should the Web sites include, such as filed but not yet effective tariffs, cancelled, suspended or withdrawn tariffs? Should these Web sites be required to show the dates of status changes, FERC docket numbers and FERC order information?

12. Comments related to the oil pipeline tariff filing approach should be included in comments related to the regulatory text of the July 8 NOPR which are due August 1, 2005.

Procedural Schedule

13. Staff presented at the June 1, 2005, Technical Conference an incomplete electronic tariff data base and tariff filing system. The software is being improved to incorporate, where practicable, items and features identified at the conference. Staff will continue to develop the software using the ''spiral development'' methodology and consult with volunteer test companies. Staff will also continue to be available for additional software discussions or meetings with the industry. Once the changes to the Commission's software have been completed, a second technical conference will be held within a few months. Comments on the non-regulatory text portion of the proposal are anticipated to be due within 60 days after the conference. A notice will be issued announcing a date for the second technical conference and establishing a comment date.

Magalie R. Salas,

Secretary.

[FR Doc. 05–13908 Filed 7–14–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 342

[Docket No. RM05–22–000]

Five-Year Review of Oil Pipeline Pricing Index

July 6, 2005.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry.

SUMMARY: The Federal Energy Regulatory Commission (Commission) invites comments on its five-year review of the oil pipeline pricing index, established in Order No. 561, Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992, FERC Stats. & Regs. [Regs. Preambles, 1991–1996] ¶ 30,985 (1993). Specifically, the Commission proposes to use the Producer Price Index for Finished Goods (PPI) as the index for oil pipeline rate changes in the next five-year period, commencing July 1, 2006. Commentors are invited to submit and justify alternatives to the continued use of the PPI.

DATES: Written comments on this Notice of Inquiry are due on September 13, 2005. Reply comments must be received by the Commission 30 days after the filing date for initial comments.

ADDRESSES: Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* Commentors unable to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426. Refer to the Comment Procedures section of the NOI for additional information on how to file comments.

FOR FURTHER INFORMATION CONTACT: Harris S. Wood, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. (202) 208–8224.

SUPPLEMENTARY INFORMATION:

Notice of Inquiry

1. In this notice of inquiry (NOI), the Commission invites comments on its intended utilization of the Producer Price Index for Finished Goods (PPI) [1] for oil pipeline rate changes during the next five years.[2] This index was adopted by the Commission in its order of February 23, 2003, ''Five-Year Review of Oil Pricing Index and Order on Remand,'' and affirmed by the U.S. Court of Appeals for the District of Columbia Circuit.[3] The Commission proposes to continue to apply PPI to oil pipelines' rate ceiling levels to derive the next year's ceiling levels effective July 1, 2006.[4]

I. Background

2. In Order No. 561, the Commission established an index methodology to regulate changes to oil pipeline rates, and adopted an index of PPI minus one percent (PPI–1) as the most appropriate index to track oil pipeline industry cost changes from one year to the next. The Commission also undertook to review every five years the continued effectiveness of its index for tracking changes to oil pipeline industry costs.

3. After its initial five-year review, the Commission adopted PPI, without the (−1) percent adjustment, as the appropriate index for tracking oil pipeline industry costs for the five-year period beginning July 2001. This adoption of PPI was affirmed by the U.S. Court of Appeals for the District of Columbia Circuit.

II. Proposal and Comments

4. The Commission proposes to continue to utilize PPI for the next five-year period as the index to track changes to the costs of the oil pipeline industry and to apply to rate ceiling levels for oil pipeline rate changes. The Commission invites interested persons to submit comments on the continued use of PPI and to propose, justify, and fully support, as an alternative, adjustments to PPI.

III. Comment Procedures

5. Comments may be filed on paper or electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats and commentors may attach additional files with supporting information in certain other file formats. Commentors filing electronically do not need to make a paper filing. Commentors that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

6. All comments will be placed in the Commission's public files and may be

[1] The PPI represents the Producer Price Index for Finished Goods, also written PPI–FG. The PPI–FG is determined and issued by the Bureau of Labor Statistics, U.S. Department of Labor. Pursuant to 18 CFR 342.3(d)(2), ''The index will be calculated by dividing the PPI–FG for the calendar year immediately preceding the index year by the previous calendar year's PPI–FG.'' Multiplying the rate ceiling on June 30 of the index year by the resulting number gives the rate ceiling for the year beginning the next day, July 1.

[2] The five-year review process was established in Order No. 561. *See Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Energy Policy Act*, FERC Stats. & Regs. [Regs. Preambles, 1991–1996] ¶ 30,985 (1993), 58 FR 58753 (Nov. 4, 1993); *order on reh'g,* Order No. 561–A, FERC Stats. & Regs. [Regs Preambles, 1991–1996] ¶ 31,000 (1994), 59 FR 40243 (Aug. 8, 1994), *affirmed, Association of Oil Pipelines* v. *FERC*, 83 F.3d 1424 (D.C. Cir. 1996).

[3] 102 FERC ¶ 61,195 (2003), *affirmed, Flying J Inc.,* et al., v. *FERC*, 363 F.3d 495 (D.C. Cir. 2004).

[4] The Commission publishes the final annual change in the PPI–FG, expressed as a percent, after the final PPI–FG becomes available from the Bureau of Labor Statistics, U.S. Department of Labor in May of each calendar year. Pipelines are required to calculate the new ceiling level applicable to their indexed rates based on this annual change.

viewed, printed, or downloaded remotely as described in the Document Availability section below. Commentors are not required to serve copies of their comments on other commentors.

IV. Document Availability

7. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's home page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

8. From the Commission's home page on the Internet, this information is available in the Commission's document management system, eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number (excluding the last three digits) in the docket number field.

9. User assistance is available for eLibrary and the Commission's website during normal business hours. For assistance, please contact the Commission's Online Support at 1–866–208–3676 (toll free) or 202–502–6652 (e-mail at *FERCOnlineSupport@ferc.gov*) or the Public Reference Room at 202–502–8371, TTY 202–502–8659 (e-mail at *public.referenceroom@ferc.gov*).

By direction of the Commission.

Linda Mitry,

Deputy Secretary.

[FR Doc. 05–13909 Filed 7–14–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD11 05–002]

RIN 1625–AA11

Regulated Navigation Area; San Diego Bay, Mission Bay and Their Approaches, California

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to create a Regulated Navigation Area (RNA) within San Diego Bay, Mission Bay, and their approaches out to the 12 nautical mile limit of the territorial sea. This proposed RNA is necessary to provide the COTP a greater situational awareness of vessels intending to enter San Diego Bay or Mission Bay, allow the COTP to enforce safety and security zones associated with naval vessel movements and exercises, and increase awareness of potential threats to national security assets within the area. This RNA will ensure the safe movement of vessels in the vicinity of San Diego Bay and Mission Bay.

DATES: Comments and related material must reach the Coast Guard on or before August 15, 2005.

ADDRESSES: You may mail comments and related material to USCG Sector San Diego, 2716 North Harbor Drive, San Diego, CA 92101. Coast Guard Sector San Diego maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at USCG Sector San Diego between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief, Ports and Waterways Division, USCG Sector San Diego, telephone number 619–638–6495.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD11 05–002), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8 by 11 inches, suitable for copying. If you would like to know that your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to USCG Sector San Diego at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a separate notice in the **Federal Register**.

Background and Purpose

This rule is one of a number of measures proposed to reduce potential terrorist threats to the Port of San Diego, California. San Diego is the homeport of numerous U.S. naval vessels and facilities. The proposed RNA would increase the safety and security of naval vessels and facilities, commercial vessels, and the public by improving enforcement of safety and security zones by providing greater situational awareness regarding vessel operations in the area.

Discussion of Proposed Rule

In this NPRM, the Coast Guard proposes a series of procedures to organize the flow and operation of vessels legitimately seeking to enter, leave or navigate within San Diego Bay or Mission Bay. These procedures would apply to vessels of 100 GT or more, including tug and barge combinations of 100 GT or more (combined) intending to enter, leave or navigate within San Diego Bay or Mission Bay. The proposed regulations do not apply to vessels engaged in innocent passage, force majeure or any other entry allowed under principles of international law regardless of their presence in the RNA. Vessels operating AIS in accordance with the AIS carriage requirements of the Maritime Transportation Security Act of 2002 (MTSA) and the International Maritime Organization requirements adopted under International Convention for the Safety of Life at Sea, 1974, (SOLAS) as amended, are also exempt from this regulation. The proposed procedures are as follows.

Vessels intending to cross the COLREGS Demarcation Line (denoted 33 CFR 80.1104 or 80.1106) and enter San Diego Bay or Mission Bay as part of normal operations must obtain permission from the COTP or designated representative upon entering into the proposed RNA. Further, vessels of 100 GT or more that have already crossed the COLREGS Demarcation Line and entered San Diego or Mission Bay and intend to depart or move within the RNA must request permission from the COTP or designated representative. The Coast Guard recommends seeking permission 30 minutes prior to anticipated entry into the RNA or movement within the RNA to avoid delays.

Upon receiving permission from the COTP or designated representative, the vessel may enter, depart, or move within the RNA and proceed in accordance with directives provided by the COTP or designated representative.

Communication with the COTP may be made by telephone at (619) 278–7033 (select option 2) or via VHF–FM marine band radio on channel 16 (156.800 Mhz). Coast Guard Information regarding Port Security requirements in San Diego and Mission Bay will be conveyed via by marine information broadcast on VHF–FM marine band radio, channel 22A (157.1 MHz).

Regulatory Evaluation

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

This proposed rule would apply only to those vessels of 100 GT or more, as described above and not using AIS, that intend on entering, departing or moving within San Diego Bay or Mission Bay and is not intended to infringe on internationally recognized principles such as innocent passage and force majeure. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule will affect only the following entities, some of which may be small entities: Owners and operators of commercial vessels of 100 GT or more intending to enter, depart or move in San Diego Bay or Mission Bay. Because the number of small entities owning/operating commercial vessels of this size is not substantial and there is little anticipation of delay when requesting entry into San Diego Bay or Mission Bay the economic impact of this rule should be minimal.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Chief, Ports and Waterways Division, USCG Sector San Diego, 619–683–6495.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the Order.

Energy Effects

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

require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation.

A preliminary ''Environmental Analysis Check List'' is available in the docket where indicated under **ADDRESSES.** Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.1122 to read as follows:

§ 165.1122 San Diego Bay, Mission Bay and their Approaches—Regulated navigation area.

(a) *Regulated navigation area.* The following area is a regulated navigation area (RNA): All waters of San Diego Bay, Mission Bay, and their approaches encompassed by a line commencing at Point La Jolla (32°51′06″ N, 117°16′42″ W); thence proceeding seaward on a line bearing 255° T to the outermost extent of the territorial seas; thence proceeding southerly along the outermost extent of the territorial seas to the intersection of the maritime boundary with Mexico; thence proceeding easterly, along the maritime boundary with Mexico to its intersection with the California coast; thence proceeding northerly, along the shoreline of the California coast—and including the inland waters of San Diego Bay and Mission Bay, California, shoreward of the COLREGS Demarcation Line—back to the point of origin. All coordinates reference 1983 North American Datum (NAD 83).

(b) *Definitions.* As used in this section—

COLREGS Demarcation Line means the line described at 33 CFR Sections 80.1104 or 80.1106.

Public vessel means a vessel that is owned or demise-(bareboat) chartered by the government of the United States, by a State or local government, or by the government of a foreign country and that is not engaged in commercial service.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(c) *Applicability.* This section applies to all vessels of 100 gross tons (GT) or more, including tug and barge combinations of 100 GT or more (combined), operating within the RNA, with the exception of public vessels, vessels not intending to cross the COLREGS Demarcation Line and enter San Diego Bay or Mission Bay, and any vessels exercising rights under principles of international law, including innocent passage or force majeure, within the area of this RNA. Vessels operating properly installed, operational, type approved AIS as denoted in 33 CFR 164.46 are exempted from making requests as required from this regulation.

(d) *Regulations.* (1) *Port Security Requirements.* No vessel to which this rule applies may enter, depart or move within San Diego Bay or Mission Bay unless it complies with the following requirements:

(i) Obtain permission to enter San Diego Bay or Mission Bay from the Captain of the Port or designated representative immediately upon entering the RNA. However, to avoid potential delays, we recommend seeking permission 30 minutes prior to entering the RNA.

(ii) Follow all instructions issued by the Captain of the Port or designated representative.

(iii) Obtain permission for any departure from or movement within the RNA from the Captain of the Port or designated representative prior to getting underway.

(iv) Follow all instructions issued by the Captain of the Port or designated representative.

(v) Reports may be made by telephone at 619–278–7033 (select option 2) or via VHF–FM radiotelephone on channel 16 (156.800 Mhz). The call sign for radiotelephone requests to the Captain of the Port or designated representative is ''Coast Guard Sector San Diego.''

(2) For purposes of the port security requirements in paragraph (d)(1) of this section, the Captain of the Port or designated representative means any official designated by the Captain of the Port, including but not limited to commissioned, warrant, and petty officers of the U.S. Coast Guard, and any U.S. Coast Guard patrol vessel. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(e) *Waivers.* (1) The Captain of the Port or designated representative may, upon request, waive any regulation in this section.

Dated: June 16, 2005.

K.J. Eldridge,

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

[FR Doc. 05–13958 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[RME No. R03–OAR–2004–MD–0010; FRL–7939–3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Metropolitan Washington D.C. 1-Hour Ozone Attainment Plan, Rescinding of Earlier Rules Resulting in Removal of Sanctions and Federal Implementation Clocks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maryland. This SIP revision is Maryland's attainment plan for the Metropolitan Washington, D.C. severe 1-hour ozone nonattainment area (the Washington area). Concurrently, EPA is proposing to rescind its earlier final rule which disapproved and granted a protective finding for Maryland's 1-hour ozone attainment plan for the Washington area. EPA is also proposing to rescind its earlier rule finding that the State of Maryland failed to submit one required element of a severe 1-hour ozone attainment plan, namely that for a penalty fee program. The intended effect of this action is to approve Maryland's 1-hour ozone attainment plan for the Washington area and to rescind earlier final rules due to changes in federal requirements. Upon final approval of these actions, the sanctions and Federal Implementation Plan (FIP) clocks, commenced by the two earlier rules, will be removed. These final actions are being taken under the Clean Air Act (CAA or the Act).

DATES: Written comments must be received on or before August 15, 2005.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID Number R03–OAR–2004–MD–0010 by one of the following methods:

A. Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. Agency Website: *http://docket.epa.gov/rmepub/* RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

C. E-mail: *campbell.dave@epa.gov.*

D. Mail: R03–OAR–2004–MD–0010, David Campbell, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

E. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to RME ID No. R03–OAR–2004–MD–0010. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://docket.epa.gov/rmepub/,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through RME, regulations.gov or e-mail. The EPA RME and the Federal regulations.gov websites are an ''anonymous access'' system, 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 docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the 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 hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814–2179, or by e-mail at *cripps.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 24, 2003 (68 FR 3410), EPA promulgated a final rule reclassifying the Washington area from serious to severe nonattainment for the 1-hour ozone national ambient air quality standard (NAAQS). That final rule established a deadline of March 1, 2004, by which time the District of Columbia, Maryland and Virginia were required to submit revisions to their respective SIPs to meet the additional requirements of severe ozone nonattainment areas found in section 182(d) of the CAA. Maryland did not submit the SIP revision required by section 182(d)(3) of the Act to implement the penalty fee provisions specified in section 185 of the Act. Therefore, on May 21, 2004 (69 FR 29236), EPA published a final rule, pursuant to section 179(a) of the CAA, finding that the State of Maryland had failed to submit a required SIP element, namely the section 185 penalty fee SIP revision for the Washington area. This rule commenced the 18-month and 24-month clocks for the imposition of the Act's section 179(a) sanctions, and the 24-month clock for the promulgation of a FIP for the missing SIP element.

On May 13, 2005 (70 FR 25719), EPA published a final rule disapproving Maryland's 1-hour ozone attainment plan for the Washington area. On May 13, 2005 (70 FR 25688), EPA also published a final rule approving all of the other SIP elements required of a severe 1-hour ozone nonattainment area's attainment plan, submitted by Maryland for the Washington area, including but not limited to all control measures, needed to fully satisfy the emissions reductions relevant to attainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ozone. Thus, the only basis for EPA's disapproval of Maryland's 1-hour ozone attainment plan for the Washington area was the lack of the fee program required under section 185 of the Act. Implicit in EPA's approval of all elements necessary for Maryland to have an approved plan for attainment of the 1-hour ozone NAAQS, other than the then-legally required section 185 penalty fee program, is the notion that once this single deficiency is corrected, EPA has an obligation to fully approve Maryland's 1-hour attainment plan for the Washington area. See 110(k)(3) of the Act (''the Administrator shall approve such submittal as a whole if it meets all the applicable requirements * * *''). EPA is undertaking this rulemaking in fulfillment of its statutory obligation.

On May 26, 2005 (70 FR 30592), EPA issued a final rule which retained an April 30, 2004 (69 FR 23951) final rule establishing that once the 1-hour ozone NAAQS is revoked for an area, the section 185 penalty fee program in SIPs will not be triggered for a failure of an area to attain the 1-hour ozone NAAQS by its 1-hour attainment date, and, that

States are no longer obligated to include the section 185 penalty fee program in their SIPs for nonattainment that had been classified as severe or extreme under the 1-hour ozone NAAQS but are not so classified under the 8-hour NAAQS for ozone. That May 26, 2005 final rule was effective June 27, 2005.

The 1-hour ozone NAAQS set forth in 40 CFR 50.9(a) will no longer apply to an area one year after the effective date of the designation of that area for the 8-hour ozone NAAQS pursuant to section 107 of the Act. (See 40 CFR 50.9(b); 69 FR at 23996, April 30, 2004.) The Washington area was designated nonattainment for the 8-hour ozone NAAQS effective June 15, 2004. (See 70 FR 23858, April 30, 2004.) The Washington area is not designated as extreme or severe under the 8-hour ozone standard. Therefore, the 1-hour ozone NAAQS set forth in 40 CFR 50.9(a) and the requirement for a section 185 penalty fee SIP revision no longer apply in the Washington area after June 15, 2005.

EPA believes that there is no legal basis to require Maryland to adopt and submit a SIP revision consisting of a section 185 penalty fee program, and have EPA approve such a SIP revision before it can approve Maryland's 1-hour ozone attainment plan for the Washington area. Because the section 185 penalty fee program is no longer a SIP element required for the Washington area under part D of Title I of the Act, EPA has no authority to subject Maryland to the sanctions established in section 179 of the Act due to its failure to submit the section 185 penalty fee SIP revision. The purpose of EPA's May 21, 2004 final rule (69 FR 29236) was to initiate the sanctions process for the failure to submit the then required section 185 penalty fee SIP revision. EPA concludes it lacks the necessary authority, and no longer has a legal basis for that May 21, 2004 final rule (69 FR 29236).

II. Proposed Action

EPA is proposing to approve Maryland's attainment plan for the Metropolitan Washington, DC severe 1-hour ozone nonattainment area. Concurrently, EPA is proposing to rescind its earlier final rule which disapproved and granted a protective finding for Maryland's 1-hour ozone attainment plan for the Washington area. EPA is also proposing to rescind its earlier rule finding that the State of Maryland failed to submit a required element of a severe 1-hour ozone attainment plan for a penalty fee program. As explained herein, the 1-hour ozone NAAQS no longer applies to the Washington area and there is no legal basis for EPA to require that Maryland have a section 185 penalty fee program in its SIP for the Washington area. Currently, the sanctions and FIP clocks commenced by the effective date of the May 21, 2004 (69 FR 29236) final rule finding that Maryland failed to submit the then-required section 185 penalty fee SIP element would mean that the 2:1 offset sanction would be imposed in the Maryland portion of the Washington area in December of 2005, and the highway funding sanction in June of 2006. The sanctions and FIP clocks commenced by the effective date of the May 13, 2005 (70 FR 25719) final rule disapproving Maryland's 1-hour ozone attainment plan for the Washington area solely for its lack of the then-required section 185 penalty fee SIP element would mean that these mandatory sanctions would be imposed in the Maryland portion of the Washington area in December 2006 and June 2007, respectively. By proposing to rescind both its May 21, 2004 (69 FR 29236) final rule finding that Maryland failed to submit the then required section 185 penalty fee SIP element, and its May 13, 2005 (70 FR 25719) final rule disapproving Maryland's 1-hour ozone attainment plan for the Washington area solely for its lack of the then-required section 185 penalty fee SIP element, EPA is also proposing to remove the sanctions and FIP clocks commenced by those two final rules.

Interested parties are invited to submit comments on this proposed action. Please note, however, that this proposed action neither re-opens nor solicits comment upon any of EPA's final rules referenced in this document, or issues/comments already addressed therein.

III. 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, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 Fed. Reg. 28355 (May 22, 2001). This 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, does not impose any additional enforceable duty beyond that required by state law, and relieves sources of an additional burden potentially placed on them by the sanction provisions of the Act, 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 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), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a Federal requirement, 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 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the

''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

This proposed rule to approve Maryland's 1-hour ozone attainment plan for the Washington area, rescind two earlier final rules, and thereby remove sanctions and FIP clocks 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, Volatile organic compounds.

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

Dated: July 8, 2005.

Richard J. Kampf,

Acting Regional Administrator, Region III.

[FR Doc. 05–13980 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AMS–FRL–7937–2]

RIN 2060–AN19

Control of Emissions of Air Pollution From Diesel Fuel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to correct, amend, and revise certain provisions of the Highway Diesel Rule adopted on January 18, 2001 (66 FR 5002), and the Nonroad Diesel Rule on June 29, 2004 (69 FR 38958). First, it proposes minor corrections to clarify the regulations governing compliance with the diesel fuel standards. These minor corrections focus primarily on the Nonroad Rule, however, some may affect provisions contained in the Highway Rule that were overlooked at the time the Nonroad Rule was finalized. Second, it proposes amending the designate and track provisions to account for companies within the fuel distribution system that perform more than one function related to fuel production and/or distribution. This would alleviate the problem of inaccurate volume balances due to a company performing multiple functions. Finally, with respect to the generation of fuel credits, it proposes revising the regulatory text to allow refiners better access to early highway diesel fuel credits. The intention of this amendment is to help ensure a smooth transition to ultra low-sulfur diesel fuel nationwide.

We are publishing in the ''Rules and Regulations'' section of today's **Federal Register** a direct final rule that will correct several typographical errors, modify the designate and track regulations to account for companies that perform more than one function, and provide increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements without further EPA action unless we receive adverse comment. We have explained our reasons for today's action in detail in the preamble to the direct final rule. If we receive adverse comment, we will withdraw the direct final rule prior to its effective date, and will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Written comments must be received by August 15, 2005. As explained in section II of the direct final rule, we do not expect to hold a public hearing, however, requests for a public hearing must be received by August 1, 2005. If we receive a request for a public hearing, we will publish information related to the timing and location of the hearing and the timing of a new deadline for public comments.

ADDRESSES: Comments: All comments and materials relevant to this action should be submitted to Public Docket No. OAR–2005–0134 by the date indicated under **DATES** above. Materials relevant to this rulemaking are in Public Docket at the following address: EPA Docket Center (EPA/DC), Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on government holidays. You can reach the Air Docket by telephone at (202) 566–1742 and by facsimile at (202) 566–1741. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT: Tia Sutton, U.S. EPA, National Vehicle and Fuels Emission Laboratory, Assessment and Standards Division, 2000 Traverwood, Ann Arbor, MI 48105; telephone (734) 214–4018, fax (734) 214–4816, e-mail *sutton.tia@epa.gov* or Emily Green, see address above; telephone (734) 214–4639, fax (734) 214–4816, e-mail *green.emilya@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Regulated Entities

This action will affect companies and persons that produce, import, distribute, or sell highway and/or nonroad diesel fuel. Affected Categories and entities include the following:

Category	NAICS code [a]	Examples of potentially affected entities
Industry	324110	Petroleum refiners.
Industry	422710	Diesel fuel marketers and distributors.
Industry	484220	Diesel fuel carriers.

[a] North American Industry Classification System (NAICS)

This list is not intended to be exhaustive, but rather provides a guide regarding entities likely to be affected by this action. To determine whether particular activities may be affected by this action, you should carefully examine the regulations. You may direct questions regarding the applicability of this action as noted in **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of This Document and Send Comments?

See the direct final rule EPA has published in the ''Rules and Regulations'' section of today's **Federal Register** for information about accessing these documents. The direct final rule also includes detailed instructions for sending comments to EPA.

II. Summary of Rule

On January 18, 2004, we published the final Highway Rule (66 FR 5002) which is a comprehensive national program to greatly reduce emissions from diesel engines by integrating engine and fuel controls as a system to gain the greatest air quality benefits. Subsequently, we adopted the Nonroad Rule (69 FR 38958) on June 29, 2004 to amend the Highway Rule to include Nonroad equipment and fuel to further the goal of decreasing harmful emissions. After promulgation of these rules, we discovered several typographical errors and it also became evident that several additions or deletions were necessary to clarify portions of the regulations. This rule would correct those errors and serve to clarify the regulations to facilitate compliance.

Along with these minor clarifications, this rule would modify the text of the designate and track provisions to include provisions for companies that perform more than one function in the fuel system. For example, as these provisions are currently written, fuel

distributers are only required to report on the volumes of fuel received and delivered. If the same company also produces fuel internally (acts as a refiner or importer), its receipts and deliveries reported will not balance. This rule would allow such companies to balance their volume reports in compliance with the designate and track regulations.

Finally, this rule would revise the regulatory text of the Nonroad Rule to allow refiners greater access to early fuel credits. The purpose of this change is to ensure a smooth transition to ultra low-sulfur diesel fuel nationwide. For additional discussion of these changes, see the direct final rule EPA has published in the ''Rules and Regulations'' section of today's **Federal Register**. This proposal incorporates by reference all the reasoning, explanation, and regulatory text from the direct final rule.

Because EPA views the provisions of the action as noncontroversial and does not expect adverse comment, we are publishing a direct final rule in the ''Rules and Regulations'' section of today's **Federal Register**. However, we are publishing this notice of proposed rulemaking to serve as the proposal to adopt the provisions in the direct final rule if adverse comments are filed. If we receive adverse comment on one or more distinct amendment, paragraphs, or sections of the direct final rulemaking, or receive a request for a hearing within the time frame described above, we will publish a timely withdrawal of the proposed direct final rule in the **Federal Register** indicating which provisions will become effective and which provisions are being withdrawn due to adverse comment. We will address all public comments received in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Any distinct amendment, paragraph, or section of the direct final rulemaking for which we do not receive adverse comment will become effective according to the **DATES** section in the direct final rule, notwithstanding any adverse comment on any other distinct amendment, paragraph, or section of the rule.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Because this rule would merely correct several typographical errors, modify the designate and track regulations to account for companies that perform more than one function, and provide increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements, it would not be a significant regulatory action and is not subject to the requirements fo Executive Order 12866. There would be no new costs associated with this rule. A Final Regulatory Support Document was prepared in connection with the original regulations for the Highway Rule and Nonroad Rule as promulgated on January 18, 2001, and June 29, 2004, respectively, and we have no reason to believe that our analyses in the original rulemakings were inadequate. The relevant analyses are available in the docket for the January 18, 2001 rulemaking (A–99–061) and the June 29, 2004, rulemaking (OAR–2003–0012 and A–2001–28) [1] and at the following internet address: *http://www.epa.gov/cleandiesel*. The original action was submitted to the Office of Management and Budget for review under Executive Order 12866.

B. Paperwork Reduction Act

This action does not impose any new information collection burden, as it merely corrects several typographical errors, modifies the designate and track regulations to account for companies that perform more than one function, and provides increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements for the original Highway Rule (66 FR 5002, January 18, 2001) and the Nonroad Rule (69 FR 38958, June 29, 2004) and has assigned OMB control number 2060–0308 (EPA ICR #1718). A copy of the OMB approved Information Collection Request (ICR) may be obtained from Susan Auby, Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Avenue, NW., Washington, DC 20460 or by calling (202) 566–1672.

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

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

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of this rule on small entities, a small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) size standards at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, we certify that this action would not have a significant economic impact on a substantial number of small entities. This proposed rule would not impose any new requirements on small entities. This rule would merely correct several typographical errors, modify the designate and track regulations to account for companies that perform more than one function, and provide increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This rule would contain no federal mandates for state, local, or tribal governments as defined by the provisions of Title II of the UMRA. The

[1] During the course of the Nonroad Rule, the Agency converted from the legacy docket system to the current electronic docket system (EDOCKET).

rule would impose no enforceable duties on any of these governmental entities. Nothing in the rule would significantly or uniquely affect small governments. EPA has determined that this rule would contain no federal mandates that may result in expenditures of more than $100 million to the private sector in any single year. This rule would merely correct several typographical errors, modify the designate and track regulations to account for companies that perform more than one function, and provide increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. The requirements of UMRA therefore would not apply to this action. See the direct final rule EPA has published in the ''Rules and Regulations'' section of today's **Federal Register** for a more extensive discussion of UMRA policy.

E. Executive Order 13132: Federalism

This rule would not have federalism implications. It would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule would merely correct several typographical errors, modify the designate and track regulations to account for companies that perform more than one function, and provide increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. Although Section 6 of Executive Order 13132 did not apply to the Highway Rule (66 FR 5002) or the Nonroad Rule (69 FR 38958), EPA did consult with representatives of various State and local governments in developing these rules. EPA has also consulted representatives from STAPPA/ALAPCO, which represents state and local air pollution officials. See the direct final rule EPA has published in the ''Rules and Regulations'' section of today's **Federal Register** for a more extensive discussion of Executive Order 13132.

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

This rule would not have tribal implications. It would not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This rule would not uniquely affect the communities of Indian Tribal Governments. Further, no circumstances specific to such communities exist that would cause an impact on these communities beyond those discussed in the other sections of this rule. This rule would merely correct several typographical errors, modify the designate and track regulations to account for companies that perform more than one function, and provide increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. Thus, Executive Order 13175 would not apply to this rule. See the direct final rule EPA has published in the ''Rules and Regulations'' section of today's **Federal Register** for a more extensive discussion of Executive Order 13175.

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

This rule is not subject to the Executive Order because it would not be economically significant, and would not involve decisions on environmental health or safety risks that may disproportionately affect children. See the direct final rule EPA has published in the ''Rules and Regulations'' section of today's **Federal Register** for a more extensive discussion of Executive Order 13045.

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

This rule would not be a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it would not likely to have a significant adverse effect on the supply, distribution or use of energy. This rule would merely correct several typographical errors, modify the designate and track regulations to account for companies that perform more than one function, and provide increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements.

I. National Technology Transfer and Advancement Act

This rule would not involve technical standards. It would merely correct several typographical errors, modify the designate and track regulations to account for companies that perform more than one function, and provide increased incentive for early compliance with the ultra low-sulfur diesel fuel requirements. Thus, we have determined that the requirements of the NTTAA would not apply. See the direct final rule EPA has published in the ''Rules and Regulations'' section of today's **Federal Register** for a more extensive discussion of NTTAA policy.

IV. Statutory Provisions and Legal Requirements

The statutory authority for this action comes from sections 211(c) and (i) of the Clean Air Act as amended 42 U.S.C. 7545(c) and (i). This action is a rulemaking subject to the provisions of Clean Air Act section 307(d). See 42 U.S.C. 7606(d)(1). Additional support for the procedural and enforcement related aspects of the rule comes from sections 144(a) and 301(a) of the Clean Air Act. 42 U.S.C. 7414(a) and 7601(a).

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: July 6, 2005.

Stephen L. Johnson,

Administrator.

[FR Doc. 05–13782 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–P–7697]

Proposed Flood Elevation Determinations

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a

newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and record keeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding and location of referenced elevation	♦Elevation in feet (NAVD)		Communities affected
	Existing	Modified	
Heads Creek:			
Approximately 3,400 feet upstream of the confluence with the Big River.	None	♦456	City of Byrnes Mill Jefferson County (Unincorporated Areas).
Approximately 150 feet upstream of Heads Creek Road.	None	♦554	
Saline Creek Tributary:			
Approximately 150 feet upstream of the confluence with Saline Creek.	♦490	♦491	Jefferson County (Unincorporated Areas).
Approximately 100 feet upstream of Schumacher Road	None	♦703	
Unnamed Tributary to Sandy Creek:			
Approximately 1,200 feet upstream of the confluence with Sandy Creek.	None	♦413	City of Pevely Jefferson County (Unincorporated Areas).
Approximately 70 feet upstream of State Highway Z	None	♦455	

ADDRESSES

City of Byrnes Mill, Jefferson County, Missouri.

Maps are available for inspection at City Hall, 127 Osage Executive Circle, Byrnes Mill, Missouri.

Send comments to The Honorable Timothy Checkett, Mayor, City of Byrnes Mill, City Hall, 127 Osage Executive Circle, Byrnes Mill, Missouri 63051.

Unincorporated Areas of Jefferson County, Missouri.

Maps are available for inspection at the Annex Building, 725 Maple Street, Hillsboro, Missouri.

Send comments to The Honorable Edward L. Kemp, First District Commissioner, Jefferson County Courthouse, 729 Maple Street, Hillsboro, Missouri 63050.

City of Pevely, Jefferson County, Missouri.

Maps are available for inspection at 301 Main Street, Pevely, Missouri.

Send comments to The Honorable John Knobloch, Mayor, City of Pevely, 301 Main Street, Pevely, Missouri 63070.

North Fork Big Nemaha River:

Source of flooding and location of referenced elevation	♦Elevation in feet (NAVD)		Communities affected
	Existing	Modified	
Approximately 1.87 miles downstream of State Highway 50.	None	♦1,097	City of Tecumseh Johnson County (Unincorporated Areas).
Just downstream of the Burlington Northern Railroad (2nd Crossing).	None	♦1,123	
North Fork Big Nemaha River (Southwest Split Flow):			
At the confluence with North Fork Big Nemaha River ..	None	♦1,114	City of Tecumseh Johnson County (Unincorporated Areas).
Approximately 4,520 feet upstream of U.S. Highway 136.	None	♦1,123	
Town Branch:			
At confluence with North Fork Big Nemaha River.	♦1,113	♦1,111	City of Tecumseh Johnson County (Unincorporated Areas).
Approximately 3,150 feet upstream of U.S. Highway 136..	None	♦1,144	

ADDRESSES

City of Tecumseh, Johnson County, Nebraska.

Maps are available for inspection at City Hall, 122 South 4th Street, Tecumseh, Nebraska.
Send comments to The Honorable Jim Reed, Mayor, City of Tecumseh, Route 3, Box 29. Tecumseh, Nebraska 68450.

Unincorporated Areas of Johnson County, Nebraska.

Maps are available for inspection at Johnson County Clerk's Office, 351 Broadway Street, Tecumseh, Nebraska.
Send comments to The Honorable Terry Keebler, Chairman, Board of Commissioners, 73222 607th Avenue, Sterling, Nebraska 68443.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 6, 2005.

David I. Maurstad,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 05–13928 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–P–7695]

Proposed Flood Elevation Determinations

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

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

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under

Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding and location of referenced elevation	♦Elevation in feet (NAVD)		Communities affected
	Existing	Modified	
Little Wahoo Creek:			
Approximately 130 feet upstream of the confluence with Wahoo Creek.	♦799	♦800	Coweta County (Unincorporated Areas).
Approximately 1,100 feet upstream of the confluence with Wahoo Creek.	♦799	♦800	
Snake Creek:			
Approximately 170 feet upstream of the confluence with Wahoo Creek.	♦795	♦796	Coweta County (Unincorporated Areas).
Approximately 4,200 feet upstream of the confluence with Wahoo Creek.	♦800	♦801	
Tributary 1 to Simmon Creek:			
At confluence with Simmon Creek	♦867	♦866	Coweta County (Unincorporated Areas).
Approximately 120 feet upstream of the confluence with Simmon Creek.	♦867	♦866	
Tributary 1 to Snake Creek:			
At the confluence with Snake Creek	♦874	♦873	City of Newnan.
Approximately 40 feet upstream of the confluence with Snake Creek.	♦874	♦873	
Tributary 2 to Mineral Spring Branch:			
At the confluence with Mineral Spring Branch	♦831	♦830	Coweta County (Unincorporated Areas).
Approximately 780 feet upstream of Fourth Street	♦831	♦830	
Tributary 2 to Sandy Creek:			
At confluence with Tributary 3 to Sandy Creek	♦792	♦793	Coweta County (Unincorporated Areas).
Approximately 30 feet upstream of the confluence with Tributary 3 to Sandy Creek.	♦792	♦793	
Tributary 2 to Shoal Creek:			
Approximately 500 feet upstream of the confluence with Shoal Creek.	♦838	♦839	Coweta County (Unincorporated Areas).
Approximately 1,720 feet upstream of the confluence with Shoal Creek.	♦838	♦839	
Tributary 3 to Shoal Creek:			
Approximately 140 feet upstream of the confluence with Shoal Creek.	♦853	♦854	Coweta County (Unincorporated Areas).
Approximately 500 feet upstream of the confluence with Shoal Creek.	♦853	♦854	
Tributary 3 to Wahoo Creek:			
Approximately 110 feet upstream of the confluence with Tributary 2 to Wahoo Creek.	♦867	♦868	City of Newnan.
Just downstream of Bullsboro Drive/State Highway 34	♦868	♦869	
Tributary 4 to Wahoo Creek:			
Approximately 100 feet upstream of the confluence with Tributary 3 to Wahoo Creek.	♦872	♦873	City of Newnan.
Approximately 650 feet upstream of the confluence with Tributary 3 to Wahoo Creek.	♦872	♦873	
Tributary 6 to Wahoo Creek:			
At confluence with Tributary 2 to Wahoo Creek	♦880	♦881	City of Newnan.
Approximately 160 feet upstream of the confluence with Tributary 2 to Wahoo Creek.	♦880	♦881	
Tributary 9 to Wahoo Creek:			
At confluence with Wahoo Creek	♦874	♦875	City of Newnan.
Approximately 600 feet upstream of the confluence with Wahoo Creek.	♦874	♦875	
Tributary 10 to Wahoo Creek:			
Approximately 220 feet upstream of the confluence with Wahoo Creek.	♦881	♦882	City of Newnan.
Approximately 420 feet upstream of the confluence with Wahoo Creek.	♦881	♦882	
Tributary 12 to Wahoo Creek:			
At the confluence with Wahoo Creek	♦893	♦891	City of Newnan.

Source of flooding and location of referenced elevation	♦Elevation in feet (NAVD)		Communities affected
	Existing	Modified	
Approximately 270 feet upstream of the confluence with Wahoo Creek.	♦895	♦896	

ADDRESSES:

Unincorporated Areas of Coweta County, Georgia

Maps are available for inspection at the Community Map Repository, 22 East Broad Street, Newnan, Georgia.

Send comments to The Honorable Larry DeMoss, Chairman, Coweta County Commissioners, 22 East Broad Street, Newnan, Georgia 30263.

City of Newnan, Coweta County, Georgia

Maps are available for inspection at the Community Map Repository, 25 LaGrange Street, Newnan, Georgia.

Send comments to The Honorable L. Keith Brady, Mayor, City of Newnan, 25 La Grange Street, Newnan, Georgia 30263.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 7, 2005.

David I. Maurstad,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 05–13927 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–D–7624]

Proposed Flood Elevation Determinations

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood elevations and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified
Massachusetts	Marshfield (Town), Plymouth County.	Massachusetts Bay, Duxbury Marsh.	Approximately 300 feet southwest of the intersection of Careswell Street and Colby Hewitt Lane.	*9	*10
			Approximately 1,700 feet southeast of the intersection of Careswell Street and Colby Hewitt Lane.	*11	*13
		Massachusetts Bay	Approximately 1,500 feet north of the intersection of Bay Street and Canal Street.	*10	*11
			Approximately 896 feet east of the intersection of Cove Street and Central Street.	*15	*23
		Massachusetts Bay, Green Harbor River.	Approximately 400 feet west of the intersection of Meetinghouse Lane and Stagecoach Drive.	None	*10
		Massachusetts Bay	At the intersection of Hancock Street and Ashburton Avenue.	None	#2
Maps available for inspection at the Marshfield Town Hall, Building Department, 870 Moraine Street, Marshfield, Massachusetts.					
Send comments to Mr. Gregory D. Owen, Chairman of the Town of Marshfield Board of Selectmen, 870 Moraine Street, Marshfield, Massachusetts 02050.					
Saipan	Northern Mariana Islands (Commonwealth).	Philippine Sea	Approximately 2.07 miles east of Tatachok Point.	None	*16
			Approximately 1.36 miles northeast of Songsong.	None	*70
		Sasanhaya Bay	Approximately 1.2 miles southwest of the center of Songsong.	None	*69
			A point in Songsong, approximately 1,440 feet southwest of the center of Songsong.	None	*25
Maps available for inspection at the Commonwealth of the Northern Mariana Islands Department of Public Works, Building Safety Code Division, 2nd Floor, Joeten Commercial Building, Gualo Rai, Saipan, Marianas Province.					
Send comments to The Honorable Juan N. Babauta, Governor of the Commonwealth of the Northern Mariana Islands, Juan S. Atalig Memorial Building, Isa Drive, Capital Hill, Saipan, Marianas Province 96950.					

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 7, 2005.

David I. Maurstad,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 05–13925 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–D–7626]

Proposed Flood Elevation Determinations

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood elevations and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood

insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

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

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

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

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
NORTH CAROLINA Alamance County				
Back Creek	At the confluence with West Black Creek and Michaels Branch.	None	•576	Alamance County (Unincorporated Areas), City of Burlington, Town of Gibsonville.
	Approximately 150 feet upstream of State Route 100.	None	•664	
Back Creek Tributary 2.	At the confluence with Back Creek	None	•589	Alamance County (Unincorporated Areas), Town of Gibsonville.
	Approximately 0.7 mile upstream of the Alamance/Guilford County boundary.	None	•667	
Beaver Creek	At the confluence with Lake Macintosh	None	•557	Alamance County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the Alamance/Guilford County boundary.	None	•572	
Big Alamance Creek	Approximately 500 feet upstream of the confluence with Haw River.	•479	•480	Alamance County (Unincorporated Areas), Village of Alamance, Cities of Burlington and Graham, and Town of Swepsonville.
	Approximately 1.6 miles of upstream the confluence with Gunn Creek.	•507	•506	
Big Branch	At the confluence with Haw River	None	•410	Alamance County (Unincorporated Areas).
	Approximately 0.7 mile upstream from Mandale Road.	None	•465	
Boyds Creek	Approximately 0.3 mile downstream of Luckstone Road.	None	•570	Alamance County (Unincorporated Areas), Town of Green Level.
	Approximately 1.1 miles upstream of Sandy Cross Road.	None	•653	
Boyds Creek Tributary 1.	Approximately 350 feet upstream of the confluence with Boyds Creek.	•511	•512	Alamance County (Unincorporated Areas), Town of Haw River.
	Approximately 0.9 mile upstream of Lakeview Drive.	None	•677	
Boyds Creek Tributary 2.	At the confluence with Boyds Creek	None	•586	Alamance County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Sandy Cross Road.	None	•636	
Burlington Reservoir	Entire shoreline within community	None	•579	Alamance County (Unincorporated Areas).
Buttermilk Creek	Approximately 1,000 feet upstream of the confluence with Stony Creek.	None	•555	Alamance County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Reid Road.	None	•715	
Buttermilk Creek Tributary 1.	At the confluence with Buttermilk Creek	None	•600	Alamance County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence with Buttermilk Creek.	None	•713	
Buttermilk Creek Tributary 2.	At the confluence of Buttermilk Creek	None	•620	Alamance County (Unincorporated Areas).

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
	Approximately 450 feet upstream of the confluence with Buttermilk Creek Tributary 3.	None	•708	
Buttermilk Creek Tributary 3.	At the confluence with Buttermilk Creek Tributary 2.	None	•690	Alamance County (Unincorporated Areas).
	Approximately 1,500 feet upstream of the confluence with Buttermilk Creek Tributary 2.	None	•709	
Cane Creek (North) ...	Approximately 850 feet upstream of the confluence with Haw River.	None	•429	Alamance County (Unincorporated Areas).
	At the Alamance/Orange County boundary	None	•429	
Cane Creek (South) ...	Approximately 210 feet upstream of Bethel South Fork Road.	None	•501	Alamance County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Well Creek.	None	596	
Cane Creek (South) Tributary 1.	At the confluence with Cane Creek (South) Tributary 1.	None	•535	Alamance County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Old Dam Road.	None	•608	
Cane Creek (South) Tributary 2.	At the confluence with Cane Creek (South)	None	•585	Alamance County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Old Dam Road.	None	•595	
Cane Creek (South) Tributary 3.	At the confluence with Cane Creek (South)	None	•558	Alamance County (Unincorporated Areas).
	Approximately 2.3 miles upstream of the confluence with Cane Creek (South).	None	•599	
Cane Creek (North) Tributary 4.	At the confluence with Cane Creek (North)	None	•429	Alamance County (Unincorporated Areas).
	Approximately 3,000 feet upstream from the confluence with Cane Creek (North).	None	•455	
Coblebrook Creek	At the confluence with Little Alamance Creek.	•607	•606	City of Burlington.
	Approximately 250 feet upstream of Edgewood Avenue.	None	•688	
Deep Creek	Approximately 1,400 feet upstream of the confluence with Stony Creek.	None	•543	Alamance County (Unincorporated Areas).
	Approximately 2,800 feet upstream of Jefferies Cross Road.	None	•698	
Dry Creek 2	Approximately 320 feet upstream of Power Line Road.	None	•630	Alamance County (Unincorporated Areas), Town of Elon.
	Approximately 0.7 mile upstream of Power Line Road.	None	•656	
East Back Creek	Approximately 1,500 feet downstream of State Route 119.	None	•533	Alamance County (Unincorporated Areas), City of Mebane.
	At the Alamance/Orange County boundary	None	•559	
Eastside Creek	Approximately 400 feet upstream of East Stage Coach Road.	None	•612	Alamance County (Unincorporated Areas), City of Mebane.
	Approximately 350 feet upstream of the Alamance/Orange County boundary.	None	•655	
Eastside Creek Tributary.	At the confluence with Eastside Creek	None	•617	City of Mebane.
	Approximately 530 feet upstream of the confluence with Eastside Creek.	None	•621	
Foust Creek	At the confluence with Cane Creek (South)	None	•505	Alamance County (Unincorporated Areas).
	Approximately 0.7 mile upstream from Snow Camp Road.	None	•575	
Greenbriar Creek	At the Alamance/Chatham County boundary	None	•633	Alamance County (Unincorporated Areas).
	Approximately 1.1 miles upstream of Staley Store Road.	None	•667	
Gunn Creek	Approximately 150 feet downstream of Millright Way.	None	•638	Town of Elon.
	Approximately 0.8 mile upstream of Millright Way.	None	•684	
Haw Creek Tributary 1	Approximately 1,350 feet upstream of the confluence with Haw Creek.	None	•506	Alamance County (Unincorporated Areas), City of Mebane.
	Approximately 1.5 miles upstream of Turner Road.	None	•575	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Haw River Tributary 2	Approximately 1,400 feet upstream of the confluence with Haw River.	None	•435	Alamance County (Unincorporated Areas).
	Approximately 1.2 miles upstream from the confluence with Haw River.	None	•534	
Haw River Tributary 3	Approximately 1,600 feet upstream of the confluence with Haw River.	None	•437	Alamance County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Austin Quarter Road.	None	•570	
Haw River Tributary 4	Approximately 0.5 mile upstream of the confluence with Haw River.	None	•439	Alamance County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Saxaphaw Bethlehem Church Road.	None	•623	
Haw River Tributary 5	At the confluence with Haw River Tributary 4.	None	•472	Alamance County (Unincorporated Areas).
	Approximately 400 feet upstream from John Thompson Road.	None	•533	
Haw River Tributary 6	Approximately 1,300 feet upstream of the confluence with Haw River.	None	•460	Alamance County (Unincorporated Areas).
	Approximately 0.6 mile upstream of NC Highway 87.	None	•539	
Haw River Tributary 8	At the upstream side of Greenwood Drive ..	None	•558	Alamance County (Unincorporated Areas).
	Approximately 2,000 feet upstream of Atwater Road.	None	•649	
Haw River Tributary 10.	At the confluence with Unnamed Tributary to Haw River at Glencoe.	None	•573	Alamance County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Mansfield Road.	None	•670	
Haw River Tributary 11.	Approximately 750 feet upstream of the confluence with Haw River.	None	•589	Alamance County (Unincorporated Areas).
	Approximately 1,300 feet upstream of Lonzie Foster Trail.	None	710	
Haw River Tributary 12.	At the confluence with Haw River Tributary 11.	None	•609	Alamance County (Unincorporated Areas).
	Approximately 600 feet upstream of Altamahaw Race Track Road.	None	742	
Haw River Tributary 13.	At the upstream side of Altamahaw Union Ridge Road.	None	•608	Alamance County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Mack's Chapel Road.	None	•689	
Haw River Tributary 14.	Approximately 0.4 mile upstream with the confluence of Haw River.	None	•621	Alamance County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Gilliam Church Road.	None	•696	
Haw River Tributary 15.	At the Alamance/Guilford County boundary	None	•664	Alamance County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Lee Lewis Road.	None	•712	
Hughes Mill Creek	At the confluence with Jordan Creek	None	•603	Alamance County (Unincorporated Areas).
	Approximately 150 feet above the Alamance/Caswell County boundary.	None	618	
Jones Creek	At the confluence with Buttermilk Creek	None	•608	Alamance County (Unincorporated Areas).
	Approximately 1,850 feet upstream of Altamahaw Race Track Road.	None	•684	
Jordan Creek	Approximately 1,500 feet upstream of the confluence with Stony Creek.	None	•552	Alamance County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Hughes Mill Road.	None	•635	
Laughin Creek	At the confluence with Buttermilk Creek	None	•589	Alamance County (Unincorporated Areas).
	Approximately 300 feet downstream of Alamance/Caswell County boundary.	None	•739	
Laughin Creek Tributary 1.	At the confluence with Laughin Creek	None	•609	Alamance County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with Laughin Creek.	None	•680	
Little Alamance Creek	Approximately 1.7 miles upstream of Big Alamance Creek.	•489	•490	Alamance County (Unincorporated Areas), City of Burlington.
	Approximately 0.9 mile upstream of Interstates 40 and 85.	•572	•571	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Little Alamance Creek Tributary.	At the confluence with Little Alamance Creek.	•564	•565	City of Burlington.
	Approximately 350 feet upstream of Maple Avenue.	None	•613	
Little Creek	At the confluence with Sinking Quarter Creek.	None	•542	Alamance County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Little Creek Tributary 2.	None	•608	
Little Creek Tributary 1.	At the confluence with Little Creek	None	•551	Alamance County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Little Creek.	None	•591	
Little Creek Tributary 2.	At the confluence with Little Creek	None	•570	Alamance County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Vernon Lane.	None	•651	
Long Branch	At the confluence with Marys Creek	None	•461	Alamance County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Stockard Road.	None	•511	
Marys Creek	Approximately 1,400 feet upstream of the confluence with Haw River.	None	•436	Alamance County (Unincorporated Areas).
	Approximately 0.7 mile upstream from Snow Camp Road.	None	•578	
McAdams Creek Tributary.	Approximately 500 feet upstream of the confluence with McAdams Creek.	None	•588	City of Mebane.
	Approximately 0.6 mile upstream of 3rd Street.	None	•645	
Meadow Creek	Approximately 110 feet upstream of NC Highway 54.	None	•580	Alamance County (Unincorporated Areas).
	Approximately 1.2 miles upstream of NC Highway 54.	•574	•605	
Michaels Branch	At the confluence with West Back Creek and Back Creek.	None	•576	Alamance County (Unincorporated Areas), Town of Burlington, Town of Elon.
	Approximately 290 feet upstream of Long Street.	None	•692	
Michaels Branch Tributary.	At the confluence with Michaels Branch	None	•633	Town of Elon, Town of Gibsonville.
	Approximately 350 feet upstream of Driftwood Drive.	None	•665	
Mine Creek	Approximately 400 feet upstream of the confluence with Stony Creek.	None	•549	Alamance County (Unincorporated Areas).
	Approximately 2.5 miles upstream of Mine Creek Road.	None	•658	
Motes Creek	Approximately 1,000 feet upstream of the confluence with Haw River.	None	•439	Alamance County (Unincorporated Areas).
	Approximately 100 feet upstream of NC Highway 54.	None	•569	
Motes Creek Tributary	At the confluence with Motes Creek	None	•517	Alamance County (Unincorporated Areas).
	Approximately 0.6 mile upstream from Mineral Springs Road.	None	•557	
North Prong Creek	At the confluence with North Prong Rocky River.	None	• 658	Alamance County (Unincorporated Areas).
	At the Alamance/Randolph County boundary.	None	• 686	
North Prong Rocky River.	Approximately 800 feet downstream of the Alamance/Chatham County boundary.	None	• 647	Alamance County (Unincorporated Areas).
	At the Alamance/Randolph County boundary.	None	• 676	
North Prong Stinking Quarter Creek.	At the confluence with Stinking Quarter, Creek.	None	• 508	Alamance County (Unincorporated Areas), Village of Alamance.
	At the Alamance/Guilford County boundary	None	• 589	
Owens Creek	At the confluence with Jordan Creek	None	• 563	Alamance County (Unincorporated Areas).
	Approximately 1.8 miles upstream of Blanchard Road.	None	• 647	
Parks Creek	Approximately 700 feet upstream of the confluence with Reedy Fork.	None	• 612	Alamance County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Shepherd Road.	None	• 645	
Pine Hill Branch	At the confluence with South Fork	None	• 475	Alamance County (Unincorporated Areas).

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
	Approximately 1,150 feet upstream from Clark Road.	None	•547	
Pine Hill Branch Tributary.	At the confluence with Pine Hill Branch	None	•502	Alamance County (Unincorporated Areas).
	Approximately 320 feet upstream from Quackenbush Road.	None	•522	
Poppaw Creek	At the confluence with Stinking Quarter Creek.	None	•543	Alamance County (Unincorporated Areas).
	Approximately 3.7 miles downstream of Foster Store Road.	None	•649	
Poppaw Creek Tributary 1.	At the confluence with Poppaw Creek	None	•611	Alamance County (Unincorporated Areas).
	Approximately 100 feet upstream of Timber Ridge Lake Road.	None	•647	
Poppaw Creek Tributary 2.	At the confluence with Poppaw Creek	None	•613	Alamance County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Poppaw Creek.	None	•660	
Quaker Creek	Approximately 0.7 mile downstream of Dickey Mill Road.	None	•534	Alamance County (Unincorporated Areas).
	Approximately 2.4 miles upstream of the confluence with Quaker Creek Tributary 2.	None	•696	
Quaker Creek Tributary 1.	At the confluence with Quaker Creek	None	•594	Alamance County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Cates Loop Road.	None	•676	
Quaker Creek Tributary 2.	At the confluence with Quaker Creek	None	•611	Alamance County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Tangle Ridge Trail.	None	•671	
Reedy Branch	At the confluence with Cane Creek (South)	None	•509	Alamance County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Clark Road.	None	•606	
Rock Creek	Upstream side of Mill Road	None	•538	Alamance County (Unincorporated Areas).
	Approximately 1.2 miles upstream of Beale Road.	None	•637	
Rock Creek Tributary	At the confluence with Rock Creek	None	•561	Alamance County (Unincorporated Areas).
	Approximately 1.3 miles upstream of NC Highway 49.	None	•594	
Scrub Creek	Approximately 1,250 feet upstream of Mebane Rogers Road.	None	•534	Alamance County (Unincorporated Areas).
	Approximately 1,950 feet upstream of Dickey Mill Road.	None	•595	
Servis Creek	Approximately 1,600 feet downstream, of Burch Bridge Road.	None	•612	Alamance County (Unincorporated Areas) City of Burlington.
	Approximately 500 feet upstream of Cadiz Street.	None	•665	
South Fork	Approximately 0.4 mile upstream of the confluence with Cane Creek (South).	None	•449	Alamance County (Unincorporated Areas).
	At the Alamance/Chatham County boundary	None	•525	
Stagg Creek	Approximately 0.8 mile downstream of State Route 119.	None	•536	Alamance County (Unincorporated Areas).
	At the Alamance/Orange County boundary	None	•605	
Stagg Creek Tributary 1.	At the confluence with Stagg Creek	None	•580	Alamance County (Unincorporated Areas).
	Approximately 500 feet upstream of Corbett Road.	None	•734	
Stagg Creek Tributary 2.	At the confluence with Stagg Creek	None	•604	Alamance County (Unincorporated Areas).
	At the Alamance/Orange County boundary	None	•608	
Staley Creek	Approximately 100 feet upstream of, Rauhut Street.	None	•595	Alamance County (Unincorporated Areas) City of Burlington.
	Approximately 200 feet upstream of Chestnut Street.	None	•664	
Steelhouse Branch	Approximately 350 feet upstream of the confluence with Town Branch.	•494	•493	City of Graham.
	Approximately 650 feet upstream of East Crescent Square Drive.	None	•572	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Stinking Quarter Creek.	Approximately 350 feet upstream of the confluence with Rock Creek.	None	•496	Alamance County (Unincorporated Areas).
	Approximately 100 feet upstream of the Alamance/Guilford County boundary.	None	•556	
Stony Creek	At the confluence with Burlington Reservoir	None	•579	Alamance County (Unincorporated Areas).
	At the Alamance/Orange County boundary	None	•596	
Tickle Creek	Approximately 200 feet downstream of the Alamance/Guilford County boundary.	None	•644	Alamance County (Unincorporated Areas).
	At the Alamance/Guilford County boundary	None	•645	
Toms Creek	At the confluence with Burlington Reservoir	None	•579	Alamance County (Unincorporated Areas).
	At the Alamance/Caswell County boundary	None	•599	
Travis Creek	Approximately 1,000 feet upstream of the confluence with Tributary A to Travis Creek.	None	•618	Town of Gibsonville.
	At the Alamance/Guilford County boundary	None	•618	
Travis Creek Tributary 2.	Approximately 700 feet upstream of the confluence with Travis Creek.	None	•596	Alamance County (Unincorporated Areas), Town of Elon, Town of Gibsonville.
	Approximately 250 feet upstream of Burlington Avenue.	None	•678	
Tributary A to Haw Creek.	Approximately 75 feet upstream of Jones Drive.	None	•551	Alamance County (Unincorporated Areas).
	At the Alamance/Orange County boundary	None	•572	
Tributary A to Travis Creek.	Approximately 500 feet downstream of the Alamance/Guilford County boundary.	None	•623	Alamance County (Unincorporated Areas).
	At the Alamance/Guilford County boundary	None	•623	
Tributary to Travis Creek.	Approximately 250 feet downstream of the Alamance/Guilford County boundary.	None	•629	Town of Gibsonville.
	At the Alamance/Guilford County boundary	None	•630	
Unnamed Tributary to Haw River at Glencoe.	Approximately 30 feet upstream of Greenwood Drive.	None	•578	Alamance County (Unincorporated Areas).
	Approximately 1.6 miles upstream of Isley School Road.	None	•665	
Varnals Creek	Approximately 0.4 mile upstream of Bass Mountain Road.	None	•554	Alamance County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Bass Mountain Road.	None	•571	
Varnals Creek Tributary.	Approximately 275 feet upstream of the confluence with Varnals Creek.	None	•481	Alamance County (Unincorporated Areas).
	Approximately 1.9 miles upstream of the confluence with Varnals Creek.	None	•553	
Well Creek	At the confluence with Cane Creek (South)	None	•573	Alamance County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Longest Acres Road.	None	•662	
Whittie Creek	At the confluence with Buttermilk Creek	None	•568	Alamance County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Baker Bell Farm Road.	None	•655	
Willowbrook Creek	At the confluence with Little Alamance Creek.	•576	•575	City of Burlington.
	Approximately 50 feet upstream of Allbright Avenue.	None	•672	

Alamance County (Unincorporated Areas)

Maps available for inspection at the Alamance County Planning Department, Annex Building, 124 West Elm Street, Graham, North Carolina.
Send comments to Mr. David Cheek, Alamance County Manager, 124 West Elm Street, Graham, North Carolina 27253.

Village of Alamance

Maps available for inspection at the Alamance Village Hall, 2879 Rob Shepard Drive, Alamance, North Carolina.
Send comments to The Honorable Cathera Bundren, Mayor of the Village of Alamance, 2879 Rob Shepard Drive, Alamance, North Carolina 27215.

City of Burlington

Maps available for inspection at the Burlington City Hall, Engineering Department, 425 South Lexington Avenue, Burlington, North Carolina.
Send comments to Mr. Harold Owen, Burlington City Manager, P.O. Box 1358, Burlington, North Carolina 27216.

Town of Elon

Maps available for inspection at the Elon Town Hall, 104 South Williamson Drive, Elon, North Carolina.
Send comments to Mr. Michael Dula, Elon Town Manager, P.O. Box 595, Elon, North Carolina 27244.

Town of Gibsonville

Maps available for inspection at the Town of Gibsonville Planning Department, 129 West Main Street, Gibsonville, North Carolina.

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

Send comments to Mr. Deleno Flynn, Gibsonville Town Manager, 129 West Main Street, Gibsonville, North Carolina 27249.

City of Graham

Maps available for inspection at the Graham City Hall, Planning Department, 201 South Main Street, Graham, North Carolina.
Send comments to Mr. Chris Rollins, Graham City Manager, P.O. Drawer 357, Graham, North Carolina 27253.

Town of Green Level

Maps available for inspection at the Green Level Town Hall, 2510 Green Level Church Road, Green Level, North Carolina.
Send comments to The Honorable Algene Tarpley, Mayor of the Town of Green Level, P.O. Box 729, Haw River, North Carolina 27258.

Town of Haw River

Maps available for inspection at the Haw River Town Hall, 403 East Main Street, Haw River, North Carolina.
Send comments to The Honorable Buddy Boggs, Mayor of the Town of Haw River, P.O. Box 103, Haw River, North Carolina 27258.

City of Mebane

Maps available for inspection at the Mebane City Hall, 106 East Washington Street, Mebane, North Carolina.
Send comments to The Honorable Glendel Stephenson, Mayor of the City of Mebane, 106 East Washington Street, Mebane, North Carolina 27302.

Town of Swepsonville

Maps available for inspection at the Alamance County Planning Department, Annex Building, 124 West Elm Street, Graham, North Carolina.
Send comments to The Honorable Raymond Herring, Mayor of the Town of Swepsonville, P.O. Box 282, Swepsonville, North Carolina 27359.

NORTH CAROLINA
Columbus County

Bay Branch	At the confluence with Big Branch	None	•37	Columbus County (Unincorporated Areas).
	Approximately 1.1 miles upstream of Big Branch Road.	None	•53	
Beaverdam Creek	At the confluence with Weymans Creek	None	•22	Columbus County (Unincorporated Areas), Town of Sandyfield.
	At the Columbus/Bladen County boundary	None	•24	
Big Branch	At the confluence with Livingston Creek	None	•24	Columbus County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the confluence with Bay Branch.	None	•44	
Boggy Branch	At the confluence with Livingston Creek	None	•36	Columbus County (Unincorporated Areas).
	Approximately 700 feet upstream of the confluence with Chapel Creek.	None	•50	
Cape Fear River	At the Columbus/Brunswick County boundary.	None	•16	Columbus County (Unincorporated Areas).
	At the Columbus/Bladen County boundary	None	•23	
Chapel Creek	At the confluence with Boggy Branch	None	•50	Columbus County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Connor Road.	None	•60	
Dans Creek	At the confluence with Livingston Creek	None	•29	Columbus County (Unincorporated Areas).
	Approximately 2.2 miles upstream of Byrdville Freeman Road.	None	•49	
Double Branch	At the confluence with Cape Fear River	None	•21	Columbus County (Unincorporated Areas).
	Approximately 1.6 miles upstream of the confluence with Cape Fear River.	None	•23	
Johns Branch	At the confluence with Livingston Creek	None	•30	Columbus County (Unincorporated Areas).
	Approximately 1.1 miles upstream of Reaves Road.	None	•57	
Livingston Creek	At the confluence with Cape Fear River	None	•18	Columbus County (Unincorporated Areas).
	Approximately 100 feet downstream of the Columbus/Brunswick County boundary.	None	•59	
Lynch Creek	At the confluence with Livingston Creek	None	•18	Columbus County (Unincorporated Areas).
	Approximately 1.4 miles upstream of Cronly Road.	None	•49	
Mill Branch	At the confluence with Big Branch	None	•25	Columbus County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Big Branch.	None	•34	
Mill Creek	At the confluence with Dans Creek	None	•33	Columbus County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Andrew Jackson Highway East.	None	•61	
Mill Creek 2	At the confluence with Livingston Creek	None	•18	Columbus County (Unincorporated Areas).
	At the Columbus/Brunswick County boundary.	None	•20	
Mill Creek Tributary 1	At the confluence with Mill Creek	None	•47	Columbus County (Unincorporated Areas).
	Approximately 1.6 miles upstream of the confluence with Mill Creek Tributary 3.	None	•63	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Mill Creek Tributary 2	At the confluence with Mill Creek Tributary 1.	None	•52	Columbus County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Mill Creek Tributary 1.	None	•58	
Mill Creek Tributary 3	At the confluence with Mill Creek Tributary 1 Road.	None	•56	Columbus County (Unincorporated Areas).
	Approximately 0.5 mile upstream of confluence with Mill Creek Tributary 1.	None	•60	
Poplar Branch	At the confluence with Livingston Creek	None	•38	Columbus County (Unincorporated Areas).
	Approximately 1.6 miles upstream of Livingston Chapel Road.	None	62	
Scott Branch	At the confluence with Livingston Creek	None	•38	Columbus County (Unincorporated Areas).
	Approximately 0.1 mile downstream of Delco Prosper Road.	None	•52	
Tailor Branch	At the confluence with Johns Branch	None	•35	Columbus County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Ashford Malpass Lane.	None	•62	
Turkeypen Branch	At the confluence with Weymans Creek	None	•26	Town of Sandyfield.
	At the Columbus/Bladen County boundary	None	•44	
Turner Branch	At the confluence with Weymans Creek	None	•22	Columbus County (Unincorporated Areas).
	At the confluence with Turner Branch Tributary.	None	•29	
Turner Branch Tributary.	At the confluence with Turner Branch	None	•29	Columbus County (Unincorporated Areas).
	Approximately 0.2 mile downstream of Old Lake Road.	None	•39	
Weyman Creek	At the confluence with Cape Fear River	None	•22	Columbus County (Unincorporated Areas), Town of Sandyfield.
	Approximately 0.2 mile downstream of Old Lake Road.	None	•46	
Gapway Creek	At the confluence with Livingston Creek	None	•45	Columbus County (Unincorporated Areas).
	At the Columbus/Brunswick County boundary.	None	•45	

Columbus County (Unincorporated Areas)

Maps available for inspection at the Columbus County Tax Office, 110 Courthouse Square, Whiteville, North Carolina.
Send comments to Mr. Billy Joe Farmer, Columbus County Manager, 111 Washington Street, Whiteville, North Carolina 28472.

Town of Sandyfield

Maps available for inspection at the Sandyfield Town Hall, 1795 Woodyard Road, Riegelwood, North Carolina.
Send comments to The Honorable Perry Dixon, Mayor of the Town of Sandyfield, P.O. Box 907, Riegelwood, North Carolina 28456.

NORTH CAROLINA
Moore County

Bear Creek	At the confluence with Deep River	None	•320	Moore County (Unincorporated Areas).
	Approximately 100 feet downstream of Adams Road.	None	•461	
Beaver Creek (into Crane Creek).	At the confluence with Crane Creek	None	•234	Moore County (Unincorporated Areas).
	At the Moore/Lee County boundary	None	•307	
Big Governors Creek	At the confluence with Deep Creek	None	•258	Moore County (Unincorporated Areas).
	At the confluence with Big Governors Creek Tributary.	None	•304	
Big Governors Creek Tributary.	At the confluence with Big Governors Creek	None	•304	Moore County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Torchwood Road.	None	•326	
Big Juniper Creek	At the confluence with McLendons Creek	None	•320	Moore County (Unincorporated Areas).
	Approximately 1,200 feet upstream of Longleaf Lake Dam.	None	•555	
Board Branch	At the confluence with Joe's Fork	None	•368	Moore County (Unincorporated Areas), Village of Pinehurst.
	Approximately 1,300 feet upstream of Yadkin Road (State Route 211).	None	•456	
Buffalo Creek (Hoke)	At the confluence with Little River	None	•186	Moore County (Unincorporated Areas).
	At the Moore/Harnett County boundary	None	•218	
Buffalo Creek (Moore)	At the confluence with Deep River	None	•288	Moore County (Unincorporated Areas).
	Approximately 3.8 miles upstream of State Highway 24.	None	•502	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Buffalo Creek Tributary 1.	At the confluence with Buffalo Creek (Hoke)	None	•194	Moore County (Unincorporated Areas).
	Approximately 1,400 feet upstream of Marks Road.	None	•337	
Cabin Creek	Approximately 200 feet upstream of the confluence with Bear Creek.	None	•361	Moore County (Unincorporated Areas), Town of Robbins.
	At the Moore/Montgomery County boundary	None	•487	
Carrolls Branch	At the confluence with James Creek	None	•252	Moore County (Unincorporated Areas), Town of Southern Pines.
	Approximately 4.3 miles upstream of Youngs Road.	None	•365	
Cotton Creek	At the confluence with Cabin Creek	None	•449	Moore County (Unincorporated Areas).
	At the Moore/Montgomery County boundary	None	•482	
Crane Creek	At the confluence with Little River	None	•228	Moore County (Unincorporated Areas), Town of Carthage.
	Approximately 500 feet upstream of State Highway 24.	None	•369	
Crawley Creek	At the confluence with Big Governors Creek	•203	•194	Moore County (Unincorporated Areas).
	Approximately 800 feet upstream of Old River Road.	None	•318	
Crawley Creek Tributary 1.	At the confluence with Crawley Creek	None	•289	Moore County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Crawley Creek.	None	•298	
Crawley Creek Tributary 2.	At the confluence with Crawley Creek	None	•289	Moore County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with Crawley Creek.	None	•307	
Approximately 500 feet upstream of Cypress Creek.	Just upstream of Loblolly Drive	None	•228	Moore County (Unincorporated Areas).
	At the Moore/Harnett County boundary	None	•228	
Deep River	At the Moore/Chatham County boundary	None	•252	Moore County (Unincorporated Areas).
	At the Moore/Randolph County boundary	None	•352	
Deep River Tributary 4.	At the confluence with Deep River	None	•265	Moore County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with Deep River.	None	•267	
Deep River Tributary 5.	At the confluence with Deep River	None	•265	Moore County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Rascob Road.	None	•265	
Dry Creek	At the confluence with Cabin Creek	None	•369	Moore County (Unincorporated Areas).
	Approximately 5.1 miles upstream of State Highway 24.	None	•533	
Dunham Creek	At the confluence with Crane Creek	None	•327	Moore County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Farm Life School Road.	None	•354	
Glade Branch	At the confluence with McLendons Creek	None	•263	Moore County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Kelly Plantation Road.	None	•274	
Grassy Creek	At the confluence with Deep River	None	•335	Moore County (Unincorporated Areas).
	Approximately 400 feet upstream of L. Moore Road.	None	•544	
Hector Creek	Just upstream of the confluence with Little River.	None	•178	Moore County (Unincorporated Areas).
	At the Moore/Harnett/Cumberland County boundaries.	None	•194	
Herds Creek	At the confluence with Crane Creek	None	•278	Moore County (Unincorporated Areas).
	Approximately 1.1 mile upstream of Red Hill Road.	None	•357	
Horse Creek (Moore)	At the confluence with Dry Creek	None	•393	Moore County (Unincorporated Areas).
	Approximately 1.9 miles upstream of Alex Road.	None	•474	
James Creek	At the confluence with Little River	None	•209	Moore County (Unincorporated Areas), Town of Southern Pines.
	Approximately 0.4 mile upstream of Den Road.	None	•526	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Joes Fork	At the confluence of Nicks Creek	None	•343	Moore County (Unincorporated Areas), Town of Taylortown, Village of Pinehurst.
	Just downstream of Stoneykirk Drive	None	•430	
Juniper Branch	At the confluence with Nicks Creek	None	•324	Town of Carthage, Town of Southern Pines.
	Approximately 1.2 miles upstream of Meyer Farm Road.	None	•437	
Juniper Branch Tributary.	At the confluence with Juniper Branch	None	•344	Town of Southern Pines.
	Approximately 1.0 mile upstream of the confluence with Juniper Branch.	None	•401	
Lick Creek	At the confluence with Scotchman Creek	None	•286	Moore County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Putnam Church Road.	None	•356	
Line Creek	At the confluence with Deep River	None	•252	Moore County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Alston House Road.	None	•252	
Little Crane Creek	At the confluence with Little Crane Creek	None	•259	Moore County (Unincorporated Areas), Town of Cameron.
	At the Moore/Lee County boundary	None	•317	
Little Crane Creek Tributary.	At the confluence with Little Crane Creek	None	•304	Town of Cameron.
	At the Moore/Lee County boundary	None	•317	
Little Creek (into Crane Creek).	Approximately 700 feet upstream of the confluence with Crane Creek.	None	•206	Moore County (Unincorporated Areas).
	Approximately 1,100 feet upstream of Summer Creek Tributary.	None	•275	
Little Creek (Moore)	At the confluence with McLendons Creek	None	•280	Moore County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Old Glendon Road.	None	•297	
Little Creek Tributary	At the confluence with Little Creek	None	•233	Moore County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence with Little Creek on to Crane Creek.	None	•316	
Little Governors Creek	At the confluence with Big Governors Creek	None	•258	Moore County (Unincorporated Areas).
	Approximately 8.3 miles upstream of the confluence with Big Governors Creek.	None	•360	
Little River	At the confluence with Hector Creek	None	•178	Moore County (Unincorporated Areas), Town of Vass.
	Approximately 1.1 miles upstream of Beulah Hill Church Road.	None	•413	
McDeeds Creek	At the confluence with Mill Creek (into Little River).	None	•276	Town of Southern Pines.
	Approximately 100 feet upstream of West New Hampshire Avenue.	None	•394	
McIntosh Creek	At the confluence with Big Governors Creek	None	•266	Moore County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Old River Road.	None	•376	
McIntosh Creek Tributary.	At the confluence with McIntosh Creek	None	•269	Moore County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with McIntosh Creek.	None	•281	
McLendons Creek	At the confluence with Deep River	None	•263	Moore County (Unincorporated Areas).
	Approximately 1.6 miles upstream of the confluence with McLendons Creek Tributary 3.	None	•603	
McLendons Creek Tributary 1.	At the confluence with McLendons Creek	None	•274	Moore County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Old Glendon Road.	None	•292	
McLendons Creek Tributary 2.	At the confluence with McLendons Creek	None	•399	Moore County (Unincorporated Areas).
	Approximately 1.9 miles upstream of the confluence with McLendons Creek.	None	•491	
McLendons Creek Tributary 3.	At the confluence with McLendons Creek	None	•453	Moore County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with McLendons Creek.	None	•597	
Meadow Creek	At the confluence with Buffalo Creek	None	•400	Moore County (Unincorporated Areas).

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
	Approximately 1,400 feet upstream of State Highway 24.	None	•462	
Mill Creek (into Cabin Creek).	At the confluence with Cabin Creek	None	•411	Moore County (Unincorporated Areas).
	Approximately 700 feet upstream of the confluence with Mill Creek Tributary.	None	•547	
Mill Creek (into James Creek).	At the confluence with James Creek	None	•314	Town of Southern Pines.
	Approximately 1.5 miles upstream of the confluence with James Creek.	None	•364	
Mill Creek (into Little River).	At the confluence with Little River	None	•252	Moore County (Unincorporated Areas), Towns of Vass, Southern Pines, Village of Whispering Pines.
	Approximately 0.4 mile upstream of State Highway 22.	None	•360	
New Lake	At the confluence with McLendons Creek ...	None	•422	Moore County (Unincorporated Areas).
	Approximately 1.4 miles upstream of Holly Grove School Road.	None	•537	
New Lake Tributary ...	At the confluence with New Lake	None	•434	Moore County (Unincorporated Areas).
	Approximately 1.3 miles upstream of the confluence with New Lake.	None	•565	
Nicks Creek	Approximately 250 feet upstream of the confluence with Little River.	None	•302	Moore County (Unincorporated Areas), Town of Southern Pines, Village of Whispering Pines.
	Approximately 2.3 miles upstream of Beulah Hill Church Road.	None	•420	
Nicks Creek Tributary	At the confluence with Nicks Creek	None	•342	Moore County (Unincorporated Areas) Village of Pinehurst.
	Approximately 0.4 mile upstream of Juniper Creek Boulevard.	None	•437	
Parkwood Branch	At the confluence with Richland Creek	None	•279	Moore County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Richland Creek.	None	304	
Rattlesnake Creek	At the confluence with Joes Fork	None	•356	Moore County (Unincorporated Areas), Village of Pinehurst.
	Approximately 1,500 feet upstream of Longleaf Drive East.	None	•446	
Richland Creek	At the confluence with McLendons Creek ...	None	•263	Moore County (Unincorporated Areas).
	Approximately 4.4 miles upstream of J. Dowdy Road.	None	•361	
Scotchman Creek	At the confluence with Deep Creek	None	•286	Moore County (Unincorporated Areas).
	Approximately 500 feet upstream of State Highway 22.	None	•335	
Seven Lakes North	At the confluence with Big Juniper Creek	None	•513	Moore County (Unincorporated Areas).
	Approximately 1,500 feet upstream of Edgewater Drive.	None	•579	
Seven Lakes South ...	At the confluence with Big Juniper Creek	None	•451	Moore County (Unincorporated Areas).
	Approximately 1,600 feet upstream of Cardinal Lane.	None	•525	
Simlin Creek	Just upstream of the confluence with Bear Creek.	None	•360	Moore County (Unincorporated Areas), Town of Robbins.
	Approximately 1.2 miles upstream of Trail Ridge Road.	None	•375	
Sings Creek	At the confluence with Wet Creek	None	•440	Moore County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Bensalem Church Road.	None	•529	
Suck Creek	At the confluence with McLendons Creek ...	None	•333	Moore County (Unincorporated Areas).
	Approximately 100 feet upstream of Mount Carmel Road.	None	•360	
Toms Creek	At the confluence with Richland Creek	None	•263	Moore County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the confluence with Richland Creek.	None	•289	
Tributary to McLendons Creek Tributary 1.	At the confluence with McLendons Creek Tributary 1.	None	•276	Moore County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Brady Road.	None	•290	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Tributary to McLendons Creek Tributary 2.	At the confluence with McLendons Creek Tributary 2.	None	•415	Moore County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with McLendons Creek Tributary 2.	None	•455	
Turkey Creek	At the confluence with Little River	None	•184	Moore County (Unincorporated Areas).
	Approximately 1.3 miles upstream of the confluence with Little River.	None	•221	
Tysons Creek	At the confluence with Deep River	None	•273	Moore County (Unincorporated Areas).
	At the Moore/Lee County boundary	None	•320	
Wads Creek	Approximately 0.4 mile upstream of Little River Farm Boulevard.	None	•325	Moore County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Murdocksville Road.	None	•404	
Wet Creek	At the confluence with Cabin Creek	None	•373	Moore County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Skill Road.	None	•559	
Wildcat Branch	At the confluence with Beaver Creek	None	•297	Moore County (Unincorporated Areas).
	At the Moore/Chatham County boundary	None	•297	
Williams Creek	At the confluence with Bear Creek	None	•419	Moore County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Willie Road.	None	•474	
Wolf Creek	At the confluence with Bear Creek	None	•386	Moore County (Unincorporated Areas).
	At the Moore/Montgomery County boundary	None	•518	
Lick Creek (into Deep River).	At the confluence with Deep River	None	•263	Moore County (Unincorporated Areas).
	Approximately 300 feet upstream of Glendon-Carthage Road.	None	•266	
Mill Creek Tributary	At the confluence with Mill Creek (into Cabin Creek).	None	•547	Moore County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Mill Creek (into Cabin Creek).	None	•576	

Town of Cameron

Maps available for inspection at the Cameron Town Clerk's Office, 247 Carter Street, Cameron, North Carolina.
Send Comments to The Honorable George Womble, Mayor of the Town of Cameron, P.O. Box 248, Cameron, North Carolina 28326.

Town of Carthage

Maps available for inspection at the Carthage Town Clerk's Office, 4396 Highway 15–501, Carthage, North Carolina.
Send comments to Ms. Carol Cleetwood, Carthage Town Manager, 4396 Highway 15–501, Carthage, North Carolina 28327.

Moore County (Unincorporated Areas)

Maps available for inspection at the Moore County Planning Office, 101A Monroe Street, Courthouse Square, Carthage, North Carolina.
Send comments to Mr. Steve Wyatt, Moore County Manager, Courthouse Square, P.O. Box 905, Carthage, North Carolina 28327.

Village of Pinehurst

Maps available for inspection at the Village of Pinehurst Planning Office, 395 Magnolia Road, Pinehurst, North Carolina.
Send comments to Mr. Andrew Wilkison, Pinehurst Village Manager, 395 Magnolia Road, Pinehurst, North Carolina 28374.

Town of Robbins

Maps available for inspection at the Robbins Town Hall, 101 North Middleton Street, Robbins, North Carolina.
Send comments to Mr. Mickey Brown, Robbins Town Manager, 101 North Middleton Street, Robbins, North Carolina 27325.

Town of Southern Pines

Maps available for inspection at the Southern Pines Planning Department, 180 Southwest Broad Street, Southern Pines, North Carolina.
Send comments to Ms. Reagan Parsons, Southern Pines Town Manager, 125 SE Broad Street, Southern Pines, North Carolina 28387.

Town of Taylortown

Maps available for inspection at the Taylortown Town Hall, 8350 Main Street, Pinehurst, North Carolina.
Send comments to The Honorable Ulysses Barrett, Jr., Mayor of the Town of Taylortown, P.O. Box 1274, Pinehurst, North Carolina 28370.

Town of Vass

Maps available for inspection at the Vass Town Clerk's Office, 140 South Alma Street, Vass, North Carolina 28394.
Send comments to The Honorable Henry Callahan, Jr., Mayor of the Town of Vass, P.O. Box 487, Vass, North Carolina 28394.

Village of Whispering Pines

Maps available for inspection at the Whispering Pines Village Hall, 10 Pine Ridge Drive, Whispering Pines, North Carolina.
Send comments to The Honorable Giles Hopkins, Mayor of the Village of Whispering Pines, 10 Pine Ridge Drive, Whispering Pines, North Carolina 28327.

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
NORTH CAROLINA Pender County				
Burgaw Creek	At the confluence with Northeast Cape Fear River.	None	•14	Pender County (Unincorporated Areas), Town of Burgaw.
	Approximately 400 feet downstream of West Wilmington Street.	•49	•50	
Colvins Creek	At the confluence with Black River	None	•14	Pender County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Beattys Bridge Road.	None	•70	
Rileys Creek	At the confluence with Long Creek	•8	•9	Pender County (Unincorporated Areas).
	At the confluence with Mill Creek and Rizzo Creek.	None	•27	
Angola Creek	At the confluence with Holly Shelter Creek	None	•20	Pender County (Unincorporated Areas).
	Approximately 0.2 mile downstream of the Pender/Duplin County boundary.	None	•31	
Angola Creek Tributary 3.	At the confluence with Angola Creek	None	•23	Pender County (Unincorporated Areas).
	Approximately 500 feet upstream of Cypress Creek Road.	None	•33	
Angola Creek Tributary.	At the confluence with Angola Creek	None	•26	Pender County (Unincorporated Areas).
	Approximately 1.4 miles upstream of NC Highway 50.	None	•42	
Ashes Creek	At the confluence with Northeast Cape Fear River.	None	•17	Pender County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Southwest Lake.	None	•35	
Bear Branch	At the confluence with Black River	None	•16	Pender County (Unincorporated Areas).
	Approximately 2,000 feet upstream of Blueberry Road.	None	•28	
Beckys Creek	Approximately 1.1 miles upstream of the Intracoastal Waterway.	None	•8	Pender County (Unincorporated Areas).
	Approximately 1.0 mile upstream of State Route 210.	None	•29	
Bee Branch	At the confluence with Cypress Creek (near Wards Corner).	None	•45	Pender County (Unincorporated Areas).
	Approximately 350 feet upstream of Shiloh Road.	None	•55	
Big Branch	At the confluence with Colvins Creek	None	•14	Pender County (Unincorporated Areas).
	Approximately 875 feet upstream of the confluence with Big Branch Tributary.	None	•24	
Big Branch Tributary	At the confluence with Big Branch	None	•23	Pender County (Unincorporated Areas).
	Approximately 0.37 mile upstream of the confluence with Big Branch.	None	•33	
Black River	At the confluence with Cape Fear River	None	•9	Pender County (Unincorporated Areas).
	Approximately 350 feet downstream of Beattys Bridge Road.	None	•24	
Cape Fear River	At the confluence with Black River	None	•9	Pender County (Unincorporated Areas).
	At the Bladen/Pender County boundary	None	•23	
Catskin Creek	At the confluence with Merricks and Players Creek.	None	•9	Pender County (Unincorporated Areas).
	Approximately 6.6 miles upstream of the confluence with Merricks and Players Creek.	None	•34	
Colvins Creek Tributary.	At the confluence with Colvins Creek	None	•25	Pender County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Slocum Trail.	None	•44	
Cypress Creek (near Stag Park).	At the confluence with Northeast Cape Fear River.	None	•13	Pender County (Unincorporated Areas), Village of Saint Helena.
	Approximately 800 feet upstream of Front Street.	None	•57	
Cypress Creek (near Wards Corner).	At the confluence with Long Creek	None	•25	Pender County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Shiloh Road.	None	•53	
Doctors Creek	At the confluence with Rockfish Creek	None	•39	Pender County (Unincorporated Areas).
	Approximately 0.25 mile upstream of Katie Ford Road.	None	•51	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Dry Branch	Approximately 20 feet upstream of NC Highway 421.	None	•51	Pender County (Unincorporated Areas).
	Approximately 1.5 miles upstream of NC Highway 421.	None	•55	
Godfrey Creek	At the confluence with Harrisons Creek	None	•16	Pender County (Unincorporated Areas).
	Approximately 2.1 miles upstream of the confluence with Harrisons Creek.	None	•32	
Guffords Branch	At the confluence with Rileys Creek	None	•10	Pender County (Unincorporated Areas).
	Just downstream of Highway 210	None	•11	
Harrisons Creek	At State Route 210	None	•8	Pender County (Unincorporated Areas).
	Approximately 300 feet upstream of Holiday Drive.	None	•29	
Holly Shelter Creek	At the confluence with Northeast Cape Fear River.	None	•17	Pender County (Unincorporated Areas).
	At the Pender/Onslow County boundary	None	•37	
Island Creek Tributary	Approximately 0.4 mile upstream of the confluence with Island Creek.	None	•9	Pender County (Unincorporated Areas).
	Approximately 2.8 miles upstream of the confluence with Island Creek.	None	•27	
Juniper Swamp	At the confluence with Shaken Creek	None	•34	Pender County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Shaken Creek.	None	•36	
Kellys Creek	At the confluence with Rileys Creek	None	•25	Pender County (Unincorporated Areas).
	Approximately 200 feet upstream of Little Kelly Road.	None	•29	
Lillington Creek	At the confluence with Northeast Cape Fear River.	None	•11	Pender County (Unincorporated Areas).
	Approximately 2.7 miles upstream of Shaw Highway.	None	•29	
Long Creek	Approximately 3.5 miles upstream of the confluence with Northeast Cape Fear River.	None	•7	Pender County (Unincorporated Areas).
	At NC Highway 53	•30	•31	
Lillington Creek Tributary.	At the confluence with Lillington Creek	None	•13	Pender County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Vogler Drive.	None	•17	
Long Creek Tributary	At the confluence with Long Creek	None	•26	Pender County (Unincorporated Areas).
	Approximately 0.3 mile upstream of the confluence with Long Creek.	None	•30	
Lewis Creek	Approximately 1,500 feet upstream of the confluence with Northeast Cape Fear River.	•25	•23	Pender County (Unincorporated Areas).
	Approximately 600 feet downstream of U.S. Highway 117.	•25	•24	
Merricks Creek	At State Route 210	None	•8	Pender County (Unincorporated Areas).
	At the confluence with Catskin Creek	None	•9	
Mill Creek	At the confluence with Rileys Creek	None	•27	Pender County (Unincorporated Areas).
	Approximately 200 feet upstream of Highsmith Road.	None	•30	
Mill Pond	At the confluence with Holly Shelter Creek	None	•18	Pender County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Highway 53.	None	•18	
Moores Creek	At the confluence with Holly Shelter Creek	None	•27	Pender County (Unincorporated Areas).
	At the Pender/Onslow County boundary	None	•42	
Moores Creek (near Atkinson).	Approximately 1.2 miles upstream of Highway 210.	None	•16	Pender County (Unincorporated Areas).
	Approximately 0.3 mile downstream of John Henry Store Road.	None	•19	
Moores Creek Tributary 1.	At the confluence with Moores Creek	None	•32	Pender County (Unincorporated Areas).
	At the Pender/Onslow County boundary	None	•51	
Moores Creek Tributary 2.	At the confluence with Moores Creek	None	•39	Pender County (Unincorporated Areas).
	At the Pender/Onslow County boundary	None	•46	
Moores Creek Tributary 6.	At the confluence with Moores Creek	None	•37	Pender County (Unincorporated Areas).
	Approximately 200 feet downstream of the Pender/Duplin County boundary.	None	•50	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Moores Creek Tributary 7.	At the confluence with Moores Creek Tributary 6.	None	•42	Pender County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Cypress Creek Road.	None	•74	
Northeast Cape Fear River.	At the upstream side of State Route 210	None	•8	Pender County (Unincorporated Areas).
	At the Pender/Duplin County boundary	None	•26	
Pike Creek	At the confluence with Northeast Cape Fear River.	None	•10	Pender County (Unincorporated Areas).
	Approximately 2.1 miles upstream of Interstate 40.	None	•34	
Players Creek	At the confluence with Merricks Creek	None	•9	Pender County (Unincorporated Areas).
	Approximately 2.5 miles upstream of the confluence with Merricks Creek.	None	•25	
Rizzo Creek	At the confluence with Rileys Creek	None	•27	Pender County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Rileys Creek.	None	•29	
Rockfish Creek	At the confluence with Northeast Cape Fear River.	•19	•26	Pender County (Unincorporated Areas).
	At the confluence with Doctors Creek	None	•39	
Sandy Run Swamp	At the confluence with Holly Shelter Creek	None	•21	Pender County (Unincorporated Areas).
	At the Pender/Onslow County boundary	None	•29	
Sawyer Creek	At the confluence with Sills Creek	None	•29	Pender County (Unincorporated Areas).
	Approximately 125 feet downstream of Highway 11.	None	•42	
Shaken Creek	At the confluence with Holly Shelter Creek	None	•18	Pender County (Unincorporated Areas).
	Approximately 0.3 mile downstream of the Pender/Onslow County boundary.	None	•34	
Shelter Swamp Creek	At the confluence with Sandy Run Swamp	None	•25	Pender County (Unincorporated Areas).
	At the Onslow/Pender County boundary	None	•33	
Sills Creek	At the confluence with Sawyer Creek	None	•29	Pender County (Unincorporated Areas).
	Approximately 600 feet downstream of Old Mill Road.	None	33	
Trumpeter Swamp	At the confluence with Catskin Creek	None	•16	Pender County (Unincorporated Areas).
	Approximately 1.2 miles upstream of J. A. Drive.	None	•42	
Turkey Creek	At the upstream side of State Route 133	None	•8	Pender County (Unincorporated Areas).
	Approximately 2.3 miles upstream of State Route 133.	None	•22	
Turkey Creek Tributary.	At the confluence with Turkey Creek	None	•11	Pender County (Unincorporated Areas).
	Approximately 850 feet upstream of Arvida Spur Road.	None	•28	
Washington Creek	At the confluence with Northeast Cape Fear River.	None	•25	Pender County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Interstate 40.	None	•27	
Washington Creek Tributary.	At the confluence with Washington Creek ...	None	•27	Pender County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Washington Creek.	None	•43	
White Oak Branch	At the confluence with Tuckahoe Branch	•41	•43	Pender County (Unincorporated Areas).
	Approximately 0.6 mile downstream of Shiloh Road.	None	•53	
Jones Creek	At the confluence with Colvins Creek	•41	•38	Pender County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Beattys Bridge Road.	None	•72	

City of Burgaw

Maps available for inspection at the Burgaw City Hall, 109 North Walker Street, Burgaw, North Carolina.
Send comments to The Honorable Kenneth Cowan, Mayor of the City of Burgaw, 109 North Walker Street, Burgaw, North Carolina 28425.

Pender County (Unincorporated Areas)

Maps available for inspection at the Pender County Planning Department, 805 South Walker Street, Burgaw, North Carolina.
Send comments to Mr. John Bauer, Pender County Manager, 807 South Walker Street, P.O. Box 5, Burgaw, North Carolina 28425.

Village of Saint Helena

Maps available for inspection at the Saint Helena Village Hall, 330 Main Street, Burgaw, North Carolina.
Send comments to The Honorable Robert Barnhill, Mayor of the Village of Saint Helena, 115 Northwest Avenue, Burgaw, North Carolina 28425.

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
NORTH CAROLINA Rockingham County				
Troublesome Creek ...	At the confluence with Haw River	None	•661	Rockingham County (Unincorporated Areas), City of Reidsville.
	At Monroeton Road	None	•707	
Benaja Creek	At the confluence with Haw River	None	•665	Rockingham County (Unincorporated Areas).
	At the Guilford/Rockingham County boundary.	None	•688	
Candy Creek	At the confluence with Haw River	None	•663	Rockingham County (Unincorporated Areas).
	Approximately 200 feet downstream of Guilford/Rockingham County boundary.	None	•700	
Giles Creek	At the confluence with Haw River	None	•650	Rockingham County (Unincorporated Areas).
	Approximately 950 feet upstream of State Route 87.	None	•688	
Haw River	At the Guilford/Rockingham County boundary.	None	•642	Rockingham County (Unincorporated Areas).
	At the Guilford/Rockingham County boundary.	None	•731	
Haw River Tributary 16.	At the confluence with Haw River	None	•644	Rockingham County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Kernodle Road.	None	•664	
Haw River Tributary 17.	At the confluence with Haw River	None	•691	Rockingham County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence of Haw River.	None	•713	
Haw River Tributary 18.	At the confluence with Haw River Tributary 17.	None	•691	Rockingham County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Haw River Tributary 17.	None	721	
Little Troublesome Creek.	At the confluence with Haw River	None	•657	Rockingham County (Unincorporated Areas), City of Reidsville.
	Approximately 1,000 feet upstream of Freeway Drive.	None	•790	
Rose Creek	At the confluence with Haw River	None	•657	Rockingham County (Unincorporated Areas).
	At the Guilford/Rockingham County boundary.	None	•679	
Tributary A to Little Troublesome Creek.	Approximately 40 feet downstream of Forsyth Street.	None	•753	City of Reidsville.
	Approximately 700 feet upstream of Forsyth Street.	None	•760	
Tributary B to Little Troublesome Creek.	Approximately 100 feet downstream of Cypress Drive.	None	•728	City of Reidsville.
	Approximately 0.8 mile upstream of Cypress Drive.	None	•787	
Tributary C to Little Troublesome Creek.	Approximately 475 feet downstream of Summit Avenue.	None	•755	City of Reidsville.
	Approximately 25 feet downstream of Redmont Street.	None	•807	
Troublesome Creek Tributary 1.	At the confluence with Lake Reidsville and Troublesome Creek.	None	•695	Rockingham County (Unincorporated Areas), City of Reidsville.
	Approximately 1.7 miles upstream of the confluence with Troublesome Creek.	None	•762	
Troublesome Creek Tributary 3.	At the confluence with Lake Reidsville and Troublesome Creek.	None	•699	Rockingham County (Unincorporated Areas), City of Reidsville.
	Approximately 1.6 miles upstream of Iron Works Road.	None	•735	
Troublesome Creek Tributary 2.	At the confluence with Lake Reidsville and Troublesome Creek.	None	•695	Rockingham County (Unincorporated Areas), City of Reidsville.
	Approximately 1.0 mile upstream of McCoy Road.	None	•794	
Troublesome Creek Tributary 4.	At the confluence with Troublesome Creek	None	•743	Rockingham County (Unincorporated Areas).

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
	Approximately 0.9 mile upstream of Brown Road.	None	•776	
Troublesome Creek Tributary 5.	At the confluence with Troublesome Creek	None	•766	Rockingham County (Unincorporated Areas).
	Approximately 1,650 feet upstream of Hudson Road.	None	•807	
Troublesome Creek Tributary 3A.	At the confluence with Troublesome Creek Tributary 3.	None	•703	Rockingham County (Unincorporated Areas), City of Reidsville.
	Approximately 2.1 miles upstream of Boyds Road.	None	•758	

City of Reidsville

Maps available for inspection at the Reidsville City Hall, 230 West Morehead Street, Reidsville, North Carolina.
Send comments to Mr. D. Kelly Almond, Reidsville City Manager, 230 West Morehead Street, Reidsville, North Carolina 27320.

Rockingham County (Unincorporated Areas)

Maps available for inspection at the Rockingham County Planning & Inspections Department, Governmental Complex, 371 Highway 65, Wentworth, North Carolina.
Send comments to Mr. Thomas Robinson, Rockingham County Manager, P.O. Box 206, Wentworth, North Carolina 27375.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 7, 2005.

David I. Maurstad,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 05–13926 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[Docket No. OST–97–2550]

RIN 2105–AD51

Participation by Disadvantaged Business Enterprise in Airport Concessions

AGENCY: Office of the Secretary, DOT.

ACTION: Supplemental Notice of Proposed Rulemaking; Extension of Comment Period.

SUMMARY: The Department of Transportation issued a supplemental notice of proposed rulemaking (SNPRM) on this subject on March 22, 2005. The comment period was scheduled to close June 20, 2005. In response to requests from car rental industry members and a trade association of disadvantaged business enterprises who work in airports, we are extending the comment period for 60 days.

DATES: Comments on the SNPRM must be received by August 19, 2005. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments on this SNPRM should be filed with: the Docket Management System, U.S. Department of Transportation. Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. Please identify the docket number OST–97–2005 at the beginning of your comments. You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review comments to the docket on the Internet at *http://dms.dot.gov.* Search by using the last set of digits in the docket number (*i.e.*, 2550).

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th St., SW., Room 10424, Washington, DC 20590–0001. Telephone (202) 366–9310 (voice); (202) 755–7687 (TDD). E-mail *bob.ashby@dot.gov.*

SUPPLEMENTARY INFORMATION: In March 2005, the Department of Transportation (DOT) issued a final rule on the subject of disadvantaged business enterprise (DBE) in airport concessions. At the same time, we issued a supplemental notice of proposed rulemaking asking for additional comment on several issues, including size standards and the possibility of creating national (rather than airport-by-airport) DBE goals for car rental companies.

We received correspondence requesting a 60-day extension of the comment period on behalf of several car rental companies, including Hertz, Dollar/Thrifty, Vanguard, and Enterprise. The correspondence requested the additional time to permit the companies to review the SNPRM and develop their position on the complex issues involved. We understand they are particularly interested in further thinking about the national car rental goal concept mentioned in the SNPRM. In addition, we received correspondence from the Airport Minority Advisory Council (AMAC) requesting a similar extension.

We believe that such an extension would be helpful to the Department in determining next steps concerning size standards and car rental goal issues, and we do not believe that it would unduly delay any further rulemaking resulting from the SNPRM. Consequently, we are granting the requested 60-day extension.

Issued this 30th day of June, 2005, at Washington DC.

Jeffrey A. Rosen,

General Counsel.

[FR Doc. 05–14056 Filed 7–13–05; 1:11 pm]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2002–13957]

RIN 2127–AI97

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

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

ACTION: Notice of withdrawal of rulemaking.

SUMMARY: On February 12, 2003 NHTSA published a request for comments in the **Federal Register** (68 FR 7101) regarding Adaptive Frontal-lighting Systems (AFS). The agency noted the automotive industry was introducing Adaptive Frontal-lighting Systems that could actively change the intensity and direction of headlamp illumination in response to changes in vehicle speed or roadway geometry, such as providing more light to the left in a left-hand curve. The agency expressed concern that such headlighting systems may cause additional glare to oncoming drivers, change the easily recognizable and consistent appearance of oncoming vehicles, and have failure modes that may cause glare for long periods of time. The agency stated it was also interested in learning whether these adaptive systems can provide any demonstrated reduction in crash risk during nighttime driving. For reasons discussed in this document, the agency is withdrawing this rulemaking.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. David M. Hines, Office of Crash Avoidance Standards, Telephone number (202) 493–0245, FAX number (202) 366–7002. For legal issues: Mr. Eric Stas, Office of Chief Counsel, Telephone number (202) 366–2992, FAX number (202) 366–3820. You may send mail to either of these officials at NHTSA, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

The development of AFS has been ongoing for approximately a decade, although much earlier versions of such situation-adaptive headlighting were previously incorporated in vehicles sold to the public including the Tucker automobile in the United States and Citroen automobiles in Europe. The goal of current AFS is to actively control headlamp beam pattern performance to meet the dynamic illumination needs of changing roadway geometries and visibility conditions. One initial application, commonly referred to as ''bending light,'' automatically re-aims the lower beam headlamps to the left or right depending on the steering angle of the vehicle, with the intent to better illuminate curves in the roadway.

Motor vehicles equipped with AFS are currently being advertised and sold in the United States. This is not prohibited at the Federal level because Federal Motor Vehicle Safety Standard No. 108, *Lamps, reflective devices, and associated equipment,* does not specifically address the initial or subsequent aim of a headlamp in a headlighting system. The Standard addresses only aimability requirements. Further details regarding this issue are discussed in the letter from the Chief Counsel, NHTSA, to Mr. Mark Cronmiller, VDO North America, dated July 21, 1999 (available at *http://www.nhtsa.dot.gov/cars/rules/interps/files/20061.ztv.html*).

The agency notes that S5.3.2 of Standard No. 108 also requires that lamps and reflective devices must be installed such that their photometric requirements are met on motor vehicles and that no other part of the vehicle shall prevent that. As such, the additional hardware added to achieve AFS must not prevent headlamps, or any other required lamps, from meeting the required performance in any manner whether AFS is operating or not. Additionally, for the bending light mechanization where some of the light in the nominal beam pattern is actively redirected, the photometric requirements of the headlamp must be met regardless of active changes in the light distribution within the beam.

Comments to our published request regarding AFS were received from individuals, groups, and corporations; these responses generally addressed many of the questions the agency asked. These comments may be viewed at: *http://dms.dot.gov/search/searchFormSimple.cfm* (docket number 13957). Several of the comments either provided insight on or referenced studies regarding AFS. The agency also contracted with the Lighting Research Center (LRC), Rensselaer Polytechnic Institute, to study the available literature and to assess aspects of AFS technology. Results of that research will be posted on our Web site: *http://www.nhtsa.dot.gov* as they become available.

II. Reason for Withdrawal

After careful consideration, NHTSA has decided to withdraw this rulemaking. The agency believes further research on AFS is needed and is currently conducting research on AFS-related topics. If this research indicates a need for future rulemaking, the agency will act accordingly.

The agency arrived at this decision after reviewing the comments received and giving consideration to the findings of the LRC survey. LRC found that although a significant number of studies on AFS had been done, due to inconsistency in the metrics used and lack of information on experimental procedures and scenarios, further research is needed to quantify the effectiveness of AFS as it relates to vision improvement, as well as its contributions to glare. LRC stated that because existing reports on AFS did not supply sufficient information and did not use common performance metrics related to traffic safety, it is difficult to reproduce or validate the studies and their results. Nevertheless, the agency still considers AFS to be a potentially important technology and will continue its efforts to understand the relevant safety issues associated with its use.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegations of authority at 49 CFR 1.50, and 501.8.

Issued on: July 11, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05–13959 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 70, No. 135
Friday, July 15, 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

Forest Service

Gold Camp Road Final Plan/ Environmental Impact Statement and Record of Decision

AGENCY: Forest Service, USDA.

ACTION: Notice of availability and decision.

SUMMARY: In accordance with the National Environmental Policy Act, the Pike National Forest of the Rocky Mountain Region of the Forest Service announces availability of the Final Plan and Final Environmental Impact Statement (Final Plan/EIS) and Record of Decision (ROD) for the Gold Camp Road. The Forest Service is also announcing the agency's decision to restore and reopen a collapsed railroad tunnel and reopen a closed section of Gold Camp Road to one-way traffic, with a third party partner to operate the segment of road (Modified Alternative E). The objective of the management plan for the road is to best accommodate public use and access to National Forest System lands and nearby private in-holdings while maintaining public safety and the historic character of the road. The affected road segment has been closed since 1988 for safety reasons.

DATES: The appeal period for the decision will be 45 days from the date the Environmental Protection Agency (EPA) publishes the notice of availability and decision in the **Federal Register**.

ADDRESSES: The Final Plan/EIS and ROD are available on the Internet at *http://www.fs.fed.us/r2/psicc/projects/gold_camp/.* Copies of the Final Plan/EIS and ROD may be obtained by contacting the Pikes Peak Ranger District, 601 S. Weber St., Colorado Springs, CO 80903. Notice of Appeal must be sent to: USDA-Forest Service, Rocky Mountain Region, Attn: Appeals Deciding Officer, P.O. Box 25127, Lakewood, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Frank Landis, Supervisory Outdoor Recreation Planner, Pikes Peak Ranger District, at the address listed above or by telephone at 719–477–4203.

SUPPLEMENTARY INFORMATION: The Final Plan/EIS and ROD are also available for inspection at the following public libraries in Colorado:

Penrose Public Library—20 N. Cascade Ave., Colorado Springs, CO 80903.

East Library—5550 N. Union Blvd., Colorado Springs, CO 80918.

The Forest Service announced in the **Federal Register** (69 FR 39401, June 30, 2004) that the agency intended to prepare an EIS addressing the possible federal action of preparing a plan for the Gold Camp Road and inviting comments on the scope of the EIS. Comments were received from April 12 through August 17, 2004, and were considered in the Draft Plan/EIS.

Notices of availability were published in the **Federal Register** for the Gold Camp Road Draft Plan/EIS by the Forest Service (70 FR 2605, January 14, 2005) and the EPA (70 FR 4119, January 28, 2005). Comments were accepted on the Draft Plan/EIS through March 29, 2005. Comments were considered and the Final Plan/EIS was prepared based on agency and public input. The Final Plan/EIS contains a new preferred alternative that incorporates elements of three of the other action alternatives.

A ROD accompanies the Final Plan/EIS. The ROD accompanying the Final Plan/EIS is subject to appeal pursuant to 36 CFR part 215.

Reviewers are obligated to structure their participation in the National Environmental Policy Act process so that it is meaningful and alerts the agency to the reviewer's position and contentions, (*Vermont Yankee Nuclear Power Corp.* v. *NRDS.* 435 U.S. 519, 553, (1978)). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completing the Final EIS (*City of Angoon* v. *Hodel* (9th Circuit 1986) and *Wisconsin Heritages Inc.* v. *Harris* 490 F. Suppl. 1334, 1338 (E.D. Wis. 1980)).

This notice is provided pursuant to federal regulations implementing the National Environmental Policy Act (40 CFR 1506.6).

Dated: July 8, 2005.

Robert J. Leaverton,

Forest Supervisor.

[FR Doc. 05–13865 Filed 7–14–05; 8:45 am]

BILLING CODE 3410–ES–P

DEPARTMENT OF AGRICULTURE

Forest Service

Green Mountain National Forest; Vermont; Deerfield Wind Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service has accepted an application for a special use authorization from Deerfield Wind, LLC for the installation and operation of 20 to 30 wind turbines on National Forest System (NFS) lands managed by Green Mountain National Forest (GMNF). The project would utilize approximately 80 acres of National Forest land within the Manchester District.

DATES: Comments concerning the scope of the analysis must be received by August 15, 2005. The draft environmental impact statement is expected in August 2005 and the final environmental impact statement is expected February 2007.

ADDRESSES: Send written comments to Gina Owens, District Ranger, Manchester Ranger District, USDA Forest Service, 2538 Depot Street, Manchester Center, VT 05255.

FOR FURTHER INFORMATION CONTACT: Bob Bayer, Project Coordinator, Manchester Ranger District, USDA Forest Service, 2538 Depot Street, Manchester Center, VT 05255; 802–362–2307 ext. 218; e-mail: *rbayer@fs.fed.us*

SUPPLEMENTARY INFORMATION:

Purposed and Need for Action

The purpose of the proposed action is to provide between 30 and 45 megawatts (MW) of new wind energy and capacity by expanding the existing private land based wind power facility in Searsburg, Vermont onto National Forest System (NFS) lands. The new capacity will supply additional renewable power to the Vermont and New England electric supply grid. The use and occupancy of federal lands is an important element in facilitating the exploration, development, and transmission of affordable, renewable

and reliable energy in the region to meet the purpose.

The projected project is needed to:

1. Contribute to Vermont's and the region's growing demand for reliable sources of clean, cost-effective, renewable energy generated electricity.

2. Contribute to a secure, reliable supply of electric generating capacity to address the regional and local need.

3. Reduce the region's over-dependence on natural gas generation, thereby decreasing electric price volatility and providing potential cost savings to consumers.

4. Reduce air emissions, and the associated negative environmental and human health effects, produced by fossil fuel-fired electric generation, thereby improving local and regional air quality.

Proposed Action

The Deerfield Wind Project is proposed on two separate ridge lines east and west of Vermont Route 8. Approximately half of the 20 to 30 new state-of-the-art turbines would be placed on the east side on Route 8 on the same ridgeline as the existing Green Mountain Power Corporation (GMP) Searsburg Wind Farm, which was placed in service in 1997 on 35 acres of private lands adjacent to GMNF land. It consists of eleven, 0.55 megawatt (MW) (550 kilowatts (kW)) wind turbines, each just under 200 feet in height, that together are capable of producing 6 MW of electricity. Ten to fifteen new 1.5 to 2.0 MW (1,500 to 2,000 kW) turbines would be placed adjacent to the existing wind turbines on the east ridge (eastern project area). The remaining ten to fifteen turbines would be placed along the ridgeline to the west of Route 8 (western project area). The wind turbines would be capable of producing 30 to 45 MW of electricity. Each wind turbine consists of a tubular steel tower, a nacelle (which houses the turbine's mechanical components), and a three-bladed rotor. Total height of the wind turbine is expected to be approximately 340 to 370 feet. Along with the turbines, the project will include a storage and maintenance building that will be approximately 24 feet by 40 feet in dimension, approximately 4 miles of gravel access road, and approximately 4 miles of underground and overhead electrical lines. These lines will connect a new substation constructed in the northern section of the western project area on USFS lands. The new substation will be enclosed in a chain link fence and be approximately one-half acre in size and contain a transformer and other electrical equipment. An alternative interconnection point for electric lines would be an existing GMP substation on private land on the east side of Route 8. Construction of the proposed project would require clearing of up to 80 acres of National Forest land. The Forest Service has determined that an environmental impact statement (EIS) is required to fully and effectively evaluate this site-specific application.

Responsible Official

Paul Brewster, Forest Supervisor, Green Mountain and Finger Lakes National Forests, 231 North Main Street, Rutland, VT 05071–2417.

Nature of Decision To Be Made

Deerfield Wind LLC has made application to the Forest Service for a Special Use Authorization seeking authorization to occupy and use NSF lands for the purpose of constructing and operating a wind power facility on the Green Mountain National Forest. The decision to be made is whether to grant the authorization for the construction and operation activities as proposed, or as modified by an alternative to the proposed activities, or to defer granting of the authorization.

Scoping Process

The GMNF plans to scope for information by contacting persons and organizations interested or potentially affected by the proposed action by using mailings, public announcements, and personal contacts. In addition, two separate public scoping meetings will be held to collect public input on the scope of the EIS:

Scoping Meeting #1: August 3, 2005, Grand Summit Resort Hotel, Mount Snow, 12 Pisgah Road, West Dover, VT. An open house format will be used. The public is welcome between 7 p.m. and 9 p.m.

Scoping Meeting #2: August 4, 2005, Whitingham Elementary School, Route 100 South, Jacksonville, VT. An open house format will be used. The public is welcome between 7 p.m. and 9 p.m.

Comments Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. The primary purpose is to gather public comments, issues, and concerns regarding the proposed action. Comments, issues and concerns will be used to help formulate alternatives to the proposed action. Please make your written comments as specific as possible as they relate to the proposed action, and include your name, address, and, if possible, telephone number and e-mail address. Comments received in response to this solicitation, including the names and addresses of those who comment, will be considered part of the public record and will be available for public inspection. Comments submitted anonymously will be accepted and considered. Additionally, pursuant to 7 CFR 1.27(d), any person may request that a submission be withheld from the public record by showing how the Freedom of Information Act permits such confidentiality. Persons requesting such confidentiality should be aware that confidentiality is granted in only very limited circumstances. The Forest Service will inform the requester of its decision regarding a request for confidentiality. Where the request is denied, the submission will be returned, and the requester notified that the comments may be resubmitted with or without name and address.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 533 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, written comments on the draft environmental impact statement should be as specific as possible. It is also

helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: July 8, 2005.

Paul K. Brewster,

Forest Supervisor.

[FR Doc. 05–13847 Filed 7–14–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Lincoln County Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393) the Kootenai National Forest's Lincoln County Resource Advisory Committee will meet on Wednesday August 3, 2005, at 6 p.m. at the Turner Mountain Ski Lodge 22 miles from Libby, Montana for a business meeting. The meeting is open to the public.

DATES: August 3, 2005.

ADDRESSES: Turner Mountain Ski Lodge, from Libby travel 20 miles North on Pipe Creek Road #68, then turn left onto Forest Service Road 6166, continue to the lodge.

FOR FURTHER INFORMATION CONTACT: Barbara Edgmon, Committee Coordinator, Kootenai National Forest at (406) 293–6211, or e-mail *bedgmon@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda topics include presentation of project proposals, review and selection of submitted proposals for funding in fiscal year 2006, and receiving public comment. If the meeting date or location is changed, notice will be posted in the local newspapers, including the Daily Interlake based in Kalispell, Montana.

Dated: July 11, 2005

Bob Castaneda,

Forest Supervisor.

[FR Doc. 05–13935 Filed 7–14–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Telephone Bank

Confirmation of Stock Ownership Records

AGENCY: Rural Telephone Bank, USDA.

ACTION: Notice of confirmation of stock ownership records for the Rural Telephone Bank.

SUMMARY: The Rural Telephone Bank (Bank) has sent letters to all of its stockholders of record, asking them to confirm their stockholdings. This notice is being published to notify any persons who believe that they own shares of stock in the Bank but have not received a stock confirmation letter that they should contact the Bank immediately.

FOR FURTHER INFORMATION CONTACT: Jonathan P. Claffey, Assistant Secretary, Rural Telephone Bank, STOP 1590—Room 5151, 1400 Independence Avenue, SW., Washington, DC 20250–1590. Telephone: (202) 720–9556.

SUPPLEMENTARY INFORMATION: The Bank is in the process of studying a proposal to dissolve. The dissolution of the Bank would require the redemption of outstanding stock in accordance with its enabling legislation, Title IV of the Rural Electrification Act (7 U.S.C. 941 *et seq.*). As a preliminary step, the Bank has determined the stockholdings of each shareholder as of June 15, 2005. Letters were sent by the Bank to all stockholders of record on June 30, 2005, asking them to confirm that their own stock records are in agreement with the Bank's.

Since letters were sent by the Bank to all its shareholders, any persons who believe that they own shares of stock in the Bank but have not received a stock confirmation letter should contact the Bank immediately. A letter explaining the details of the claimed stockholdings should be sent to Jonathan Claffey, Assistant Secretary of the Bank, at the address shown above. Any evidence supporting the claimed stockholdings should be included with the letter. Claims should be submitted within 30 days of this notice.

Dated: July 11, 2005.

Jonathan P. Claffey,

Assistant Secretary, Rural Telephone Bank.

[FR Doc. 05–13944 Filed 7–14–05; 8:45 am]

BILLING CODE 3410–15–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments Must Be Received on or Before:* August 15, 2005.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Sheryl D. Kennerly, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *SKennerly@jwod.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions. If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each product or service will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish

the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Defense Supply Center Philadelphia
Subsistence Items
Cottage Cheese, Dehydrated
NSN: 8910–01–E60–8830—#10 Cans
Milk, Nonfat, Dry
NSN: 8910–01–E60–8832—#10 Cans
Whole Egg Crystals
NSN: 8910–01–E60–8831—1.75 pound bags
NPA: Advocacy and Resources Corporation, Cookeville, Tennessee.
Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania.

Services

Service Type/Location: Custodial Services, Alderson Plant Materials Center, 24910 Old Prison Farm Road, Alderson, West Virginia.
NPA: Gateway Industries, Inc., Ronceverte, West Virginia.
Contracting Activity: USDA, Natural Resources Conversation Service, Morgantown, WV.
Service Type/Location: Document Destruction (At the following National Archives and Records Administration (NARA) Locations),
NARA, Denver Federal Record Center, Building 48, 6th and Kipling, Denver, Colorado.
NPA: Bayaud Industries, Inc., Denver, Colorado.
NARA, Laguna Niguel Federal Record Center,
24000 Avila Road, Laguna Niguel, California.
NPA: Landmark Services, Inc., Santa Ana, California.
Contracting Activity: National Archives & Records Administration, College Park, Maryland.

G. John Heyer,

General Counsel.

[FR Doc. 05–13967 Filed 7–14–05; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from Procurement List.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List products previously furnished by such agencies.

DATES: *Effective Date:* August 15, 2005.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, Telephone: (703) 603–7740, Fax: (703)603–0655, or e-mail *SKennerly@jwod.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On May 6, May 13, and May 20, 2005, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (70 FR 23979, 25534/25535/25536, and 29274) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

The following material pertains to the products identified in this **Federal Register** notice.

By notice of May 13, 2005 (70 FR 25534), the Committee proposed to add the following quantities of military uniforms to its Procurement List:

New Army Combat Uniform (ACU) Coats & Trousers ''Transition Quantities Qualified Nonprofit Agencies under the Committee's program are currently authorized to produce 300,000 Battle Dress Uniform (BDU) trousers and 100,000 BDU coats. During the Army's transition from BDU to the ACU, at the request of the Defense Supply Center-Philadelphia (DSCP), it is proposed that qualified nonprofit agencies produce an additional 200,000 BDU trousers, 900,000 ACU coats, 900,000 ACU trousers, and 50,000 BDU coats annually, for a period of three years. Once the transition period is complete, the additional quantities will be deleted from the Procurement List and the qualified nonprofit agencies will reduce their production, back to 300,000 ACU trousers and 100,000 ACU coats.''

On June 16, 2005, DSCP took action to issue immediate Stop Work Orders to all manufacturers of BDU uniforms of all types, including the nonprofit agencies currently producing BDUs under the Committee's program. The transition to the ACUs will be accelerated, without the planned three year period of transition from BDUs to ACUs. Therefore, the Committee decided to convert the announced addition quantities of BDUs into the same quantities of ACUs proposed in the May 13, 2005, notice of proposed addition (70 FR 25534). These additional quantities of ACUs will remain on the Procurement List for a period of three years and then will be deleted.

Under the Committee's replacement commodity regulation (41 CFR 51–6.13(a)), the additional quantities of BDUs proposed by the May 13, 2005, notice (70 FR 25534) are automatically considered to be on the Procurement List as ACU replacements for the BDUs, by virtue of this notice of addition. The BDUs will also remain on the Procurement List until there is no longer a Government requirement for BDUs.

The following material pertains to all of the items being added to the Procurement List.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and

services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

Product/NSN: New Army Combat Uniform, Trousers, (Additional 200,000 pair per year for up to three years)
P≤8415–01–519–8277, 8415–01–519–8404, 8415–01–519–8410, 8415–01–519–8414, 8415–01–519–8416, 8415–01–519–8418, 8415–01–519–8419, 8415–01–519–8422, 8415–01–519–8423, 8415–01–519–8426, 8415–01–519–8427, 8415–01–519–8429, 8415–01–519–8430, 8415–01–519–8431, 8415–01–519–8432, 8415–01–519–8434, 8415–01–519–8435, 8415–01–519–8436, 8415–01–519–8444, 8415–01–519–8445, 8415–01–519–8446, 8415–01–519–8447.
NPA: Goodwill Industries of South Florida Inc., Miami, Florida.
Product/NSN: New Army Combat Uniform (ACU), Coats, (Additional 50,000 coats for one year only)
8415–01–519–8487, 8415–01–519–8491, 8415–01–519–8497, 8415–01–519–8499, 8415–01–519–8500, 8415–01–519–8501, 8415–01–519–8502, 8415–01–519–8504, 8415–01–519–8505, 8415–01–519–8506, 8415–01–519–8507, 8415–01–519–8509, 8415–01–519–8510, 8415–01–519–8512, 8415–01–519–8513, 8415–01–519–8514, 8415–01–519–8532, 8415–01–519–8599, 8415–01–519–8607, 8415–01–519–8608, 8415–01–519–8609, 8415–01–519–8610, 8415–01–519–8611, 8415–01–519–8612, 8415–01–519–8613.
NPA: Southside Training Employment Placement Services Inc., Victoria, Virginia.
Product/NSN: New Army Combat Uniform (ACU), Coat and Trousers, (600,000 sets per year for up to three years)
8415–01–519–8277, 8415–01–519–8279, 8415–01–519–8404, 8415–01–519–8408, 8415–01–519–8410, 8415–01–519–8414, 8415–01–519–8416, 8415–01–519–8418, 8415–01–519–8419, 8415–01–519–8422, 8415–01–519–8423, 8415–01–519–8426, 8415–01–519–8427, 8415–01–519–8429, 8415–01–519–8430, 8415–01–519–8431, 8415–01–519–8432, 8415–01–519–8434, 8415–01–519–8435, 8415–01–519–8436, 8415–01–519–8444, 8415–01–519–8445, 8415–01–519–8446, 8415–01–519–8447, 8415–01–519–8487, 8415–01–519–8491, 8415–01–519–8497, 8415–01–519–8499, 8415–01–519–8500, 8415–01–519–8501, 8415–01–519–8502, 8415–01–519–8504, 8415–01–519–8505, 8415–01–519–8506, 8415–01–519–8507, 8415–01–519–8509, 8415–01–519–8510, 8415–01–519–8512, 8415–01–519–8513, 8415–01–519–8514, 8415–01–519–8532, 8415–01–519–8599, 8415–01–519–8607, 8415–01–519–8608, 8415–01–519–8609, 8415–01–519–8610, 8415–01–519–8611, 8415–01–519–8612, 8415–01–519–8613, 8415–01–522–9557, 8415–01–527–5047, 8415–01–527–5048, 8415–01–527–5049, 8415–01–527–5051, 8415–01–527–5053, 8415–01–527–5215, 8415–01–527–5218, 8415–01–527–5219, 8415–01–527–5220, 8415–01–527–5222, 8415–01–527–5223, 8415–01–527–5224, 8415–01–527–5247, 8415–01–527–5266, 8415–01–527–5269, 8415–01–527–5273, 8415–01–527–5274, 8415–01–527–5275, 8415–01–527–5277, 8415–01–527–5290, 8415–01–527–5291, 8415–01–527–5292, 8415–01–527–5293, 8415–01–527–5296.
NPA: National Center for Employment of the Disabled, El Paso, Texas.
Product/NSN: New Army Combat Uniform, Trousers, (Up to 300,000 pair per year for up to three years)
8415–01–519–8277, 8415–01–519–8404, 8415–01–519–8410, 8415–01–519–8414, 8415–01–519–8416, 8415–01–519–8418, 8415–01–519–8419, 8415–01–519–8422, 8415–01–519–8423, 8415–01–519–8426, 8415–01–519–8427, 8415–01–519–8429, 8415–01–519–8430, 8415–01–519–8431, 8415–01–519–8432, 8415–01–519–8434, 8415–01–519–8435, 8415–01–519–8436, 8415–01–519–8444, 8415–01–519–8445, 8415–01–519–8446, 8415–01–519–8447.
NPA: El Paso Lighthouse for the Blind, El Paso, Texas; New York City Industries for the Blind Inc., Brooklyn, New York; Raleigh Lions Clinic for the Blind Inc., Raleigh, North Carolina; San Antonio Lighthouse, San Antonio, Texas.
Product/NSN: New Army Combat Uniform (ACU), Coats, (Up to 300,000 coats per year for up to three years)
8415–01–519–8487, 8415–01–519–8491, 8415–01–519–8497, 8415–01–519–8499, 8415–01–519–8500, 8415–01–519–8501, 8415–01–519–8502, 8415–01–519–8504, 8415–01–519–8505, 8415–01–519–8506, 8415–01–519–8507, 8415–01–519–8509, 8415–01–519–8510, 8415–01–519–8512, 8415–01–519–8513, 8415–01–519–8514, 8415–01–519–8532, 8415–01–519–8599, 8415–01–519–8607, 8415–01–519–8608, 8415–01–519–8609, 8415–01–519–8610, 8415–01–519–8611, 8415–01–519–8612, 8415–01–519–8613.
NPA: Bestwork Industries for the Blind Inc., Runnemede, New Jersey; Raleigh Lions Clinic for the Blind Inc., Raleigh, North Carolina; Susquehanna Association for the Blind and Visually Impaired, Lancaster, Pennsylvania; Winston-Salem Industries for the Blind, Winston-Salem, North Carolina.
Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania.

Services

Service Type/Location: Custodial Services (At the following locations), Deseret Chemical Depot, Tooele Army Depot, Tooele, Utah.
NPA: Pioneer Adult Rehabilitation Center Davis County School District, Clearfield, Utah.
Contracting Activity: U.S. Army Field Support Command, Rock Island, Illinois.
Service Type/Location: Custodial Services, U.S. Federal Building, 400 North Miami Avenue, Miami, Florida.
NPA: Goodwill Industries of South Florida, Inc., Miami, Florida.
Contracting Activity: GSA, Property Management Center (4PMB), Atlanta, Georgia.
Service Type/Location: Custodial Services, VA Consolidated Mail Outpatient Pharmacy (VA, CMOP), 2962 South Longhorn Drive, Lancaster, Texas.
NPA: On Our Own Services, Inc., Houston, Texas.
Contracting Activity: VA—Medical Center—Dallas, Dallas, Texas.
Service Type/Location: Custodial Services, William R. Burke Courthouse, Third Street and Lufkin Avenue, Lufkin, Texas.
NPA: Burke Center, Inc., Lufkin, Texas.
Contracting Activity: GSA, PBS, Central Area—7PCD, Dallas, Texas.
Service Type/Location: Document Destruction, Internal Revenue Service (Chicago Appeals Office), 200 W Adams Street, Chicago, Illinois.
NPA: Opportunity, Inc., Highland Park, Illinois.
Contracting Activity: Internal Revenue Service, Dallas, Texas.
Service Type/Location: Food Service, Illinois National Guard, Lincoln's Challenge Academy, 205 W. Dodge, Building 303, Rantoul, Illinois.
NPA: Challenge Unlimited, Inc., Alton, Illinois.
Contracting Activity: Illinois Army National Guard—Camp Lincoln, Springfield, Illinois.
Service Type/Location: Mail Delivery Services (At the following locations at Fort Hood, Texas), 11 Army Secure Operating Systems, Building 22019, 22019 53rd Street, 712 Army Secure Operating Systems, Building 22020, 22020 53rd Street, 9 Army Secure Operating Systems & 3 WS, Building 90042, 90042 Clarke Road, Dormitory, Building 91220, Headquarters Avenue, Room C104, III Corps Building, 1001 761st Tank Battalion Avenue, Fort Hood, Texas.
NPA: Professional Contract Services, Inc., Austin, Texas.
Contracting Activity: 2nd Contracting Squadron/LGC, Barksdale AFB, Louisiana.

Deletions

On May 20, 2005, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (70 FR 29274) of proposed deletions to the Procurement List. After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

Belt, Automobile, Safety,
NSN: 2540–00–894–1273—Belt, Automobile, Safety,
NSN: 2540–00–894–1275—Belt, Automobile, Safety,
NSN: 2540–00–894–1276—Belt, Automobile, Safety,
NSN: 2540–00–894–1274—Belt, Automobile, Safety.
NPA: Arizona Industries for the Blind, Phoenix, Arizona.
Contracting Activity: Defense Supply Center Columbus, Columbus, Ohio.
Tray, Desk, NSN: 7520–00–232–6828—Tray, Desk.
NPA: Opportunity Workshop of Lexington, Inc., Lexington, Kentucky.
Contracting Activity: Office Supplies & Paper Products Acquisition Center, New York, NY.

G. John Heyer,

General Counsel.

[FR Doc. 05–13968 Filed 7–14–05; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Suspension of Effective Date

In the document appearing on page 35223, FR Doc 05–3139, in the issue of June 17, 2005, in the first column, the Committee published an effective date of July 17, 2005, for deletion of the following products:

Cup, Disposable, NSN: 7350–00–914–5089—Cup, Disposable, NSN: 7350–00–761–7467—Cup, Disposable, NSN: 7350–00–914–5088—Cup, Disposable.

Cup, Disposable (Foam Plastic), NSN: 7350–00–721–9003—Cup, Disposable (Foam Plastic), 6 oz., NSN: 7350–00–145–6126—Cup, Disposable (Foam Plastic), 16 oz., NSN: 7350–00–926–1661—Cup, Disposable (Foam Plastic), 10 oz., NSN: 7350–00–082–5741—Cup, Disposable (Foam Plastic), 8 oz.

Lid, Plastic (Foam Cup), NSN: 7350–01–485–7092—Lid, Plastic (Foam Cup), 6 oz., NSN: 7350–01–485–7094—Lid, Plastic (Foam Cup), 8 oz., NSN: 7350–01–485–7093—Lid, Plastic (Foam Cup), 10 oz., NSN: 7350–01–485–7889—Lid, Plastic (Foam Cup), 16 oz.

This effective date is suspended until further notice.

G. John Heyer,

General Counsel.

[FR Doc. 05–13969 Filed 7–14–05; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, July 22, 2005, 3 p.m.

PLACE: U.S. Commission on Civil Rights, via teleconference. Public Call-In Number: 1–800–597–0731. Access Code Number: 428299153. Federal Relay Service: 1–800–877–8339. 624 9th Street, NW., Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda
II. Approval of Minutes of June 17, 2005, Meeting
III. Announcements
IV. Staff Director's Report
V. Program Planning
VI. Management and Operations
- Fiscal Year 2005 Financial Corrective Measures
- Fiscal Year 2007 Budget

VII. State Advisory Committees Issues
- State Advisory Committee Reports
- State Advisory Committee Rechartering

VIII. Discussion of Future Briefings
IX. Future Agenda Items

CONTACT PERSON FOR FURTHER INFORMATION: Kenneth L. Marcus, Press and Communications, (202) 376–7700.

Seth Jaffe,

Acting Deputy General Counsel.

[FR Doc. 05–14014 Filed 7–12–05; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposal To Collect Information on Transactions of U.S. Affiliates With Their Foreign Parents

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before 5 p.m., September 13, 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: Obie G. Whichard, Chief, International Investment Division, (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9890 (or via the Internet at *obie.whichard@bea.gov).*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Transactions of U.S. Affiliate, Except a U.S. Banking Affiliate, with Foreign Parent (Form BE–605) and Transactions of U.S. Banking Affiliate with Foreign Parent (Form BE–605 Bank) obtain quarterly sample data on transactions and positions between foreign-owned U.S. business enterprises and their ''affiliated foreign groups'' (*i.e.*, their foreign parents and foreign affiliates of their foreign parents). The data collected are used in the preparation of the U.S. international transactions accounts, national income and product accounts, and input-output accounts. The data are needed to measure the amount of foreign direct investment in the United States, monitor changes in such investment, assess its impact on the U.S. and foreign economies and, based upon this assessment, make informed policy decisions regarding foreign direct investment in the United States.

BEA proposes the following changes to the survey: (1) To maintain consistency of the U.S. international transactions accounts with current international statistical standards, collect information on payments to and receipts from the foreign parent and foreign affiliates of the foreign parent gross of any taxes withheld. Previously, the information was collected net of taxes withheld. (2) To avoid potential duplication, modify the instructions for the survey to instruct respondents to exclude positions and transactions in financial derivatives contracts that are to be reported on or derived from information reported to the Federal Reserve Bank of New York on the new Treasury International Capital Form D, Report of Holdings of, and Transactions in, Financial Derivatives Contracts with

Foreign Residents. These changes will not have a material effect on overall respondent burden.

II. Method of Collection

Forms BE–605 and BE–605 Bank are quarterly reports that must be filed within 30 days after the end of each quarter (45 days after the final quarter of the respondent's fiscal year) by every U.S. business enterprise that is owned 10 percent or more by a foreign investor and that has total assets, sales or gross operating revenues, or net income (positive or negative) of over $30 million. Potential respondents are those U.S. business enterprises that were required to report in the BE–12, Benchmark Survey of Foreign Direct Investment in the United States—2002, along with those U.S. business enterprises that subsequently entered the direct investment universe. The data collected are sample data covering transactions and positions between foreign-owned U.S. business enterprises and their affiliated foreign groups. Universe estimates are developed from the reported sample data.

III. Data

OMB Number: 0608–0009.

Form Number: BE–605/BE–605 Bank.

Type of Review: Regular submission.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 3,950 per quarter; 15,800 annually.

Estimated Time Per Response: 1¼ hours.

Estimated Total Annual Burden Hours: 19,750.

Estimated Total Annual Cost: $790,000 (based on an estimated reporting burden of 19,750 hours and an estimated hourly cost of $40).

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 has practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: July 11, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–13907 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

BISNIS Publication Subscription Form

Title: BISNIS Publication Subscription Form.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(C) (2) (A)).

DATES: Written comments must be submitted on or before September 13, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th & Constitution Avenue, NW., Washington, DC 20230. Phone number: (202) 482–0266. E-mail: *dHynek@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Philip de Leon, International Trade Administration, U.S. Foreign Commercial Service, Business Information Service for the Newly Independent States (BISNIS), 14th & Constitution Avenue, NW., Washington, DC 20230; Phone number: (202) 482–2109, and fax number: (202) 482–3574.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration's (ITA) Business Information Service for the Newly Independent States (BISNIS) program offers business information and counseling to U.S. companies seeking to export or to invest in the countries of the former Soviet Union. A critical component of the program is the dissemination of information regarding market conditions and opportunities in various industries and countries of the former Soviet Union. These information products provided by BISNIS are in the form of e-mails, faxes, and paper mailers. The Publication Subscription form is a quick way for interested parties to tell BISNIS which products they want and their industry and country interests.

II. Method of Collection

Internet, fax, mail, or telephone.

III. Data

OMB Number: 0625–0236.

Form Number: N/A.

Type of Review: Regular submission.

Affected Public: Business or other for-profit firms.

Estimated Number of Respondents: 2,000.

Estimated Time Per Response: 5 minutes.

Estimated Total Annual Burden Hours: 170 hours.

Estimated Total Annual Costs: The estimated annual cost for this collection is $5,100.00 ($4,080.00 for respondents and $1,020.00 for Federal government).

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 costs) 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 forms of information technology.

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

Dated: July 11, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E5–3755 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–806]

Notice of Final Results of Antidumping Duty Changed–Circumstances Review: Certain Hot–Rolled Carbon Steel Flat Products from Romania

Import Administration, International Trade Administration, Department of Commerce.

SUMMARY:

On May 13, 2005, the Department of Commerce (the Department) published a notice of initiation and the preliminary results of its changed–circumstances review of the antidumping duty order on certain hot–rolled carbon steel flat products from Romania in which it preliminarily determined that Mittal Steel Galati S.A. (Mittal Steel) is the successor–in-interest to S.C. Ispat Sidex S.A. (Sidex). See *Certain Hot–Rolled Carbon Steel Flat Products from Romania: Initiation and Preliminary Results of Changed–Circumstances Review*, 70 FR 25547 (May 13, 2005). We gave interested parties the opportunity to comment. We received no comments. Therefore, for these final results, the Department is adopting its preliminary determination that Mittal Steel is the successor–in-interest to Sidex.

EFFECTIVE DATE: July 15, 2005.

FOR FURTHER INFORMATION CONTACT:

Dunyako Ahmadu at (202) 482–0198 or Dave Dirstine at (202) 482–4033, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 29, 2001, the Department published in the **Federal Register** an antidumping duty order on certain hot–rolled carbon steel flat products from Romania. See *Notice of Amended Final Antidumping Duty Determination and Antidumping Duty Order: Certain Hot–Rolled Carbon Steel Flat Products from Romania*, 66 FR 59566 (November 29, 2001). Since publication, there have been two administrative reviews of this order. Sidex was a participant in both administrative reviews. In a letter dated March 24, 2005, Sidex informed the Department that on February 7, 2005, it changed its corporate name to Mittal Steel Galati, S.A. (Mittal Steel), following the approval of the name change by Sidex's general meeting of shareholders on January 10, 2005. Sidex provided record evidence indicating that the name change was unconditionally recorded and approved by the Trade Register Office of the Galati Tribunal and the National Office of the Trade Registry, a bureau of the Romanian Ministry of Justice, on February 7, 2005. As such, Sidex requested that the Department initiate a changed–circumstances review to confirm that Mittal Steel is the successor–in-interest to Sidex for purposes of determining antidumping–duty liabilities. Sidex also requested that the Department conduct a changed–circumstances review on an expedited basis, pursuant to 19 CFR 351.221(c)(3)(ii).

Because the record evidence supporting Sidex's claim was sufficient, the Department found that an expedited review was practicable and, on May 13, 2005, issued a combined notice of initiation with the preliminary results. See *Certain Hot–Rolled Carbon Steel Flat Products from Romania: Initiation and Preliminary Results of Changed–Circumstances Review*, 70 FR 25547 (May 13, 2005) (*Preliminary Results*).

In its *Preliminary Results*, the Department provided the interested parties with an opportunity to comment or request a public hearing regarding the Department's finding that Mittal Steel is the successor–in-interest to Sidex. We did not receive any comments or any requests for a public hearing.

Scope of the Order

For purposes of the order, the products covered include hot–rolled carbon steel flat products. For a complete description of the scope of the order, see *Certain Hot–Rolled Carbon Steel Flat Products from Romania: Preliminary Results of Antidumping Duty Administrative Review*, 69 FR 70644 (December 7, 2004).

Final Results of Changed–Circumstances Review

For the reasons stated in the *Preliminary Results* and because we received no comments to the contrary, we continue to find that Mittal Steel is the successor–in-interest to Sidex. We will instruct U.S. Customs and Border Protection (CBP) to apply the cash–deposit rate in effect for Sidex to all entries of the subject merchandise from Mittal Steel that were entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this changed–circumstances review. See *Granular Polytetrafluoroethylene Resin from Italy: Final Results of Antidumping Duty Changed Circumstances Review*, 68 FR 25327 (May 12, 2003).

This determination and this notice are in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216.

Dated: July 11, 2005.

Susan H. Kuhbach,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–3779 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–813]

Certain Preserved Mushrooms from India: Notice of Partial Rescission of Antidumping Duty Administrative Review

Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 15, 2005.

FOR FURTHER INFORMATION CONTACT:

David J. Goldberger or Kate Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4136 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2005, the Department published in the **Federal Register** (70 FR 5136) a notice of ''Opportunity To Request Administrative Review'' of the antidumping duty order on certain preserved mushrooms from India for the period February 1, 2004, through January 31, 2005. On February 25, 2005, Agro Dutch Industries, Ltd. (Agro Dutch) requested an administrative review of its sales. On February 27, 2005, the petitioner[1] requested an administrative review of the antidumping duty order for the following companies: Agro Dutch, Alpine Biotech Ltd. (Alpine Biotech), Dinesh Agro Products, Ltd. (Dinesh Agro), Flex Foods, Ltd. (Flex Foods), Himalya International, Ltd. (Himalya), Hindustan Lever Limited (Hindustan), KICM (Madras) Ltd. (KICM), Mandeep Mushrooms Ltd. (Mandeep), Premier Mushroom Farms (Premier), Saptarishi

[1] The petitioner is the Coalition for Fair Preserved Mushroom Trade which includes: L.K. Bowman, Inc., Monterey Mushrooms, Inc., Mushroom Canning Company, and Sunny Dell Foods, Inc.

Agro Industries Ltd. (Saptarishi Agro), Transchem Ltd. (Transchem), Techtran Agro Industries Limited (Techtran) and Weikfield Agro Products Ltd. (Weikfield). On March 23, 2005, the Department published a notice of initiation of an administrative review of the antidumping duty order on certain preserved mushrooms from India with respect to these companies. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 70 FR 14643.

On May 6, 2005, the petitioner timely withdrew its request for review with respect to KICM. On June 17, 2005, the petitioner requested that the Department extend the deadline established under 19 CFR 351.213(d)(1) to withdraw its request for review of other companies until July 5, 2005. On June 21, 2005, we granted this request. On June 29, 2005, the petitioner withdrew its request for review with respect to Alpine Biotech, Dinesh Agro, Flex Foods, Himalya, Hindustan, Mandeep, Premier, Saptarishi Agro, Transchem, Techtran and Weikfield.

Partial Rescission of Review

Section 351.213(d)(1) of the Department's regulations stipulates that the Secretary will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review, unless the Secretary decides that it is reasonable to extend this time limit. In this case, the petitioner withdrew its request for review of Alpine Biotech, Dinesh Agro, Flex Foods, Himalya, Hindustan, KICM, Mandeep, Premier, Saptarishi Agro, Transchem, Techtran and Weikfield within the extended time limit. Therefore, because the petitioner was the only party to request the administrative review of these companies, we are rescinding, in part, this review of the antidumping duty order on certain preserved mushrooms from India as to Alpine Biotech, Dinesh Agro, Flex Foods, Himalya, Hindustan, KICM, Mandeep, Premier, Saptarishi Agro[2], Transchem, Techtran and Weikfield. This review will continue with respect to Agro Dutch.

[2] On March 25, 2005, Agro Dutch stated that it had purchased the mushroom operations of Saptarishi Agro prior to the current review period. Therefore, any sales made by Saptarishi Agro during the current review period will be examined in the context of the administrative review of Agro Dutch.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties for these rescinded companies shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: July 11, 2005.

Susan H. Kuhbach,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–3778 Filed 7–14–05; 8:45 am]

BILLING CODE: 3510–DS–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advanced Technology Program (ATP) Advisory Committee

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of renewal.

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the General Services Administration (GSA) rule on Federal Advisory Committee Management, 41 CFR Part 101–6, and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the Advanced Technology Program Advisory Committee is in the public interest in connection with the performance of the duties imposed on the Department by law.

The Committee was first established in July 1999 to advise ATP regarding their programs, plans, and policies. In renewing the Committee, the Secretary has established it for an additional six months. During the next six months, the Committee plans to provide advice on ATP programs, plans and policies, review ATP's efforts to assess the economic impact of the program, and report on the general health of the program and its effectiveness in achieving its legislatively mandated mission.

The Committee will consist of 6 to 12 members to be appointed by the Director of the National Institute of Standards and Technology to assure a balanced membership that will reflect the wide diversity of technical disciplines and industrial sectors represented in ATP projects.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Copies of the Committee's revised charter will be filed with the appropriate committees of the Congress and with the Library of Congress.

Inquiries or comments may be directed to Janet Brumby, Advanced Technology Program, National Institute of Standards and Technology, 100 Bureau Drive, Stop 4710, Gaithersburg, Maryland 20899–4710; telephone: 301–975–3189.

Dated: July 7, 2005.

Hratch G. Semerjian,

Acting Director, NIST.

[FR Doc. 05–13993 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 060601149–5149–01]

Announcing Draft Federal Information Processing Standard (FIPS) Publication 200, Minimum Security Requirements for Federal Information and Information Systems

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) announces the release of draft Federal Information Processing Standards (FIPS) Publication 200, Minimum Security Requirements for Federal Information and Information Systems for public comment. Draft FIPS Publication 200 is one of a series of security standards and guidelines that NIST is developing to help federal agencies implement their responsibilities under the Federal Information Security Management Act (FISMA). The FISMA requires that all federal agencies develop, document and implement agency-wide information security programs to protect federal information and information systems. Draft FIPS Publication 200, which will be used with other publications already issued by NIST, specifies minimum security requirements for federal information and information systems and a risk-based process for selecting

the security controls necessary to satisfy the minimum requirements.

Prior to the submission of this proposed standard to the Secretary of Commerce for review and approval, it is essential that consideration be given to the needs and views of the general public, the information technology industry, and federal, state, and local government organizations. The purpose of this notice is to solicit such views.

DATES: Comments must be received on or before 5 p.m., September 13, 2005.

ADDRESSES: Written comments may be sent to: Chief, Computer Security Division, Information Technology Laboratory, Attention: Comments on Draft FIPS Publication 200, 100 Bureau Drive (Stop 8930), National Institute of Standards and Technology, Gaithersburg, MD 20899–8930. Comments may also be sent via electronic mail to: *draftfips200@nist.gov*.

A copy of draft FIPS Publication 200 is available from the NIST Web site at: *http://csrc.nist.gov/publications/fips/index.html*.

Comments received in response to this notice will be published at *http://csrc.nist.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Ron Ross, Computer Security Division, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930, telephone (301) 975–5390, e-mail: *ron.ross@nist.gov*.

SUPPLEMENTARY INFORMATION: The Federal Information Security Management Act (FISMA) requires all federal agencies to develop, document, and implement agency-wide information security programs and to provide information security for the information and information systems that support the operations and assets of the agency, including those systems provided or managed by another agency, contractor, or other source.

To support agencies in conducting their information security programs, the FISMA called for NIST to develop federal standards for the security categorization of federal information and information systems according to risk levels, and for minimum security requirements for information and information systems in each security category. FIPS Publication 199, Standards for Security Categorization of Federal Information and Information Systems, issued in February 2004, is the first standard that was specified by the FISMA. FIPS Publication 199 requires agencies to categorize their information and information systems as low-impact, moderate-impact, or high-impact for the security objectives of confidentiality, integrity, and availability.

Draft FIPS Publication 200, the second standard that was specified by the FISMA, is an integral part of the risk management framework that NIST has developed to assist federal agencies in providing appropriate levels of information security. FIPS Publication 200 specifies minimum security requirements for federal information and information systems and a risk-based process for selecting the security controls necessary to satisfy the minimum requirements. In applying the provisions of FIPS Publication 200, agencies will categorize their information systems as required by FIPS Publication 199, and subsequently select an appropriate set of security controls from NIST Special Publication 800–53, Recommended Security Controls for Federal Information Systems, to satisfy the minimum security requirements. Issued in February 2005, NIST Special Publication 800–53 defines minimum security controls needed to provide cost-effective protection for low-impact, moderate-impact, and high-impact information systems and the information processed, stored, and transmitted by those systems.

The proposed standard will be applicable to: (i) all information within the federal government other than that information that has been determined pursuant to Executive Order 12958, as amended by Executive Order 13292, or any predecessor order, or by the Atomic Energy Act of 1954, as amended, to require protection against unauthorized disclosure and is marked to indicate its classified status; and (ii) all federal information systems other than those information systems designated as national security systems as defined in 44 United States Code Section 3542(b)(2). The standard has been broadly developed from a technical perspective to complement similar standards for national security systems. In addition to the agencies of the federal government, state, local, and tribal governments, and private sector organizations that compose the critical infrastructure of the United States are encouraged to consider the use of this standard, as appropriate.

Proposed FIPS Publication 200 specifies minimum security requirements for federal information and information systems in seventeen security-related areas that represent a broad-based, balanced information security program. The seventeen security-related areas encompass the management, operational, and technical aspects of protecting federal information and information systems, and include: access control; audit and accountability; awareness and training; certification, accreditation, and security assessments; configuration management; contingency planning; identification and authentication; incident response; maintenance; media protection; personnel security; physical and environmental protection; planning; risk assessment; systems and services acquisition; system and communications protection; and system and information integrity.

Authority: Federal Information Processing Standards (FIPS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 5131 of the Information Technology Management Reform Act of 1996 and the Federal Information Security Management Act of 2002 (Public Law 107–347).

E.O. 12866: This notice has been determined not to be significant for the purposes of E.O. 12866.

Dated: July 7, 2005.

Hratch G. Semerjian,

Acting Director, NIST.

[FR Doc. 05–13994 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–CN–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 050329087–5087–01]

Proposed Withdrawal of Ten (10) Federal Information Processing Standards (FIPS)

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) proposes to withdraw ten (10) Federal Information Processing Standards (FIPS) from the FIPS series. The standards proposed for withdrawal include FIPS 161–2, FIPS 183, FIPS 184, FIPS 192 and 192–1, which adopt voluntary industry standards for Federal government use. These FIPS are obsolete because they have not been updated to reference current or revised voluntary industry standards. In addition, FIPS 4–2, FIPS 5–2, FIPS 6–4, and FIPS 10–4, adopt specifications or data standards that are developed and maintained by other Federal government agencies or by voluntary industry standards organizations. These FIPS have not been updated to reflect

the changes and modifications that have been made by the organizations that develop and maintain the specifications and data representations. FIPS 113, Computer Data Authentication, specifies an algorithm for generating and verifying a Message Authentication Code (MAC). Since the algorithm is based on the Data Encryption Standard, which has been recommended for withdrawal, NIST plans to recommend the use of newer techniques for data authentication based on more secure algorithms.

Prior to the submission of this proposed withdrawal of FIPS to the Secretary of Commerce for review and approval, NIST invites comments from the public, users, the information technology industry, and Federal, State and local governments government organizations concerning the withdrawal of the FIPS.

DATES: Comments on the proposed withdrawal of the FIPS must be received no later than 5 p.m. on October 13, 2005.

ADDRESSES: Written comments concerning the withdrawal of the FIPS should be sent to: Information Technology Laboratory, ATTN: Proposed Withdrawal of 10 FIPS, Mail Stop 8930, National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899. Electronic comments should be sent to: *fips.comments@nist.gov*.

Information about the FIPS is available on the NIST Web pages: *http://www.itl.nist.gov/fipspubs/index.htm*.

Comments received in response to this notice will be published electronically at *http://csrc.nist.gov/publications/fips/index.html*.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley M. Radack, telephone (301) 975–2833, MS 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899 or via e-mail at *shirley.radack@nist.gov*.

SUPPLEMENTARY INFORMATION: The following Federal Information Processing Standards (FIPS) Publications are proposed for withdrawal from the FIPS series:

FIPS 4–2, Representation of Calendar Date to Facilitate Interchange of Data Among Information Systems.

FIPS 5–2, Codes for the Identification of the States, the District of Columbia and the Outlying Areas of the United States, and Associated Areas.

FIPS 6–4, Counties and Equivalent Entities of the U.S., Its Possessions, and Associated Areas.

FIPS 10–4, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions.

FIPS 113, Computer Data Authentication.

FIPS 161–2, Electronic Data Interchange (EDI).

FIPS 183, Integration Definition for Function Modeling (IDEF0).

FIPS 184, Integration Definition for Information Modeling (IDEFIX).

FIPS 192, Application Profile for the Government Information Locator Service (GILS).

FIPS 192–1 (a)&(b), Application Profile for the Government Information Locator Service (GILS).

These FIPS are being proposed for withdrawal because they are obsolete, or have not been updated to adopt current voluntary industry standards, federal specifications, or federal data standards. Federal agencies are responsible for using current voluntary industry standards and current federal specifications and data standards in their acquisition and management activities.

The Information Technology Management Reform Act of 1996 (Division E of Pub. L. 104–106) and Executive Order 13011 emphasize agency management of information technology and Government-wide interagency support activities to improve productivity, security, interoperability, and coordination of Government resources. Under the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) Federal agencies and departments are directed to use technical standards that are developed in voluntary consensus standards bodies. Voluntary industry standards are the preferred source of standards to be used by the Federal government. The use of voluntary industry standards eliminates the cost to the government of developing its own standards, and furthers the policy of reliance upon the private sector to supply goods and services to the government. Federal Information Processing Standards (FIPS) are developed only when interoperability of different systems, for the portability of data and software, and for computer security.

FIPS 161–2, FIPS 183, and FIPS 184 are voluntary consensus standards, and current versions of these specifications are available from voluntary standards organizations.

FIPS 192 and 192–1 are being withdrawn because agencies use commercial sources to aid citizens in locating government information.

Per Section 207(d) of the E-Government Act of 2002, OMB will issue policies requiring agencies use standards, which are open to the maximum extent feasible and interoperable across agencies, to enable effective categorization and organization of Government information in a way that is searchable electronically, including by searchable identifiers.

The policy will define categories of Government information which shall be required under the standards so agencies can continue to use aids, including Federal or nonfederal sources, for locating agency information dissemination products to reasonably achieve agency information dissemination objectives.

FIPS 4–2, FIPS 5–2, FIPS 6–4, and FIPS 10–4 are Federal data standards and specifications that have been and will continue to be developed and maintained by Federal government agencies other than NIST. Current versions of these data standards and specifications are available through the developing Federal agencies' web pages. NIST will keep references to these withdrawn FIPS on its FIPS web pages, and will link to current versions of these standards and specifications where appropriate.

Withdrawal means that these FIPS would no longer be part of a subscription service that is provided by the National Technical Information Service. NIST will continue to provide relevant information on standards and guidelines by means of electronic dissemination methods.

Authority: Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce, pursuant to Section 5131 of the Information Technology Management Reform Act of 1996 (Pub. L. 104–106), and the Federal Information Security Management Act of 2002 (Pub. L. 107–347).

Classification: Executive Order 12866: This notice has been determined not to be significant for the purposes of Executive Order 12866.

Dated: July 11, 2005.

Hratch G. Semerjian,

Acting Director, NIST.

[FR Doc. 05–13992 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–CN–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 070605B]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability and request for comment.

SUMMARY: Notice is hereby given that NMFS has prepared an environmental assessment (EA) of the impacts on the human environment of the potential issuance of scientific research and enhancement permit number 1530 relating to Pacific salmon. Permit 1530 would be issued jointly to the Washington Department of Fish and Wildlife, Nez Perce Tribe through the Bureau of Indian Affairs, and the Idaho Department of Fish and Game (Applicants) to operate the adult fish trap at Lower Granite Dam. This document serves to notify the public of the availability of the draft EA for review and comment before a final decision on whether to issue a Finding of No Significant Impact is made by NMFS. The proposed actions are intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. It is also intended to facilitate collection of broodstock to supply an artificial propagation program designed to enhance the propagation and survival of threatened Snake River fall chinook salmon.

DATES: Comments or requests for public hearing on the application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on August 15, 2005.

ADDRESSES: Written comments on the application should be sent to Salmon Recovery Division, NMFS, 10095 W. Emerald, Boise, ID 83704. Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is *LGRtrapNEPA.nwr@noaa.gov*. Include in the subject line of the e-mail comment the following identifier: *Comments on trapping at Lower Granite Dam*. Comments may also be submitted via facsimile (fax) to (208) 378–5614.

FOR FURTHER INFORMATION CONTACT: Herb Pollard, Boise, ID, at phone number: (208)378–5699, e-mail: *herbert.pollard@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species and evolutionarily significant units (ESUs) are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River (SR) fall.

Chinook salmon (*O. Tshawytscha*): SR spring summer.

Steelhead (*O. mykiss*): threatened SR.

Background

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. NMFS expects to take action on ESA section 10(a)(1)(A) submittals expected from the applicants. Therefore the Service is seeking public input on the scope of the required NEPA analysis, including the range of reasonalble alternatives and associated impacts of any alternatives.

The application for permit 1530 was previously made available for public comment. Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. The Applicants are requesting a 5-year permit to take SR fall chinook salmon, SR spring/summer chinook salmon, and SR steelhead during the course of operating an adult fish trap a Lower Granite Dam on the Columbia River.

The proposed action is designed to address two purposes. The trapping activity is intended to capture a random sample of Snake River fall chinook salmon and collect the necessary biological data and observations to statistically generate a ≥run reconstruction≥, or description of composition of the entire fall chinook salmon migration, as it passes Lower Granite Dam, according to age, sex, and origin (hatchery or natural). The second purpose is to collect additional adult fall chinook salmon for broodstock needed to support enhancement actions at Lyons Ferry Hatchery and Nez Perce Tribal Hatchery. Incidental to the primary purposes, the program will help managers simultaneously monitor several ongoing activities in the basin (e.g., natural production of listed species and the operation of the Federal Columbia River hydropower system) as well as stray rates and population health for the two listed species. To achieve its purposes, the project includes four objectives: First, it is meant to capture SR fall chinook salmon so that they may be used for mitigation, compensation, and natural production. Second, it is intended to remove hatchery-origin fall chinook salmon originating from projects other than those in the Snake River Basin so that they do not spawn in the Snake River above Lower Granite Dam. Third, facilitate research efforts including the capture of fish to measure the relative reproductive success of hatchery fish being used for natural supplementation and thereby monitor the success of that program. Fourth, the captured steelhead will be used to monitor the staus of steelhead populations in the Snake River Basin.

Fish species will benefit in several ways. By providing broodstock for Lyons Ferry Hatchery and Nez Perce Tribal Hatchery, the program will continue its efforts in directly increasing the abundance of the listed stocks. Removing salmon that stray from other hatchery programs will reduce adverse ecological and genetic interactions and preserve the listed stock. Information from the captured steelhead is essential to monitor the satus and productivity of the listed populations, to help managers make decisions about how best to operate the hydro power system, and to gauge the effectiveness of a number of recovery efforts.

The fish would be captured at the Lower Granite Dam adult trap. When not directed into the trap, most fish pass the ladder unimpeded. Trapped fish are anesthetized, examined, biological samples are taken, and the fish are either (1) returned to the ladder to continue their upstream migration (all of the steelhead and most of the chinook salmon), (2) selected for broodstock (in the case of a portion of the hatchery-origin and natural-origin chinook salmon), or (3) removed from the population (all hatchery-origin chinook salmon that are identified by tags or marks as strays from other hatcheries). Transport to one of the hatchery facilities fish collected for broodstock occurs daily during peak run periods. Some natural-origin Snake River fall chinook salmon would be collected to integrate into the broodstock. Scale sampling may occur on-site prior to transport to the hatcheries. Once sampled, fish not collected for broodstock are allowed to recover in small tanks and then returned to the fish ladder to continue their upstream migration.

The general effects on the environment considered include the impacts on the physical, biological, and

socioeconomic environments of the Snake River Basin.

Dated: July 12, 2005.

P. Michael Payne,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–13991 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 070605A]

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Donation Program

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

ACTION: Notice; selection of an authorized distributor.

SUMMARY: NMFS announces the renewal of permits to SeaShare (formerly Northwest Food Strategies) authorizing this organization to distribute Pacific salmon (salmon) and Pacific halibut (halibut) to economically disadvantaged individuals under the prohibited species donation (PSD) program. Salmon and halibut are caught incidentally during directed fishing for groundfish with trawl gear off Alaska. This action is necessary to comply with provisions of the PSD program and is intended to promote the goals and objectives of the North Pacific Fishery Management Council.

DATES: Effective August 15, 2005, through August 15, 2008.

ADDRESSES: Copies of the PSD permits for salmon and halibut may be obtained from the Sustainable Fisheries Division, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–21668, Attn: Lori Durall.

FOR FURTHER INFORMATION CONTACT: Melanie N. Brown, phone: 907–586–7228 or e-mail: *melanie.brown@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) is managed by NMFS according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). These FMPs were prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*). Regulations governing the Alaska groundfish fisheries appear at 50 CFR parts 600 and 679. Fishing for halibut in waters in and off Alaska is governed by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea and by regulations adopted by the International Pacific Halibut Commission (IPHC) and approved by the Secretary of State of the United States pursuant to section 4 of the Northern Pacific Halibut Act (16 U.S.C. 773–773k). Regulations of the IPHC are published as annual management measures in the **Federal Register** each year pursuant to regulations at 50 CFR 300.62.

Amendments 26 and 29 to the BSAI and GOA FMPs, respectively, were approved by NMFS on July 10, 1996, and implemented a salmon donation program. These amendments were superseded by Amendments 50 and 50 to the FMPs that were approved by NMFS on May 6, 1998, and authorize the PSD program for salmon and halibut. A final rule implementing Amendments 50 and 50 was published in the **Federal Register** on June 12, 1998 (63 FR 32144). A full description of, and background information on, the PSD program may be found in the preamble to the proposed rules for Amendments 26 and 29, and Amendments 50 and 50 (May 16, 1996, 61 FR 24750 and March 4, 1998, 63 FR 10583, respectively).

Regulations at § 679.26 authorize the voluntary distribution of salmon and halibut taken incidentally in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals by tax-exempt organizations through an authorized distributor. The Administrator, Alaska Region, NMFS (Regional Administrator), may select one or more tax-exempt organizations to be authorized distributors, as defined by § 679.2, based on the information submitted by applicants under § 679.26. After review of qualified applicants, NMFS must announce the selection of authorized distributor(s) in the **Federal Register** and issue the selected distributor(s) PSD permits.

On April 7, 2005, the Regional Administrator received applications from SeaShare to renew its August 16, 2002, PSD permits (67 FR 47352, July 18, 2002). These permits authorize SeaShare to participate in the PSD program through August 16, 2005.

The Regional Administrator reviewed the applications and determined that they are complete and that SeaShare continues to meet the requirements for a PSD program authorized distributor. As required by § 679.26(b)(2), the Regional Administrator based his selection on the following criteria:

1. *The number and qualifications of applicants for PSD permits.* As of the date of this notice, only SeaShare has submitted completed applications that were approved by NMFS to distribute salmon and halibut taken incidentally in the Alaska groundfish trawl fisheries. SeaShare has been coordinating the distribution of salmon taken incidentally in trawl fisheries since 1993, and of halibut taken incidentally since 1998, under exempted fishing permits and the PSD program. SeaShare employs independent seafood quality control experts to ensure product quality is maintained by cold storage facilities and common carriers servicing the areas where salmon and halibut donations will take place.

2. *The number of harvesters and the quantity of fish that applicants can effectively administer.* For salmon, 3 shoreside processors, 17 catcher/processor vessels, and 36 catcher vessels currently participate in the PSD program administered by SeaShare. Three shoreside processors participate in the halibut donation program. SeaShare has the capacity to receive and distribute salmon and halibut from as many as 40 processors and their associated catcher vessels.

In 2002, 2003, and 2004, SeaShare received 102,551 pounds (46.5 mt), 248,333 pounds (112.6 mt), and 463,138 pounds (210.1 mt), respectively, of salmon for distribution to food bank organizations. During these same years, SeaShare received 33,976 pounds (15.4 mt), 18,275 pounds (8.3 mt), and 15,508 pounds (7.0 mt), respectively, of halibut for distribution to food bank organizations. NMFS does not have information to convert accurately the salmon and halibut weights to numbers of salmon and numbers of halibut.

3. *The anticipated level of salmon and halibut incidental catch based on salmon and halibut incidental catch from previous years.* The incidental catch of salmon and incidental catch mortality of halibut in the GOA and BSAI trawl fisheries are shown in the following table:

Area Fishery	2003	2004
BSAI Trawl Chinook Incidental Catch	54,989 fish	62,407 fish

Area Fishery	2003	2004
BSAI Trawl Other Salmon Incidental Catch	197,091 fish	465,650 fish
GOA Trawl Chinook Incidental Catch	15,652 fish	17,798 fish
BSAI Trawl Halibut Mortality	3,278 mt (7,226,679 lb)	3,185 mt (7,021,651 lb)
GOA Trawl Halibut Mortality	2,080 mt (4,585,568 lb)	2,248 mt (4,955,941 lb)

Halibut incidental catch amounts are constrained by an annual prohibited species catch limit in the BSAI and GOA. Future halibut incidental catch levels likely will be similar to those experienced in 2003 and 2004. Salmon prohibited species incidental catch limits are established for the BSAI pollock fisheries that when attained, result in the closure of specified fishing grounds for a specified period of time. Salmon incidental catch limits are not established for the GOA. In general, salmon incidental catch amounts tend to be variable between years, making accurate prediction of future incidental take amounts difficult.

4. *The potential number of vessels and processors participating in the groundfish trawl fisheries.* In 2004, 14 shoreside processors were permitted to process catch from trawl vessels. Also, in 2004, 217 trawl catcher vessels, 58 trawl catcher/processors, and 59 motherships and stationary floating processors were permitted for the Alaska groundfish trawl fisheries.

The PSD permits are issued to SeaShare for a 3-year period unless suspended or revoked. They may not be transferred; however, they may be renewed following the application procedures in § 679.26.

If the authorized distributor modifies any information on the PSD permit application submitted under § 679.26(b)(1)(xi) or (b)(1)(xiii), the authorized distributor must submit a modified list of participants or a modified list of delivery locations to the Regional Administrator.

These permits may be suspended, modified, or revoked under 15 CFR part 904 for noncompliance with terms and conditions specified in the permit or for a violation of this section or other regulations in 50 CFR part 679.

Classification

This action is taken under § 679.26.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

Dated: July 8, 2005.

Alan D. Risenhoover

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

[FR Doc. 05–13895 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071105D]

Gulf of Mexico Fishery Management Council; Public Meetings

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

Cancellation of public meetings and notice of rescheduling.

SUMMARY: The Gulf of Mexico Fishery Management Council has cancelled its meetings scheduled for July 11 – 15, 2005 in Fort Myers Beach, FL, due to Hurricane Dennis. The Council has rescheduled the meetings for August 8–12, 2005.

DATES: The meetings will be held August 8–12, 2005.

ADDRESSES: These meetings will be held at the DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, FL.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Meeting Agenda (Committees and Council)

Committees

Monday, August 8, 2005

8:30 a.m. – 8:45 a.m. – The Scientific and Statistical (SSC) Selection Committee will meet in closed session to appoint SSC members.

8:45 a.m. – 10 a.m. – The Advisory Panel (AP) Selection Committee will meet to develop the structure of the Ad Hoc Red Grouper Individual Fishing Quota (IFQ) AP.

10 a.m. – 10:45 a.m. – The Coral Management Committee will meet to review the recommendations of the Coral SSC on coral reef research and other matters.

10:45 a.m. – 11:30 a.m. – The Joint Budget/Personnel Committee will meet to consider options recommended by staff under the Family Medical Leave Act (FMLA) revision to the SOPPs.

1 p.m. – 5:30 p.m. – The Reef Fish Management Committee will review the new red snapper stock assessment conducted under the SouthEast Data, Assessment and Review (SEDAR) process, which yields a peer-reviewed assessment. They will also review the recommendations of the SSC, SEP and Red Snapper AP on this assessment. The Committee will review Draft Reef Fish Amendment 26 for a red snapper IFQ program and select their preferred alternatives for management measures that will be presented at public hearings in August. The Reef Fish Management Committee will review public hearing summaries, public letters, AP recommendations, SSC recommendations, Federal recommendations and committee recommendations on Reef Fish Amendment 18A/EA, which addresses enforcement and monitoring issues including simultaneous commercial and recreational harvest on a commercial fishing vessel, maximum crew size on a vessel with a Coast Guard Certificate of Inspection when fishing commercially, use of reef fish for bait, and vessel monitoring system requirements for reef fish vessels. Reef Fish Amendment 18A/EA also addresses revisions to the framework procedure for setting total allowable catch, and measures to reduce bycatch mortality of endangered sea turtles and smalltooth sawfish. The Committee will then review public hearing comments on the NMFS interim red grouper rule and select preferred alternatives for a Council regulatory amendment that will replace the interim rule once it expires.

Tuesday, August 9, 2005

8:30 a.m. – 11:30 a.m. – The Reef Fish Management Committee resumes.

1 p.m. – 4 p.m. – The Shrimp Management Committee will hear a presentation on bycatch reduction devices (BRDs), review a preliminary scoping document on Amendment 14 and hear a report on the status of shrimp stocks.

4 p.m. – 5:30 p.m. – The Sustainable Fisheries/Ecosystem Committee will meet to consider the recommendations of the Ecosystem SSC and to develop recommendations to Congress on amendments to the Magnuson-Stevens Fishery Conservation and Management Act.

Wednesday, August 10, 2005

8:30 a.m. – 9:30 a.m. – The joint Sustainable Fisheries/Ecosystem Committee continues.

9:30 a.m. – 10:30 a.m. – The Joint Reef Fish/Mackerel Management Committees will review public hearing summaries, public letters, AP recommendations, SEP comments, SSC recommendations and committee recommendations on Final Generic Amendment for Extension of Charter Vessel Permit Moratorium and make recommendations to the Council.

Council

Wednesday, August 10, 2005

10:45 a.m. – Convene.

11 a.m. – 12 noon – The Council will hear a presentation on the licensing of liquefied natural gas (LNG) facilities.

1:30 p.m. – 6 p.m. – Receive public testimony on the preliminary Red Grouper Regulatory Amendment.

Thursday, August 11, 2005

8:30 a.m. – 8:40 a.m. – Receive the SSC Selection Committee Report (CLOSED SESSION).

8:40 a.m. – 11:30 a.m. – Receive public testimony on (a) the preliminary Red Grouper Regulatory Amendment, (b) Reef Fish Amendment 18A/EA, (c) Charter Vessel Permit Moratorium Extension (CMP17/RF 25) and (d) Exempted fishing permits (if any).

1 p.m. – 1:30 p.m. – Receive a presentation on a Permits Information Management System.

1:30 p.m. – 1:35 p.m. – Receive the SSC Selection Committee Report.

1:35 p.m. – 1:50 p.m. – Receive the AP Selection Committee Report.

1:50 p.m. – 5 p.m. – Receive the Reef Fish Management Committee Report.

Friday, August 12, 2005

8:30 a.m. – 9:30 a.m. – Receive the Shrimp Management Committee report.

9:30 a.m. – 10 a.m. – Receive the Coral Management Committee report.

10 a.m. – 10:15 a.m. – Receive the Joint Budget/Personnel Committee Report.

10:15 a.m. – 10:45 a.m. – Receive the Sustainable Fisheries/Ecosystem Committee Report.

10:45 a.m. – 11:15 a.m. – Receive the joint Reef Fish/Mackerel Management Committees Report.

11:15 a.m. – 11:30 a.m. – Receive the NRC Recreational Data Meeting report.

11:30 a.m. – 11:45 a.m. – Other Business.

Although other non-emergency issues not on the agendas may come before the Council and Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (M-SFCMA), those issues may not be the subject of formal action during these meetings. Actions of the Council and Committees will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the M-SFCMA, provided the public has been notified of the Council's intent to take action to address the emergency. The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. In order to further allow for such adjustments and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Dawn Aring at the Council (see **ADDRESSES**) by July 25, 2005.

Dated: July 12, 2005.

Alan D. Risenhoover,

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

[FR Doc. E5–3777 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071105B]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Highly Migratory Species Management Team (HMSMT) and Highly Migratory Species Advisory Subpanel (HMSAS) will hold work sessions, which are open to the public.

DATES: The HMSMT work sessions will be Wednesday, August 3, 2005, from 1 p.m. until 5 p.m. and Friday, August 5, 2005, from 9 a.m. until business for the day is completed. The HMSMT will hold a joint work session with the HMSAS on Thursday, August 4, 2005, from 8 a.m. until 5 p.m.

ADDRESSES: The work sessions will be held at the United States Tuna Foundation offices, Conference Room, 1 Tuna Lane, San Diego, CA 92101; telephone: (619) 233–6407.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Dr. Kit Dahl, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The main purpose of these work sessions is for the HMSMT and HMSAS to develop a preliminary range of alternatives for the modification of the annual August 15 through November 15 prohibition on drift gillnet fishing in federal and state waters in Monterey Bay, CA, and vicinity north to the 45° N latitude intersect with the Oregon Coast (66 FR 44549). This time/area closure was first implemented in 2001 based on the reasonable and prudent alternatives in a biological opinion issued by NMFS on October 23, 2000, consequent of a formal consultation under section 7 of the Endangered Species Act (ESA). The primary purpose of this time/area closure is to reduce the incidental take of endangered leatherback sea turtles (*Dermochelys coriacea*) and threatened loggerhead sea turtles (*Caretta caretta*).

More recent information suggests that the time/area closure could be modified to improve fishing opportunity without increasing the incidental take of these sea turtles. The range of alternatives for modification of this time/area closure, if adopted by the Council, will be evaluated in an environmental assessment or environmental impact statement, as required by the National Environmental Policy Act. Any preferred alternative chosen by the Council would also be subject to a reinitiation of consultations under section 7 of the ESA. A second topic to be discussed during these work sessions is the modification of regulations which currently prohibit holders of a permit issued under the HMS fishery management plan from targeting swordfish on the high seas with pelagic longline gear or landing more than 10 swordfish on the West Coast. As with the aforementioned drift gillnet fishery time/area closure, these measures are consequent of a biological opinion focusing on the incidental take of the same two species of sea turtles. As part of these work sessions the HMSMT and HMSAS may begin considering alternatives which would allow prosecution of a pelagic longline fishery for swordfish while not increasing the overall incidental take of these ESA-listed sea turtles. These HMSMT and HMSAS work sessions are for the purpose of developing information for

the Council's consideration at a future Council meeting; no management actions will be decided by the HMSMT or HMSAS at these work sessions.

Although non-emergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: July 12, 2005

Alan D. Risenhoover,

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

[FR Doc. E5–3776 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052505C]

Marine Mammals; File No. 909–1726–00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dan Engelhaupt, P.O. Box 197, Picton, New Zealand has been issued a permit to conduct scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9200; fax (978)281–9371;

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727)570–5301; fax (727)570–5320.≤

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Ruth Johnson, (301)713–2289.

SUPPLEMENTARY INFORMATION: On January 21, 2004, notice was published in the **Federal Register** (69 FR 2902) that a request for a scientific research permit to take marine mammals had been submitted by the above-named individual. The requested permit has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 909–1726–00 authorizes the Holder to biopsy sample and collect naturally sloughed skin from sperm whales (*Physeter macrocephalus*) and a variety of other non-listed cetacean species in the Gulf of Mexico, North Atlantic Ocean, Caribbean Sea, and Mediterranean Sea. The goal is the continuation of a previous four-year study that analyzes population genetic structure between the Gulf of Mexico, Caribbean Sea, North Atlantic Ocean, and Mediterranean Sea and provides a comparison of these putative geographic populations with those of other geographic areas. Samples would be obtained via biopsy dart, opportunistically collected sloughed skin, as well using extant samples of stored material obtained from NMFS Southeast and Northeast regional stranding networks. Samples will be imported/exported to research facilities in the United Kingdom, New Zealand, Canada, and the United States for genetic sample processing.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 11, 2005.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–13990 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

ACTION: Notice of intent to evaluate and notice of availability of final findings.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Tijuana River National Estuarine Research Reserve.

The National Estuarine Research Reserve evaluation will be conducted pursuant to sections 312 and 315 of the Coastal Zone Management Act of 1972, as amended, (CZMA) and regulations at 15 CFR part 921, subpart E and part 923, subpart L. The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of a National Estuarine Research Reserve requires findings concerning the extent to which a state has met the national objectives, adhered to its Reserve final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluation will include a site visit, consideration of public comments, and consultations with interested Federal, state and local agencies and members of the public. A public meeting will be held as part of the site visit.

Notice is hereby given of the date of the site visit for the listed evaluation, and the date, local time, and location of the public meeting during the site visit. The Tijuana River National Estuarine Research Reserve evaluation site visit will be held September 13–16, 2005. One public meeting will be held during the week. The public meeting will be held on Wednesday, September 14, 2005, at 7 p.m. at the Community Room, 825 Imperial Beach Boulevard, Imperial Beach, California.

Copies of a state's most recent performance reports, as well as OCRM's evaluation notification and supplemental request letters to the state, are available upon request from OCRM. Written comments from interested parties regarding this Program are encouraged and will be accepted until 15 days after the public meeting. Please direct written comments to Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910. When the evaluation is completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Notice is hereby given of the availability of the final evaluation findings for the Minnesota, Texas, and Alabama Coastal Management Programs (CMPs); and the Weeks Bay (Alabama), Narragansett Bay (Rhode Island), and Grand Bay (Mississippi) National Estuarine Research Reserves (NERRs). Sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, require a continuing review of the performance of coastal states with respect to approval of CMPs and the operation and management of NERRs.

The states of Minnesota, Texas, and Alabama were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA Section 303(2)(A)–(K), and adhering to the programmatic terms of their financial assistance awards. Weeks Bay (Alabama), Narragansett Bay (Rhode Island), and Grand Bay (Mississippi) NERRs were found to be adhering to programmatic requirements of the NERR System.

Copies of these final evaluation findings may be obtained upon written request from: Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, or *Ralph.Cantral@noaa.gov*, (301) 713–3155, extension 118.

FOR FURTHER INFORMATION CONTACT: Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 713–3155, extension 118.

Dated: July 8, 2005.

(Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration)

Eldon Hout,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 05–13896 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0054]

Federal Acquisition Regulation; Submission for OMB Review; U.S.-Flag Air Carriers Certification

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning U.S.-Flag Air Carriers Certification. A request for public comments was published in the **Federal Register** at 70 FR 24772, May 11, 2005. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 15, 2005.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Jeritta Parnell, Contract Policy Division, GSA (202) 501–4082.

SUPPLEMENTARY INFORMATION:

A. Purpose

Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517) (Fly America Act) requires that all Federal agencies and Government contractors and subcontractors use U.S.-flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if an U.S.-flag carrier is available to provide such services. In the event that the contractor selects a carrier other than an U.S.-flag air carrier for international air transportation, the contractor shall include a certification on vouchers involving such transportation. The contracting officer uses the information furnished in the certification to determine whether adequate justification exists for the contractor's use of other than an U.S.-flag air carrier.

B. Annual Reporting Burden

Respondents: 150.

Responses Per Respondent: 2.

Annual Responses: 300.

Hours Per Response: .25.

Total Burden Hours: 75.

OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0054, U.S. -Flag Air Carriers Certification, in all correspondence.

Dated: July 11, 2005.

Julia B. Wise,

Director, Contract Policy Division.

[FR Doc. 05–13950 Filed 7–14–05; 8:45 am]

BILLING CODE 6820–EP–S

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Privacy Act; Systems of Records

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of systems of records.

SUMMARY: Each Federal agency is required by the Privacy Act of 1974, 5 U.S.C. 552a, to publish a description of the systems of records containing personal information defined by the Act. In this notice the Board updates the descriptions of seven systems it currently maintains, and announces the creation of an eighth system.

FOR FURTHER INFORMATION CONTACT: Richard A. Azzaro, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION: The Board has previously maintained seven systems of records under the Privacy Act. It has created a new system DNFSB–8, Travel, Procurement and Administrative Files, but the creation of this system does not involve collection of additional information or changes in use or storage of records. Instead, it is only a minor records management reorganization for streamlining purposes. The records now to be found in DNFSB–8 were originally contained in DNFSB–2, which is now limited to Time and Attendance Records.

DNFSB–1

SYSTEM NAME: PERSONNEL SECURITY FILES.

SECURITY CLASSIFICATION:

Unclassified materials.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with DNFSB and DNFSB contractors; consultants; other individuals requiring access to classified materials and facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security folders and requests for security clearances, Forms SF 86, 86A, 87, 312, and DOE Forms 5631.18, 5631.29, 5631.20, and 5631.21. In addition, records containing the following information:

(1) Security clearance request information;

(2) Records of security education and foreign travel lectures;

(3) Records of any security infractions;

(4) Names of individuals visiting DNFSB;

(5) Personal identity verification documents (including photographs and proof of identity documentation) maintained for Federal identification badge and access purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

DNFSB—to determine which individuals should have access to classified material; to be able to transfer clearances to other facilities for visitor control purposes; and to verify the identity of its employees and contractors. DOE—to determine eligibility for security clearances.

Other Federal and State agencies—to determine eligibility for security clearances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name, social security number, and numeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Paper records are stored in locked file cabinets, computer records are maintained on a desktop PC with password protection. The office of the system manager is locked when not in use.

RETENTION AND DISPOSAL:

Records retention and disposal requirements are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

Security Management Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–1 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, Questionnaire for Sensitive Positions (SF–86), agency files, official visitor logs, contractors, and DOE Personnel Security Branch.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–2

SYSTEM NAME:

Time and Attendance Records.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Ave., NW., Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the DNFSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing the following information: Time and attendance records including names, addresses, social security numbers, service computation dates, leave usage data and corresponding balances, and authorizations for overtime and/or comptime.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Bureau of the Public Debt—To maintain payroll, time and attendance, for Board employees.

Treasury Department—To collect withheld taxes and issue savings bonds.

Internal Revenue Service—To process Federal income tax.

State and Local Governments—To process state and local income tax.

Savings Institutions—To credit accounts for savings made through payroll deductions.

Health Insurance Carriers—To process insurance claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name, social security number, and alphanumeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Paper records are stored in locked file cabinets, computer records are maintained on a desktop PC with password protection.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–2 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORDS ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, timekeepers, supervisors, BPD for payroll records, and IRS and State officials for withholding and tax information.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–3

SYSTEM NAME:

Drug Testing Program Records.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Human Resources, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Washington, DC 20004–2901. Duplicate systems may exist, in whole or in part, at contractor testing laboratories and collection/evaluation facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DNFSB employees and applicants for employment with the DNFSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing the following information:

(1) Requests for and results of initial drug tests, random tests, confirmatory, and follow-up testing, if appropriate;

(2) Information supplied by employees or applicants challenging positive test results;

(3) Information supplied by individuals concerning alleged drug use by Board employees or contractors;

(4) Written statements or medical evaluations of attending physicians and/or information regarding prescription or nonprescription drugs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12564, ''Drug-Free Federal Workplace,'' September 17, 1986, 51 FR 32889, codified at 5 U.S.C. 7301, note (1987).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information in these records may be used by the DNFSB management:

(1) To identify substance abusers within the agency;

(2) To initiate counseling and rehabilitation programs;

(3) To take personnel actions;

(4) To take personnel security actions; and

(5) For statistical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Test records are maintained on paper in file folders. Records used for initiating a random drug test are maintained on the Random Employee Selection Automation System. This is a stand-alone system resident on a desktop computer and is password-protected.

RETRIEVABILITY:

Records maintained in file folders are indexed and accessed by name and social security number. Records maintained for random drug testing are accessed by using a computer database which contains employees' names, social security numbers, and job titles. Employees are then selected from the available pool by the computer, and a list of employees and alternates selected for drug testing is given to the Drug Program Coordinator.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Records in the Division of Human Resources are stored in a locked file cabinet. Records in laboratory/collection/evaluation facilities are stored under appropriate security measures so that access is limited and controlled.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

Director of Human Resources, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–3 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number.

RECORD ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver license or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

DNFSB employees and employment applicants who have been identified for drug testing, who have been tested, or who have admitted abusing drugs prior to being tested; physicians making statements regarding medical evaluations and/or authorized prescriptions for drugs; individuals providing information concerning alleged drug abuse by Board employees or contractors; DNFSB contractors for processing, including but not limited to, specimen collection, laboratories for

analysis, and medical evaluations; and DNFSB staff administering the drug testing program to ensure the achievement of a drug-free workplace.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), the Board has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(C), (H), and (J), and (f). The exemption is invoked for information in the system of records which would disclose the identity of a person who has supplied information on drug abuse by a Board employee or contractor.

DNFSB–4

SYSTEM NAME:

Personnel Files.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Ave., NW., Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with the DNFSB, including DNFSB consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning the following information:

(1) Name, social security number, sex, date of birth, home address, grade level, and occupational code;

(2) Federal employment application materials;

(3) Records on suggestions, awards, and bonuses;

(4) Training requests, authorization data, and training course evaluations;

(5) Employee appraisals, appeals, grievances, and complaints;

(6) Employee disciplinary actions;

(7) Employee retirement records;

(8) Records on employment transfer;

(9) Records of promotions, payroll changes, and benefit elections;

(10) Proof of identity documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Bureau of the Public Debt—Maintain Official Personnel Folders (OPFs) for the DNFSB.

Office of Personnel Management—Transfer and retirement records and benefits, and collection of anonymous statistical reports.

Social Security Administration—Social Security records and benefits.

Department of Labor—To process Workmen's Compensation claims.

Department of Defense—Military Retired Pay Offices—To adjust Military retirement.

Veterans Administration—To evaluate veteran's benefits to which the individual may be entitled.

States' Departments of Employment Security—To determine entitlement to unemployment compensation or other state benefits.

Federal, State, or Local government agencies—For the purpose of investigating individuals in connection with, security clearances, and administrative or judicial proceedings.

Private Organizations—For the purpose of verifying employees' employment status with the DNFSB.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Access is limited to employees having a need-to-know. Paper records are stored in locked file cabinets, computer files are password-protected.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records within DNFSB are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

Director of Human Resources, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–4 contains information about him/her should be directed to Director of Human Resources, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver license or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

Subject individuals, official personnel records, OPM for official personnel records, State employment agencies, educational institutions, and supervisors.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–5

SYSTEM NAME:

Personnel Radiation and Beryllium Exposure Files.

SECURITY CLASSIFICATION:

Unclassified materials.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DNFSB employees, contractors, and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Radiation and beryllium exposure information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

DNFSB—to monitor radiation and beryllium exposure of its employees and contractors.

DOE—to monitor radiation and beryllium exposure of visitors to the various DOE facilities in the United States.

Other Federal and State Health Institutions—To monitor radiation and beryllium exposure of DNFSB personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name, social security number, and numeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Paper records are stored in locked file cabinets in a controlled access area. Individual employees can view their radiation exposure records by

entering a name and password from the desktop.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records within DNFSB are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

Security Management Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–5 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records. Current employees can view their radiation exposure record using a name and password system from the desktop.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure for viewing paper records.

RECORD SOURCE CATEGORIES:

Subject individuals, previous employee records, DOE contractors' film badges, whole body counts, bioassays, dosimetry badges, and beryllium exposure surveys.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–6

SYSTEM NAME:

DNFSB Staff Resume Book.

SECURITY CLASSIFICATION:

Unclassified materials.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Board's technical and legal staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

A summary of each DNFSB technical and legal employee's educational background and work experience, with emphasis on areas relevant to the individual's work at the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Resume Book may be distributed to representatives of the press, Congressional staff, representatives of Federal, State and local governments, and to any member of the public or any organization having a legitimate interest in understanding the technical and legal qualifications of the Board's staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Copies of the Resume Book are sequentially numbered and all copies will be stored under the control of a Board employee. A record will be kept of each disclosure of the book by name of the receiving party and purpose for which the information is provided. The Resume Book will not be available via Internet nor will it be placed in the Board's Public Reading Room.

RETENTION AND DISPOSAL:

The Resume Book will be periodically updated, and out-of-date copies will be destroyed when updated copies are printed.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Information Technology and Security, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Board employees covered by the Resume Book may examine their entry in it at any time. They may also examine the list of disclosures maintained by the System Manager.

RECORD ACCESS PROCEDURE:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURE:

Any Board employee covered by the Resume Book may request that corrections be made in his/her resume at any time.

RECORD SOURCE CATEGORIES:

Subject individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–7

SYSTEM NAME:

Supervisor Files.

SECURITY CLASSIFICATION:

Unclassified materials.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Board's technical, legal and administrative staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing the following information:

(1) Information used to write annual or mid-year performance appraisals or to propose awards and honors;

(2) Files may also contain written correspondence, examples of an employee's work, hard-copy of electronic communications, private notes by the supervisor, and other records bearing on the employee's performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records are used by supervisors to write annual or mid-year performance appraisals for their employees or to propose awards and honors. Records may also be used in connection with disciplinary and adverse actions. These records are not disclosed outside DNFSB and will not be accessed by persons other than the supervisor maintaining the record and administrative staff personnel assigned to file or retrieve records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Access is limited to the individual supervisor keeping the records and administrative personnel who may file

or retrieve records. Paper records are stored in locked file cabinets or in locked desk drawers; computer files are password-protected.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Most files in DNFSB–7 are purged once per year following completion of appraisals. Paper records are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Information Technology and Security, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–7 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–8

SYSTEM NAME:

Travel, Procurement, and Administrative Files.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Ave., NW., Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with DNFSB, including DNFSB contractors and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing the following information:

(1) Official travel documents including names, addresses, social security numbers, birth dates, passport numbers, relocation records, and travel credit card numbers;

(2) Purchase credit card number, invoice, and payment records;

(3) Employee credit evaluations, credit check information, and travel/purchase card histories;

(4) Parking permit records;

(5) Public transit subsidy applications and issuance records;

(6) Miscellaneous reimbursements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

GSA—To reimburse Board employees, applicants for employment and consultants for travel related expenses and miscellaneous reimbursements.

General Accounting Office—Audit—To verify accuracy and legality of disbursement.

Travel Agencies—To process travel itineraries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name, social security number, travel dates, relocation dates, and alphanumeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Paper records are stored in locked file cabinets, computer records are maintained on a desktop PC with password protection.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

Director of Acquisition and Finance, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–8 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORDS ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, GSA for official accounting records, and travel agency contract.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: July 11, 2005.

A.J. Eggenberger,

Acting Chairman.

[FR Doc. 05–13914 Filed 7–14–05; 8:45 am]

BILLING CODE 3670–01–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 September 13, 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: July 11, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Federal Student Aid

Type of Review: Reinstatement.

Title: William D. Ford Federal Direct Loan Program Deferment Request Forms.

Frequency: On Occasion.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 740,819.

Burden Hours: 148,164.

Abstract: These forms serve as the means by which the U.S. Department of Education collects the information needed to determine whether a Direct Loan borrower qualifies for a loan deferment.

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 2738. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at his e-mail address *Joe.Schubart@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 05–13943 Filed 7–14–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

The International Research and Studies Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Publication of the year 2004 annual report.

SUMMARY: The Secretary announces the publication of the annual report listing the books and research materials produced with assistance provided under section 605 of the Higher Education Act of 1965, as amended (HEA).

SUPPLEMENTARY INFORMATION: Section 605 of the HEA authorizes the International Research and Studies Program.

Under this program, the Secretary awards grants and contracts for—

(a) Studies and surveys to determine the needs for increased or improved instruction in foreign languages, area studies, or other international fields, including the demand for foreign language, area, and other international specialists in government, education, and the private sector;

(b) Studies and surveys to assess the use of graduates of programs, supported under Title VI of the HEA, by governmental, educational, and private sector organizations and other studies assessing the outcomes and effectiveness of programs so supported;

(c) Evaluation of the extent to which programs assisted under Title VI of the HEA that address national needs would not otherwise be offered;

(d) Comparative studies of the effectiveness of strategies to provide international capabilities at institutions of higher education;

(e) Research on more effective methods of providing instruction and achieving competency in foreign languages, area studies, or other international fields;

(f) The development and publication of specialized materials for use in foreign language, area studies, and other international fields, or for training foreign language, area, and other international specialists;

(g) Studies and surveys of the uses of technology in foreign language, area studies, and international studies programs;

(h) Studies and evaluations of effective practices in the dissemination of international information, materials, research, teaching strategies, and testing techniques throughout the education community, including elementary and secondary schools; and

(i) Research on applying performance tests and standards across all areas of foreign language instruction and classroom use.

2004 Program Activities

In fiscal year 2004, 9 new grants ($1,214,019) and 34 continuation grants ($4,426,881) were awarded under the International Research and Studies Program. These grants are active currently, and will be monitored through progress reports submitted by grantees. Grantees have 90 days after the expiration of the grant to submit the products resulting from their research to the Department of Education for review and acceptance.

Completed Research

A number of completed research projects resulting from grants made during prior fiscal years have been received during the past year. These are listed below.

Title	Author/Location
Interactive Web-based Modules for Turkish Listening Comprehension ..	Dr. Irene A. Bierman, University of California, UCLA Center for Near Eastern Studies, Box 95140, 10286 Bunche Hall, Los Angeles, CA 90095–1480.
UCLA Language Materials Project: Evaluating National Needs and Resources for Modern Less Commonly Taught Languages.	Dr. Thomas J. Hinnebusch, University of California, (UCLA), ISOP—Box 951406, 1401 Ueberroth Bldg., Los Angeles, CA 90095–1406.

Title	Author/Location
Foreign Language Articulation from Secondary Schools to Postsecondary Institutions.	Drs. David K. Herzberger, Barbara Lindsey, and Timothy G. Reagan, University of Connecticut, Department of Modern Languages, U1057—337, Storrs, CT 06269–1133.
Aswaat Arabiyya Arabic Web-based Listening Materials Project	Dr. Mahmoud Al-Batal, Emory University, Institute for Comparative and International Studies, Atlanta, GA 30322.
Exploring in Chinese: A Second Year Curriculum	Dr. Cynthia Ning, University of Hawaii, Center for Chinese Studies, Sakamaki D–200, 2530 Dole Street, Honolulu, HI 96822.
Southeast Asia Site: Language Learning Research over the World Wide Web.	Dr. George M. Henry, Northern Illinois University, Department of Computer Science, DeKalb, IL 60115–2860.
A Tajik Persian Reference Grammar	Dr. John R. Perry, The University of Chicago, Department of Near Eastern, Languages and Civilizations, 1155 East 58th Street, Chicago, IL 60637.
Haitian Creole-English Dictionary	Dr. Albert Valdman, Indiana University Creole Institute, Ballantine Hall 604, 1020 E. Kirkwood Avenue, Bloomington, IN 47405–7103.
Survey of Foreign Language Enrollments in United States Colleges and Universities, Fall 2002.	Dr. Elizabeth B. Welles, Modern Language Association of America (MLA), 26 Broadway, 3rd floor, New York, NY 10004–1789.
Literacy and Early Language Learning: Acquisition and Assessment	Dr. G. Richard Tucker, Carnegie Mellon University, Department of Modern Languages, 5000 Forbes Avenue, Pittsburgh, PA 15213.
Interactive, Listening Modules for Indonesian and Lao	Dr. Ellen Rafferty, University of Wisconsin, Department of Languages and Cultures of Asia, 1220 Linden Drive, Madison, WI 53706.

To obtain a copy of a completed study, contact the author at the given address.

FOR FURTHER INFORMATION CONTACT: For a copy of the 2004 annual report and further information regarding the International Research and Studies Program, contact Mr. Ed McDermott, Program Officer, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., suite 6000, Washington, DC 20006–8521. Telephone: (202) 502–7636 or via e-mail at: *Ed.McDermott@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.* Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

Electronic Access to This Document

You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1125.

Dated: July 12, 2005.

Sally L. Stroup,

Assistant Secretary for Postsecondary Education.

[FR Doc. 05–13996 Filed 7–14–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EMSSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, August 4, 2005, 6 p.m. to 9 p.m.

ADDRESSES: College Hill Library, Room L–211, Front Range Community College, 3705 W. 112th Avenue, Westminster, Colorado.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Executive Director, Rocky Flats Citizens Advisory Board, 12101 Airport Way, Unit B, Broomfield, CO 80021; telephone (303) 966–7855; fax (303) 966–7856.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation and Discussion on Results of the Recent Aerial Gamma Survey Conducted at Rocky Flats.
2. Presentation and Discussion on Completion of the Process Waste Lines Remediation Project.
3. Discussion with DOE on Projected Board Work Plan Activities for 2006.
4. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the office of the Rocky Flats Citizens Advisory Board, 12101 Airport Way, Unit B, Broomfield, CO 80021; telephone (303) 966–7855. Hours of operation are 7:30 a.m. to 4 p.m., Monday through Friday. Minutes will also be made available by writing or calling Ken Korkia at the address or telephone number listed above. Board meeting minutes are posted on RFCAB's Web site within one month following each meeting at: *http://www.rfcab.org/Minutes.HTML.*

Issued at Washington, DC on July 12, 2005.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 05–13941 Filed 7–14–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Biological and Environmental Research (BER); Federal Interagency Steering Committee on Multimedia Environmental Modeling

AGENCY: Office of Science; Office of Biological and Environmental Research (BER), Department of Energy, (DOE).

ACTION: Notice of open meeting.

SUMMARY: The annual public meeting of the Federal Interagency Steering Committee on Multimedia Environmental Modeling (ISCMEM) will convene to review progress by the ISCMEM working groups and to discuss initiatives for FY 2006.

DATES: August 16, 2005. Time: 9:30 a.m. to 4 p.m.

ADDRESSES: The American Geophysical Union (AGU) headquarters building, 2000 Florida Avenue, NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be faxed or e-mailed to: Dr. Robert T. Anderson, ISCMEM Chair, Office of Biological and Environmental Research, SC–23.4/Germantown Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–1290. Tel: 301–903–5549. Fax: 301–903–4154. *Todd.Anderson@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: On July 5, 2001, six Federal agencies entered into a Memorandum of Understanding (MOU) on research and development of multimedia environmental modeling. (For a copy of the MOU with addendums, and details of the activities please see *http://www.ISCMEM.Org.*) In 2002–2005, three additional Federal Agencies joined the interagency cooperative project. The MOU establishes a framework for facilitating cooperation and coordination among the following agencies (the specific research organization within the agency is in parentheses): U.S. Army Corps of Engineers (Engineer Research and Development Center); U.S. Department of Agriculture (Agricultural Research Service); U.S. Department of Agriculture (Natural Resources Conservation Service); U.S. Department of Energy (Office of Research and Development); U.S. Environmental Protection Agency; U.S. Geological Survey; U.S. National Oceanographic and Atmosphere Administration; and U.S. Nuclear Regulatory Commission (Office of Nuclear Regulatory Research); U.S. Bureau of Reclamation. These agencies are cooperating and coordinating in research and development (R&D) of multimedia environmental models, software and related databases, including development, enhancements, applications and assessments of site specific, generic, and process-oriented multimedia environmental models as they pertain to human and environmental health risk assessment. Specifically, the MOU supports collaboration and the exchange of technical information in support of multimedia environmental modeling focusing on environmental risk assessments, including developments/enhancements of models and mold frameworks or infrastructure and advancement of related technical activities, such as considering uncertainty and model application procedures.

Purpose of the Public Meeting: The annual public meeting provides an opportunity for the scientific community, other Federal and State agencies, and the public to be briefed on the progress of the MOU working groups and their initiatives for the upcoming year, and to discuss technological advancements in multimedia environmental modeling.

Proposed Agenda: The ISCMEM Chair will open the meeting with a brief overview of the goals of the MOU and the activities of ISCMEM. The four MOU working groups, Software System Design and Implementation, Uncertainty and Parameter Estimation, Subsurface Reactive Transport Modeling, and Distributed Watershed/Water-Quality Modeling, will then report on their progress during the year. A series of technical presentations will focus on topics related to working group(s) efforts followed by ISCMEM steering committee business discussions. A detailed agenda with presentation titles and speakers will be posted on the MOU public Web site: *http://www.ISCMEM.Org.*

Meeting Access: The headquarters of the American Geophysical Union (AGU) is located at 2000 Florida Avenue, NW., Washington, DC 20009. The most convenient transportation to the meeting venue is via Metro. Take Metro to the Dupont Circle Metro stop on the Red Line. Upon exiting the Metro station proceed Northwest on Connecticut Avenue, NW., for about 3 blocks. Turn right onto Florida Avenue for about ½ block. AGU building is on the right. Please inform the security personnel upon entering the building that you are attending the public meeting on multimedia environmental modeling. The meeting room is on the ground floor to your left as you enter the building.

Robert T. Anderson,

Chair, Federal Interagency Steering Committee on Multimedia Environmental Modeling.

[FR Doc. 05–13942 Filed 7–14–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Bonneville Power Administration's Record of Decision for Service to Direct Service Industrial (DSI) Customers for Fiscal Years 2007–2011

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of final policy.

SUMMARY: On February 4, 2005, BPA issued a final policy and record of decision (ROD) regarding how the agency will market power and distribute the costs and benefits of the Federal Columbia River Power System (FCRPS) in the Pacific Northwest for fiscal years (FY) 2007–2011. This policy and ROD included a decision to provide eligible Pacific Northwest direct service industries (DSIs) with service at a known and capped cost in FY 2007–2011, with the level of benefits to be decided in a follow-up public process. Also on February 4, 2005, BPA sent a letter to Customers, Constituents, Tribes, and Other Regional Stakeholders that presented a straw proposal for DSI service and announced the additional public process to take further comment regarding the appropriate benefit level for DSI service and how BPA should provide the benefit. An open forum discussing this issue was held March 1, 2005, in Portland, Oregon. The comment period on the straw proposal outlined in the letter closed March 11, 2005. BPA has now issued a ROD on DSI service. This ROD establishes the level of service benefits BPA will offer the DSI customers for FY 2007–2011, allocates the benefits among eligible companies and establishes the mechanism(s) that would be used to deliver benefits.

DATES: On June 30, 2005, the BPA signed the ROD for DSI service for FY 2007–2011.

ADDRESSES: The ROD is available on BPA's Record of Decision Web site at *http://www.bpa.gov/corporate/pubs/RODS/2005/* and BPA's Regional Dialogue Web site: *http://www.bpa.gov/power/regionaldialogue.* Copies are also available by contacting BPA's Public Information Center at (800) 622–4520.

FOR FURTHER INFORMATION CONTACT: Contact Scott Wilson, Customer Account Executive, Bulk Marketing and Transmission Service, at (503) 230–7638, for information regarding the ROD on service to DSIs for FY 2007–2011. Contact Helen Goodwin, Regional Dialogue project manager, for more information on the Regional Dialogue process, at (503) 230–3129.

Issued in Portland, Oregon on June 30, 2005.

Stephen J. Wright,

Administrator and Chief Executive Officer, Bonneville Power Administration.

[FR Doc. 05–13940 Filed 7–14–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG05–78–000, et al.]

Top Deer Wind Ventures LLC, et al.; Electric Rate and Corporate Filings

July 6, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Top Deer Wind Ventures LLC

[Docket No. EG05–78–000]

Take notice that on June 30, 2005, Top Deer Wind Ventures LLC (Top Deer) filed an Application for Determination of Exempt Wholesale Generator Status pursuant to part 365 of the Commission's regulations. Top Deer states that it owns and operates, indirectly through its affiliates, a wind-powered eligible facility with a capacity of 80 MW which is located in Worth County, Iowa, and a wind-powered eligible facility with a capacity of 80 MW which is located near White Deer, Texas.

Comment Date: 5 p.m. Eastern Time on July 21, 2005.

2. TXU Collin Company LLC

[Docket No. EG05–79–000]

Take notice that on June 30, 2005, TXU Collin Company LLC (TXU Collin) tendered for filing an Application for Determination of Exempt Wholesale Generator Status.

Comment Date: 5 p.m. Eastern Time on July 21, 2005.

3. TXU Valley Company LLC

[Docket No. EG05–80–000]

Take notice that on June 30, 2005, TXU Valley Company LLC (TXU Valley) tendered for filing an Application for Determination of Exempt Wholesale Generator Status.

Comment Date: 5 p.m. Eastern Time on July 21, 2005.

4. Michigan Electric Transmission Company, LLC

[Docket No. ER04–847–003]

Take notice that on June 30, 2005, Michigan Electric Transmission Company, LLC (Michigan ETC), on behalf of itself and Michigan Public Power Agency and the Michigan South Central Power Agency, submitted a compliance filing as required by the Commission's orders issued October 27, 2004 and the March 29, 2005, *Michigan Electric Transmission Company, LLC*, 109 FERC ¶ 61,080 (2004), *order on reh'g*, 110 FERC ¶ 61,384 (2005).

Michigan ETC states that copies of the filing were served on all parties in this proceeding.

Comment Date: 5 p.m. Eastern Time on July 21, 2005.

Standard Paragraph

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 (19 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served 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 link to long on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protests 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 to 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 TYY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–3756 Filed 7–14–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–131–000, et al.]

City of Anaheim, California, et al.; Electric Rate and Corporate Filings

July 5, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. City of Anaheim, California

[Docket No. EL05–131–000]

Take notice that on June 24, 2005, the City of Anaheim, California (Anaheim), pursuant to Rules 207 and 205 of the Commission's Rules of Practice and Procedures petitions for a declaratory order by the Commission: (1) Approving Anaheim's High Voltage Base Transmission Revenue Requirement as revised, (2) waiving the sixty-day notice requirement; (3) waiving the filing fee associated with this petition; and (4) granting any other relief or waivers necessary or appropriate for approval and implementation of Anaheim's revised transmission revenue requirement effective as of July 1, 2005.

Comment Date: 5 p.m. Eastern Time on July 15, 2005.

2. Southwest Power Pool, Inc.

[Docket Nos. RT04–1–011 and ER04–48–011]

Take notice that on June 28, 2005, Southwest Power Pool, Inc. (SPP) submitted a modification to the May 13, 2005 compliance filing it submitted to the Commission pursuant to February 11, 2005 Order in the above proceedings. SPP request an effective date of May 13, 2005.

SPP states that it has served a copy of this filing upon each of the parties to these proceedings.

Comment Date: 5 p.m. Eastern Time on July 19, 2005.

Standard Paragraph

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 (19 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served 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 link to long on and submit the intervention or protests.

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Linda Mitry,

Deputy Secretary.

[FR Doc. E5–3758 Filed 7–14–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice Of Filings #1

July 6, 2005.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER01–2562–002.
Applicants: Competitive Energy Services, LLC.
Description: Competitive Energy Services, LLC submits its triennial updated market power analysis .
Filed Date: 06/28/2005.
Accession Number: 20050705–0115.
Comment Date: 5 p.m. eastern time on Tuesday, July 19, 2005.

Docket Numbers: ER05–1058–001, ER05–1059–001, ER05–1060–001
Applicants: Bayonne Plant Holding, L.L.C.; Camden Plant Holding, L.L.C.; Newark Bay Cogeneration Partnership, L.P.
Description: Newmarket Power Company, LLC, on behalf of its subsidiaries, Bayonne Plant Holding, L.L.C., Camden Plant Holding, L.L.C. and Newark Bay Cogeneration Partnership, L.P., submit an amendment to their 5/26/05 filing in Docket Nos. ER05–1058–000, ER05–1059–000, ER05–1060–000.
Filed Date: 07/01/2005.
Accession Number: 20050705–0204.
Comment Date: 5 p.m. eastern time on Friday, July 15, 2005.

Docket Numbers: ER05–1161–000.
Applicants: Western Systems Power Pool.
Description: Western Systems Power Pool, Inc. submits Third Revised Sheet 36A, et al to Rate Schedule FERC 6, to be effective 9/1/05.
Filed Date: 06/29/2005.
Accession Number: 20050701–0017.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 2005.

Docket Numbers: ER05–1162–000.
Applicants: Entergy Services, Inc.
Description: Entergy Services, Inc., on behalf of Entergy Mississippi, Inc., submits a notice of termination of the Interconnection and Operating Agreement and Generator Imbalance Agreement between Entergy Mississippi, Inc. and Central Mississippi Generating Company, LLC.
Filed Date: 06/29/2005.
Accession Number: 20050701–0018.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 2005.

Docket Numbers: ER05–1163–000.
Applicants: Entergy Mississippi, Inc.
Description: Entergy Mississippi, Inc. submits a proposed Interconnection Agreement with Attala Transmission LLC.
Filed Date: 06/29/2005.
Accession Number: 20050701–0019.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 2005.

Docket Numbers: ER05–1164–000.
Applicants: TPGC, LP.
Description: TPGC, LP submits a notice of succession to notify FERC that effective 6/1/05 the name of TEPO-PANDA Generating Company, L.P. was changed to TPGC, LP and amendments to the FERC rate schedule reflecting this name change.
Filed Date: 06/29/2005.
Accession Number: 20050701–0020.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 2005.

Docket Numbers: ER05–1165–000.
Applicants: South Carolina Electric & Gas Company.
Description: South Carolina Electric & Gas Company submits an executed Relay Equipment Agreement and an executed Cross Town Tie Breaker Agreement with the City of Orangeburg, SC, Department of Public Utilities.
Filed Date: 06/29/2005.
Accession Number: 20050701–0021.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 2005.

Docket Numbers: ER05–1166–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Co. submits a Letter Agreement with the City of Vernon, CA.
Filed Date: 06/29/2005.
Accession Number: 20050701–0022.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 2005.

Docket Numbers: ER05–1167–000.
Applicants: ISO New England Inc. and New England Power Company.
Description: ISO New England Inc. and New England Power Company submit an executed service agreement for a large generator interconnection agreement with Fortistar Peabody LLC under Schedule 22 of the ISO's Open Access Transmission Tariff.
Filed Date: 06/29/2005.
Accession Number: 20050701–0104.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 2005.

Docket Numbers: ER05–1168–000.
Applicants: Attala Transmission LLC.
Description: Attala Transmission LLC submits an executed Interconnection and Service Charge Agreement dated 6/28/05 with Entergy Mississippi, Inc.
Filed Date: 06/29/2005.
Accession Number: 20050701–0105.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 2005.

Docket Numbers: ER98–4400–009.
Applicants: Pittsfield Generating Company, L.P.
Description: Pittsfield Generating Company, L.P., pursuant to the Commission's order issued 4/14/05 (111 FERC ¶ 61,033 (2005)), submits an amendment to its market-based rate tariff to include the change in status reporting requirement adopted in Order 652.
Filed Date: 06/29/2005.
Accession Number: 20050701–0012.
Comment Date: 5 p.m. eastern time on Wednesday, July 20, 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other and 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 link to log on and submit the intervention or protests.

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Linda Mitry,
Deputy Secretary.
[FR Doc. E5–3757 Filed 7–14–05; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL03–3–006; Docket No. AD03–7–006]

Price Discovery in Natural Gas and Electric Markets Natural Gas Price Formation; Order Further Clarifying Policy Statement on Natural Gas and Electric Price Indices

July 6, 2005.

Before Commissioners: Pat Wood, III, Chairman; Nora Mead Brownell, Joseph T. Kelliher, and Suedeen G. Kelly.

1. In this order we grant two requests for clarification of our Policy Statement on *Natural Gas and Electric Price Indices.*[1] The Policy Statement identified minimum standards for both price index developers and data providers (market participants that report transaction data to price index developers). In the latter case the Policy Statement spelled out the steps data providers should take to assure that the prices they report accurately reflect market activity. The Policy Statement also provided an important ''safe harbor'' for data providers. For data providers that adopt and follow the Commission-established standards for trade data reporting, we will presume they are reporting transaction data accurately and in good faith, and we will not penalize such parties for inadvertent errors in reporting.

2. We grant the requested clarifications to emphasize the broad nature of these safe harbor provisions and to encourage companies both to adopt the appropriate procedures to take advantage of the safe harbor assurances and to contribute their transaction information to the price formation process. We also remind companies of their obligation to notify the Commission when there is a change in their reporting practices.

Background

3. The Policy Statement is one of many steps we have taken to encourage better transparency of price formation in wholesale energy markets. In November 2003, we issued orders adopting Market Behavior Rules for wholesale market participants.[2] These orders included a behavior rule requiring that, to the extent market participants report transactions to entities that develop and publish price indices, they must report such transactions in accordance with standards of the Policy Statement. In December 2003, we issued a clarification of certain aspects of price reporting under the Policy Statement.[3] In May 2004, we received a full staff report on the status of price indices and wholesale price formation, including the results of two large-scale industry surveys, along with recommendations on the use of price indices in jurisdictional tariffs.[4] Finally, in November 2004 we issued an order in which we applied minimum criteria to price indices used in jurisdictional tariffs and indicated our intent to continue active monitoring of developments concerning price formation in wholesale markets.[5]

4. We have received two requests for clarification of matters addressed in our prior orders. The Committee for Chief Risk Officers (CCRO) submitted a request April 25, 2005, asking for a clarification that the safe harbor provisions of the Policy Statement extend to an energy data hub and its participants. Also, National Fuel Gas Distribution Corporation (National Fuel) submitted a request February 18, 2005, asking that the safe harbor provisions be extended to data providers that, while not specifically subject to the Market Behavior Rules, nonetheless wish to provide transaction data to price index developers. On June 10, 2005, Platts filed comments in which Platts asserts

[1] 104 FERC ¶ 61,121 (2003).

[2] *Order Amending Market-Based Rate Tariffs and Authorizations,* 105 FERC ¶ 61,218 (2003), *reh'g denied,* 107 FERC ¶ 61,175 (2004); Order No. 644, *Amendment to Blanket Sales Certificates,* FERC Stats. & Regs. ¶ 31,153 (2003), *reh'g denied,* 107 FERC ¶ 61,174 (2004).

[3] *Order on Clarification of Policy Statement on Natural Gas and Electric Price Indices,* 105 FERC ¶ 61,282 (2003).

[4] *Report on Natural Gas and Electricity Price Indices,* Docket Nos. PL03–3–004 and AD03–7–004, May 5, 2004.

[5] *Order Regarding Future Monitoring of Voluntary Price Formation, Use of Price Indices in Jurisdictional Tariffs, and Closing Certain Tariff Dockets,* 109 FERC ¶ 61,184 (2004).

that the Commission should deny the CCRO request for clarification as premature. Platts takes no position on National Fuel's request. On June 14, 2005, InterContinentalExchange (ICE) filed comments stating that, if the requested clarifications are granted, they should apply to any entity that collects and distributes transaction data. Also on June 14 Intelligence Press, Inc. (NGI) filed a letter endorsing Platts' comments and showing the growth in the volume and number of trades reported in its indices over the past two years. Additional comments have been filed by Amerex Group and Logical Machines, Inc., in support of the CCRO request and by the American Public Gas Association, which supports innovation in price discovery. Platts also filed reply comments further describing its index production process.

The Policy Statement and the Safe Harbor

5. The Policy Statement was issued to encourage market participants to improve the accuracy, reliability, and transparency of wholesale price formation. While the Policy Statement focused on existing industry practice and the use of commercially published price indices for price discovery in energy markets, we also said the Policy statement ''is not intended to interfere with improvements in current price indices or any future evolution of the price discovery process that will bring more accurate, reliable, and transparent price information to energy markets.'' [6]

6. Indeed, the Policy Statement recognized the interest of some parties in developing independent ''data hubs'' to encourage better price transparency and confidence in wholesale market price discovery. Various ideas were proposed, but the essential concept was that an independent entity could receive transaction data from market participants; match, verify, and scrub the data; and provide aggregate data to others for use in publishing indices, research, and the like. We noted at the time that ''some of these proposals may have long-term potential'' and we ''encourage[d] energy industry participants to consider whether some form of a data hub or hubs may improve price discovery in the energy industry in the longer term.'' [7]

7. Given the existing structure of voluntary price reporting to price index developers, however, the Policy Statement set out standards for market participants who report prices to price index developers and, in the Market Behavior Rules issued in November 2003, we required that these standards be followed by any sellers holding market-based rate authority for electricity sales or making jurisdictional natural gas sales for resale under blanket certificate authority.[8] If data providers do so, we will presume that transaction data submitted to index developers is accurate, timely, and submitted in good faith. We will not prosecute and/or penalize parties for inadvertent errors in reporting, nor refer such instances to other agencies having jurisdiction. Data providers adhering to these guidelines, we noted, should be able to report all relevant trade data with confidence.[9]

Committee of Chief Risk Officers

8. The CCRO has been active in efforts to improve price discovery. As we noted in the Policy Statement, the CCRO white paper on *Best Practices for Energy Price Indices*, filed with the Commission in Docket No. AD07–3, addressed many of the points set out in the Policy Statement and was part of the industry consensus upon which the Policy Statement built.[10] The CCRO states that it has continued its involvement by working with a coalition of about 30 companies to develop a prototype Energy Data Hub. In its request for clarification, the CCRO states that the Energy Data Hub ''is an independently operated repository for transaction data coming from all types of energy market participants.'' The Energy Data Hub, CCRO represents, ''will engage in data authentication and an error discovery and notice process, render the data anonymous, aggregate it, eliminate double-counting to the extent possible, and input the data into a centralized database.'' Request for Clarification at 1. The resulting aggregate data, CCRO states, ''will be readily accessible to all market participants, including prospective energy purchasers, sellers, intermediaries, and market observers such as regulators, rating agencies, analysts, accounting firms, and index publishers.'' *Id.*

9. The CCRO states that the Energy Data Hub is in a demonstration phase and that the CCRO is encouraging more companies to participate in the project. The CCRO is concerned, however, that potential participants may be deterred because of uncertainty over whether the safe harbor assurance of the Policy Statement applies to the Energy Data Hub. The CCRO requests four clarifications:

- That the safe harbor applies to data providers supplying transaction information to the Energy Data Hub, so long as they follow the Policy Statement standards for price reporting; [11]
- That the safe harbor applies to the Energy Data Hub itself when it provides data to price index developers and others, so long as the Energy Data Hub follows the Policy Statement standards applicable to price index developers; [12]
- That the safe harbor applies to data providers during the demonstration phase of the Energy Data Hub project; and
- That the Commission will not use the Energy Data Hub as a target for investigations into transaction data of participating companies.

10. We grant the first three requested clarifications. While the Policy Statement concentrated as a practical matter on the existing voluntary system of price reporting to price index developers, we also made clear that other innovations that bring price transparency and better confidence in the accuracy and reliability of wholesale prices are welcome. We set out the conditions under which data providers would get ''safe harbor protection for good faith reporting of transactions data to entities that develop price indices.'' [13] We did not intend the Policy Statement to be narrowly construed to discourage or prevent the evolution of new structures; to the contrary, as noted, we encouraged industry participants to see ''whether some form of a data hub or hubs may improve price discovery'' in the future.[14]

11. We emphasize here, however, that we are not endorsing any particular entity or approach, but continue to encourage industry participants to find optimal solutions and approaches to better wholesale price formation. Therefore, we clarify that the safe harbor provisions of the Policy Statement apply to any entity that follows the standards in the Policy Statement and reports energy transaction data to another entity, whether it be a price index developer or a data hub of some sort, or another structure not yet proposed.

[6] 104 FERC ¶ 61,104 at P 39.

[7] *Id.* at P 24.

[8] Market Behavior Rule 4, 105 FERC ¶ 61,218 at P 116; *see also* 18 CFR 284.288(b) and 284.403(b).

[9] At the same time, we warned market participants that we will prosecute or refer to other agencies having jurisdiction instances in which companies do not act in good faith. The safe harbor will not protect those who manipulate, misinform, or mislead price index developers or other market participants. 104 FERC ¶ 61,121 at P 38.

[10] Docket No. AD03–7, filed April 21, 2003. *See* 104 FERC ¶ 61,121 at PP 16–21.

[11] *Id.* at P 34. The five standards cover code of conduct; source of data; data information reported; error resolution; and data retention and review.

[12] *Id.* at P 33. The five standards cover code of conduct and confidentiality; completeness; data verification, error correction and monitoring; verifiability; and accessibility.

[13] 104 FERC ¶ 61,121 at P 5.

[14] *Id.* at P 24.

Second, we extend a safe harbor assurance to a data hub or other innovative entity that is acting as a data provider when it provides aggregate data to others, if it adopts the applicable Policy Statement standards. Third, we also clarify that the safe harbor protection applies to data providers during any testing or demonstration phase of a new industry structure for gathering and disseminating wholesale price data, again assuming the data provider follows the Policy Statement standards.

12. These clarifications are in the context of the industry's current voluntary approach to price formation. As we noted in the Policy Statement, if the industry response to our initiatives on wholesale price formation does not sufficiently increase confidence in wholesale price formation, we are prepared to consider some form of mandatory price reporting.[15] We found in our November 2004 order that there has been notable progress, and we encouraged all interested parties to conform fully to the standards of the Policy Statement.[16] We are continuing to monitor the wholesale price formation process, and encourage industry to find innovative ways to improve the accuracy, reliability, and transparency of wholesale prices on a voluntary basis.

13. CCRO's fourth requested clarification is that it ''not be used as a target for investigations by the Commission into transactions data by the participating companies.'' Request for Clarification at 3. We do not intend to use the Energy Data Hub or any other data hub or new industry structure as a ''target,'' but any such entity may receive investigatory requests from the Commission. In our November 2004 order we discussed at length our expectation that entities in possession of energy transaction data would be responsive to appropriate requests for access to such data.[17] We made clear that such requests would be ''in the context of a targeted investigation of possible false price reporting or market manipulation or other inquiry within the scope of our statutory responsibilities.'' [18] Any data hub or other new industry structure that collects confidential trade data will be treated in the same manner as existing price index developers, and is subject to our expectation of cooperation in the event of an appropriate demand for access to particular data. This puts an energy data hub or any new structure on an equal footing with existing price index developers in this respect, consistent with our intent not to favor one industry structure over another.

14. Platts, supported by NGI, argues that the CCRO data hub has not progressed to the point where it is equivalent to a price index developer and, therefore, that we should deny CCRO's request as premature. The CCRO acknowledges that it is in a development and testing phase, and seeks the requested clarifications to encourage more participation in the experiment. The basic clarification provided here is that data providers—market participants who contribute data on their wholesale transactions—receive the safe harbor assurance if they contribute the data to an energy data hub or other new industry structure, so long as they are following the five Policy Statement standards for price reporting. As to the energy data hub or other structure itself, if it progresses to the point where it has fully adopted the Policy Statement standards for handling transaction and price data, and is acting as a data provider by providing authenticated aggregate data to others, a safe harbor assurance will be extended to it.[19]

15. Platts also states that it and other price index developers have received Commission recognition that they have met the Policy Statement standards for price index developers, and that it would be unfair ''to accord the same treatment to the data hub experiment'' which, Platts asserts, has not met all of the Policy Statement standards. Platts Comments at 1. Platts, ICE, and NGI have submitted information in this docket demonstrating that they are in substantial compliance with the Policy Statement standards and, as a result, we have indicated that their indices may be used in jurisdictional tariffs.[20] We offer no such designation to the CCRO here. When the CCRO data hub moves from the current experimental and testing phase to actual operations, however, the hub may request review by the Commission of the consistency of its practices with the Policy Statement standards. We also note that if the CCRO data hub were to produce a data product that a pipeline or utility wants to use in a jurisdictional tariff, the filing company would have to show that the CCRO data hub meets the Policy Statement standards.[21]

16. ICE does not take a position on whether the requested clarifications should be granted, but urges the Commission not to confer a ''unique and preferential standing to an individual commercial initiative.'' Instead, ICE states that, if granted, the provisions should ''apply equally to any entity that collects transaction data for distribution while complying with the requirements for index publishers in the Policy Statement.'' ICE comments at 1. As we have stated, the clarifications granted here apply to any data hub or other innovative entity that has adopted the applicable Policy Statement standards. This is consistent with our intent not to favor one industry structure or entity over another.

National Fuel Gas Distribution Corporation

17. National Fuel states that in January 2003 it notified the Commission pursuant to Order No. 644 that it was a blanket marketing certificate holder and was reporting transactions to price index developers in accordance with the standards of the Policy Statement. National Fuel now says that is has ceased off-system sales in order to maintain non-Energy Affiliate status under the Order No. 2004 Standards of Conduct.[22] While this change reduced National Fuel's number of reportable transactions, National Fuel states that it wishes to continue to report trade data to price index developers. However, uncertainty over whether the safe harbor applies to a data provider that is not subject to the Market Behavior Rules caused National Fuel to suspend reporting its transactions. National Fuel requests clarification that the safe harbor provisions apply even if National Fuel is not specifically subject to the requirements of Order No. 644.

18. We grant the requested clarification. The purpose of the safe harbor is to encourage market participants to report without fear of enforcement action for inadvertent errors. Indeed, the safe harbor originated with industry requests for regulatory

[15] *Id.* at PP 42–47.

[16] 109 FERC ¶ 61,184 at PP 19–22.

[17] *Id.* at PP 50–54.

[18] *Id.* at P 53; *see also* Policy Statement, 104 FERC ¶ 61,121 at P 33.

[19] In this context safe harbor means that if the energy data hub or other structure is reporting authenticated aggregate data to price index developers or other users, we will not take action against the hub or other structure for inadvertent errors if it has in place the protocols and protections of the Policy Statement standards necessary to prevent the dissemination of incorrect, incomplete, or misleading price information.

[20] 109 FERC ¶ 61,184 PP 24, 28, 39.

[21] *Id.* PP 68–69, 73.

[22] *Standards of Conduct for Transmission Providers*, Order No. 2004, FERC Stats. & Regs., Regulations Preambles ¶ 31,155 (2003), *order on reh'g*, Order No. 2004–A, III FERC Stats. & Regs. ¶ 31,161 (2004), 107 FERC ¶ 61,032 (2004), *order on reh'g*, Order No. 2004–B, III FERC Stats. & Regs. ¶ 31,166 (2004), 108 FERC ¶ 61,118 (2004), *order on reh'g*, Order No. 2004–C, 109 FERC ¶ 61,325 (2004), *order on reh'g*, Order No. 2004–D, 110 FERC ¶ 61,320 (2005).

certainty and Commission assurance that good faith reporting will not subject a company to the risk of sanctions.[23] So long as a data provider has adopted and is following the standards of the Policy Statement for reporting entities, we will apply the safe harbor policy, even if the company is not specifically subject to the Market Behavior Rules.

Requirement to Notify the Commission of Changes in Price Reporting Status

19. In Behavior Rule 4 and its counterpart in Order No. 644, we required that all sellers subject to the rule notify the Commission within 15 days of the effective date of the rule whether the seller reports its transactions in accordance with the Policy Statement. Additionally, we required that sellers update their notifications within 15 days of any change in their reporting status.[24] We directed market-based rate sellers to file their notifications in Docket No. EL01–118 and the docket in which they received market-based rate authority; we directed blanket certificate holders to file their notifications in Docket No. RM03–10.[25]

20. We received initial notifications by or on behalf of 756 market participants in December 2003 and January 2004. Since then, we have received only 26 notifications in Docket No. EL01–118 of subsequent changes in reporting status from market-based rate sellers and 24 notifications in Docket No. RM03–10 from blanket certificate holders. In several cases a company filed the same notification in both dockets; in other cases the same company filed more than one notification in a docket. During this period, however, price index developers have reported increases in both the number of transactions being reported and in the number of market participants reporting trade data to them.[26] It is possible that some market participants have overlooked the requirement to notify the Commission of changes in their reporting status.

21. Accordingly, we hereby remind all market-based rate sellers subject to the Market Behavior Rules, and all blanket certificate holders subject to Order No. 644, of their obligation to file notifications of changes in reporting status within 15 days of the date of such changes. We also waive the 15 day requirement for any market participants that have changed their reporting status but failed to notify us of that fact. Such market participants may file notifications of any changes since their initial notification no later than August 1, 2005.

The Commission Orders

(A) *The Policy Statement on Natural Gas and Electric Price Indices* is clarified as discussed in the body of this order.

(B) The requirement to file notifications of changes in reporting status within 15 days of the date of the change is waived until August 1, 2005, for any market-based rate sellers or blanket certificate holders who file notifications for any changes in status that have occurred since their initial notification.

By the Commission.

Linda Mitry,

Deputy Secretary.

[FR Doc. 05–13910 Filed 7–14–05; 8:45 am]

BILLING CODE 6717–01–P

[23] 104 FERC ¶ 61,121 at PP 30–31.

[24] 105 FERC ¶ 61,218 at P 116; *see also* 18 CFR 284.288(b) and 284.403(b).

[25] *Order Clarifying Prior Notice*, 105 FERC ¶ 61,277 at P 11 (2003).

[26] NGI comments at 2. NGI notes that the volume of natural gas bidweek trades reported to it has increased from 7.9 Bcf to 21.2 Bcf in June 2005, and that the number of trades has increased from 1,357 to 3,069. *Id.* at 2. *See also* 109 FERC ¶ 61,184 at PP 5–7; *Comments of Platts*, Docket Nos. PL03–3, *et al.* June 14, 2004.

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6665–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act, as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 1, 2005 (70 FR 16815).

Draft EISs

EIS No. 20040554, ERP No. D–FHW–J40169–CO, Programmatic—I–70 Mountain Corridor Tier 1 Project, from Glenwood Springs and C–470 Proposes to Increase Capacity, Improve Accessibility and Mobility, and Decrease Congestion, Colorado, Garfield, Eagle, Summit, Clear Creek and Jefferson Counties, CO.

Summary: EPA expressed environmental concerns about the proposed project regarding road deicers, the long-term fate and transport of sediment, water and air quality impacts, the indirect and cumulative impacts of growth, and environmental justice issues; and believes that a decision on whether the project is intended to accommodate short or long-term transportation needs should be made before a preferred alternative is identified. Rating EC2.

EIS No. 20050127, ERP No. D–AFS–F65055–MI, Hiawatha National Forest, Proposed Land and Resource Management Plan, Forest Plan Revision, Implementation, Alger, Cheboygan, Chippewa, Delta, Luce and Mackinac Counties, MI.

Summary: EPA has no objections to the proposed action. Rating LO.

EIS No. 20050136, ERP No. D–AFS–J67932–CO, Dry Fork Federal Coal Lease-by-Application (COC–67232), Leasing Additional Federal Coal Lands for Underground Coal Resource, Special-Use-Permits and U.S. Army COE section 404 Permit, Grand Mesa, Uncompahgre and Gunnison National Forests, Gunnison County, CO.

Summary: EPA expressed concerns regarding reducing impacts from roads to habitat, soil erosion and maintaining a buffer between the mining area and the West Elk wilderness area. EPA also expressed concerns about potential wetland impacts caused by mine subsidence. Rating EC2.

EIS No. 20050174, ERP No. D–FHW–J40170–CO, I–25, Valley Highway Project, Transportation Improvement from Logan to U.S. 6, Denver County, CO.

Summary: EPA has environmental concerns about the proposed project related to the lack of improvements to pedestrian access to commercial areas, the compatibility of ramp and arterial improvements with multimodal transportation development, and bicycle and pedestrian safety at intersections. EPA also recommends improvements to the air quality analysis. Rating EC2.

EIS No. 20050175, ERP No. D–FHW–K40258–CA, Campus Parkway Project, Proposes to Construct a New Expressway from Mission Avenue Interchange and Yosemite Avenue/Lake Road, U.S. Army COE Section 404 Permit, City of Merced, Merced County, CA.

Summary: EPA has environmental concerns about the proposed project regarding logical termini, alternatives, connected actions, air quality, cumulative impacts to waters of the U.S., and growth-inducing impacts. EPA recommends that FHWA clearly explain the traffic benefits of the project. Rating EC2.

EIS No. 20050181, ERP No. D–FHW–D40184–MO, MO–34, Corridor

Improvements, from intersection of US Routes 60/21 in Carter County to the intersection of Routes 34/72 in Cape Girardeau County, Funding, U.S. Army COE Section 404 Permit, Carter, Bollinger, Reynolds, Wayne, and Cape Girardeau Counties, MO.

Summary: EPA has environmental concerns about the proposed project related to impacts to streams and 4(f) resources. EPA is also concerned about the uncertainty of potential issues that could arise between now and the projected construction start date, estimated to be at least 10 years. Rating EC2.

EIS No. 20050182, ERP No. D–FRC–J03018–00, Piceance Basin Expansion Project, Construction and Operation of a New Interstate Natural Gas Pipeline System, Wamsutter Compressor Station to Interconnections Greasewood Compressor Station, Rio Blanco County CO and Sweetwater County, WY.

Summary: EPA expressed environmental concerns about water and air quality impacts and the need to assess impacts from several connected and induced actions. Rating EC2.

EIS No. 20050189, ERP No. D–COE–D36075–PA, The Town of Bloomsburg, Columbia County, Pennsylvania Flood Damage Reduction Project, Implementation, Integrated Feasibility Report, Susquhanna River and Fishing Creek, Town of Bloomsburg, Columbia County, PA.

Summary: EPA expressed environmental concern about wetland and proposed wetland mitigation and roadway relocation impacts; and suggested minimization measures that would reduce project impacts. Rating EC2.

EIS No. 20050197, ERP No. D–TVA–E65073–TN, Watts Bar Reservoir Land Management Plan, Update 1988 Plan to Reflect Changing Community Needs, Loudon, Meigs, Rhea and Roane Counties, TN.

Summary: EPA expressed environmental concern related to impacts associated with the development/recreation alternative. Rating EC1.

EIS No. 20050163, ERP No. DS–STB–J53005–00, Powder River Basin Expansion Project, New Information on SEA's Independent Analyses Four Issues Remanded by the ''8'' Circuit Court of Appeals, Finance Docket No. 33407—Dakota, Minnesota, Eastern Railroad, SD, WY and MN.

Summary: EPA expressed environmental concern about apparent contradictions between statements in the Final Environmental Impact Statement and the Draft Supplemental EIS. EPA is also concerned that the assumptions made for air quality modeling for coal usage and the long-term projections of air quality impacts that were not in concert with the expected life of the rail project or the potential production life of Powder River Basin coal in eastern Wyoming. Rating EC1.

Final EISs

EIS No. 20050108, ERP No. F–FTA–J54001–UT, Weber County to Salt Lake City Commuter Rail Project, Proposes a Commuter Rail Transit Service with Nine Stations between Salt Lake City and Peasant View, Funding, Weber, Davis and Salt Lake Counties, UT.

Summary: EPA continues to have concerns about wetland mitigation and air quality impacts. EIS No. 20050153, ERP No. F–FHW–J40160–UT, Southern Corridor Construction, I–15 at Reference Post 2 in St. George to UT–9 near Hurricane, Funding, Right-of-Way Grant and U.S. Army COE Section 404 Permit Issuance, St. George, Washington and Hurricane, Washington County, UT.

Summary: EPA has no objections to the proposed project. EIS No. 20050214, ERP No. F–AFS–J65430–MT, McSutten Decision Area, Implementation of Harvest and Associated Activities, Prescribed Burning, and Road Management, Kootenai National Forest, Rexford Ranger District, Lincoln County, MT.

Summary: EPA supports the proposed project; however, expressed environmental concerns about potential impacts to water quality, adequate funding to implement road BMP upgrades and maintenance, and road decommissioning.

EIS No. 20050223, ERP No. F–FHW–J40168–UT, 11400 South Project, Proposed Improvement to the Transportation Network in the Southern Salt Lake Valley from 12300/12600 South to 10400/10600 South, and from Bangerter Highway to 700 East, Salt Lake City Salt Lake County, UT.

Summary: No formal comment letter was sent to the preparing agency.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 05–13972 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6665–3]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 07/04/2005 through 07/08/2005

Pursuant to 40 CFR 1506.9.

EIS No. 20050283, Final EIS, AFS, NV, Martin Basin Rangeland Project, Authorize Continued Livestock Grazing in Eight Allotments: Martin Basin, Indian, West Side Flat Creek, Buffalo, Bradshaw, Buttermilk, Granite Peak and Rebel Creek Cattle and Horse Allotments, Humboldt-Toiyabe National Forest, Santa Rosa Ranger District, Humboldt County, NV, Wait Period Ends: 08/15/2005, Contact: Jose Noriega (775) 623–5025, Ext. 115.

EIS No. 20050284, Final EIS, BOP, WV, Southern West Virginia Proposed Federal Correctional Institution, Four Alternatives Sites in Southern West Virginia, Boone County, Mingo County, Nicholas County, and McDowell County, WV, Wait Period Ends: 08/15/2005, Contact: Pamela J. Chandler (202) 514–6470.

EIS No. 20050285, Final Supplement, COE, PA, Wyoming Valley Levee Raising Project, Design Modification and Recreational Enhancements, Wilkes-Barre, Pennsylvania River Commons, Susquehanna River, Luzerne County, PA, Wait Period Ends: 08/15/2005, Contact: Jo Ann Grundy (410) 962–6136.

EIS No. 20050286, Final EIS, SFW, ME, Maine Coastal Islands National Wildlife Refuge (formerly Petit Manan National Wildlife Refuge Complex) Comprehensive Conservation Plan, Implementation, the Gulf of Maine, Wait Period Ends: 08/15/2005, Contact: Nancy McGarigal (413) 253–8562.

EIS No. 20050287, Final EIS, BLM, OR, Provolt Seed Orchard Integrated Pest Management (IPM) Program, Implementation, Grants Pass, Medford District, Jackson and Josephine Counties, OR and Charles A. Sprague Seed Orchard Integrated Pest Management Program (IMP), Implementation, Merlin, Medford District, Josephine County, OR, Wait Period Ends: 08/15/2005, Contact: Grodon LyFord (541) 618–2401.

EIS No. 20050288, Final EIS, BLM, OR, Walter H. Horning Seed Orchard Integrated Pest Management Program (IPMO), Implementation, Colton, Salem District, Clackamas County, OR, Wait Period Ends: 08/15/2005, Contact: Terry Garren (503) 630–6888.

EIS No. 20050289, Final EIS, BLM, OR, Travis Tyrrell Seed Orchard Integrated Pest Management (IPM)

Program, Implementation, Eugene District, Lorne, Lane County, OR, Wait Period Ends: 08/15/2005, Contact: Glenn Miller (541) 683–6445 Amended Notices.

EIS No. 20050256, Draft EIS, AFS, MT, Beaverhead-Deerlodge National Forest Draft Revised Land and Resource Management Plan, Implementation, Beaverhead, Butte-Silver Bow, Deerlodge, Granite, Jefferson, Madison Counties, MT, Comment Period Ends: 09/30/2005, Contact: Marty Gardner (406) 683–3860. Revision of FR Notice Published 07/01/2005: Correction to CEQ Comment Period Ending 08/15/2005 has been changed to 09/30/2005.

E*IS No. 20050268, Draft EIS, NOA, 00, Programmatic*—Codified Regulations at 50 CFR 300 Subparts A and G Implementing Conservation and Management Measures Adopted by the Commission for the Conservation of Antarctic Marine Living Resources, Comment Period Ends: 08/15/2005, Contact: Robert B. Gorrell (301) 713–2341. Revision of FR Notice Published 07/01/2005: Correction to Contact Telephone Number.

Dated: July 12, 2005.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 05–13973 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7938–9]

Notice of Open Meeting of the Environmental Financial Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The United States Environmental Protection Agency's (EPA) Environmental Financial Advisory Board (EFAB) will hold an open meeting. EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA) to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities.

EFAB is charted with providing analysis and advice to the EPA Administrator and program offices on environmental finance. The purpose of this meeting is to discuss progress with work products under EFAB's current strategic action agenda and to develop an action agenda to direct the Board's ongoing and new activities through FY 2006. Environmental financing topics expected to be discussed include: Financial assurance mechanisms; environmental management systems; loan guaranty programs; innovative environmental financing tools; non-point source (watershed) financing; useful life financing of environmental facilities, and affordability of water and wastewater.

The meeting is open to the public, however; seating is limited. All members of the public who wish to attend the meeting must register in advance, no later than Thursday, August 4, 2005.

For information on access or services for individuals with disabilities, please contact Alecia F. Crichlow, U.S. EPA, at (202) 564–5188 or *crichlow.alecia@epa.gov*. To request accommodation of a disability, please contact Alecia Crichlow, preferably at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

DATES: Monday, August 15, 2005 from 1–5 p.m. and Tuesday, August 16, 2005 from 7:30 a.m.–4:30 p.m.

ADDRESSES: Marriott San Francisco Fisherman's Wharf, 1250 Columbus Avenue, San Francisco, California, 94133.

Registration and Information Contact: To register for the meeting or get further information, please contact Alecia F. Crichlow, U.S. EPA, at (202) 564–5188 or *crichlow.alecia@epa.gov.*

Dated: July 6, 2005.

Joseph Dillon,

Director, Office of Enterprise Technology & Innovation.

[FR Doc. 05–13988 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7940–1]

Air Quality Criteria Document for Lead

AGENCY: Environmental Protection Agency.

ACTION: Notice of workshops.

SUMMARY: The U.S. Environmental Protection Agency (EPA) Office of Research and Development's National Center for Environmental Assessment (NCEA) is reviewing and, as appropriate, revising the EPA document, ''Air Quality Criteria for Lead,'' EPA–600/8–83/028aF–dF (published in June 1986) and an associated supplement (EPA–600/8–89/049F) published in 1990. As part of this process, several workshops are planned to discuss, with invited recognized scientific experts, initial draft materials that deal with various lead-related issues being addressed in the revised ''Lead Air Quality Criteria Document'' (Lead AQCD) now being prepared by NCEA.

DATES: The first workshop will be held during August 4–5, 2005, and will focus on lead-related ecological issues. Another workshop to be held August 16–18, 2005, will deal with sources, emissions, environmental distribution, human exposures, biokinetic modeling of lead exposure and uptake, and with biological distribution of lead to blood, bone, teeth and soft tissues. A third workshop, to be held August 17–19, 2005, will deal with lead-related health effects. All the workshops will be held at the Carolina Inn in Research Triangle Park, NC.

FOR FURTHER INFORMATION CONTACT: Space is limited at the workshops. Please contact Ms. Joanna Hannah at Science Applications International Corporation (SAIC), telephone: 443–402–9361, FAX: 443–402–9854, e-mail: *HannahJ@SAIC-abingdon.com* to register your attendance at the workshops. SAIC will provide details on the locations and times of each workshop.

For technical information, contact Robert Elias, PhD, NCEA, facsimile: 919–541–1818 or email: *elias.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Section 108(a) of the Clean Air Act directs the Administrator to identify certain pollutants which ''may reasonably be anticipated to endanger public health and welfare'' and to issue air quality criteria for them. These air quality criteria are to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air * * *'' Under section 109 of the Act, EPA is then to establish National Ambient Air Quality Standards (NAAQS) for each pollutant for which EPA has issued criteria. Section 109(d) of the Act subsequently requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare. EPA is also to revise the NAAQS, if appropriate, based on the revised criteria.

Lead is one of six ''criteria'' pollutants for which EPA has established air quality criteria and NAAQS. On November 9, 2004 (69 FR 64926), EPA

formally initiated its current review of the criteria and NAAQS for lead, requesting the submission of recent scientific information on specified topics. One of the next steps in this process was to prepare a project work plan for the revision of the existing Air Quality Criteria Document (AQCD) for lead and to provide for public review of that draft plan. Accordingly, a draft of EPA's ''Project Work Plan for Revised Air Quality Criteria for Lead'' (NCEA–R–1465) was released in January 2005 for public comment and was discussed by the Clean Air Science Advisory Committee (CASAC) via a publicly accessible March 28, 2005, teleconference consultation.

The purpose of these workshops announced in this notice is to obtain peer consultative discussion and feedback from a panel of invited experts with regard to the scope of issues addressed, completeness of coverage of available pertinent literature, scientific accuracy and appropriateness of the assessments of such literature, and the soundness of the interpretations and conclusions related to the evidence assessed in the initial draft materials being prepared for inclusion in the revised Lead AQCD. This includes evaluation of scientific research on environmental sources, transport, and distribution of ambient lead, human lead exposures and lead health effects, ecological impacts, and other impacts related to air quality as described in Section 108(a) of the Clean Air Act.

Dated: July 11, 2005.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. 05–14059 Filed 7–13–05; 1:24 pm]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7939–4]

Science Advisory Board Staff Office; Notification of Advisory Meeting of the Science Advisory Board Regulatory Environmental Modeling (REM) Guidance Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Science Advisory Board (SAB) Regulatory Environmental Modeling (REM) Guidance Review Panel will hold a public teleconference to discuss its draft peer review report of the Agency's Draft Guidance on the Development, Evaluation, and Application of Regulatory Environmental Models, dated November 2003 (referred to here also as the Draft Guidance), and the Models Knowledge Base related to modeling activity within the EPA.

DATES: August 17, 2005, 10 a.m. to 1 p.m. (est).

ADDRESSES: The public teleconference will take place via telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to obtain the teleconference call-in number and access code, would like to submit written or brief oral comments (3 minutes or less for this public teleconference), or who wants further information concerning this public teleconference should contact Dr. Jack Kooyoomjian, Designated Federal Officer (DFO), EPA SAB, 1200 Pennsylvania Avenue, NW., (MC 1400F), Washington, DC 20460; via telephone/voice mail: (202) 343–9984; fax: (202) 233–0643; or e-mail at: *kooyoomjian.jack@epa.gov.* General information concerning the SAB can be found on the SAB Web site at: *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The EPA's Council for Regulatory Environmental Modeling (CREM) has requested that the SAB review the Agency's Draft Guidance and Models Knowledge Base. The Draft Guidance was prepared by the CREM in response to the EPA Administrator's request to continue to strengthen EPA's development, evaluation and use of models in the Agency. The CREM Models Knowledge Base provides public internet access to information on some of EPA's most frequently used models. The Draft Guidance and Models Knowledge Base are currently under review by the SAB's REM Guidance Review Panel, and are the subject of this conference call. Additional background information on this review and all previous announcements (68 FR 46602, August 6, 2003; 70 FR 1243, January 6, 2005; 70 FR 12477, March 14, 2005; and 70 FR 30948, May 31, 2005), meeting agendas, review and background materials can be found at the SAB Web site. The purpose of this meeting is for the SAB Panel to review the working draft report.

Availability of Meeting Materials: Copies of the meeting agenda, the roster of the SAB's REM Guidance Review Panel, and the latest working draft report of the REM Guidance Advisory Panel will be posted on the SAB Web site at: *http://www.epa.gov/sab/panels/cremgacpanel.html* prior to the meeting.

Copies of the Agency's Draft Guidance and Models Knowledge Base and other background materials pertinent to this advisory activity may be obtained at: *http://www.epa.gov/crem,* or *http://www.epa.gov/crem/sab.* For further information regarding the Agency's Draft Guidance and Models Knowledge Base or other background materials, please contact Mr. Pasky Pascual of the U.S. EPA, Office of Science Policy, Office of Research & Development (Mail Code 8102), by telephone/voice mail at (202) 564–2259, by fax at (202) 565–2925; or via e-mail at *pascual.pasky@epa.gov.*

Providing Oral or Written Comments at SAB Meetings: The SAB Staff Office accepts written public comments of any length, and will accommodate oral public comments wherever possible. The SAB Staff Office expects that public statements presented at its meetings will not repeat previously-submitted oral or written statements.

Oral Comments: In general, each individual or group requesting an oral presentation at a public teleconference will be limited to a total time of three minutes (unless otherwise indicated). Requests to provide oral comments must be *in writing* (e-mail, fax, or mail) and received by the DFO no later than noon (Eastern Time) five business days prior to the meeting in order to reserve time on the meeting agenda.

Written Comments: Although the SAB Staff Office accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office no later than noon (Eastern Time) five business days prior to the meeting so that the comments may be made available to the Panelists for their consideration. Comments should be supplied to the DFO (preferably by e-mail) at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 98/2000/XP format)).

Meeting Access: Individuals requiring special accommodation for this teleconference meeting should contact the DFO at the phone number or e-mail address noted above at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: July 11, 2005.

Anthony F. Maciorowski,

Acting Director, EPA Science Advisory Board Staff Office.

[FR Doc. 05–13981 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2005–0144; FRL–7723–9]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of an irrevocable request by a registrant to voluntarily cancel a certain pesticide registration.

DATES: EPA intends to issue a cancellation order effective no earlier than October 31, 2005, for EPA Registration Number 2596–148. This request for cancellation is irrevocable. Therefore, the Agency will not consider a request for withdrawal.

FOR FURTHER INFORMATION CONTACT: Ann Sibold, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6502; e-mail address: *sibold.ann@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2005–0144. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from a registrant to cancel one pesticide product registered under section 3 of FIFRA. This registration is listed in Table 1, of this unit:

TABLE 1.—REGISTRATION WITH PENDING REQUEST FOR CANCELLATION

Registration no.	Product name	Chemical name
2596-148	Ref 117	Phenothrin, (s)-methopre-ne

This request for cancellation is irrevocable and no request for withdrawal will be considered. EPA intends to issue a cancellation order effective no earlier than October 31, 2005.

Table 2, of this unit includes the name and address of record for the registrant of the product listed in Table 1, of this unit.

TABLE 2.—REGISTRANT REQUESTING VOLUNTARY CANCELLATION

EPA company no.	Company name and address
The Hartz Mountain Corporation	400 Plaza Drive, Secaucus, NJ 07094–3688

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register** and provide for a 30–day period in which the public may comment. Thereafter, the Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

This request for cancellation is irrevocable. Therefore, the Agency will not consider a request for withdrawal.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be stated in the cancellation order and will be no earlier than October 31, 2005. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks as follows: Products in the United States which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation may be sold or distributed by Hartz from its facilities until December 31, 2005, and may be sold or distributed by persons other than Hartz until March 31, 2006. After this date, products may not be distributed unless for the purposes of proper disposal or export.

The Agency has provided restrictions on existing stocks because the Agency has identified potential risk concerns associated with this registration.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 1, 2005.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 05–13976 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7938–8]

Casmalia Disposal Site; Notice of Proposed CERCLA Administrative *De Minimis* Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) and section 7003 of the Resource Conservation and Recovery Act (RCRA), the EPA and the State of California's Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (Regional Board) and Department of Fish and Game (DFG) (jointly referred to as the State Regulatory Entities), are hereby providing notice of a proposed administrative *de minimis* settlement concerning the Casmalia Disposal Site in Santa Barbara County, California (the Casmalia Disposal Site). Section 122(g) of CERCLA provides EPA with the authority to enter into administrative *de minimis* settlements. This settlement is intended to resolve the liabilities of 257 settling parties for the Casmalia Disposal Site under sections 106 and 107 of CERCLA and section 7003 of RCRA. These parties are identified below. Some have elected to resolve their liability with the EPA, some with the State Regulatory Entities, and some with both. Most of those resolving their liability to the EPA have also elected to resolve their liability for response costs and potential natural resource damage claims by the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA). The settling parties sent 49,991,889 lbs. of waste to the Site, which represents 0.089% of total Site waste. These parties will pay over $4.3 million to EPA. EPA is simultaneously publishing another **Federal Register** Notice relating to another settlement with *de minimis* parties that had received offers prior to the group of parties listed in this Notice.

Settling Parties: Parties that have elected to settle their liability at this time are as follows: ABC Unified School District, AC Transit, Acme Printing Ink Company, Acromil Corporation, Aerocraft Heat Treating Company, Allied Steel Company, Inc, Amberwick Corporation, American Fence Company, American Metal Bearing Company, Ampex Corporation, Anillo Industries, Inc., Apache Plastics, Arcadia Inc., Arlen J. Richman and Emily J. Richman, Armored Transport Inc., Arvin Industries, Astro Seal, Bakertanks Inc., Behr Process Corporation, Bell Industries, Benco Sales, Benmatt Industries, BMW of North America, Bourns, Inc., Bristol Industries, Bryan's Cleaners and Laundry, Builders Fence Company, Burke Industries, C & H Development, CACO Pacific Corporation, Cal Coast Acidizing Svc., California Domestic Water, California Institute of the Arts, California Oils Corporation, Campbells Soup Company, Carlin Foods, Carpenter Technology Corporation, CB Richard Ellis, C-Brite Metal Finishing, Central Chevrolet, Century Wire & Cable, Cerro Metal Products, Certified Enameling, Chief Auto Parts, Cintas Corporation, City of Anaheim, City of Corona, City of Hayward, City Of Orange, City of Santa Clara, City of Santa Rosa, City of Upland, Clayton Industries, Clean Seas, Coast Plating, Colonial Engineering, Comstock Crosser & Associates Development Company, Connell Processing Inc., Continental Acrylics, Continental Pacific Bank/Bank of the West, Contra Costa Water District, Coronet Manufacturing, Cor-Ray Painting Company, County of Fresno, County of San Mateo, Court Galvanizing, Inc., Crockett Container Corporation, D.W. Cruiso Jr.,/R.W. Poole, DAH Incorporated, Deft Inc., Del Monte Foods, Dewey Pest Control, Dickson Testing Co., Donrey Media Group, Dover Corporation, Drackett, Inc., Dunkel Brothers Trucking, Easton Sports, Eberhard Roofing, Ecodyne Corporation, Econolite Control Products Inc., Eemus Manufacturing, Esterline Technologies, Excal Inc., Fillmore Piru Citrus Association, Fipp Investments, Fisher Development, Fitzgerald Trucking/Fitzgerald Property, Fleet Services Inc., Flint Ink Corporation, Foothill Beverage Company, Fortifiber Corporation, Foster Farms, Gannett Co., Inc., Gans Ink & Supply, Gardenia Foods Company, Inc., General Magnaplate, Good Samaritan Hospital, Great Western Carpet Cushion, Grindley Manufacturing, Griswold Industries, Inc., Grossmont Union High School, GWF Power Manufacturing Systems LP, Gwynn Chevrolet, H.B. Fuller Company, H.F. Cox Petroleum Transportation, Hallmark Circuits, Hampton Farming Company, Handcraft Tile, Harris Corporation, Hartwell Corporation, Hawker Pacific Aerospace, Henry Wong & Tom Pon, Heublein Inc., Hexcel, Hill Brothers Chemical Company, Home Depot, Home Motors, Howard Petersen, Huntington Beach Unified School District, Hyatt Die Cast & Engineering, Illinois Tool Works, Indasco, Inc., Industrial Property Management, Ink Systems Inc., Integrated Device Technology, International Carbonics, International Electronic Research Corporation, Irvine Company, J.C. Carter Company, Jaco Oil Company, Jeffries Bank Notes, Johanson Dialectrics, John H. Harland Company, Johnson & Johnson, Johnson And Turner Painting Company, Jorco Chemical Co., Kal Kan Foods, Kaufman & Broad Homes Corporation, Kaynar Technologies, Kemira Chemicals, Inc., Keystone Shipping Company, Kimberly-Clark Corporation, KOH Atlas Corporation, L3 Communication Corporation, LeFiell Manufacturing, Leviton Manufacturing Company, Lithotype Company, Inc., Lost Arrow Corporation, Lucky Stores, Inc., Lustre Cal Nameplate, Magellan Aerospace, Malcolite Corporation, Marcel Electronics, Master Builders, McGean Rohco, Mentor Corporation, Mercury Services, Metropolitan Water District of Southern California, Micro Matic USA, Inc., Micro Metals, Midway Drilling, Miller Castings Company, Mills Iron Works, Modesto Irrigation District, Monterey Mushrooms, Inc., Multek Inc., Multichrome Company, Murco Development, Nabisco, Inc., Newman & Sons, North American Chemical Co., Nu-Metal Finishing Inc., Oakland Acura, Ohio Casualty Insurance Company, Ohmega Technologies, Orange Line Oil Company, Pacific Coast Building Products, Pacific Coast Producers, Pacific Radiatior Service, Pacifica Real Estate Group, Paktank Corporation, Richmond Terminal, Pamarco Pacific, Parco Inc., Pavement Specialists Inc., Pentair Enclosures Group, Peyton Cramer Ford Isuzu, Phylrich International, Pioneer Roofing & Tile, Plan Hold Corporation, Plant Insulation Company, Plato Products, Power-One Inc., Precision Metal Products, Ralph's Grocery Company, Rector Motor Car Company, Reliable Lumber, Inc., Remo Company, Ricoh Electronics, Robertson-Ceco Corporation, Rollins Inc. (aka Orkin Pest Control), Sacramento Housing And Redevelopment Agency, Safe Plating Company, Salk Institute for Biological Studies, San Diego School District, Santa Barbara Cottage Hospital, Santa Maria Public Airport District, Santee Dairies, Saticoy Country Club, Schlosser Forge, Sealed Air Corporation, Selman Chevrolet, SGL Technic, Inc., Shea Homes, Size Control Plating Co., Inc., Spectra-Tone Paint Corporation, SummerHill Homes, Sunny Distributors, Surface Protection Industries, Sutter Health, Swedlow Inc., Systron Donner, Tech-Etch Inc., Techni-Cast Corporation, The Flood Company, The Pervo Paint Company, The Stanley Works, Thorco Industries, Toppan Electronics, Twenieth Century Fox Film Corporation, U.S. Prefinished Metals, Unifirst Corporation, Union Bank of California, Union Tank Car Company, Universal Alloy, Universal Studios, Inc., U.S. Rentals, Utility Trailer

Manufacturing, Valley Brass Foundry, Valley Todeco, Vancon Construction, VANS Inc. f/k/a Van Doren Rubber Company, Ventura Coastal Corporation, Ventura Regional Sanitation District, Vernon Leather Company, Viacom Inc., Village Car Wash, Volkswagen of North America, Wacker Corporation, Wakefield Thermal Solutions, Waller, Robert A., Wedgstone Automotive, West Contra Costa County Sanitary Landfill, Western Boat Operators, Western Oilfields Supply, Wynn International, Yellow Freight Lines.

DATES: EPA and the State Regulatory Entities will receive written comments relating to the settlement until August 26, 2005. The EPA and State Regulatory Entities will consider all comments they receive during this period, and may modify or withdraw consent to the settlement if any comments disclose facts or considerations indicating that the settlement is inappropriate, improper, or inadequate.

Public Meeting: In accordance with section 7003(d) of RCRA, the EPA has scheduled a public meeting in the affected area to discuss this settlement. Information about the date and time of the meeting will be published in the local newspaper, The *Santa Maria Times*, and will be sent to persons on the EPA's Casmalia Site mailing list. To be added to the mailing list, please contact David Cooper at (415) 972–3237 or by e-mail at *cooper.david@epa.gov*. The information on the public meeting will also be available by calling (415) 369–0559.

ADDRESSES: Written comments should be addressed to Karen Goldberg, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (mail code RC–3), San Francisco, California 94105–3901, or may be faxed to her at (415) 947–3570 or sent by e-mail to *goldberg.karen@epa.gov*. A copy of the comments should be sent to: Caroline Rudolph, Project Coordinator, DTSC, P.O. Box 806, Sacramento, California 95812–0806.

FOR FURTHER INFORMATION CONTACT: Additional information about the Casmalia Disposal Site and about the proposed settlement may be obtained on the Casmalia Web site at: *http://yosemite.epa.gov/r9/sfund/overview.nsf* or by calling Karen Goldberg at (415) 972–3951, who will direct any questions relating to the State Regulatory Entities to the appropriate State officials.

Dated: July 8, 2005.

Elizabeth J. Adams,

Acting Director, Superfund Division, U.S. EPA Region IX.

[FR Doc. 05–13983 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7938–7]

Casmalia Disposal Site; Notice of Proposed CERCLA Administrative *de minimis* Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) and section 7003 of the Resource Conservation and Recovery Act (RCRA), the EPA is hereby providing notice of a proposed administrative *de minimis* settlement concerning the Casmalia Disposal Site in Santa Barbara County, California (the Casmalia Disposal Site). Section 122(g) of CERCLA provides EPA with the authority to enter into administrative *de minimis* settlements. This settlement is intended to resolve the liabilities of 26 settling parties for the Casmalia Disposal Site under sections 106 and 107 of CERCLA and section 7003 of RCRA. These parties are identified below. For most of the parties, the settlement will also resolve the Casmalia Disposal Site-related liability for response costs incurred or to be incurred, and potential natural resource damage claims, by the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the United States Air Force. The settling parties sent a combined total of 16,732,348 lbs. of waste to the Site and will pay a combined total of $1,860,343 million to EPA, $386 to the U.S. Air Force, $983 to the U.S. Fish & Wildlife Service, and $83 to the National Oceanic and Atmospheric Administration. These parties had received settlement offers from EPA in 1999 or 2000 but raised questions regarding their settlement which have since been resolved. EPA is simultaneously publishing another **Federal Register** notice relating to another settlement with *de minimis* parties that received settlement offers in April 2005.

Settling Parties: The parties to this settlement are: A.O. Smith Corporation, Angelus Block Company, Chase Bros Dairy, City of Huntington Beach, City of Lompoc, City of Newport Beach, City of Santa Monica, City of Signal Hill, Crenshaw Christian Church of Los Angeles, Emery Air Freight, Kaiser Foundation Health Plan, Luxfer Inc., MAFCO/Pneumo Abex, Martinez Shopping Center, Maywood Village Square L.P, Pacific Racing Association/Golden Gate Fields, Pasadena Center Operating Company, Phil Wood, Inc., Philip Morris Industrial, Quintec Manufacturing, Saddleback Valley Unified School District, Sares Regis, Temple Inland, The Coca Cola Company, Walter Buell Trust, and World Oil Company.

DATES: EPA will receive written comments relating to the settlement until August 26, 2005. The EPA will consider all comments it receives during this period, and may modify or withdraw its consent to the settlement if any comments disclose facts or considerations indicating that the settlement is inappropriate, improper, or inadequate.

Public Meeting: In accordance with section 7003(d) of RCRA, the EPA has scheduled a public meeting in the affected area to discuss this settlement. Information about the date and time of the meeting will be published in the local newspaper, The Santa Maria Times, and will be sent to persons on the EPA's Casmalia Site mailing list. To be added to the mailing list, please contact David Cooper at (415) 972–3237 or by e-mail at *cooper.david@epa.gov.* The information on the public meeting will also be available by calling (415) 369–0559.

ADDRESSES: Written comments should be addressed to Karen Goldberg, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (mail code RC–3), San Francisco, California 94105–3901, or may be faxed to her at (415) 947–3570 or sent by e-mail to *goldberg.karen@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Additional information about the Casmalia Disposal Site and about the proposed settlement may be obtained on the Casmalia Web site at: *http://yosemite.epa.gov/r9/sfund/overview.nsf* or by calling Karen Goldberg at (415) 972–3951 or sending her an e-mail at *goldberg.karen@epa.gov.*

Dated: July 8, 2005.

Elizabeth J. Adams,

Acting Director, Superfund Division, U.S. EPA Region IX.

[FR Doc. 05–13989 Filed 7–14–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL HOUSING FINANCE BOARD

[No. 2005–N–03]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2004–05 sixth quarter review cycle under the Finance Board's community support requirements regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to the Finance Board.

DATES: Bank members selected for the review cycle under the Finance Board's community support requirements regulation must submit completed Community Support Statements to the Finance Board on or before August 30, 2005.

ADDRESSES: Bank members selected for the 2004–05 sixth quarter review cycle under the Finance Board's community support requirements regulation must submit completed Community Support Statements to the Finance Board either by regular mail at the Federal Housing Finance Board, Office of Supervision, Community Investment and Affordable Housing, 1625 Eye Street, NW., Washington, DC 20006–4001, or by electronic mail at *FITZGERALDE@FHFB.GOV.*

FOR FURTHER INFORMATION CONTACT: Emma J. Fitzgerald, Program Analyst, Office of Supervision, Community Investment and Affordable Housing, by telephone at (202) 408–2874, by electronic mail at *FITZGERALDE@FHFB.GOV,* or by regular mail at the Federal Housing Finance Board, 1625 Eye Street, NW., Washington, DC 20006–4001.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.,* and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria the Finance Board must apply in evaluating a member's community support performance. *See* 12 CFR part 944. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 944.2(a). The Finance Board will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to the Finance Board by the August 30, 2005 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before August 1, 2005, each Bank will notify the members in its district that have been selected for the 2004–05 sixth quarter community support review cycle that they must complete and submit to the Finance Board by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the Finance Board's Web site: *http://WWW.FHFB.GOV.* Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

The Finance Board has selected the following members for the 2004–05 sixth quarter community support review cycle:

Federal Home Loan Bank of Boston—District 1

Charter Oak Federal Credit Union	Groton	Connecticut.
Salisbury Bank and Trust Company	Lakeville	Connecticut.
Chelsea Groton Savings Bank	Norwich	Connecticut.
Rockville Bank	Rockville	Connecticut.
Thomaston Savings Bank	Thomaston	Connecticut.
The Wilton Bank	Wilton	Connecticut.
Kennebec Savings Bank	Augusta	Maine.
Bath Savings Institution	Bath	Maine.
Maine Savings Federal Credit Union	Hampden	Maine.
Androscoggin Savings Bank	Lewiston	Maine.
Saco & Biddeford Savings Institution	Saco	Maine.
Sanford Institution for Savings	Sanford	Maine.
Asian American Bank & Trust Company	Boston	Massachusetts.
The Community Bank	Brockton	Massachusetts.
Chicopee Savings Bank	Chicopee	Massachusetts.
Weymouth Bank	East Weymouth	Massachusetts.
Easthampton Savings Bank	Easthampton	Massachusetts.
Dukes County Savings Bank	Edgartown	Massachusetts.
Bank of Fall River	Fall River	Massachusetts.
Gloucester Cooperative Bank	Gloucester	Massachusetts.
Hudson Savings Bank	Hudson	Massachusetts.
Hyde Park Cooperative Bank	Hyde Park	Massachusetts.
Lee Bank	Lee	Massachusetts.
Washington Savings Bank	Lowell	Massachusetts.

Community Credit Union of Lynn	Lynn	Massachusetts.
Eastern Bank	Lynn	Massachusetts.
National Grand Bank	Marblehead	Massachusetts.
Strata Bank	Medway	Massachusetts.
Middlesex Savings Bank	Natick	Massachusetts.
Newburyport Five Cents Savings Bank	Newburyport	Massachusetts.
North Easton Savings Bank	North Easton	Massachusetts.
Norwood Cooperative Bank	Norwood	Massachusetts.
Seamen's Bank	Provincetown	Massachusetts.
Rockport National Bank	Rockport	Massachusetts.
Granite Savings Bank	Rockport	Massachusetts.
Randolph Savings Bank	Stoughton	Massachusetts.
Walpole Co-operative Bank	Walpole	Massachusetts.
Watertown Savings Bank	Watertown	Massachusetts.
UnitedBank	West Springfield	Massachusetts.
Northern Bank & Trust Company	Woburn	Massachusetts.
First Colebrook Bank	Colebrook	New Hampshire.
NH Federal Credit Union	Concord	New Hampshire
Merrimack County Savings Bank	Concord	New Hampshire.
Laconia Savings Bank	Laconia	New Hampshire.
Mascoma Savings Bank	Lebanon	New Hampshire.
Southern New Hampshire Bank	Salem	New Hampshire.

Federal Home Loan Bank of New York—District 2

United Roosevelt Savings Bank	Carteret	New Jersey.
Skylands Community Bank	Hackettstown	New Jersey.
Haddon Savings Bank	Haddon Heights	New Jersey.
New Community Federal Credit Union	Newark	New Jersey.
Gibraltar Savings Bank, FSB	Newark	New Jersey.
Merrill Lynch Trust Company, FSB	Princeton	New Jersey.
The Rahway Savings Institution	Rahway	New Jersey.
Interchange Bank	Saddle Brook	New Jersey.
Minotola National Bank	Vineland	New Jersey.
Flatbush FS&LA of Brooklyn	Brooklyn	New York.
Manufacturers and Traders Trust Company	Buffalo	New York.
The Bank of Greene County	Catskill	New York.
Ontario National Bank	Clifton Springs	New York.
Bank of Richmondville	Cobleskill	New York.
Fairport Savings Bank	Fairport	New York.
Trustco Bank	Glenville	New York.
Highland Falls FS&LA	Highland Falls	New York.
Steuben Trust Company	Hornell	New York.
Ulster Savings Bank	Kingston	New York.
Suffolk Federal Credit Union	Medford	New York.
Habib American Bank	New York	New York.
Sterling National Bank	New York	New York.
Atlantic Bank of New York	New York	New York.
Rome Savings Bank	Rome	New York.
Sleepy Hollow Bank	Sleepy Hollow	New York.
Solvay Bank	Solvay	New York.
Walden Savings Bank	Walden	New York.
Champlain National Bank	Willsboro	New York.
Banco Popular de Puerto Rico	San Juan	Puerto Rico.

Federal Home Loan Bank of Pittsburgh—District 3

Enterprise Bank	Allison Park	Pennsylvania.
Apollo Trust Company	Apollo	Pennsylvania.
Farmers and Merchants Trust Company of Chambersburg	Chambersburg	Pennsylvania.
Cambria County FS&LA	Cresson	Pennsylvania.
Premier Bank	Doylestown	Pennsylvania.
Portage National Bank	Ebensburg	Pennsylvania.
Elderton State Bank	Elderton	Pennsylvania.
East Penn Bank	Emmaus	Pennsylvania.
First National Bank of Fredericksburg	Fredericksburg	Pennsylvania.
The Gratz National Bank	Gratz	Pennsylvania.
Harleysville National Bank & Trust Company	Harleysville	Pennsylvania.
Irwin Bank and Trust Company	Irwin	Pennsylvania.
The Farmers National Bank of Kittanning	Kittanning	Pennsylvania.
The Bank of Landisburg	Landisburg	Pennsylvania.
First National Bank of Liverpool	Liverpool	Pennsylvania.
The Mars National Bank	Mars	Pennsylvania.
The Fulton County National B&TC	McConnellsburg	Pennsylvania.
The Union National Bank of Mount Carmel	Mt. Carmel	Pennsylvania.
The New Tripoli National Bank	New Tripoli	Pennsylvania.

The National Bank of North East	North East	Pennsylvania.
Police & Fire Federal Credit Union	Philadelphia	Pennsylvania.
Reliance Standard Life Insurance Company	Philadelphia	Pennsylvania.
Phoenixville Federal Bank and Trust	Phoenixville	Pennsylvania.
Orrstown Bank	Shippensburg	Pennsylvania.
Jersey Shore State Bank	Williamsport	Pennsylvania.
PeoplesBank, a Codurus Valley Company	York	Pennsylvania.
First Exchange Bank	Mannington	West Virginia.
Ameribank	Welch	West Virginia.

Federal Home Loan Bank of Atlanta—District 4

AuburnBank	Auburn	Alabama.
First Commercial Bank of Huntsville	Huntsville	Alabama.
Peachtree Bank	Maplesville	Alabama.
The North Jackson Bank	Stevenson	Alabama.
Riverside National Bank	Fort Pierce	Florida.
Community First Credit Union of Florida	Jacksonville	Florida.
Peoples State Bank	Lake City	Florida.
The Bank of Brevard	Melbourne	Florida.
Pinebank	Miami	Florida.
The First National Bank of Florida	Milton	Florida.
SOUTHBank, A Federal Savings Bank	Palm Beach Gardens	Florida.
The Bank of Tampa	Tampa	Florida.
Pilot Bank	Tampa	Florida.
First Commercial Bank of Tampa Bay	Tampa	Florida.
Indian River National Bank	Vero Beach	Florida.
First American Bank and Trust Company	Athens	Georgia.
Main Street Bank	Covington	Georgia.
First State Bank of Randolph County	Cuthbert	Georgia.
Glennville Bank	Glennville	Georgia.
Farmers and Merchants Bank	Lakeland	Georgia.
Security Bank of Bibb County	Macon	Georgia.
Southwest Georgia Bank	Moultrie	Georgia.
Carver State Bank	Savannah	Georgia.
The First State Bank	Stockbridge	Georgia.
Bank of Upson	Thomaston	Georgia.
Thomasville National Bank	Thomasville	Georgia.
Kopernik Federal Bank	Baltimore	Maryland.
Liberty Federal Savings and Loan Association	Baltimore	Maryland.
Slavie Federal Savings Bank	Bel Air	Maryland.
Chesapeake Bank and Trust Company	Chestertown	Maryland.
Mercantile Eastern Shore Bank	Chestertown	Maryland.
Hagerstown Trust Company	Hagerstown	Maryland.
Lafayette Federal Credit Union	Kensington	Maryland.
First United Bank & Trust	Oakland	Maryland.
NBRS Financial	Rising Sun	Maryland.
Bank of Stanly	Albemarle	North Carolina.
Home Savings Bank of Albemarle, SSB	Albemarle	North Carolina.
Self-Help Credit Union	Durham	North Carolina.
Gibsonville Community Bank	Gibsonville	North Carolina.
Farmers & Merchants Bank	Salisbury	North Carolina.
First National Bank of Shelby	Shelby	North Carolina.
Farmers and Merchants Bank of South Carolina	Holly Hill	South Carolina.
Northern Neck State Bank	Bowling Green	Virginia.
American National Bank and Trust Company	Danville	Virginia.
The Bank of Fincastle	Fincastle	Virginia.
Marshall National Bank and Trust Company	Marshall	Virginia.
The Middleburg Bank	Middleburg	Virginia.
First Sentinel Bank	Richlands	Virginia.
First Bank	Strasburg	Virginia.

Federal Home Loan Bank of Cincinnati—District 5

Bedford Loan and Deposit Bank	Bedford	Kentucky.
The Berea National Bank	Berea	Kentucky.
South Central Bank of Bowling Green, Inc	Bowling Green	Kentucky.
Meade County Bank	Brandenburg	Kentucky.
Campbellsville National Bank	Campbellsville	Kentucky.
The First National Bank of Columbia	Columbia	Kentucky.
First National Bank of Northern Kentucky	Ft. Mitchell	Kentucky.
Bank of Germantown	Germantown	Kentucky.
Edmonton State Bank	Glasgow	Kentucky.
South Central Bank of Barren County, Inc	Glasgow	Kentucky.
United Community Bank	Glasgow	Kentucky.
First Security Bank & Trust, McLean	Island	Kentucky.

The First Bremen Bank	Lancaster	Kentucky.
The Lawrenceburg National Bank	Lawrenceburg	Kentucky.
The Farmers National Bank of Lebanon	Lebanon	Kentucky.
Square D Employees' Federal Credit Union	Lexington	Kentucky.
Commonwealth Bank and Trust Company	Louisville	Kentucky.
The Citizens National Bank	Russellville	Kentucky.
Bullitt County Bank	Sheperdsville	Kentucky.
Bank of McCreary County	Whitley City	Kentucky.
Williamsburg National Bank	Williamsburg	Kentucky.
FirstMerit Bank, N.A	Akron	Ohio.
Bethel Building and Loan Company	Bethel	Ohio.
The Equitable Savings and Loan Company	Cadiz	Ohio.
CinFed Employees Federal Credit Union	Cincinnati	Ohio.
The Mt. Washington Savings and Loan Company	Cincinnati	Ohio.
ShoreBank, Cleveland	Cleveland	Ohio.
Community First Bank, National Association	Forest	Ohio.
First Ohio Credit Union, Incorporated	Fostoria	Ohio.
Galion Building and Loan Association	Galion	Ohio.
Second National Bank	Greenville	Ohio.
Greenville National Bank	Greenville	Ohio.
First Federal Savings and Loan Association of Lorain	Lorain	Ohio.
The New Richmond National Bank	New Richmond	Ohio.
Geauga Savings Bank	Newbury	Ohio.
The Ripley National Bank	Ripley	Ohio.
Ripley Federal Savings and Loan Association	Ripley	Ohio.
The First National Bank of Shelby	Shelby	Ohio.
Strasburg Savings Bank	Strasburg	Ohio.
Toledo Area Catholic Credit Union	Sylvania	Ohio.
The Peoples Savings Bank	Urbana	Ohio.
First FS&LA of Van Wert	Van Wert	Ohio.
The Second National Bank of Warren	Warren	Ohio.
Perpetual Savings Bank	Wellsville	Ohio.
People's Community Bank	West Chester	Ohio.
First Federal Savings Bank of Eastern Ohio	Zanesville	Ohio.
The Citizens National Bank of Athens	Athens	Tennessee.
Tennessee Valley Federal Credit Union	Chattanooga	Tennessee.
Bank of Putnam County	Cookeville	Tennessee.
Farmers Bank	Cornersville	Tennessee.
First Federal Bank	Dickson	Tennessee.
Carter County Bank	Elizabethton	Tennessee.
Jackson Bank & Trust	Gainesboro	Tennessee.
Gates Banking & Trust Company	Gates	Tennessee.
Bank of Gleason	Gleason	Tennessee.
Greene County Bank	Greeneville	Tennessee.
Bank of Halls	Halls	Tennessee.
Commercial Bank	Harrogate	Tennessee.
Union Bank	Jamestown	Tennessee.
Bank of Tennessee	Kingsport	Tennessee.
First Bank	Lexington	Tennessee.
Enterprise National Bank	Memphis	Tennessee.
The Bank of Milan	Milan	Tennessee.
Cavalry Banking	Murfreesboro	Tennessee.
Commercial Bank & Trust Company	Paris	Tennessee.
Tennessee State Bank	Pigeon Forge	Tennessee.
The Farmers Bank	Portland	Tennessee.
Central Bank	Savannah	Tennessee.
First Community Bank of Bedford County	Shelbyville	Tennessee.
Farmers & Merchants Bank	Trezevant	Tennessee.
American City Bank	Tullahoma	Tennessee.
Reelfoot Bank	Union City	Tennessee.

Federal Home Loan Bank of Indianapolis—District 6

The New Washington State Bank	Charlestown	Indiana.
First National Bank	Cloverdale	Indiana.
CSB State Bank	Cynthiana	Indiana.
Three Rivers Federal Credit Union	Fort Wayne	Indiana.
Grabill Bank	Grabill	Indiana.
Union Federal Bank of Indianapolis	Indianapolis	Indiana.
Landmark Savings Bank, F.S.B	Indianapolis	Indiana.
Lafayette Savings Bank	Lafayette	Indiana.
Peoples Savings & Loan Association	Monticello	Indiana.
Home Building Savings Bank, FSB	Washington	Indiana.
American Trust and Savings Bank	Whiting	Indiana.
Liberty Savings Bank, FSB	Whiting	Indiana.
FirstBank—Alma	Alma	Michigan.

Signature Bank	Bad Axe	Michigan.
Lake—Osceola State Bank	Baldwin	Michigan.
Central State Bank	Beulah	Michigan.
Eastern Michigan Bank	Croswell	Michigan.
State Bank of Ewen	Ewen	Michigan.
Oakland Commerce Bank	Farmington Hills	Michigan.
Credit Union One	Ferndale	Michigan.
Valley Ridge Bank	Kent City	Michigan.
Co-op Services Credit Union	Livonia	Michigan.
Firstbank	Mount Pleasant	Michigan.
First National Bank of Norway	Norway	Michigan.
Sterling Bank & Trust, FSB	Southfield	Michigan.
First Resource Federal Credit Union	St. Joseph	Michigan.

Federal Home Loan Bank of Chicago—District 7

National Bank of Commerce	Berkeley	Illinois.
Commonwealth Credit Union	Bourbonnais	Illinois.
Prairie Bank and Trust Company	Bridgeview	Illinois.
First National Bank of Brookfield	Brookfield	Illinois.
The Egyptian State Bank	Carrier Mills	Illinois.
Carrollton Bank	Carrollton	Illinois.
ShoreBank	Chicago	Illinois.
The First Commercial Bank	Chicago	Illinois.
Marquette Bank	Chicago	Illinois.
Resource Bank, N.A	DeKalb	Illinois.
Du Quoin State Bank	DuQuoin	Illinois.
Metrobank, N.A	East Molline	Illinois.
Crossroads Bank	Effingham	Illinois.
Midwest Bank and Trust Company	Elmwood Park	Illinois.
Fisher National Bank	Fisher	Illinois.
First State Bank of Forrest	Forrest	Illinois.
Midwest Community Bank	Freeport	Illinois.
Galena State Bank & Trust Company	Galena	Illinois.
Jacksonville Savings Bank	Jacksonville	Illinois.
Kankakee Federal Savings Bank	Kankakee	Illinois.
Union Federal Savings and Loan Association	Kewanee	Illinois.
Citizens State Bank	Lena	Illinois.
Brickyard Bank	Lincolnwood	Illinois.
Bank & Trust Company	Litchfield	Illinois.
Citizens National Bank	Macomb	Illinois.
Okaw Building and Loan, s.b	Mattoon	Illinois.
First Suburban National Bank	Maywood	Illinois.
Community National Bank	Metropolis	Illinois.
Parish Bank and Trust Company	Momence	Illinois.
Morris Building and Loan, s.b	Morris	Illinois.
Warren-Boynton State Bank	New Berlin	Illinois.
First National Bank of Nokomis	Nokomis	Illinois.
Nokomis Savings Bank	Nokomis	Illinois.
Peoples Bank & Trust	Pana	Illinois.
First National Bank of Pana	Pana	Illinois.
Vermillion Valley Bank	Piper City	Illinois.
First State Bank of Red Bud	Red Bud	Illinois.
Lincoln State Bank	Rochelle	Illinois.
Capaha Bank, S.B	Tamms	Illinois.
AmeriMark Bank	Villa Park	Illinois.
Waukegan Savings and Loan, SB	Waukegan	Illinois.
North Shore Trust and Savings	Waukegan	Illinois.
Western Springs National Bank and Trust	Western Springs	Illinois.
Prospect Federal Savings Bank	Worth	Illinois.
First Community Bank, Xenia-Flora	Xenia	Illinois.
American National Bank Fox Cities	Appleton	Wisconsin.
State Bank of Arcadia	Arcadia	Wisconsin.
First National Bank of Barron	Barron	Wisconsin.
Blackhawk State Bank	Beloit	Wisconsin.
First National Bank of Berlin	Berlin	Wisconsin.
Bonduel State Bank	Bonduel	Wisconsin.
Bank of Cashton	Cashton	Wisconsin.
Badger State Bank	Cassville	Wisconsin.
State Bank of Chilton	Chilton	Wisconsin.
American Bank	Eau Claire	Wisconsin.
American Bank	Fond du Lac	Wisconsin.
Franklin State Bank	Franklin	Wisconsin.
Peoples Bank of Wisconsin	Hayward	Wisconsin.
Horicon State Bank	Horicon	Wisconsin.
Farmers State Bank	Markesan	Wisconsin.

Mid Wisconsin Bank	Medford	Wisconsin.
Mitchell Bank	Milwaukee	Wisconsin.
Lincoln State Bank	Milwaukee	Wisconsin.
Bank of Monticello	Monticello	Wisconsin.
The Bank of New Glarus	New Glarus	Wisconsin.
First National Bank of New Richmond	New Richmond	Wisconsin.
The River Bank	Osceola	Wisconsin.
Bank of Poynette	Poynette	Wisconsin.
Johnson Bank	Racine	Wisconsin.
Shell Lake State Bank	Shell Lake	Wisconsin.
Eagle Valley Bank, N.A	St. Croix Falls	Wisconsin.
Superior National Bank	Superior	Wisconsin.
Acuity Bank, SSB	Tomah	Wisconsin.
Shoreline Credit Union	Two Rivers	Wisconsin.
Sunset Bank and Savings	Waukesha	Wisconsin.
The Equitable Bank, S.S.B	Wauwatosa	Wisconsin.
ALLCO Credit Union	West Allis	Wisconsin.
Fortress Bank of Westby	Westby	Wisconsin.
Westby Co-op Credit Union	Westby	Wisconsin.

Federal Home Loan Bank of Des Moines—District 8

Ackley State Bank	Ackley	Iowa.
Exchange State Bank	Adair	Iowa.
First State Bank	Belmond	Iowa.
Columbus Junction State Bank	Columbus Junction	Iowa.
Freedom Security Bank	Coralville	Iowa.
Iowa State Savings Bank	Creston	Iowa.
Decorah Bank & Trust Company	Decorah	Iowa.
AmerUS Life Insurance Company	Des Moines	Iowa.
Dupaco Community Credit Union	Dubuque	Iowa.
The Grundy National Bank	Grundy Center	Iowa.
Hartwick State Bank	Hartwick	Iowa.
Hiawatha Bank & Trust Company	Hiawatha	Iowa.
Community State Bank	Indianola	Iowa.
Green Belt Bank & Trust	Iowa Falls	Iowa.
First National Bank	Le Mars	Iowa.
First National Bank of Muscatine	Muscatine	Iowa.
Security State Bank	New Hampton	Iowa.
Citizen's State Bank	Oakland	Iowa.
First National Bank of Sioux Center	Sioux Center	Iowa.
The Security National Bank of Sioux City, Iowa	Sioux City	Iowa.
Heartland Bank	Somers	Iowa.
Farmers Trust and Savings Bank	Spencer	Iowa.
State Bank	Spencer	Iowa.
First Bank & Trust	Spirit Lake	Iowa.
The Citizens First National Bank of Storm Lake	Storm Lake	Iowa.
West Chester Savings Bank	Washington	Iowa.
Community National Bank	Waterloo	Iowa.
The First National Bank of Waverly	Waverly	Iowa.
Peoples Savings Bank	Wellsburg	Iowa.
Farm Bureau Life Insurance Company	West Des Moines	Iowa.
Farm Bureau Mutual Insurance Company	West Des Moines	Iowa.
Farmers Savings Bank	Wever	Iowa.
State Bank	Worthington	Iowa.
Community America Credit Union	Lenexa	Kansas.
Atwater State Bank	Atwater	Minnesota.
The First National Bank Brewster	Brewster	Minnesota.
City-County Federal Credit Union	Brooklyn Center	Minnesota.
Peoples Bank of Commerce	Cambridge	Minnesota.
First National Bank	Chisholm	Minnesota.
Clinton State Bank	Clinton	Minnesota.
Eitzen State Bank	Eitzen	Minnesota.
Mainstreet Bank	Forest Lake	Minnesota.
Citizens State Bank of Glenville	Glenville	Minnesota.
First Security Bank—Hendricks	Hendricks	Minnesota.
First National Bank of Henning	Henning	Minnesota.
Jackson Federal Savings and Loan Association	Jackson	Minnesota.
Janesville State Bank	Janesville	Minnesota.
Citizens State Bank of Kelliher	Kelliher	Minnesota.
Security State Bank of Kenyon	Kenyon	Minnesota.
State Bank of Long Lake	Long Lake	Minnesota.
Lake Country State Bank	Long Prairie	Minnesota.
United Prairie Bank—Madison	Madison	Minnesota.
Bank of Maple Plain	Maple Plain	Minnesota.
Superior Guaranty Insurance Company	Minneapolis	Minnesota.

Valley Bank & Trust	New Ulm	Minnesota.
Citizens Bank Minnesota	New Ulm	Minnesota.
Community National Bank	Northfield	Minnesota.
Minnwest Bank Ortonville	Ortonville	Minnesota.
Pine River State Bank	Pine River	Minnesota.
First Security Bank—Sanborn	Sanborn	Minnesota.
Americana Community Bank	Sleepy Eye	Minnesota.
Western Bank	St. Paul	Minnesota.
Vermillion State Bank	Vermillion	Minnesota.
Northern State Bank of Virginia	Virginia	Minnesota.
First State Bank of Wabasha	Wabasha	Minnesota.
Heritage Bank, National Association	Willmar	Minnesota.
Merchants Bank NA	Winona	Minnesota.
First State Bank of Wyoming	Wyoming	Minnesota.
Bank of Zumbrota	Zumbrota	Minnesota.
Boone County National Bank	Columbia	Missouri.
Southwest Bank of St. Louis	Des Peres	Missouri.
Commercial Trust Company	Fayette	Missouri.
Home Exchange Bank	Jamesport	Missouri.
Jefferson Bank of Missouri	Jefferson City	Missouri.
Central Bank of Kansas City	Kansas City	Missouri.
Kearney Trust Company	Kearney	Missouri.
Lawson Bank	Lawson	Missouri.
United State Bank	Lewistown	Missouri.
First Missouri State Bank	Poplar Bluff	Missouri.
First State Bank of Purdy	Purdy	Missouri.
The Seymour Bank	Seymour	Missouri.
State Bank of Slater	Slater	Missouri.
Metropolitan National Bank	Springfield	Missouri.
Webb City Bank	Webb City	Missouri.
Heartland State Bank	Edgeley	North Dakota.
Bremer Bank, N.A	Grand Forks	North Dakota.
Stutsman County State Bank	Jamestown	North Dakota.
Northland Financial	Steele	North Dakota.
Peoples State Bank	Westhope	North Dakota.
Security State Bank	Wishek	North Dakota.
Dakota State Bank	Blunt	South Dakota.
BankWest, Inc	Pierre	South Dakota.
Security Bank	Sioux Falls	South Dakota.
First Bank of White	White	South Dakota.
First Dakota National Bank	Yankton	South Dakota.

Federal Home Loan Bank of Dallas—District 9

Bank of Cave City	Cave City	Arkansas.
First National Bank of Crossett	Crossett	Arkansas.
Simmons First Bank of El Dorado, N.A	El Dorado	Arkansas.
Bank of Arkansas, N.A	Fayetteville	Arkansas.
Greers Ferry Lake State Bank	Heber Springs	Arkansas.
First National Bank of Phillips County	Helena	Arkansas.
American State Bank	Jonesboro	Arkansas.
Little River Bank	Lepanto	Arkansas.
Malvern National Bank	Malvern	Arkansas.
Merchants and Planters Bank	Newport	Arkansas.
Pinnacle Bank	Pocahontas	Arkansas.
American Founders Life Insurance Company	Indianapolis	Indiana.
The Cottonport Bank	Cottonport	Louisiana.
Kaplan State Bank	Kaplan	Louisiana.
Sabine State Bank and Trust Company, Inc	Many	Louisiana.
Exchange Bank and Trust Company	Natchitoches	Louisiana.
Liberty Bank and Trust Company	New Orleans	Louisiana.
Sicily Island State Bank	Sicily Island	Louisiana.
St. Martin Bank and Trust Company	St. Martinville	Louisiana.
Concordia Bank & Trust Company	Vidalia	Louisiana.
The Evangeline Bank & Trust Company	Ville Platte	Louisiana.
Progressive Bank	Winnsboro	Louisiana.
First Security Bank	Batesville	Mississippi.
Peoples Bank of Franklin County	Bude	Mississippi.
Bank of the South	Crystal Springs	Mississippi.
Community Bank of Mississippi	Forest	Mississippi.
Community Bank	Laurel	Mississippi.
Century Bank	Lucedale	Mississippi.
Great Southern National Bank	Meridian	Mississippi.
The Commercial Bank	Meridian	Mississippi.
Newton County Bank	Newton	Mississippi.
First National Bank of Oxford	Oxford	Mississippi.

The Citizens Bank of Philadelphia	Philadelphia	Mississippi.
Renasant Bank	Tupelo	Mississippi.
The Bank of Belen	Belen	New Mexico.
The Carlsbad National Bank	Carlsbad	New Mexico.
Western Bank	Lordsburg	New Mexico.
Community Bank	Santa Fe	New Mexico.
Centinel Bank of Taos	Taos	New Mexico.
Amarillo National Bank	Amarillo	Texas.
First National Bank of Bastrop	Bastrop	Texas.
Citizens State Bank	Buffalo	Texas.
1st Community Bank	Corpus Christi	Texas.
National Bank of Daingerfield	Daingerfield	Texas.
Town North National Bank	Dallas	Texas.
First National Bank	Edinburg	Texas.
First National Bank	El Paso	Texas.
First National Bank	Fairfield	Texas.
First National Bank in Graham	Graham	Texas.
First State Bank, Granger	Granger	Texas.
First Community Credit Union	Houston	Texas.
First National Bank of Huntsville	Huntsville	Texas.
The Laredo National Bank	Laredo	Texas.
First State Bank of Livingston	Livingston	Texas.
The First National Bank of Livingston	Livingston	Texas.
Lone Star Bank, S.S.B	Moulton	Texas.
Equity Bank, S.S.B	Mt. Vernon	Texas.
First State Bank	New Braunfels	Texas.
Texas State Bank	San Angelo	Texas.
Commercial National Bank	Texarkana	Texas.
Treaty Oak Bank	Texline	Texas.
Randolph-Brooks Federal Credit Union	Universal City	Texas.
American Bank, N.A	Waco	Texas.
Union Square Federal Credit Union	Wichita Falls	Texas.

Federal Home Loan Bank of Topeka—District 10

FirstBank of Arvada	Arvada	Colorado.
FirstBank of Aurora	Aurora	Colorado.
FirstBank of Douglas County	Castle Rock	Colorado.
Western National Bank of Colorado	Colorado Springs	Colorado.
FirstBank of Lakewood	Lakewood	Colorado.
FirstBank of Littleton	Littleton	Colorado.
Olathe State Bank	Olathe	Colorado.
FirstBank of Silverthorne	Silverthorne	Colorado.
First National Bank	Telluride	Colorado.
WestStar Bank	Vail	Colorado.
FirstBank of Wheat Ridge	Wheat Ridge	Colorado.
Colorado Community Bank	Yuma	Colorado.
The First State Bank of Burlingame	Burlingame	Kansas.
The Farmers State Bank	Circleville	Kansas
Emporia State Bank and Trust Company	Emporia	Kansas.
Home State Bank	Erie	Kansas.
Union State Bank	Everest	Kansas.
First Community Bank	Kansas City	Kansas.
First National Bank & Trust Co. in Larned	Larned	Kansas.
Gold Bank	Leawood	Kansas.
The Bank	Oberlin	Kansas.
First State Bank and Trust	Tonganoxie	Kansas.
Security Benefit Life Insurance Company	Topeka	Kansas.
Commerce Bank and Trust	Topeka	Kansas.
Capital City Bank	Topeka	Kansas.
Wellsville Bank	Wellsville	Kansas.
Boeing Wichita Credit Union	Wichita	Kansas.
Emprise Bank National Association	Wichita	Kansas.
First National Bank & Trust Company	Beatrice	Nebraska.
Exchange Bank	Gibbon	Nebraska.
First State Bank	Gothenburg	Nebraska.
Bank of Nebraska	La Vista	Nebraska.
West Gate Bank	Lincoln	Nebraska.
Home State Bank	Louisville	Nebraska.
Bank of Mead	Mead	Nebraska.
Farmers & Merchants Bank	Milford	Nebraska.
First State Bank	Scottsbluff	Nebraska.
Cattle National Bank & Trust Company	Seward	Nebraska.
The First National Bank of Valentine	Valentine	Nebraska.
CharterWest National Bank	West Point	Nebraska.
Winside State Bank	Winside	Nebraska.

AmeriState Bank	Atoka	Oklahoma.
The First National Bank of Chelsea	Chelsea	Oklahoma.
ABC Bank	Cherokee	Oklahoma.
First Commercial Bank	Edmond	Oklahoma.
Grand Savings Bank	Grove	Oklahoma.
American Fidelity Assurance Company	Oklahoma City	Oklahoma.
Weokie Credit Union	Oklahoma City	Oklahoma.
First National Bank & Trust Co. of Weatherford	Weatherford	Oklahoma.
First National Bank in Wewoka	Wewoka	Oklahoma.
Federal Home Loan Bank of San Francisco—District 11		
Omni Bank, N.A.	Alhambra	California.
First National Bank	Brea	California.
Western Sierra National Bank	Cameron Park	California.
First Coastal Bank	El Segundo	California.
Lake Community Bank	Lakeport	California.
Farmers & Merchants Bank of Central California	Lodi	California.
Center Bank	Los Angeles	California.
Wilshire State Bank	Los Angeles	California.
Nara Bank	Los Angeles	California.
County Bank	Merced	California.
Heritage Oaks Bank	Paso Robles	California.
Valley Community Bank	Pleasanton	California.
1st Centennial Bank	Redlands	California.
Provident Central Credit Union	Redwood City	California.
Alliance Credit Union	San Jose	California.
Silver State Bank	Henderson	Nevada.
Federal Home Loan Bank of Seattle—District 12		
Honolulu City & County Employees FCU	Honolulu	Hawaii.
Rocky Mountain Bank	Billings	Montana.
Native American Bank, N.A	Browning	Montana.
Mountain West Bank, N.A	Helena	Montana.
Three Rivers Bank of Montana	Kalispell	Montana.
First National Bank of Lewistown	Lewistown	Montana.
Bitterroot Valley Bank	Lolo	Montana.
Missoula Federal Credit Union	Missoula	Montana.
Western Bank of Wolf Point	Wolf Point	Montana.
Rogue Federal Credit Union	Medford	Oregon.
First National Bank of Layton	Layton	Utah.
Capital Community Bank	Orem	Utah.
Deseret First Credit Union	Salt Lake City	Utah.
Anchor Bank	Aberdeen	Washington.
The Bank of The Pacific	Aberdeen	Washington.
Whatcom Educational Credit Union	Bellingham	Washington.
Security State Bank	Centralia	Washington.
North Cascades National Bank	Chelan	Washington.
Bank of Whitman	Colfax	Washington.
Islanders Bank	Friday Harbor	Washington.
Community First Bank	Kennewick	Washington.
Security Bank of Washington	Mountlake Terrace	Washington.
Sound Community Bank	Seattle	Washington.
NorthStar Bank	Seattle	Washington.
Yakima Valley Credit Union	Yakima	Washington.
Yakima National Bank	Yakima	Washington.
First National Bank of Wyoming	Laramie	Wyoming.
The Rawlins National Bank	Rawlins	Wyoming.
First State Bank	Wheatland	Wyoming.

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before August 1, 2005, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2004–05 sixth quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by the Finance Board, comments concerning the community support performance of members selected for the 2004–05 sixth quarter review cycle must be delivered to the Finance Board on or before the August 1, 2005 deadline for submission of Community Support Statements.

John P. Kennedy,

General Counsel.

[FR Doc. 05–12951 Filed 7–14–05; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 8, 2005.

A. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Main Banc, Inc., Albuquerque, New Mexico; to become a bank holding company by acquiring 100 percent of the voting shares of Interamerica Bank, New Mexico.

Board of Governors of the Federal Reserve System, July 11, 2005.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 05–13912 Filed 7–14–05; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

Office of Governmentwide Policy; Cancellation of an Optional Form

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Notice.

SUMMARY: Because of low usage, the following Optional Form is cancelled: OF 71A, Fragile (Large Label).

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

DATES: Effective July 15, 2005.

Dated: July 8, 2005.

Barbara M. Williams,

Standard and Optional Forms Management Officer, General Services Administration.

[FR Doc. 05–13917 Filed 7–14–05; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension of Existing Information Collection; Certification of Maintenance of Effort Form Title III of the Older Americans Act, Grants for State and Community Program on Aging

AGENCY: Administration on Aging, HHS.

ACTION: Notice.

SUMMARY: The Administration on Aging (AoA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by August 15, 2005.

ADDRESSES: Submit written comments on the collection of information by fax 202.395.6974 or by mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St., NW., rm. 10235, Washington, DC 20503, Attn: Brenda Aguilar, Desk Officer for AoA.

FOR FURTHER INFORMATION CONTACT: Margaret Tolson, telephone: (202) 357–3440; e-mail: *margaret.tolson@aoa.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, AoA has submitted the following proposed collection of information to OMB for review and clearance. With respect to the following collection of information, AoA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of AoA's functions, including whether the information will have practical utility; (2) the accuracy of AoA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

Title III of the Older Americans Act, section 309(c), requires that a state's allotment be reduced by the percentage by which its state expenditures for a given fiscal year are less than its average annual expenditures from state sources for the period of three consecutive fiscal years preceding such fiscal year. Since information collected on the SF–269 report combines the funds from state and local sources, the Administration on Aging is unable to identify funds solely from State sources. The information contained on the Certification of Maintenance of Effort form will be used by the Administration on Aging to verify the amount of state expenditures and make comparisons with the average annual expenditures for the period of three consecutive fiscal years preceding the given year to assure that a state is in compliance with 45 CFR 1321.49.

AoA estimates the burden of this collection of information as follows: Approximately one-half hour per respondent with 52 State Agencies on Aging responding annually, thus producing a burden of 26 hours per year.

In the **Federal Register** of March 29, 2005 (Vol. 70, No. 59, Page 15862), the agency requested comments on the proposed collection of information.

No comments on the content of the collection were received.

Dated: July 12, 2005.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. 05–13938 Filed 7–14–05; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Cooperative Agreements for Tribes and Tribal Organizations for Tobacco Prevention and Control

Announcement Type: New.

Funding Opportunity Number: AA066.

Catalog of Federal Domestic Assistance Number: 93.283.

Application Deadline: August 15, 2005.

I. Funding Opportunity Description

Authority: 301 (a) and 317(k)2), [42 U.S.C.,241 (a) and Section 247b(k)(2)].

Background

Among American Indian and Alaska Native men and women, rates of smoking are substantially higher than smoking rates in any other U.S. subgroup. In 2000, the Centers for Disease Control and Prevention (CDC), Office on Smoking and Health (OSH) began efforts to specifically address the burden of tobacco use among American Indians and Alaska Natives (AI/AN). The five-year cooperative agreement Program Announcement (PA) 00065 focused on building capacity and infrastructure to prepare tribes and tribal communities, to conduct evidence-based tobacco control and prevention activities. CDC funded seven tribes and tribal organizations under this cooperative agreement which ends in September, 2005 (*e.g.*, recognized governing body of any Indian Tribe; any legally established organization of American Indians and Alaska Natives which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the community to be served by such organization and which includes the maximum participation of Indian Tribe members in all phases of its activities (25 U.S.C. 450b). The work that was conducted by the grantees improved the capacities of tribes and AI/AN communities to conduct culturally-competent tobacco control and prevention activities, especially in populations where tobacco is held in high esteem and is used for ceremonial, medicinal, and other cultural purposes. The grantees were also instrumental in developing culturally appropriate education materials which need to be tested for their relevance and usefulness in other regions/tribes.

Purpose

The purpose of this program is to support American Indian and Alaska Native (AI/AN) tribes and tribal organizations to: (1) Lead regional efforts to prevent and reduce the use of tobacco and exposure to secondhand smoke (capacity program) and (2) conduct evaluation and implementation of culturally relevant and community competent tobacco control and prevention strategies for use with broader AI/AN populations in addition to continuing regional capacity building efforts (implementation program.) This program addresses the ''Healthy People 2010'' focus area of tobacco use. This announcement is related to the two primary goals of: (1) Increasing quality and years of healthy life; and (2) eliminating health disparities among segments of the population, including differences that occur by gender, race or ethnicity, education or income, disability, geographic location, or sexual orientation.

Measurable outcomes of the program will be aligned with the following National Tobacco Control Program goals:

(1) Prevent initiation of tobacco use among young people.

(2) Promote cessation of tobacco use among youth and adults.

(3) Protect the public from secondhand smoke exposure.

(4) Identify and eliminate disparities in tobacco use among population groups.

Measurable outcomes of the program will be in alignment with the following performance goal for the National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) Office on Smoking and Health (OSH): Reduce cigarette smoking among youth.

This announcement is only for non-research activities supported by CDC/ASTDR. If research is proposed, the application will not be reviewed. For the definition of research, please see the CDC Web site at the following Internet address: *http://www.cdc.gov/od/ads/apspolll.htm*

Activities

Awardee activities for this program are as follows:

A. Capacity

1. Establish a technical Program and assist tribes and/or AI/AN populations with data collection, identification and dissemination of resources, training and education development and implementation, evaluation, and other needs.

2. Identify experts and train AI/AN leaders.

3. Establish AI/AN tobacco control and prevention councils and partnerships. Promote and facilitate collaboration among tribes, tribal organizations, and non-tribal partners such as national, state, and local tobacco control organizations or networks (*e.g.* American Cancer Society, state and local health departments, etc.)

4. Develop communication systems for sharing and disseminating information.

5. Identify policies that benefit tribal communities.

6. Identify and leverage resources.

7. Develop a plan and set priorities for building capacity and infrastructure.

8. Identify and document proven and promising strategies in AI/AN communities.

9. Participate in regional and national information sharing exchange.

10. Provide administrative and financial management of the program.

11. Evaluate progress towards program objectives.

Performance measures for Capacity activities include:

- Program Management: Identify and hire staff with appropriate competencies to manage a Capacity Program Center. A suggested minimum number of staff is one to two full-time equivalents (FTEs), including one FTE Program Manager and one (or a half-time) FTE Program Specialist. Performance will be measured by evidence that the applicant has dedicated human resources to administer and manage the program effectively.
- Financial Management: Appropriately use funds to maintain the program based on the scope of work within the approved Annual Action Plan (AAP) and budget. Performance will be measured by successful and timely completion and submission of Financial Status Reports and Semi-Annual and Annual Progress Reports that detail progress, barriers and completion of program objectives identified in the AAP.
- Program and Evaluation Plans: Develop annual action and evaluation plans with active participation from members of represented tribes or from members of the Board of Directors. The AAP should include: Description of program goals and objectives, strategies or activities to meet the objectives, responsibility areas, and timeframes. An evaluation plan should include a logic model linking activities to outputs and short-term and intermediate outcomes using Specific, Measurable, Achievable, Relevant, and Time-bound (SMART) program objectives. Performance will be measured by evidence that the annual program and evaluation plans have been

submitted and will be reviewed routinely.

• Communication with Partners: Actively communicate and share information with other tribes, tribal/urban AI and AN organizations, networks, partners, State health departments and CDC/OSH. Performance will be measured by participation in a communication system (*i.e.* participating on CDC sponsored workgroups or taskforces; meetings, conferences; and presenting and/or publishing programs outcomes) for the exchange and dissemination of information.

• Training and technical assistance: Provide training and technical assistance to Program, Tribal leaders and councils, AI/AN tribes and tribal organizations, non-tribal partners and other leadership entities.

B. Implementation

1. Develop and tailor strategies and program interventions that reduce tobacco use and exposure that are derived from evidence-based recommendations (Guide to Community Preventive Services) Only when not available and in consultation with CDC OSH, develop materials, tool kits, pamphlets and brochures that are specific for AI/AN populations.

2. Implement proven and promising practices.

3. Evaluate promising programs and strategies for cultural relevance, community competence, program effectiveness and ability to replicate in AI/AN communities. Examples include policy manuals, cessation curricula and media campaigns.

4. Collaborate with OSH on evaluation of interventions and dissemination of findings.

5. Collect information to inform program development, implementation and evaluation using talking circles, focus groups and other activities.

6. Develop communication systems for sharing and disseminating information.

7. Continue and expand programmatic efforts with AI/AN tribes and tribal organizations to reduce tobacco use and exposure.

8. Provide guidance and mentoring to Capacity Programs.

9. Develop a plan for sustaining program efforts in the future.

10. Provide administrative and financial management of the program.

11. Evaluate progress towards program objectives.

Performance measures for Implementation activities include:

• Program Management: Identify and hire staff with appropriate competencies to manage a Capacity Program. A suggested minimum number of staff is one-to-two full-time equivalents (FTEs), including one FTE Program Manager and one (or a half-time) FTE Program Specialist. Performance will be measured by evidence that the applicant has dedicated human resources to administer and manage the program effectively.

• Financial Management: Appropriately use funds to maintain the program based on the scope of work within the approved Annual Action Plan (AAP) and budget. Performance will be measured by successful and timely completion and submission of Financial Status Reports and Semi-Annual and Annual Progress Reports that detail progress, barriers and completion of program objectives identified in the AAP.

• Program and Evaluation Plans: Develop annual action and evaluation plans with active participation from members of represented tribes or from members of the Board of Directors. The AAP should include: description of program goals and objectives, strategies or activities to meet the objectives, responsibility areas, and timeframes. An evaluation plan should include a logic model linking activities to outputs and short-term and intermediate outcomes using Specific, Measurable, Achievable, Relevant, and Time-bound (SMART)program objectives. Performance will be measured by evidence that the annual program and evaluation plans have been submitted and will be reviewed regularly.

• Communication with Partners: Actively communicate and share information with other tribes, tribal/urban AI and AN organizations, networks, partners, State health departments and CDC/OSH. Performance will be measured by participation in a communication system (*i.e.* participating on CDC sponsored workgroups or taskforces; meetings, conferences; and presenting and/or publishing programs outcomes) for the exchange and dissemination of information.

• Training and Technical Assistance: Provide training and technical assistance to Program staff, Tribal leaders and councils, AI/AN tribes and tribal organizations, non-tribal partners and other leadership entities.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring.

CDC activities for this program are as follows:

Capacity and Implementation

1. Provide consultation and technical assistance in the planning, implementation, and evaluation of program activities.

2. Provide up-to-date information that includes diffusion of proven and promising practices and current research and data in areas of tobacco use control and prevention.

3. Facilitate communication activities among Capacity and Implementation Programs, such as holding meetings, conferences, and conference calls to foster the transfer of information and knowledge of successful tobacco-related disparities interventions and promising program models.

4. Facilitate mentoring opportunities by holding workshops, trainings, and skill building and exchange seminars to increase capacity and infrastructure development of awardees.

5. Assist in identifying and addressing issues related to sustainability of programs.

6. Participate in the monitoring and evaluation of program activities and initiatives, including annual site visits.

II. Award Information

Type of Award: Cooperative Agreement. CDC involvement in this program is listed in the Activities Section above.

Fiscal Year Funds: 2005.

Approximate Total Funding: $1,700,000. (This amount is an estimate and is subject to availability of funds.)

Approximate Number of Awards: Four to Six awards in Capacity program and three to five awards in Implementation Program.

Approximate Average Award: $175,000 for Capacity programs and $250,000 for Implementation programs. (This amount is for the first 12-month budget period and includes both direct and indirect costs.)

Floor of Award Range: None.

Ceiling of Award Range: $200,000.00 for Capacity program and $275,000.00 for Implementation program. (This ceiling is for the first 12-month budget period.)

Anticipated Award Date: August 31, 2005.

Budget Period Length: 12 months.

Project Period Length: Five years.

Throughout the project period, CDC's commitment to continuation of awards will be on the condition that funds are available, that there is evidence of satisfactory progress by the recipient (as documented in required reports), and that continued funding is determined to be in the best interest of the Federal Government.

III. Eligibility Information

III.1. Eligible applicants

Applications may be submitted by federally recognized AI/AN tribes and tribal organizations. Organizations must be incorporated for the primary purpose of improving AI/AN health and must represent such interests for the tribes or urban AI/AN populations located in its service region. An urban organization is defined as a non-profit corporate body situated in an urban center eligible for services under Title V of the Indian Health Care Improvement Act, Pub. L. 94–437, as amended.

Justification for Limited Competition

For Capacity program, competition is limited to federally recognized tribes and tribal organizations that will serve AI/AN populations that have a high burden of tobacco use and have not been served by a tribe or tribal organization that was funded under Program Announcement (PA) 00065. The target populations are tribes and AI/AN populations that have substantial tobacco related health disparities and receive minimal or no funding support for tobacco control and prevention program development from other sources. If an applicant is from a tribe or tribal organization that has been funded under PA 00065, they can apply for a Capacity program only if they will expand their reach and serve tribes and AI/AN populations that have not been served by the applicant before. In their previous relationships with CDC–OSH, these awardees acquired knowledge and skills about the science and practice of tobacco control and prevention and can use that experience in working with other tribes and populations.

For Implementation program, competition is limited to federally recognized tribes and tribal organizations that have developed AI/AN culturally-specific manuals, campaigns, and curricula and want to evaluate them for use with broader AI/AN populations. These tribes and tribal organizations may have been recipients under PA 00065 and may have the knowledge and experiences in conducting tobacco control and prevention and in developing promising and proven interventions appropriate for use with tribes and tribal communities. Such tribes and tribal organizations have prior experiences responding to the unique needs among this population to address the burden of tobacco use and resulting tobacco-related disparities in a way that is culturally appropriate and acceptable. Since there are high tobacco use rates within this target population and since Indian Tribes exercise inherent sovereign powers and responsibilities over their members and territory, and since there is a requirement that Indian Tribes be involved in the development of relevant and culturally appropriate approaches to public issues and program activities this program announcement is limited to tribes and tribal organizations who have a proven track record of working with this population and who have the abilities to reach the people who have not been reached within this population and to work toward closing the tobacco use rate gaps within this population.

III.2. Cost Sharing or Matching

Matching funds are not required for this program.

III.3. Other

If a funding amount greater than the ceiling of the award range is requested, the application will be considered non-responsive and will not be entered into the review process. The applicant will be notified that the application did not meet the submission requirements

Special Requirements

Eligible AI/AN tribes and tribal organizations must meet all of the criteria listed below and provide evidence of eligibility by attaching a copy of Addendum 3, Eligibility Certification Form to the application proposal.

Capacity

a. AI/AN tribes or tribal organizations with a total service population of at least 40,000 tribal members or urban residents who are enrolled members of federally recognized tribes. Tribes or organizations that may have been funded previously under PA 00065 are eligible to apply if they expand their coverage to reach the 40,000 minimum population requirement in adjacently-located AI/AN tribes and/or AI/AN populations that have not been previously served by a CDC funded tribe or tribal organization. These include tribes in the following states or geographical regions: Southern California, Nevada, Utah, Montana, Wyoming, Colorado, New Mexico, Kansas, Oklahoma (excluding Muscogee Creek Nation), Minnesota, Wisconsin, Texas, Louisiana, Mississippi, Alabama, Florida, South Carolina, North Carolina, New York, Connecticut, Massachusetts, Rhode Island, Maine, the Navajo Nation, and American Indians residing in urban areas.

b. At least one year of experience in operating a tobacco control or other public health program(s) that serves the AI and/or AN population.

c. Letters of support or resolutions from Tribal Councils or Governments from at least 50 percent of the tribes that have not previously been served by a CDC funded tribe or tribal organization. For applicants proposing to serve urban population(s), letters of support from national organizations that exist to serve AI/AN health-related interests should be provided.

d. The mission of the applicant must demonstrate a commitment to improve the health of the AI/AN populations it proposes to serve.

e. One year of experience conducting process and/or outcome evaluations of public health/community programs.

f. For those applicants applying as a private, nonprofit organization, proof of tax exempt status must be provided with the application.

Implementation

a. AI/AN Tribes and tribal organizations who have experience developing AI/AN culturally-specific manuals, campaigns and curricula and want to evaluate and implement one or more of them to achieve the scientific basis that it is effective for use with AI/AN populations. Examples of developed products include policy manuals, media campaigns, and cessation curricula.

b. At least three years of experience operating a tobacco control and prevention program that serves the AI/AN population.

c. Letters of support or resolutions from Tribal Councils or Governments from at least 50 percent of the tribes to be served.

d. The mission of the applicant must demonstrate a commitment to improve the health of the AI/AN populations it proposes to serve.

e. One year of experience conducting process and/or outcome evaluations of public health/community programs.

Applications will be considered incomplete if any of the following eligibility requirements are not met:

- Service population requirement;
- Required letters of support;
- Required statement of commitment to improve the health of the AI/AN population it proposes to serve;
- Required experience in tobacco control or public health;
- Required experience in process or outcome evaluations;
- If applicable, non-profit status.

Applicant must document eligibility requirements accordingly:

- Documentation of service population in narrative under ‘‘Executive Summary’;
- Attachment of letters of support or resolutions in the appendix;

• Documentation of mission and commitment to improve the health of the AI/AN population it proposes to serve in the appendix;

• Documentation of experience in tobacco control or public health in the narrative under ''Capacity'';

• Documentation of experience in evaluation in the narrative under ''Capacity'';

• If applicable, proof of 501(c)(3) status in appendix.

Note: Title 2 of the United States Code Section 1611 states that an organization described in Section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

IV.1. Address To Request Application Package

To apply for this funding opportunity use application form PHS 5161–1.

Electronic Submission

CDC strongly encourages the applicant to submit the application electronically by utilizing the forms and instructions posted for this announcement on *www.Grants.gov,* the official Federal agency wide E-grant Web site. Only applicants who apply on-line are permitted to forego paper copy submission of all application forms.

Paper Submission

Application forms and instructions are available on the CDC Web site, at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm*

If access to the Internet is not available, or if there is difficulty accessing the forms on-line, contact the CDC Procurement and Grants Office, Technical Information Management Section (PGO–TIM) staff at 770–488–2700 and the application forms can be mailed.

IV.2. Content and Form of Submission

Application: A project narrative must be submitted with the application forms. A separate application is required for Capacity and Implementation. The narrative must be submitted in the following format:

• Maximum number of pages: 21. If your narrative exceeds the page limit, only the first pages which are within the page limit will be reviewed.

• Font size: 12 point unreduced.

• Double spaced.

• Paper size: 8.5 by 11 inches.

• Page margin size: One inch.

• Printed only on one side of page.

• Held together only by rubber bands or metal clips; not bound in any other way.

• Applicants must identify whether they are applying for the Capacity or Implementation program in the cover page or letter.

Capacity applicants: The narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed.

1. Executive Summary (Two-Three Pages)

a. Describe the AI/AN tribe or tribal organization and include purpose or mission, years of existence, and experience in representing the healthcare interests of the represented tribes and/or AI/AN populations.

b. Describe the represented tribes and/or AI/AN populations and include the population size of the total tribes/populations represented, geographical locations of tribes/populations, and proximity to applicant. For applicants who were funded under PA 00065 and are applying to extend outreach of their services to adjacent tribe(s) that have not been previously served by a tribe or tribal organization funded by CDC describe the tribes that will be outreached, their population size, and geographical locations and proximity to applicant.

c. Describe applicant's experience, capacity, and readiness to implement the program. Discuss the organizational structure and how it would support the implementation of the proposed program.

2. Narrative (Not More Than 18 Pages)

a. Need

Describe the needs for developing culturally relevant and community competent tobacco control programs among the tribes/populations to be served and how the applicant will assist AI/AN tribes and populations in addressing the identified needs. This information should include:

• Discussion of the extent of the tobacco use problem in tribe(s) and/or population to be served.

• Description of the gaps, challenges, limitations and/or opportunities for implementing tobacco control and prevention strategies.

• Description of need to develop comprehensive and sustainable tobacco control programs among the represented tribes.

b. Annual Action Plan (AAP)

Provide a narrative that describes your AAP including cultural relevant and community competent strategies to reduce tobacco use and exposure in the AI/AN population. In addition to the narrative, applicants are encouraged to use the AAP format included as Addendum 6 to summarize the key elements of the plan. The AAP should include the following:

• Goals and Objectives: Develop SMART objectives to be accomplished during the first year. Describe possible barriers to or facilitators for reaching each objective.

• Strategies and activities: For each objective, describe the strategies to meet the objectives and accomplish the recipient activities.

Timeline: Provide a timeline that identifies major activities and assigns approximate dates for their inception and completion.

• Tracking progress: Provide indicators of how you will monitor and track progress toward accomplishing activities.

• Responsible party: Identify person(s) or party(ies) responsible for overseeing the activities.

c. Program Management

• Describe how you will manage the project to accomplish recipient activities. Identify any anticipated challenges and how you will address them.

• Describe the proposed project staffing. Staffing should include the commitment of at least one to two full-time staff members to provide direction for the proposed activities.

• Demonstrate that staff members have the professional background, experience, and organizational support needed to fulfill the proposed responsibilities. Include curriculum vitae (limit to 2 pages) for each staff member and job descriptions for staff not yet identified.

d. Capacity

• Describe relevant experiences and successes in developing and administering health-related programs for AI/AN tribes and/or populations. Be specific about the scope of programs, dates and duration, and whether the public health experience was at the tribal, regional or national level.

• Provide letters of support from at least 50 percent of the represented tribes. Awardees funded under PA # 00065 and applying for a Capacity program must provide letters of support from at least 50 percent of the tribes which they will serve and which have not been previously served by a CDC funded tribe or tribal organization. Applicants proposing to serve urban population(s) must provide letter(s) of

support from national organization(s) that represent AI/AN health interests.

• Provide documentation of the applicant's mission and commitment to improve the health of the AI/AN population it proposes to serve.

• Describe how the applicant communicates and disseminates information to the served tribes and their membership (*e.g.* newsletter, Websites, meetings, conferences, etc.)

• Submit a copy of the applicant's organizational chart and describe how the structure supports the development of a tobacco control and prevention program for the organization or for the tribes that will be served.

Submit a copy of the tax-exempt status, if applicable.

e. Evaluation and Logic Model

• Provide a description of the evaluation and monitoring process to be used to track and measure progress in meeting objectives in the AAP. Describe how results will be reported and used. Designate who will oversee the evaluation design and process.

f. Budget and Accompanying Justification

Provide a line item budget and detailed justification for the first year. The budget should be consistent with stated goals and planned activities outlined in the AAP. To the extent necessary, applicants are encouraged to include budget items for the following: Travel for the following meetings:

i. Program Manager to attend a reverse site visit to Atlanta, GA within sixty (60) days of project start to meet with Project Officer and other OSH Staff and review the annual action plan, technical assistance needs and resources. First year only.

ii. One to two staff to Atlanta, GA to attend the National Tobacco Control Program annual 2.5 day CDC-sponsored training workshop.

iii. One to two staff to attend Annual Program Training and Workshop—location TBD.

iv. If needed—a computer, modem, communication software, and a dedicated telephone line to support routine participation in web-related communications with tribes and partners.

If proposed contractors are known at the time of the application, provide the following:

1. Name of contractor/consultant.
2. Method of selection.
3. Method of accountability.
4. Scope of service.
5. Period of performance.
6. Detailed budget and justification.

Implementation applicants: The narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed.

1. Executive Summary (2–3 Pages)

a. Describe the AI/AN tribe or tribal organization and include purpose or mission, years of existence, and experience in tobacco control and prevention.

b. Describe applicant's experience, capacity, and readiness to implement the program. Discuss the organizational structure and how it would support the implementation of the proposed program.

C. Describe promising programs to be evaluated for cultural relevance, community competence, effectiveness and ability to replicate.

2. Narrative (Not More Than 18 Pages)

a. Need

Describe the need for implementing and evaluating proven and promising strategies, including:

• Need for developing culturally relevant and community competent interventions.

• Need for assisting Capacity programs in developing their capacity and infrastructure to deliver interventions.

• Need for assisting tobacco control and prevention partners with outreach efforts to AI/AN tribes.

• Need to develop comprehensive and sustainable tobacco control programs among the represented tribes.

b. Annual Action Plan (AAP)

Provide a narrative that describes your AAP including cultural relevant and community competent strategies to reduce tobacco use and exposure in the AI/AN population. In addition to the narrative, applicants are encouraged to use the AAP format included as Addendum 6 to summarize the key elements of the plan. The AAP should include the following:

• Goals and Objectives: develop SMART objectives (Specific, Measurable, Achievable, Relevant, and Time-phased) to be accomplished during the first year. Describe possible barriers to or facilitators for reaching each objective.

• Strategies and activities: For each objective, describe the strategies to meet the objectives and accomplish the recipient activities.

• Timeline: Provide a timeline that identifies major activities and assigns approximate dates for their inception and completion.

• Tracking progress: Provide indicators of how you will monitor and track progress toward accomplishing activities.

• Responsible party: Identify person(s) or party(ies) responsible for overseeing the activities.

c. Program Management

• Describe how you will manage the project to accomplish recipient activities. Identify any anticipated challenges and how you will address them.

• Describe the proposed project staffing. Staffing should include the commitment of at least one to two full-time staff members to provide direction for the proposed activities.

• Demonstrate that staff members have the professional background, experience, and organizational support needed to fulfill the proposed responsibilities. Include curriculum vitae (limit to 2 pages) for each staff member and job descriptions for staff not yet identified.

d. Capacity

• Describe relevant experiences and successes in developing and administering tobacco control for AI/AN tribes and/or populations, including discussion of: specific developed capacities that will enable mentoring for other tribes and tribal organizations and relationships with other tribal and non-tribal partners.

• Provide letters of support from at least 50 percent of the represented tribes.

• Provide documentation of the applicant's mission and commitment to improve the health of the AI/AN population it proposes to serve.

• Submit a copy of the applicant's organizational chart and describe how the structure supports the development of the proposed program.

Submit a copy of the tax-exempt status, if applicable.

e. Evaluation and Logic Model

• Provide a description of the evaluation and monitoring process to be used to track and measure progress in meeting objectives in the AAP. Describe how results will be reported and used. Designate who will oversee the evaluation design and process.

• Provide an evaluation logic model that links program activities to outputs and short-term and intermediate outcomes.

f. Budget and Accompanying Justification

Provide a line item budget and detailed justification for the first year. The budget should be consistent with stated goals and planned activities

outlined in the AAP. To the extent necessary, applicants are encouraged to include budget items for the following: Travel for the following meetings:

i. Program Manager to attend a reverse site visit to Atlanta, GA within sixty (60) days of project start to meet with Project Officer and other OSH Staff and review the annual action plan, technical assistance needs and resources. First year only.

ii. One to two staff to Atlanta, GA to attend the National Tobacco Control Program annual 2.5 day CDC-sponsored training workshop.

iii. One to two staff to attend Tobacco Program Training and Workshop—location TBD.

iv. If needed—a computer, modem, communication software, and a dedicated telephone line to support routine participation in web-related communications with tribes and partners.

If proposed contractors are known at the time of the application, provide the following:

1. Name of contractor/consultant.
2. Method of selection.
3. Method of accountability.
4. Scope of service.
5. Period of performance.
6. Detailed budget and justification.

For all applicants: Additional information may be included in the application appendices. The Appendices will not be counted toward the narrative page limit.

This additional information includes:

- Curriculum Vitas, Resumes, Organizational Charts, Letters of Support and/or Tribal Resolutions, etc.

The agency or organization is required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain an DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. For more information, see the CDC web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm*.

For more information, see the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/grantmain.htm*.

If the application form does not have a DUNS number field, please write the DUNS number at the top of the first page of the application, and/or include the DUNS number in the application cover letter.

Additional requirements that may require submittal of additional documentation with the application are listed in section ''VI.2. Administrative and National Policy Requirements.''

IV.3. Submission Dates and Times

Application Deadline Date: August 15, 2005.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 pm Eastern Time on the deadline date.

Applications may be submitted electronically at *www.grants.gov.* Applications completed on-line through Grants.gov are considered formally submitted when the applicant organization's Authorizing Official electronically submits the application to *www.grants.gov.* Electronic applications will be considered as having met the deadline if the application has been submitted electronically by the applicant organization's Authorizing Official to Grants.gov on or before the deadline date and time.

If submittal of the application is done electronically through Grants.gov (*http://www.grants.gov*), the application will be electronically time/date stamped, which will serve as receipt of submission. Applicants will receive an e-mail notice of receipt when CDC receives the application.

If submittal of the application is by the United States Postal Service or commercial delivery service, the applicant must ensure that the carrier will be able to guarantee delivery by the closing date and time. If CDC receives the submission after the closing date due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, the applicant will be given the opportunity to submit documentation of the carrier's guarantee. If the documentation verifies a carrier problem, CDC will consider the submission as having been received by the deadline.

If a hard copy application is submitted, CDC will not notify the applicant upon receipt of the submission. If questions arise on the receipt of the application, the applicant should first contact the carrier. If the applicant still has questions, contact the PGO–TIM staff at (770) 488–2700. The applicant should wait two to three days after the submission deadline before calling. This will allow time for submissions to be processed and logged.

This announcement is the definitive guide on LOI and application content, submission address, and deadline. It supersedes information provided in the application instructions. If the submission does not meet the deadline above, it will not be eligible for review, and will be discarded. The applicant will be notified the application did not meet the submission requirements.

IV.4. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

- Funds may not be used for research.
- Reimbursement of pre-award costs is not allowed.
- Funds may not be used for construction.

If requesting indirect costs in the budget, a copy of the indirect cost rate agreement is required. If the indirect cost rate is a provisional rate, the agreement should be less than 12 months of age.

Guidance for completing the budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

IV.6. Other Submission Requirements

Application Submission Address

Electronic Submission: CDC strongly encourages applicants to submit applications electronically at *www.Grants.gov.* The application package can be downloaded from *www.Grants.gov.* Applicants are able to complete it off-line, and then upload and submit the application via the Grants.gov Web site. E-mail submissions will not be accepted. If the applicant has technical difficulties in Grants.gov, costumer service can be reached by E-mail at *http://www.grants.gov/CustomerSupport* or by phone at 1–800–518–4726 (1–800–518–GRANTS). The Customer Support Center is open from 7 a.m. to 9 p.m. Eastern Time, Monday through Friday.

CDC recommends that submittal of the application to Grants.gov should be early to resolve any unanticipated difficulties prior to the deadline. Applicants may also submit a back-up paper submission of the application. Any such paper submission must be received in accordance with the requirements for timely submission detailed in Section IV.3. of the grant announcement. The paper submission must be clearly marked: ''BACK-UP FOR ELECTRONIC SUBMISSION.'' The paper submission must conform to all requirements for non-electronic submissions. If both electronic and back-up paper submissions are received

by the deadline, the electronic version will be considered the official submission.

It is strongly recommended that the applicant submit the grant application using Microsoft Office products (*e.g.*, Microsoft Word, Microsoft Excel, etc.). If the applicant does not have access to Microsoft Office products, a PDF file may be submitted. Directions for creating PDF files can be found on the Grants.gov Web site. Use of file formats other than Microsoft Office or PDF may result in the file being unreadable by staff.

or

Paper Submission: Applicants should submit the original and two hard copies of the application by mail or express delivery service to: Technical Information Management—RFA AA066, CDC Procurement and Grants office, 2920 Brandywine Road, Atlanta, GA 30341.

V. Application Review Information

V.1. Criteria

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

Capacity Applicants

The application will be evaluated against the following criteria:

1. Annual Action Plan (25 Points)

a. Are the objectives (SMART) and are they related to the identified needs and purposes of the program? (10)

b. Are the strategies and activities realistic and feasible for accomplishing the objectives? (5)

c. Are the roles and responsibilities of staff appropriate and are the timelines realistic to addressing the activities? (5)

d. Are appropriate indicators and measures of progress indicated? (5)

2. Capacity (20 Points)

a. Does the applicant describe relevant experiences and successes in developing and administering health-related programs? Is the experience on a National, Regional or Tribal level? (10)

b. Does the applicant describe its communication and information dissemination with tribes, tribal membership and/or urban AI/AN populations? (5)

c. To what extent does the applicant's organizational structure support the proposed program? (5)

3. Evaluation (20 Points)

a. How appropriate and extensive is the evaluation plan in measuring progress toward objectives as well as determining the degree to which program requirements will be met? (20)

4. Need (15 Points)

a. How well does the applicant describe and justify the need for developing, implementing and evaluating culturally relevant and community competent tobacco control and prevention? (5)

b. How well does the applicant describe the extent of the tobacco use problem in the AI/AN tribes and/or population to be served? (5)

c. How well does the applicant identify and describe the gaps, challenges, limitation and/or opportunities for implementing strategies and interventions? (3)

d. How well does the applicant describe the need for developing comprehensive and sustainable tobacco control and prevention programs? (2)

5. Executive Summary (10 Points)

a. To what extent does the applicant clearly define itself and its relationship to the tribes to be served, including past experiences and proposed plans to reach and work with the targeted population? (10)

6. Program Management (10 Points)

a. To what extent is the management plan logical, resourceful, and adequate to accomplish the purpose of the project? How well does the applicant address overcoming any anticipated challenges? (5)

b. How well does the applicant identify staff responsibilities and capabilities to carry out the activities? How useful are the documents provided (*i.e.* job descriptions and curriculum vitae)? (5)

7. Budget and Accompanying Justification (Reviewed But Not Scored)

a. Is the budget reasonable, itemized, and clearly justified? Is the budget aligned with the work plan and the intended use of funds?

Implementation Program Applicants

The application will be evaluated against the following criteria:

1. Annual Action Plan (25 Points)

a. Are the objectives specific, measurable, achievable, relevant and time-bound and are they related to the identified needs and purposes of the program? (10)

b. Are the strategies and activities realistic and feasible for accomplishing the objectives? (5)

c. Are the roles and responsibilities of staff appropriate and are the timelines realistic to addressing the activities? (5)

d. Are appropriate indicators and measures of progress indicated? (5)

2. Capacity (20 Points)

a. Does the applicant describe relevant experiences and successes in developing and administering tobacco control programs? How well does the applicant describe the capacities available to deliver mentoring to other tribes and tribal organizations? How well does the applicant describe its relationships with other tribal and non-tribal partners? (10)

b. To what extent does the applicant's organizational structure support the development of the proposed program? (10)

3. Evaluation (20 Points)

a. How appropriate and extensive is the evaluation plan in measuring progress toward objectives as well as determining the degree to which program requirements will be met? (10)

b. Does the applicant provide a reasonable logic model that links program activities to outputs and short-term and intermediate outcomes? (10)

4. Need (15 Points)

a. How well does the applicant describe and justify the need for evaluating the proposed product? Are any previous evaluation efforts discussed and how extensively was the product evaluated? (5)

b. How well does the applicant describe the need for developing culturally relevant and community competent interventions? (5)

c. How well does the applicant describe the need for assisting the Capacity programs in developing their capacity and infrastructure to deliver interventions? (3)

d. How well does the applicant describe the need for assisting tobacco control and prevention partners with outreach efforts to AI/AN tribes? (2)

5. Executive Summary (10 Points)

a. How clearly does the applicant define itself and its experiences in tobacco control and prevention? (4)

b. To what extent does the applicant describe its experience, capacity and readiness to implement the proposed program? (3)

c. How well does the applicant describe the programs to be evaluated

for: Cultural relevance, community competence, effectiveness and ability to replicate? (3)

6. Program Management (10 Points)

a. To what extent is the management plan logical, resourceful, and adequate to accomplish the purpose of the project? How well does the applicant address overcoming any anticipated challenges? (5)

b. How well does the applicant identify staff responsibilities and capabilities to carry out the activities? How useful are the documents provided (*i.e.* job descriptions and curriculum vitae)? (5)

7. Budget and Accompanying Justification (Not Scored)

a. Is the budget reasonable, itemized, and clearly justified? Is the budget aligned with the work plan and the intended use of funds?

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff and for responsiveness by NCCDPHP Office on Smoking and Health. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

An objective review panel will evaluate complete and responsive applications according to the criteria listed in the ''V.1. Criteria'' section above. The objective review process will follow the policy requirements as stated in the GPD 2.04 (*http://198.102.218.46/doc/gpd204.doc*). The evaluation will be conducted by CDC employees outside the funding center.

Applications will be funded in order by score and rank determined by the review panel.

In addition, the following factors will affect the funding decision:

(a) Only one Capacity program award will be made within the geographical regions that have not been served by a CDC-funded tribe or tribal organization as defined on pages 17 and 18, section a, above.

(b) Up to one urban organization will be funded. An urban organization is defined as a non-profit corporate body situated in an urban center eligible for services under Title V of the Indian Health Care Improvement Act, PL 94–437, as amended.

CDC will provide justification for any decision to fund out of rank order.

V.3. Anticipated Announcement and Award Dates

The anticipated award date is August 31, 2005.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Award (NoA) from the CDC Procurement and Grants Office. The NoA shall be the only binding, authorizing document between the recipient and CDC. The NoA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

Successful applicants must comply with the administrative requirements outlined in 45 CFR Part 74 and Part 92 as Appropriate.

The following additional requirements apply to this project:

- AR–9 Paperwork Reduction Act Requirements.
- AR–10 Smoke-Free Workplace Requirements.
- AR–11 Healthy People 2010.
- AR–12 Lobbying Restrictions.
- AR–14 Accounting System Requirements.
- AR–15 Proof of Non-Profit Status.

Additional information on these requirements can be found on the CDC web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

An additional Certifications form from the PHS5161–1 application needs to be included in the Grants.gov electronic submission only. Applicants should refer to *http://www.cdc.gov/od/pgo/funding/PHS5161-1-Certificates.pdf.* Once the applicant has filled out the form, it should be attached to the Grants.gov submission as Other Attachments Form.

VI.3. Reporting Requirements

The applicant must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, due no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:
   a. Current Budget Period Objectives.
   b. Current Budget Period Financial Progress.
   c. New Budget Period Program Proposed Activity Objectives.
   d. Budget.
   e. Measures of Effectiveness.
   f. Additional Requested Information.
2. Annual progress report, due 30 days after the end of the budget period.
3. Financial Status report, due no more than 90 days after the end of the budget period.
4. Final financial and performance reports, due no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract Specialist listed in the ''Agency Contacts'' section of this announcement.

VII. Agency Contacts

We encourage inquiries concerning this announcement. For general questions, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341. Telephone: 770–488–2700.

For program technical assistance, contact: Lorene Reano, Project Officer, CDC, Office on Smoking and Health, 4770 Buford Hwy, MS–K50, Atlanta, GA 30341–3717. Telephone number: (505) 897–6478. E-mail: *lir6@cdc.gov.*

For financial, grants management, or budget assistance, contact: Ann Gatwood, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341. Telephone: 770/488–2895. E-mail: *glg4@cdc.gov.*

VIII. Other Information

This and other CDC funding opportunity announcements can be found on the CDC web site, Internet address: *www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements''

Dated: July 8, 2005.

William P. Nichols,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 05–13937 Filed 7–14–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Fetal Alcohol Syndrome Regional Training Centers

Announcement Type: New.

Funding Opportunity Number: 05036.
Catalog of Federal Domestic Assistance Number: 93.283.
Key Dates: Application Deadline: August 15, 2005.

I. Funding Opportunity Description

Authority: This program is authorized under sections 317(k)(2) of the Public Health Service Act, (42 U.S.C. Section 247b(k)(2)), as amended.

Background: As part of the fiscal year 2002 appropriations funding legislation, the U.S. Congress mandated that the Centers for Disease Control and Prevention (CDC), acting through the National Center on Birth Defects and Developmental Disabilities (NCBDDD) Fetal Alcohol Syndrome (FAS) Prevention Team and in coordination with the National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (NTFFAS/FAE), other federally funded FAS programs, and appropriate nongovernmental organizations (NGOs), would (1) develop guidelines for the diagnosis of FAS and other negative birth outcomes resulting from prenatal exposure to alcohol; (2) incorporate these guidelines into curricula for medical and allied health students and practitioners, and seek to have them fully recognized by professional organizations and accrediting boards; and (3) disseminate curricula to and provide training for medical and allied health students and practitioners regarding these guidelines. As part of CDC's response to this mandate, four FAS Regional Training Centers (RTCs) were established to disseminate state-of-the-art information regarding FAS and training medical and allied health professionals to use the new guidelines for FAS diagnosis that were to be developed. From 2002 to 2005, the FAS RTCs have developed and pilot-tested educational and training experiences and materials. The RTCs are working with professional organizations and accrediting boards to ensure that the FAS Guidelines for Referral and Diagnosis and other FAS competencies are incorporated into professional credentialing examinations.

Purpose: The purpose of the program is to implement, evaluate, and enhance the existing Fetal Alcohol Syndrome (FAS) Regional Training Centers (RTCs). This program addresses the ''Healthy People 2010'' focus area of Substance Abuse and Maternal, Infant, and Child Health.

Measurable outcomes of the program will be in alignment with one (or more) of the following performance goal(s) for NCBDDD that include establishing new, or enhancing, prevention programs that reduce the prevalence of FAS, reduce prenatal exposure to alcohol, and improve and/or link children who currently have FAS to health services.

This announcement is only for non-research activities supported by CDC/ATSDR. If research is proposed, the application will not be reviewed. For the definition of research, please see the CDC web site at the following Internet address: *http://www.cdc.gov/od/ads/opspoll1.htm*.

Awardee Activities: All RTCs are providing training and education for medical and allied health students and providers. Although the RTCs share common activities, there are some differences among the RTCs with respect to their particular focus. For example, one RTC may focus on developing and delivering education to medical students while another RTC may concentrate primarily on providing training to community health practitioners. In the application, each applicant should explain the unique aspects, accomplishments, and future plans for their RTC. The applicant should describe their strengths in terms of these four categories:

A. Methods for increasing knowledge, attitudes and skills of medical and allied health students and practitioners.

B. Training and education materials development

C. Training and education delivery, including recruitment of participants

D. Evaluation

Awardee activities are as follows:

A. Methods for increasing knowledge, attitudes and skills of medical and allied health students and practitioners.

- Increase the workforce capacity for prevention, identification, and intervention of FAS through education and training activities.
- Increase the proportion of medical and allied health students who achieve core competencies through appropriate education about FAS.
- Provide technical assistance to others developing and providing FAS education and training. This technical assistance may be provided via telephone, e-mail, written consultation, or on-site.
- Develop or enhance relationships with targeted state and local public health/social service agencies, non-governmental agencies, private providers, and other partners to expand the capacities for professional and student education and training in FAS.
- Expand the numbers of medical and allied health professional training programs that use the RTC FAS competency-based curriculum.
- Expand the number of states with FAS related content on their credentialing board exams.
- Develop and maintain a Web site containing, at a minimum, a list of courses and materials offered by the RTC, along with ordering materials. Electronic versions of products should be posted on this Web site. Materials developed and distributed by the RTCs must be in the public domain and cannot be copyrighted. CDC reserves the right to make additional changes to materials or products produced by the RTCs for regional or national distribution. We encourage proposals that use information technology in a creative, cost-effective way to train and educate health care students and professionals. This might include plans for the design, development, and evaluation of online training courses, modules, seminars, and/or netmeetings.
- Develop a sustainability plan for the continuation of the RTC after the cooperative agreement period is completed.

B. Training and Education Materials Development:

- Develop scientifically current, innovative, high-quality, culturally appropriate programs and materials for FAS training and education based on evaluation findings from the initial cooperative agreement and from ongoing needs assessment. Submit proposals to CDC for development of materials that can be used regionally and nationally, including taking into account different cultural and linguistic populations.
- Incorporate training in health literacy and communication skills so that providers can be better prepared to provide information, counseling, referral, etc.
- Develop methods to ensure that materials and resources for FAS education and training are easily accessible.
- Develop a plan for developing and evaluating marketing and dissemination strategies.

C. Training and Education Delivery:

- Increase opportunities for regular and ongoing FAS prevention, identification, intervention training and education to persons within the RTC region.
- Develop a training plan that integrates the FAS Curriculum Framework and Instructional Resources Handbook for Medical and Allied Health Education and Practice developed by the FAS RTCs, CDC, and the National Organization on FAS (NOFAS). The plan must be based on learner needs and indicate how the applicant will provide a minimum of 200 hours of education and/or training for medical and allied health students and practitioners.

• Integrate additional curricula on birth defects/developmental disabilities as opportunity and need arises. (Optional)

• Provide continuing education credits for participants, when possible and appropriate.

D. Evaluation:

• Develop and implement a comprehensive evaluation plan that assesses changes in learner knowledge, attitudes, and practice behaviors among recipients of the training and education provided. The plan should also address the degree to which trained providers increase their interactions with other relevant service delivery agencies and providers in the community (for example, increased referrals to alcohol and drug centers and FAS diagnostic clinics).

• Develop a plan to use evaluation information to provide continuous quality improvement of training/education activities and materials.

• Develop a tracking system that documents the number of hours of training/education provided, the number of trainees/students, the type of trainees/students (nurses, physicians, psychologists, etc.), the average cost of person trained, and the competencies addressed by individual training courses.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring.

CDC Activities for this program are as follows:

• Assist recipients in monitoring program evaluation/performance, setting and meeting objectives, implementing methods, and complying with cooperative agreement requirements and other funding issues, through various methods including telephone consultation, site visits, and site visit reports.

• Provide technical assistance in assessing and prioritizing training and education needs and in planning, implementing, and evaluating training and education activities.

• Provide technical assistance in developing and evaluating innovative curriculum approaches, instructional strategies, and materials tailored to meet the FAS curriculum competencies. This will be accomplished through review, comment, and facilitation of communications with other CDC grantees on this project.

• Provide technical assistance in developing and evaluating marketing and dissemination strategies.

II. Award Information

Type of Award: Cooperative Agreement. CDC involvement in this program is listed in the Activities Section above.

Fiscal Year Funds: 2005.

Approximate Total Funding: $1,000,000 (This amount is an estimate, and is subject to availability of funds.).

Approximate Number of Awards: Four.

Approximate Average Award: $250,000 (This amount is for the first 12-month budget period, and includes both direct and indirect costs).

Floor of Award Range: $150,000.

Ceiling of Award Range: $300,000 (This ceiling is for the first 12-month budget period.).

Anticipated Award Date: August 30, 2005.

Budget Period Length: 12 months.

Project Period Length: Three years. Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

III. Eligibility Information

III.1. Eligible Applicants

Eligible applicants are limited to those previously funded under Program Announcement No. 00064: Meharry Medical College in collaboration with Morehouse School of Medicine, St. Louis University School of Medicine, University of California at Los Angeles School of Medicine, and University of Medicine and Dentistry of New Jersey. This limited eligibility is based on sustaining support to established projects, and to take advantage of the foundation and training and educational delivery systems developed and now in place to educate and train medical and allied health students and practitioners regarding FAS. These grantees have developed educational and training materials and have conducted a variety of educational events for medical and allied health students and professionals in all regions. These four university-based grantees are uniquely qualified to implement, evaluate and enhance the existing RTCs because they have: Already developed FAS competencies for medical and allied health students and professionals; developed educational curricula and are developing training materials based on the FAS competencies; extensive experience in the field of FAS and the education of medical and allied health students and practitioners regarding FAS; access to the target audiences for the cooperative agreement; previously established institutional support for work in this area; already developed relationships throughout their respective regions necessary to continue this work; and demonstrated overall success in working collaboratively with CDC over the last three years in the initial cooperative agreement. The new cooperative agreement will be a continuation of the work conducted by the existing RTCs (2002–2005) and thus the four current grantees are uniquely qualified to carry on this work.

III.2. Cost Sharing or Matching

Matching funds are not required for this program.

III.3. Other

If a funding amount greater than the ceiling of the award range is requested, the application will be considered non-responsive and will not be entered into the review process. The applicant will be notified that the application did not meet the submission requirements.

Special Requirements: If the application is incomplete or non-responsive to the special requirements listed in this section, it will not be entered into the review process. The applicant will be notified the application did not meet submission requirements.

• Late applications will be considered non-responsive. See section ''IV.3. Submission Dates and Times'' for more information on deadlines.

• **Note:** Title 2 of the United States Code Section 1611 states that an organization described in Section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

IV.1. Address to Request Application Package

To apply for this funding opportunity use application form PHS 5161–1.

Electronic Submission: CDC strongly encourages the applicant to submit the application electronically by utilizing the forms and instructions posted for this announcement on *www.Grants.gov*, the official Federal agency wide E-grant Web site. Only applicants who apply on-line are permitted to forego paper copy submission of all application forms.

Paper Submission: Application forms and instructions are available on the CDC Web site, at the following Internet

address: *http://www.cdc.gov/od/pgo/forminfo.htm*.

If access to the Internet is not available, or if there is difficulty accessing the forms on-line, contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at 770–488–2700 and the application forms can be mailed.

IV.2. Content and Form of Submission

Application: A project narrative must be submitted with the application forms. The narrative must be submitted in the following format:

- Maximum number of pages: 25. If your narrative exceeds the page limit, only the first pages which are within the page limit will be reviewed.
- Font size: 12 point unreduced
- Double spaced
- Paper size: 8.5 by 11 inches
- Page margin size: One inch
- Printed only on one side of page
- Held together only by rubber bands or metal clips; not bound in any other way.

The narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed:

- A demonstrated understanding of the problem of FAS and other prenatal alcohol-related conditions and the justification of the need for the continuation of the FAS Regional Training Centers.
- A description of the goals and specific objectives of the project in time-framed, measurable terms (*e.g.*, number of trainings to be held, number of participants to be trained, number of schools to incorporate the curriculum).
- A time-phased detailed plan describing the approach to be taken in implementing the project and the methods by which the objectives will be achieved and evaluated, including their sequence.
- A description of the specific products to be developed and/or disseminated through the project.
- A comprehensive evaluation plan must be outlined.
- A description of the applicant's capacity (organizational capacity, staffing, facilities, equipment, and project timeline) to conduct the project in a timely fashion.
- A description of the cooperative agreement's principal investigator's role and responsibilities.
- A description of all the project staff, regardless of their funding source. It should include their title, qualifications, experience, percentage of time each will devote to the project, as well as that portion of their salary to be paid by the cooperative agreement.
- A detailed first year's budget for the cooperative agreement with future annual projections. Awards will be made for a project period of up to three years. (Budget justification is not included in narrative page limit).

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes:

- Curriculum Vitas
- Letters of Support

The agency or organization is required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *www.dunandbradstreet.com* or call 1–866–705–5711.

For more information, see the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/grantmain.htm.*

If the application form does not have a DUNS number field, please write the DUNS number at the top of the first page of the application, and/or include the DUNS number in the application cover letter.

Additional requirements that may require submittal of additional documentation with the application are listed in section ''VI.2. Administrative and National Policy Requirements.''

IV.3. Submission Dates and Times

Application Deadline Date: August 15, 2005.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. Eastern Time on the deadline date.

Applications may be submitted electronically at *www.grants.gov.* Applications completed on-line through Grants.gov are considered formally submitted when the applicant organization's Authorizing Official electronically submits the application to *www.grants.gov.* Electronic applications will be considered as having met the deadline if the application has been submitted electronically by the applicant organization's Authorizing Official to Grants.gov on or before the deadline date and time.

If submittal of the application is done electronically through Grants.gov (*http://www.grants.gov*), the application will be electronically time/date stamped, which will serve as receipt of submission. Applicants will receive an e-mail notice of receipt when CDC receives the application.

If submittal of the application is by the United States Postal Service or commercial delivery service, the applicant must ensure that the carrier will be able to guarantee delivery by the closing date and time. If CDC receives the submission after the closing date due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, the applicant will be given the opportunity to submit documentation of the carrier's guarantee. If the documentation verifies a carrier problem, CDC will consider the submission as having been received by the deadline.

If a hard copy application is submitted, CDC will not notify the applicant upon receipt of the submission. If questions arise on the receipt of the application, the applicant should first contact the carrier. If the applicant still has questions, contact the PGO–TIM staff at (770) 488–2700. The applicant should wait two to three days after the submission deadline before calling. This will allow time for submissions to be processed and logged.

This announcement is the definitive guide on application content, submission address, and deadline. It supersedes information provided in the application instructions. If the submission does not meet the deadline above, it will not be eligible for review, and will be discarded. The applicant will be notified the application did not meet the submission requirements.

IV.4. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

- Funds may not be used for research.
- Reimbursement of pre-award costs is not allowed.

If requesting indirect costs in the budget, a copy of the indirect cost rate agreement is required. If the indirect cost rate is a provisional rate, the agreement should be less than 12 months of age.

Guidance for completing the budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm*

IV.6. Other Submission Requirements

Application Submission Address: Electronic Submission: CDC strongly encourages applicants to submit applications electronically at www.Grants.gov. The application package can be downloaded from *www.Grants.gov.* Applicants are able to complete it off-line, and then upload and submit the application via the Grants.gov Web site. E-mail submissions will not be accepted. If the applicant has technical difficulties in Grants.gov, costumer service can be reached by E-mail at *http://www.grants.gov/CustomerSupport* or by phone at 1–800–518–4726 (1–800–518–GRANTS). The Customer Support Center is open from 7 a.m. to 9 p.m. Eastern Time, Monday through Friday.

CDC recommends that submittal of the application to Grants.gov should be early to resolve any unanticipated difficulties prior to the deadline. Applicants may also submit a back-up paper submission of the application. Any such paper submission must be received in accordance with the requirements for timely submission detailed in Section IV.3. of the grant announcement. The paper submission must be clearly marked: ''BACK–UP FOR ELECTRONIC SUBMISSION.'' The paper submission must conform to all requirements for non-electronic submissions. If both electronic and back-up paper submissions are received by the deadline, the electronic version will be considered the official submission.

It is strongly recommended that the applicant submit the grant application using Microsoft Office products (*e.g.*, Microsoft Word, Microsoft Excel, etc.). If the applicant does not have access to Microsoft Office products, a PDF file may be submitted. Directions for creating PDF files can be found on the Grants.gov Web site. Use of file formats other than Microsoft Office or PDF may result in the file being unreadable by staff.

or

Paper Submission:

Applicants should submit the original and two hard copies of the application by mail or express delivery service to: Technical Information Management-05036, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

V. Application Review Information

V.1. Criteria

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

The application will be evaluated against the following criteria:

1. *Technical Approach and Methods: Training, Educational/Training Product Development (30%).*

The extent to which the applicant provides a full, comprehensive, and time-phased description of the project they propose to undertake. The plan should include: (1) A plan for how the work will be accomplished along with a timeline of activities; (2) the process for trainee recruitment; (3) a plan for acquiring continuing education credits appropriate for trainees; (4) a plan to produce, evaluate, market, and disseminate products; (5) proposed training plan based on learner needs; (6) a plan that describes the activities that will be undertaken to expand the number of states with FAS related content on their credentialing board exams, (7) a description of how the RTC will expand the number of medical and allied health and allied health professional training programs that use the RTC FAS competency-based curriculum; (8) a description of a speaker's bureau for their region; and (9) a description of plan to provide technical assistance within the RTC region.

2. *Introduction and Program Description (20%).*

The extent to which the applicant demonstrates: (1) An understanding of the problem of FAS and other prenatal alcohol-related conditions and the importance of educating medical and allied health students and practitioners about these conditions; (2) a history of educational and training experience in FAS, provision of technical assistance in training and education, and experience in FAS training and education product development; and (3) position descriptions for proposed RTC staff, including credentials and appropriate experience, particularly in the area of FAS.

3. *Goals and Objectives (20%).*

The extent to which: (1) The project goals are clearly stated and the objectives are specific, measurable, and time-phased; and (2) the extent to which a plan is presented for evaluating the objectives.

4. *Evaluation Plan (20%).*

The extent to which the applicant provides: (1) A comprehensive plan to assess changes in learner knowledge, attitudes, and practice behaviors among recipients of the training and education provided. The plan should also include changes in patterns of referral by providers to other appropriate facilities and agencies (for example, increased referrals to alcohol and drug centers and FAS diagnostic clinics); (2) a plan for using evaluation information to provide continuous quality improvement of training/education activities and materials; (3) a plan to develop a tracking system that documents the number of hours of training/education provided, the number of trainees/students, the type of trainees/students (nurses, physicians, psychologists, etc.), the average cost of person trained, and the competencies addressed by the training.

5. *Capacity to Conduct Project Activities in a Timely Fashion (10%).*

The extent to which the applicant has provided information to support its ability to: (1) Conduct the activities of the cooperative agreement, including documentation of previous relevant experience, documentation of institutional support for the project, documentation of adequate management structure and organizational capacity; (2) identify qualified personnel to fill key positions and begin project activities in a timely fashion; and (3) identify adequate office space for the project as well as facilities and equipment for conducting training and educational educational sessions. The applicant provides an appropriate timeline of the project. A description of the applicant's capacity (organizational capacity, staffing, facilities, equipment, and project timeline) to conduct the project in a timely fashion.

6. *Budget Justification (not scored).*

The budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the intended use of the cooperative agreement funds.

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff, and for responsiveness by the NCBDDD. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

An objective review panel will evaluate complete and responsive applications according to the criteria listed in the ''V.1. Criteria'' section

above. The objective review panel will consist of CDC employees outside of the funding division who will be randomly assigned applications to review and score. Applications will be funded in order by score and rank determined by the review panel. CDC will provide justification for any decision to fund out of rank order.

V.3. Anticipated Announcement and Award Dates

August 1, 2005 for an August 30, 2005 award date.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Award (NoA) from the CDC Procurement and Grants Office. The NoA shall be the only binding, authorizing document between the recipient and CDC. The NoA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

Successful applicants must comply with the administrative requirements outlined in 45 CFR Part 74 and Part 92 as Appropriate. The following additional requirements apply to this project:

- AR–9 Paperwork Reduction Act Requirements.
- AR–10 Smoke-Free Workplace Requirements.
- AR–11 Healthy People 2010.
- AR–12 Lobbying Restrictions.

Additional information on these requirements can be found on the CDC web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm*.

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html*

An additional Certifications form from the PHS5161–1 application needs to be included in the Grants.gov electronic submission only. Applicants should refer to *http://www.cdc.gov/od/pgo/funding/PHS5161-1-Certificates.pdf*. Once the applicant has filled out the form, it should be attached to the Grants.gov submission as Other Attachments Form.

VI.3. Reporting Requirements

The applicant must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, due no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Budget.

e. Measures of Effectiveness.

f. Additional Requested Information.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract Specialist listed in the ''Agency Contacts'' section of this announcement.

VII. Agency Contacts

We encourage inquiries concerning this announcement.

For general questions, contact:

Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341. Telephone: 770–488–2700.

For program technical assistance, contact: Kendall Anderson, Project Officer, Division of Birth Defects and Developmental Disabilities, National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention, 1600 Clifton Road, NE (Mailstop E–86), Atlanta, Georgia 30333. Telephone: (404) 498–3950. E-mail: *kra0@cdc.gov*.

For financial, grants management, or budget assistance, contact: Nealean Austin, Grants Management Officer, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341. Telephone: (770) 488–2722. E-mail: *nea1@cdc.gov*.

VIII. Other Information

This and other CDC funding opportunity announcements can be found on the CDC web site, Internet address: *http://www.cdc.gov*. Click on ''Funding'' then ''Grants and Cooperative Agreements.''

Dated: July 8, 2005.

William P. Nichols,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 05–13934 Filed 7–14–05; 8:45 am]

BILLING CODE 4163–18–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–295 and CMS–8003]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare CAHPS Disenrollment Surveys and Supporting Regulations in 42 CFR 417.126, 417.470, 422.64, and 422.210; *Use:* This survey helps track a variety of consumer satisfaction measures relating to Medicare beneficiaries who leave their MA plans. The Centers for Medicare & Medicaid Services (CMS) has a responsibility to its Medicare beneficiaries to require that care provided by managed care organizations under contract to CMS is of high quality. One way of ensuring high quality care is through the development of performance measures and standardized satisfaction surveys that enable CMS to gather the data needed to evaluate the care provided to Medicare beneficiaries; *Form Number:* CMS–R–

295 (OMB#: 0938–0779; *Frequency:* Quarterly; *Affected Public:* Individuals or Households; *Number of Respondents:* 44,200; *Total Annual Responses:* 41,697; *Total Annual Hours:* 17,823.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Home and Community-Based Waiver Requests and Supporting Regulations in 42 CFR 440.180 and 441.300–.310; *Use:* Under a Secretarial waiver, States may offer a wide array of home and community-based services to individuals who would otherwise require institutionalization. States requesting a waiver must provide certain assurances, documentation and cost & utilization estimates which are reviewed, approved and maintained for the purpose of identifying/verifying States' compliance with such statutory and regulatory requirements; *Form Number:* CMS–8003 (OMB#: 0938–0449); *Frequency:* Other: when a State requests a waiver or amendment to a waiver; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 50; *Total Annual Responses:* 132; *Total Annual Hours:* 7,930.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at *http://www.cms.hhs.gov/regulations/pra/,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Christopher Martin, New Executive Office Building, Room 10235,Washington, DC 20503.

Dated: July 5, 2005.

Michelle Shortt,

Acting Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 05–13866 Filed 7–14–05; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Report of a New System of Records

AGENCY: Department of Health and Human Services (HHS), Center for Medicare & Medicaid Services (CMS).

ACTION: Notice of a new System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new SOR titled, ''Medicare Retiree Drug Subsidy Program (RDSP), System No. 09–70–0550.'' Under section 1860D–22 of the Social Security Act (the Act), employers and unions who continue to offer prescription drug coverage to their qualifying covered retirees are eligible to receive a tax-free subsidy for allowable drug costs. This amended provision of the Act is mandated by section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173). A qualifying covered retiree is a Part D eligible individual who is a participant or the spouse or dependent of a participant; covered under employment-based retiree health coverage that qualifies as a qualified retiree prescription drug plan; and not enrolled in a Part D plan. Employment-Based Retiree Health Coverage is defined as coverage of health care costs under a group health plan based on an individual's status as a retired participant in the plan, or as the spouse or dependent of a retired participant. The term includes coverage provided by voluntary insurance coverage as a result of a statutory or contractual obligation. The Medicare prescription drug benefit and retiree drug subsidy represent additional funding sources that can help employers and unions continue to provide high quality drug coverage for their retirees.

The purpose of this system is to collect and maintain information on individuals who are qualifying covered retirees so that accurate and timely subsidy payments may be made to plan sponsors who continue to offer actuarially equivalent prescription drug coverage to the qualifying covered retirees. Information retrieved from this system will also be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency, or by a contractor or consultant; (2) support constituent requests made to a congressional representative; (3) support litigation involving the agency; and (4) combat fraud and abuse in certain health benefits programs. We have provided background information about the modified system in the ''Supplementary Information'' section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the proposed routine uses, CMS invites comments on all portions of this notice. See ''Effective Dates'' section for comment period.

EFFECTIVE DATE: CMS filed a new SOR report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on 07/13/2005. We will not disclose any information under a routine use until 30 days after publication. We may defer implementation of this SOR or one or more of the routine use statements listed below if we receive comments that persuade us to defer implementation.

ADDRESSES: The public should address comment to the CMS Privacy Officer, Mail Stop N2–04–27, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.–3 p.m., eastern daylight time.

FOR FURTHER INFORMATION CONTACT: Brian Maloney, Health Insurance Specialist, Employer Policy & Operations Group, Centers for Beneficiary Choices, CMS, Mail Stop C1–22–06, 7500 Security Boulevard, Baltimore, Maryland 21244–1849. He can be reached at (410) 786–0226, or contact via e-mail at *Brian.Maloney@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: The intent of the Medicare Retiree Drug Subsidy Program is to offer qualified retiree prescription drug plans financial assistance with a portion of their prescription drug costs and thereby ''help employers retain and enhance their prescription drug coverage so that the current erosion in coverage would plateau or even improve.'' By making a tax-free subsidy for 28 percent of allowable prescription drug costs available to qualified retiree prescription drug plans, the Medicare Retiree Drug Subsidy Program significantly reduces financial liabilities associated with employers' retiree drug coverage and encourages employers to continue assisting their retirees with prescription drug coverage.

A Qualified Retiree Prescription Drug Plan is defined as an employment-based retiree health coverage of a Part D eligible individual who is a participant or beneficiary under such coverage. The sponsor of the plan must provide to the Secretary, annually, an attestation that the actuarial value of the prescription drug coverage under the plan is at least equal to the actuarial value of standard prescription drug coverage.

The term Sponsor is defined as a plan sponsor in relation to a group health plan, except that, in the case of a plan maintained jointly by one employer and an employee organization and with respect to which the employer is the primary source of financing. A Group Health Plan include the following: (1) Federal and State Governmental Plans, a plan established or maintained for its employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality; (2) Collectively Bargained Plans, a plan established or maintained under or pursuant to one or more collective bargaining agreement; (3) Church Plan, a plan established and maintained for its employees, or their beneficiaries, by a church or by a convention or association of churches which is exempt from tax under section 501 of the Internal Revenue Code of 1986; or (4) Health Reimbursement Arrangement (HRA), a health Flexible Spending Arrangement (FSA), a health savings account (HSA), or an Archer MSA.

I. Description of the Proposed System of Records

A. Statutory and Regulatory Basis for SOR

Authority for maintenance of this system is given under section 1860D–22 of the Act (Title 42 United States Code (U.S.C.) 1302, 1395w–101 through 1395w–152, and 1395hh.) These provisions of the Act are amended by section 101 of the MMA and its implementing regulations codified at Title 42 Code of Federal Regulations (CFR) Part 423, Subpart R.

B. Collection and Maintenance of Data in the System

Information in this system is maintained on qualifying covered retirees who are Part D eligible individuals covered under a qualified retiree prescription drug plan. Information maintained in this system include, but are not limited to, standard data for identification such as Plan Sponsor Identification Number, Application Identification Number, Benefit Option Identifier, Coverage Effective Date, Coverage Termination Date, Health Insurance Claim Number (HICN), Social Security Number (SSN), gender, first name, last name, middle initial, date of birth, relationship to member and Medicare eligibility and enrollment status.

II. Agency Policies, Procedures, and Restrictions on the Routine Use

A. Agency Policies, Procedures, and Restrictions on the Routine Use

The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a ''routine use.'' The government will only release RDSP information that can be associated with an individual as provided for under ''Section III. Proposed Routine Use Disclosures of Data in the System.'' Both identifiable and non-identifiable data may be disclosed under a routine use.

We will only collect the minimum personal data necessary to achieve the purpose of RDSP. CMS has the following policies and procedures concerning disclosures of information that will be maintained in the system. Disclosure of information from the SOR will be approved only to the extent necessary to accomplish the purpose of the disclosure and only after CMS:

1. Determines that the use or disclosure is consistent with the reason that the data is being collected, *e.g.*, to assist in the proper subsidy payments to sponsors of a qualifying covered retiree prescription drug plan;

2. Determines that:

a. The purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form,

b. The purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

c. There is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s);

3. Requires the information recipient to:

a. Establish administrative, technical, and physical safeguards to prevent unauthorized use of disclosure of the record,

b. Remove or destroy at the earliest time all patient-identifiable information, and

c. Agree to not use or disclose the information for any purpose other than the stated purpose under which the information was disclosed;

4. Determines that the data are valid and reliable.

III. Proposed Routine Use Disclosures of Data in the System

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a ''routine use.'' The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors or consultants who have been engaged by the agency to assist in the performance of an activity related to this system and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with a third party to assist in accomplishing CMS function relating to purposes for this system.

CMS occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor or consultant whatever information is necessary for the contractor or consultant to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor or consultant from using or disclosing the information for any purpose other than that described in the contract and requires the contractor or consultant to return or destroy all information at the completion of the contract.

2. To a member of congress or to a congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the record is maintained.

Beneficiaries sometimes request the help of a member of congress in resolving an issue relating to a matter before CMS. The member of congress then writes CMS, and CMS must be able to give sufficient information to be responsive to the inquiry.

3. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the

DOJ has agreed to represent the employee, or

d. The United States Government is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever CMS is involved in litigation, and occasionally when another party is involved in litigation and CMS' policies or operations could be affected by the outcome of the litigation, CMS would be able to disclose information to the DOJ, court or adjudicatory body involved.

4. To a CMS contractor (including, but not necessarily limited to fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such program.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual relationship or grant with a third party to assist in accomplishing CMS functions relating to the purpose of combating fraud and abuse.

CMS occasionally contracts out certain of its functions and makes grants when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor or grantee whatever information is necessary for the contractor or grantee to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor or grantee from using or disclosing the information for any purpose other than that described in the contract and requiring the contractor or grantee to return or destroy all information.

5. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such programs.

Other agencies may require RDSP information for the purpose of combating fraud and abuse in such Federally-funded programs.

B. Additional Provisions Affecting Routine Use Disclosures

This system contains Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, 65 FR 82462 (12–28–00), subparts A and E. Disclosures of PHI authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.''

In addition, our policy will be to prohibit release even of not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that individuals who are familiar with the enrollees could, because of the small size, use this information to deduce the identity of the beneficiary).

IV. Safeguards

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations include but are not limited to: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; HHS Information Systems Program Handbook and the CMS Information Security Handbook.

V. Effects of the Proposed System of Records on Individual Rights

CMS proposes to establish this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with the routine uses identified in this system of records.

CMS will take precautionary measures (see item IV above) to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights of patients whose data are maintained in the system. CMS will collect only that information necessary to perform the system's functions. In addition, CMS will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act. CMS, therefore, does not anticipate an unfavorable effect on individual privacy as a result of information relating to individuals.

Dated: July 11, 2005.

John R. Dyer,

Chief Operating Officer, Centers for Medicare & Medicaid Services.

System No. 09–70–0550.

SYSTEM NAME:

''Medicare Retiree Drug Subsidy Program (RDSP), HHS/CMS/CBC.''

SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive Data.

SYSTEM LOCATION:

Group Health Incorporated, 441 Ninth Avenue, New York, NY 10001–1681, and Centers for Medicare & Medicaid Services (CMS) Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information in this system is maintained on qualifying covered retirees who are Medicare Part D eligible

individuals covered under a qualified retiree prescription drug plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained in this system include, but are not limited to, standard data for identification such as Plan Sponsor Identification Number, Application Identification Number, Benefit Option Identifier, Coverage Effective Date, Coverage Termination Date, Health Insurance Claim Number (HICN), Social Security Number (SSN), gender, first name, last name, middle initial, date of birth, relationship to member and Medicare eligibility and enrollment status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of this system is given under section 1860D–22 of the Act (Title 42 United States Code (U.S.C.) 1302, 1395w–101 through 1395w–152, and 1395hh.) These provisions of the Act are amended by section 101 of the MMA and its implementing regulations codified at Title 42 Code of Federal Regulations (CFR) Part 423, Subpart R.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect and maintain information on individuals who are qualifying covered retirees so that accurate and timely subsidy payments may be made to plan sponsors who continue to offer actuarially equivalent prescription drug coverage to the qualifying covered retirees. Information retrieved from this system will also be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency, or by a contractor or consultant; (2) support constituent requests made to a congressional representative; (3) support litigation involving the agency; and (4) combat fraud and abuse in certain health benefits programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a ''routine use.'' We are proposing to establish the following routine use disclosures of information maintained in the system. Information will be disclosed:

1. To agency contractors or consultants who have been engaged by the agency to assist in the performance of a service related to this system and who need to have access to the records in order to perform the activity.

2. To a member of congress or to a congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the record is maintained.

3. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

4. To a CMS contractor (including, but not necessarily limited to fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such program.

5. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such programs.

B. Additional Provisions Affecting Routine Use Disclosures. This system contains Protected Health Information as defined by Department of Health and Human Services (HHS) regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR Parts 160 and 164, 65 Fed. Reg. 82462 (12–28–00), Subparts A and E). Disclosures of Protected Health Information authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.''

In addition, our policy will be to prohibit release even of not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the complaint population is so small that individuals who are familiar with the complainants could, because of the small size, use this information to deduce the identity of the complainant).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored electronically.

RETRIEVABILITY:

Information is retrievable by Plan Sponsor identification number, Benefit Option Identifier, and Health Insurance Claim Number or Social Security Number.

SAFEGUARDS:

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implements appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations include but are not limited to: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National

Institute of Standards and Technology publications; HHS Information Systems Program Handbook and the CMS Information Security Handbook.

RETENTION AND DISPOSAL:

Records are maintained in the active files for a period of 15 years. The records are then retired to archival files maintained at the Health Care Data Center. All claims-related records are encompassed by the document preservation order and will be retained until notification is received from the Department of Justice.

SYSTEM MANAGER AND ADDRESS:

Director, Employer Policy & Operations Group, CMS, Room C1–22–06, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

NOTIFICATION PROCEDURE:

For purpose of access, the subject individual should write to the system manager who will require the system name, HICN, address, date of birth, and gender, and for verification purposes, the subject individual's name (woman's maiden name, if applicable), and SSN. Furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay.

RECORD ACCESS PROCEDURE:

For the purpose of access, use the same procedures outlines in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5).

CONTESTING RECORDS PROCEDURES:

The subject individual should contact the system manager named above and reasonably identify the records and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These Procedures are in accordance with Department regulation 45 CFR 5b.7).

RECORD SOURCE CATEGORIES:

Records maintained in this system will be derived from Medicare Beneficiary Database system of records and from medical plans and plan sponsors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 05–14079 Filed 7–14–05; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request Proposed Project

Title: The National Evaluation of the Court Improvement Program.

OMB No.: New Collection.

Description: The National Evaluation of the Court Improvement Program will describe the many paths followed by state courts to improve their oversight of child welfare cases, and will provide the field with information on effective models for juvenile and family court reform. Funded by the Children's Bureau, U.S. Department of Health and Human Services (HHS) in 2004, the five-year study is being carried out by a partnership of three organizations consisting of Planning and Learning Technologies (Pal-Tech, Inc.), the Urban Institute and the Center for Policy Research.

The federal Court Improvement Program (CIP) was established in 1994 as a source of funding for state courts to assess and improve their handling of foster care and adoption proceedings. The funding is codified in title IV–B, subpart 2, of the Social Security Act, Section 438, as part of the Promoting Safe and Stable Families Program. Although anecdotal information documents the program's success, this is the first national evaluation of CIP. This study builds on the recommendations of a Children's Bureau-funded Evaluability Assessment (EA) of the program completed in 2003 by James Bell Associates, Inc.

The National Evaluation of the Court Improvement Program involves three interrelated components:

1. Reviewing and synthesizing state and local court reform activities: This component will describe the full range of CIP-funded court reforms undertaken by states at the beginning and ending of the study's data collection period. Additionally, it will provide insights into states' reform priorities and how these shift over time. Especially promising models of reform will be highlighted. Finally, this component will provide important contextual information for the study's in-depth evaluation component of select models of reform. Information for this activity will be synthesized from existing reports submitted by states to the Children's Bureau.

2. Reviewing and synthesizing existing court reform evaluations: This component will identify and synthesize findings from research and evaluation conducted on family and juvenile court reforms. It will provide an important context for the study's in-depth evaluation component in two ways. Findings on reform activities beyond those captured within the study sites will be provided. It will also help inform evaluation within the study sites by providing information on previously conducted evaluation of similar reform models. Information for this activity will be synthesized from existing evaluations and studies of court reform. Evaluations will be prioritized for synthesis based on their methodological rigor and findings reported in the substantive areas defined by the EA. These are:

- Alternative dispute resolution;
- Training and educational materials;
- Case tracking and management;
- Improvements to the consistency and quality of hearings;
- Parent/caregiver outreach, education, and support; and
- Systemic court reforms.

3. Conducting in-depth studies of reform models: In-depth evaluation of select models of reform will be undertaken within three diverse sites across the country. The study designs vary among sites, and include quasi-experimental and descriptive outcome methodologies. Reflecting the Adoption and Safe Families Act, the primary outcome areas of interest will be child safety, the timely achievement of permanency, and child well-being. Within each site, outcome evaluation will be complemented by a qualitative study of the many factors that impacted reform including other related reform efforts, the evolution of the target reform over time, barriers encountered, and methods by which these barriers were overcome.

The outcome evaluation will utilize information from existing court and child welfare agency management information systems. Within select sites, information from these sources will be supplemented with information abstracted from existing court and/or child welfare agency case records. The process evaluation will help inform outcome findings within the study sites as well as provide important insights for the replication of the model within other sites. The process evaluation will involve the collection of new information through structured focus groups and interviews with key individuals, as well as court observations of child dependency hearings. This descriptive information will be collected twice during the study.

The three sites selected for in-depth analysis are the following:

• Connecticut's Case Management Protocol: Piloted in December 1997, the protocol involves a pre-hearing conference of professionals held early in the dependency court process coupled with expanded parent representation.

• Delaware's Systemic Reform: Piloted in 2000, the three primary components of the state's comprehensive reform effort are:

—One judge/one case assignment practice where one judge presides over all legal stages of a dependency case;

—Defined sequence of hearings and reviews that significantly increases the number of hearings and oversight role of the courts; and

—Representation for indigent parents in child welfare proceedings.

• Texas's Cluster Courts: Piloted in 1997, these courts are located in rural areas of the state. Each court serves a cluster of contiguous counties, and a specially trained judge is appointed to travel to each county within a cluster on a given day to hear that county's child welfare cases. The cluster courts were formed to enable rural counties to meet the state's strict permanency status guidelines that were enacted January 1, 1998.

Collectively, findings from the three study components will capture the ongoing nationwide process of court reform supported by the Court Improvement Program. A technical work group comprised of leading researchers, judicial and child welfare agency officials and representatives of public interest groups has been assembled to provide input at key points during the study.

Respondents: Study respondents include individuals in the following categories among the three study sites noted above:

• Court Improvement Program (CIP) administrators;

• Judges;

• Attorneys (representing the parent, child, and agency);

• Court Appointed Special Advocates (CASAs) and Guardians Ad Litem (GALs);

• Child welfare agency administrators;

• Regional child welfare directors and supervisors; and

• Child welfare agency caseworkers.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CIP Administrators	8	1	2	16
Judges	30	1	1	30
Attorneys (parent, child, agency)	95	1	2	190
CASAs and GALs	55	1	2	110
Child Welfare Agency Administrators	10	1	1	10
Regional Child Welfare Directors and Supervisors	30	1	2	60
Child Welfare Agency Caseworkers	120	1	2	240
Total				656

Estimated Total Annual Burden Hours: 656.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services. 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *grjohnson@acf.hhs.gov*. All request should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: July 11, 2005.

Robert Sargis,

Reports Clearance, Officer.

[FR Doc. 05–13918 Filed 7–14–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request; Proposed Projects

Title: Methodology for Determining if an Increase in a State's Child Poverty Rate is the Result of TANF.

OMB No.: 0970–0186.

Description: In accordance with Section 413(i) of the Social Security Act and 45 CFR part 284, the Department of Health and Human Services (HHS) intends to reinstate the following information collection requirements. For instances when Census Bureau data show that a State's child poverty rate increased by 5% or more from one year to the next, a State will be required to submit: (1) An optional submission of data on child poverty from an independent source; (2) if the increase in the State's child poverty rate is still determined to be 5% or more, an assessment of the impact of the TANF program(s) in the State on the child poverty rate; and (3) if HHS determines from the assessment and other information that the child poverty rate in the State increased as a result of the TANF program(s) in the State, a corrective action plan.

Respondents: The respondents are the 50 States and District of Columbia; and when reliable Census Bureau data become available for the Territories, additional respondents will be Guam, Puerto Rico and the Virgin Islands.

Annual Burden Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Optional Submission of Data on Child Poverty from an Independent Source	54	1	8	432
Assessment of the Impact of TANF on the Increase in Child Poverty	54	1	120	6,480
Corrective Action Plan	54	1	160	8,640

Estimated Total Burden Hours: 15,552.

In compliance with the requirements of Section 3506(c)(2) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail: *grjohnson@acf.hhs.gov*.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: July 11, 2005.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 05–13919 Filed 7–14–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004N–0565]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; State Petitions for Exemption From Preemption

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''State Petitions for Exemption From Preemption'' 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 April 8, 2005 (70 FR 18029), 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 0910–0277. The approval expires on July 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: July 8, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–13899 Filed 7–14–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005N–0032]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Food Canning Establishment Registration, Process Filing, and Recordkeeping for Acidified Foods and Thermally Processed Low-Acid Foods in Hermetically Sealed Containers

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Food Canning Establishment Registration, Process Filing, and Recordkeeping for Acidified Foods and Thermally Processed Low-Acid Foods in Hermetically Sealed Containers'' 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 April 8, 2005 (70 FR 18034), 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 0910–0037. The approval expires on June 30, 2008. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: July 8, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–13900 Filed 7–14–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 2005M–0024, 2005M–0025, 2005M–0026, 2005M–0092, 2005M–0087, 2005M–0055, 2005M–0089, 2005M–0027, 2005M–0109, 2005M–0028, 2005M–0088, 2005M–0110, 2005M–0132]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMAs) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMAs through the Internet and the agency's Division of Dockets Management.

ADDRESSES: Submit written requests for copies of summaries of safety and effectiveness to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Please cite the appropriate docket number as listed in table 1 of this document when submitting a written request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summaries of safety and effectiveness.

FOR FURTHER INFORMATION CONTACT: Thinh Nguyen, Center for Devices and Radiological Health (HFZ–402), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2186.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 30, 1998 (63 FR 4571), FDA published a final rule that revised 21 CFR 814.44(d) and 814.45(d) to discontinue individual publication of PMA approvals and denials in the **Federal Register**. Instead, the agency now posts this information on the Internet on FDA's home page at *http://www.fda.gov*. FDA believes that this procedure expedites public notification of these actions because announcements can be placed on the Internet more quickly than they can be published in the **Federal Register**, and FDA believes that the Internet is accessible to more people than the **Federal Register**.

In accordance with section 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The regulations provide that FDA publish a quarterly list of available safety and effectiveness summaries of PMA approvals and denials that were announced during that quarter. The following is a list of approved PMAs for which summaries of safety and effectiveness were placed on the Internet from January 1, 2005, through March 31, 2005. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1.—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS MADE AVAILABLE FROM JANUARY 1, 2005, THROUGH MARCH 31, 2005

PMA No./Docket No.	Applicant	TRADE NAME	Approval Date
P010058/2005M–0024	Medilink	OSTEOSPACE	March 15, 2004
P030029/2005M–0025	Bayer HealthCare, LLC	ADVIA CENTAUR ANTI HBs READYPACK REAGENTS & ADVIA CENTAUR ANTI HBs READYPACK CALIBRATORS	May 14, 2005
P030028/2005M–0026	Ophtec USA, Inc.; Ophtec BV	ARTISAN (MODEL 206 & 204) PHAKIC INTRAOCULAR LENS (PIOL) VERISYSE (VRSM5US & VRMA6US) PHAKIC INTRAOCULAR LENS	September 10, 2004
P040006/2005M–0092	DePuy Spine, Inc.	CHARITE ARTIFICIAL DISC	October 26, 2004
P030007/2005M–0087	Eastman Kodak Co.	KODAK MAMMAGRAPHY CAD ENGINE	November 23, 2004
P930016 (S17)/2005M–0055	VISX, Inc.	STAR S4 EXCIMER LASER SYSTEM WITH VARIABLE SPOT SCANNING (VSS) & WAVESCAN WAVEFRONT SYSTEM	December 14, 2004
P030030/2005M–0089	Genyx Medical	URYX URETHRAL BULKING AGENT	December 16, 2004
P030022/2005M–0027	Smith & Nephew, Inc.	REFLECTION CERAMIC ACETABULAR SYSTEM	December 17, 2004
P040004/2005M–0109	Bayer Healthcare LLC	ADVIA CENTAUR HBC TOTAL READY PAK REAGENTS & ADVIA CENTAUR HBC TOTAL QUALITY CONTROL MATERIALS	December 22, 2004
P030034/2005M–0028	Orthofix, Inc.	CERVICAL–STIM MODEL 505L CERVICAL FUSION SYSTEM	December 23, 2004
P040014/2005M–0088	Irvine Biomedical, Inc.	IBI THERAPY CARDIAC ABLATION SYSTEM	January 14, 2005

TABLE 1.—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS MADE AVAILABLE FROM JANUARY 1, 2005, THROUGH MARCH 31, 2005—Continued

PMA No./Docket No.	Applicant	TRADE NAME	Approval Date
P040017/2005M–0110	Bayer Healthcare, LLC	ADVIA CENTAUR ANTI–HAV TOTAL ASSAY & ADVIA CENTAUR TOTAL QUALITY CONTROL MATERIALS	March 7, 2005
H030005/2005M–0132	CoAxia, Inc.	COAXIA NEUROFLO CATHETER	March 30, 2005

II. Electronic Access

Persons with access to the Internet may obtain the documents at *http://www.fda.gov/cdrh/pmapage.html*.

Dated: July 6, 2005.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 05–13901 Filed 7–14–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005D–0195]

Draft Guidance for Industry and Food and Drug Administration Staff; The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #9; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #9.'' The draft guidance document is intended to assist facilities and their personnel in meeting the Mammography Quality Standards Act (MQSA) final regulations.

DATES: Submit written or electronic comments on this draft guidance by October 13, 2005.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the draft guidance document entitled ''The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #9'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this draft guidance and the information collection provisions 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*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Charles Finder, Center for Devices and Radiological Health (HFZ–240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–594–3332.

SUPPLEMENTARY INFORMATION:

I. Background

This draft guidance is intended to provide guidance to mammography facilities and their personnel. It represents the FDA's current thinking on various aspects of the final regulations implementing the MQSA (Public Law 102–539). Once finalized, this draft guidance document will add to and update material in the Policy Guidance Help System (PGHS) in order to address recurring inquiries to the Center for Devices and Radiological Health (CDRH) about these issues. The PGHS is a computerized system accessible through FDA's Web site that is intended to provide useful information to mammography facilities and their personnel on issues relating to MQSA. The guidance only addresses those portions of the PGHS that are being revised.

This draft guidance addresses the following issues:

1. Definitions of final interpretation and lossless and lossy digital compression;
2. Use of Small Field Digital Mammography image receptors;
3. Clarification relating to reestablishing processor operating levels;
4. Impact of the Health Insurance Portability and Accountability Act requirements on certain MQSA activities;
5. Retention of medical outcomes audit records;
6. Steps to take when patients do not wish to receive their lay summaries;
7. Combining medical reports;
8. The effect of film digitization and compression of Full Field Digital Mammography (FFDM) digital data on retention, transfer, and interpretation of mammographic images;
9. Clarification of continuing education requirements;
10. Use of foreign-trained physicians;
11. Use of the American Registry of Radiologic Technologists ARRT(M) certificate to meet certain radiologic technologist requirements;
12. Quality Control testing when using cushion pads on compression devices;
13. Medical physicist involvement in certain FFDM repairs;
14. Use of printers and monitors that were not specifically approved as part of an FFDM unit; and
15. Digitization of paper records and personnel documents.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on the issues described in the previous paragraphs. 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 statute and regulations.

III. Electronic Access

To receive ''The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #9'' by fax, call the CDRH Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt, press 1 to

order a document. Enter the document number (1538) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

To receive ''The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #9,'' you may either send a fax request to 301–443–8818 to receive a hard copy of the document, or send an e-mail request to *gwa@cdrh.fda.gov* to receive a hard copy or an electronic copy. Please use the document number 1538 to identify the guidance you are requesting.

Persons interested in obtaining a copy of the draft guidance may also do so by using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This draft guidance document contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). Under the PRA, Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information in the following paragraphs.

With respect to the following collection of information, FDA invites comments on the following items: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #9

Description: The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #9 provides guidance to mammography facilities and their personnel on a variety of issues involving the quality standards for mammography (§900.12 (21 CFR 900.12)). Use of the guidance results in new collections of information. Facilities are required to provide patients with lay summaries of the results of their mammography examinations (§900.12(c)(2)). This guidance document provides information on how to address a patient's refusal to receive a lay summary and recommends that the facility document why it was unable to meet this requirement. Additionally, the guidance addresses interpreting physician initial requirements (§ 900.12(a)(1)(i)(B)(2)), including recommendations on how to document the alternative to Board Certification for foreign-trained physicians.

Respondents: The likely respondents are mammography facilities and their personnel who are subject to the MQSA quality standards requirements.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Activity	No. of Respondents	Annual Frequency of Response	Total Annual Responses	Hours per Response	Total Hours
Reporting of refusal of lay summary	915	1	915	0.5	458

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

Activity	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Record	Total Hours
Documentation of foreign-trained physicians' qualifications	92	1	92	8	736

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

There are a total of 9,150 MQSA-certified facilities. Using past experience, FDA estimates that 10 percent of these facilities will receive patient requests that lay summary results not be sent. We also estimate that the facility will spend 0.5 hours per patient obtaining the patient's written request, filing that form in the patient's record and forwarding the summary to the patient's designee. With respect to foreign-trained physicians, past experience indicates that this situation arises very infrequently. We estimate that only 1 percent of MQSA-certified facilities will have to maintain records documenting the qualifications of foreign-trained physicians.

This draft guidance also contains information collection provisions that have been approved by OMB in accordance with the PRA under existing regulations. The collections of information described in this guidance document for § 900.12 were previously approved under OMB control number 0910–0309 entitled ''Mammography Facilities, Standards, and Lay Summaries for Patients 21 CFR Part 900.''

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**), written or electronic comments regarding this document. 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 brackets in the heading of this document. Comments received may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 10, 2005.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 05–13974 Filed 7–14–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2005–21802]

National Offshore Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the National Offshore Safety Advisory Committee (NOSAC). NOSAC provides advice and makes recommendations to the Coast Guard on matters affecting the offshore industry.

DATES: Application forms should reach the Coast Guard on or before September 30, 2005.

ADDRESSES: You may request an application form by writing to Commandant (G–MSO–2), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001; by calling 202–267–1082; or by faxing 202–267–4570. A copy of the application form is also available from the Coast Guard's Advisory Committee Web page at: *http://www.uscg.mil/hq/g-m/advisory/index.htm.* Send your application in written form to the above street address. This notice is available on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Commander John M. Cushing, Executive Director of NOSAC, or James M. Magill, Assistant to the Executive Director, telephone 202–267–1082, fax 202–267–4570.

SUPPLEMENTARY INFORMATION: NOSAC is a Federal advisory committee established under the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 (Pub. L. 92–463, 86 Stat. 770, as amended). It consists of 15 regular members who have particular knowledge and experience regarding offshore technology, equipment, safety and training, as well as environmental expertise in the exploration or recovery of offshore mineral resources. It provides advice and makes recommendations to the Assistant Commandant for Marine Safety, Security and Environmental Protection regarding safety, security and rulemaking matters relating to the offshore mineral and energy industries. This advice assists the Coast Guard in developing policy and regulations and formulating the positions of the United States in advance of meetings of the International Maritime Organization.

NOSAC meets twice a year, with one of these meetings being held at Coast Guard Headquarters in Washington, DC. It may also meet for extraordinary purposes. Its subcommittees and working groups may meet to consider specific problems as required.

We will consider applications for seven positions. These positions will begin in January 2006. Applications should reach us by September 30, 2005, but we will consider applications received later if they arrive within a reasonable time before we make our recommendations to the Secretary of Homeland Security.

To be eligible, applicants should have experience in one of the following categories: (1) Offshore supply vessel services including geophysical services, (2) offshore operations, (3) construction of offshore facilities, (4) offshore production of petroleum, (5) offshore drilling, (6) general public interest associated with offshore activities, or (7) deepwater ports interests associated with offshore oil and gas storage. Please state on the application form which of the seven categories you are applying for. The term of office for categories (1) through (5) will be 3 years, and 4 years for categories (6) and (7). Each member will normally serve the above term, or until a replacement is appointed. Some members may serve consecutive terms. All members serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

In support of the policy of the Coast Guard on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Dated: July 11, 2005.

Howard L. Hime,

Acting Director of Standards, Marine Safety, Security and Environmental Protection.

[FR Doc. 05–13956 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2005–21833]

Mark 11 Static Barrier Running Gear Entanglement System; Draft Programmatic Environmental Assessment

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of the Draft Programmatic Environmental Assessment (PEA) and Draft Finding of No Significant Impact (FONSI) for the Mark 11 Static Barrier Running Gear Entanglement System (RGES). The Coast Guard is proposing to establish and operate a Mark (MK) 11 Static Barrier RGES at various and currently unknown U.S. ports throughout the U.S. Maritime Domain, when necessary. The purpose of Proposed Action is to improve the Coast Guard's capabilities to intercept and interdict small boats and watercraft. The MK11 Static Barrier RGES would deliver an entanglement device which would foul the propellers of unauthorized vessels attempting to approach restricted areas. The MK 11 Static Barrier RGES would not duplicate existing protective measures, but would provide complimentary, non-redundant capabilities that would be able to close significant readiness gaps in our nation's strategic ports.

DATES: You are invited to request a copy of the Draft PEA and Draft FONSI and/or submit comments by August 26, 2005.

ADDRESSES: A copy of the Draft Programmatic Environmental Assessment (PEA) and/or the Draft Finding of No Significant Impact (FONSI) will be available in the public

docket for this notice, which is available on line at *http://dms.dot.gov*. You may also request a copy by one of the following means:

(1) Mail: Mr. Neal J. Armstrong, U.S. Coast Guard Headquarters (G–OCU–3), 2100 Second Street, SW., Washington, DC 20593.

(2) Fax: (202) 267–4415. Or,

(3) E-mail: *narmstrong@comdt.uscg.mil.*

In choosing from these means, please give due regard to the continuing difficulties and delays associated with delivery of mail through the U.S. Postal Service to federal facilities.

You may submit comments on the PEA and/or FONSI, identified by Coast Guard docket number USCG–2005–21833, by one of the following methods:

(1) Web Site: *http://dms.dot.gov.*

(2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

(3) Fax: 202–493–2251. or,

(4) Delivery: Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number for the Docket Management Facility is 202–366–9329.

FOR FURTHER INFORMATION CONTACT: If you have questions about the project, viewing or submitting material, or would like a copy of the Draft PEA or FONSI, you may contact Mr. Neal Armstrong at (202) 267–2572 or by e-mail at *narmstrong@comdt.uscg.mil.*

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to submit comments and related materials on the draft PEA and draft FONSI. Persons submitting comments should include their names and addresses, this notice reference number (USCG–2005–21833), and the reasons for each comment. You may submit your comments and materials by mail, hand delivery, fax, or electronic means using the information provided in the **ADDRESSES** section above. If you choose to submit them by mail, submit them in an unbound format, no larger than 8½ by 11 inches, and suitable for copying and electronic filing. If you submit them by mail and would like to know if they reached the Coast Guard, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and materials received during the comment period. For additional information about this notice or the Draft PEA, contact Ms. Kebby Kelley at (202) 267–6034 or *Kkelley@comdt.uscg.mil.*

Background Information

Domestic port safety and security has long been a core Coast Guard mission. However, in the wake of the terrorist attacks committed on September 11, 2001, emerging threats to the U.S. homeland have prompted an increased Coast Guard focus on protecting domestic ports and the U.S. Maritime Transportation System from terrorist threats.

As part of the U.S. response to these threats, the Coast Guard has undertaken a PEA for the decision to establish and operate the MK 11 Static Barrier RGES at various and currently unknown U.S. ports throughout the U.S. Maritime Domain, when necessary.

The MK 11 Static Barrier RGES would be used to provide a barrier around a high value asset or to establish a ''line of demarcation'' thereby outlining a security or safety zone and allow security forces sufficient time to react and counter a threat. The MK 11 Static Barrier RGES would have a line that floats on the surface of the water, with 40-inch long loops spaced every 8 inches. Inflatable 15-inch buoys would be placed every 100 feet. Lights would also be attached every 100 feet, midway between the floatation buoys. Anchoring systems would be required every 200 feet.

The RGES could operate in typical harbor, anchorage, and wharf environments including fresh, salt and brackish waters, in air and water temperatures and thermoclines, as would typically be expected in a port/harbor environment. U.S. Coast Guard personnel would provide a continuous watch over the deployed MK 11 Static Barrier RGES.

Public input is important to the preparation of the Final PEA. Your concerns and comments regarding the establishment and operation of MK 11 Static Barrier RGES and the possible environmental impacts are important to the Coast Guard.

Dated: July 8, 2005.

Richard Button,

CDR, U.S. Coast Guard, Chief, Office of Cutter Training.

[FR Doc. 05–13957 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2003–16711]

Cooperative Research and Development Agreements

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent.

SUMMARY: The Coast Guard announces its intent to enter into a Cooperative Research and Development Agreement and seeks inquiries and proposals from potential partners. The goal of this agreement will be further development of innovative fire suppression/protection systems for use on marine vessels and Coast Guard approval procedures for such systems.

DATES: Preliminary inquiries must be received by August 4, 2005. The deadline for receiving proposals is August 24, 2005.

ADDRESSES: Inquiries and proposals from potential partners must be sent to David Beene, Fire and Safety Technologies Project Manager, U.S. Coast Guard Research & Development Center, 1082 Shennecossett Road, Groton, CT 06340 (email: *dbeene@rdc.uscg.mil*).

The general public can comment on this notice or on the Coast Guard's Cooperative Research and Development Agreement (CRADA) procedures. These comments will be docketed in the Docket Management System (DMS). Include the docket number (USCG–2003–16711) of this notice, and submit it using the DMS Web site (*http://dms.dot.gov*) or the Federal eRulemaking Portal (*http://www.regulations.gov*). You can also fax comments to 202–493–2251 or mail or hand-deliver them to: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or the proposed CRADA, contact David Beene, Fire and Safety Technologies Project Manager, U.S. Coast Guard Research & Development Center, 1082 Shennecossett Road, Groton, CT 06340, telephone (860) 441–2759, email: *dbeene@rdc.uscg.mil*. If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone (202) 366–0271.

SUPPLEMENTARY INFORMATION:

Cooperative Research and Development Agreements

Cooperative Research and Development Agreements, or CRADAs, are authorized by the Federal Technology Transfer Act of 1986 (Pub. L. 99–502, codified at 15 U.S.C. 3710a). A CRADA promotes the transfer of technology to the private sector for commercial use as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding. The Department of Homeland Security (DHS), as an executive agency under 5 U.S.C. 105, is a Federal agency for purposes of 15 U.S.C. 3710a and may enter into a CRADA. DHS delegated its authority to the Commandant of the Coast Guard (see DHS Delegation No. 0160.1, section 2(B)(34)), and the Commandant has delegated his authority to the Coast Guard Research and Development Center.

Goal of Proposed CRADA

Under the proposed agreement, the Coast Guard's Research & Development Center (RDC) would collaborate with industry. Together, the RDC and its CRADA partner(s) will examine fire suppression/protection systems for protecting marine vessels. Through joint research, they will also provide scientific information to support development of test protocols for use on merchant vessels.

The RDC, with its CRADA partner(s), will create a structured and collaborative test environment to advance concepts and technologies for fire suppression/protection systems. Gaseous agent systems currently used on vessels are either banned or being phased out by the International Maritime Organization and/or the Environmental Protection Agency. The RDC will provide test data on new systems to the Coast Guard Marine Safety, Security, and Environmental Protection directorate for use in developing approval procedures for such systems to be used on merchant vessels.

Party Contributions

We anticipate that the Coast Guard's contributions under the proposed CRADA will include:

(1) A full-scale test chamber that meets the International Maritime Organizations test protocol requirements to test and demonstrate CRADA products;

(2) Personnel and equipment to manage and operate the test chamber;

(3) An instrumentation system to record real time test data for future analysis; and

(4) Test data to/for CRADA partners for their own analysis.

We anticipate that industry's contributions under the proposed CRADA will include:

(1) Proposed fire suppression/protection systems for study;

(2) A proposed test plan, for comment by the RDC, for each fire suppression/protection system to be tested;

(3) Provision and installation of agent distribution systems and products. This may include but not be limited to piping, nozzles, manifolds, and cylinder connections to allow testing called for in the test plan;

(4) The disassembly and removal of all items installed by CRADA partner(s);

(5) The repair or replacement of any government instrumentation or equipment that is damaged or destroyed as a result of these tests; and

(6) The provision to the Coast Guard of one copy of the draft report of test results for review and of two copies of the final report upon its completion.

Selection Criteria

The Coast Guard reserves the right to select for CRADA partners all, some, or none of the proposals in response to this notice. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals (or any other material) submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have no more than 4 single-sided pages (excluding cover page and resumes). The Coast Guard will select proposals at its sole discretion on the basis of:

(1) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described;

(b) Resources available for supporting the non-Federal party contributions described; and

(c) Technical expertise/understanding of marine fire suppression/protection needs and industry best practices in fire suppression/protection technologies.

This is a technology transfer/development effort. So far, the Coast Guard has no forecast to procure the technology. Proposals should clearly discuss how the concepts and proposed technologies, *e.g.*, for fire suppression/protection systems to replace current halon and carbon dioxide systems could improve upon systems currently being proposed by and reviewed by the International Maritime Organization.

Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the United States which agree that products embodying inventions made under the CRADA or produced through the use of such inventions will be manufactured substantially in the United States.

Dated: June 27, 2005.

F.A. Dutch,

Capt USCG, Commanding Officer, R&D Center.

[FR Doc. 05–13961 Filed 7–14–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1593–DR]

Alabama; Major Disaster and Related Determinations

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

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–1593–DR), dated July 10, 2005, and related determinations.

DATES: Effective July 10, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 10, 2005, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Alabama, resulting from Hurricane Dennis beginning on July 10, 2005, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate subject to completion of Preliminary Damage Assessments (PDAs), unless you determine the incident is of such unusual severity and magnitude that PDAs are not required to determine the need for supplemental Federal assistance pursuant to 44 CFR 206.33(d). Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under Section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs. For a period of up to 72 hours, you are authorized to fund assistance for emergency protective measures, including direct Federal assistance, at 100 percent of the total eligible costs. The period of up to 72 hours at 100 percent excludes debris removal. Federal funding will remain at 75 percent.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster:

Baldwin and Mobile Counties for Individual Assistance.

Autauga, Baldwin, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Clay, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Jefferson, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pickens, Pike, Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Washington, and Wilcox Counties for assistance for debris removal and emergency protective measures, including direct Federal assistance. For a period of up to 72 hours, assistance for emergency protective measures, including direct Federal assistance, will be provided at 100 percent of the total eligible costs. The period of up to 72 hours at 100 percent excludes debris removal.

All counties within the State of Alabama are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05–13924 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1595–DR]

Florida; Major Disaster and Related Determinations

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

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–1595–DR), dated July 10, 2005, and related determinations.

EFFECTIVE DATE: July 10, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 10, 2005, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Florida, resulting from Hurricane Dennis beginning on July 10, 2005, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate subject to completion of Preliminary Damage Assessments, unless you determine the incident is of such unusual severity and magnitude that PDAs are not required to determine the need for supplemental Federal assistance pursuant to 44 CFR 206.33(d). Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under Section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs. For a period of up to 72 hours, you are authorized to fund assistance for emergency protective measures, including direct Federal assistance, at 100 percent of the total eligible costs. The period of up to 72 hours at 100 percent excludes debris removal. Federal funding for debris removal will remain at 75 percent.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Justin DeMello, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster:

Escambia and Santa Rosa Counties for Individual Assistance.

Bay, Calhoun, Escambia, Franklin, Gulf, Holmes, Jackson, Monroe, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties for assistance for debris removal and emergency protective measures, including direct Federal assistance. For a period of up to 72 hours, assistance for emergency protective measures, including direct Federal assistance, will be provided at

100 percent of the total eligible costs. The period of up to 72 hours at 100 percent excludes debris removal.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050, Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05–13920 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1592–DR]

Idaho; Major Disaster and Related Determinations

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

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Idaho (FEMA–1592–DR), dated July 6, 2005, and related determinations.

DATES: Effective July 6, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 6, 2005, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Idaho, resulting from heavy rains and flooding on May 6–20, 2005, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Idaho.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas; Hazard Mitigation throughout the State; and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Lee Champagne, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Idaho to have been affected adversely by this declared major disaster:

Nez Perce County and the parts of the Nez Perce Reservation within Nez Perce County for Public Assistance.

All counties within the State of Idaho are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05–13923 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1591–DR]

Maine; Major Disaster and Related Determinations

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

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Maine (FEMA–1591–DR), dated June 29, 2005, and related determinations.

DATES: Effective June 29, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 29, 2005, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Maine, resulting from severe storms, flooding, snow melt, and ice jams on March 29–May 3, 2005, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Maine.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation statewide; and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department

of Homeland Security, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Maine to have been affected adversely by this declared major disaster:

Androscoggin, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Piscataquis, Somerset, Waldo, and Washington Counties for Public Assistance.

All counties within the State of Maine are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05–13922 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1594–DR]

Mississippi; Major Disaster and Related Determinations

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

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–1594–DR), dated July 10, 2005, and related determinations.

EFFECTIVE DATE: July 10, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 10, 2005, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from Hurricane Dennis beginning on July 10, 2005, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate subject to completion of Preliminary Damage Assessments (PDAs), unless you determine the incident is of such unusual severity and magnitude that PDAs are not required to determine the need for supplemental Federal assistance pursuant to 44 CFR 206.33(d). Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. For a period of up to 72 hours, you are authorized to fund assistance for emergency protective measures, including direct Federal assistance, at 100 percent of the total eligible costs. The period of up to 72 hours at 100 percent excludes debris removal. Federal funding will remain at 75 percent. If Other Needs Assistance under Section 408 of the Stafford Act is later warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Justo Hernandez, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

Attala, Calhoun, Chickasaw, Choctaw, Clarke, Clay, Covington, Forrest, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Leake, Lee, Lowndes, Madison, Monroe, Neshoba, Newton, Noxubee, Oktibbeha, Perry, Pontotoc, Rankin, Scott, Smith, Stone, Wayne, Webster, and Winston Counties for assistance for debris removal and emergency protective measures, including direct Federal assistance. For a period of up to 72 hours, assistance for emergency protective measures, including direct Federal assistance, will be provided at 100 percent of the total eligible costs. The period of up to 72 hours at 100 percent excludes debris removal.

All counties within the State of Mississippi are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05–13921 Filed 7–14–05; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

United States Citizenship and Immigration Services

Privacy Act of 1974; Systems of Records; DHS–2005–0048

AGENCY: Department of Homeland Security, United States Citizenship and Immigration Services, USCIS.

ACTION: Removal of a Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to remove one system of records from its inventory of record systems because the functions of the system have been absorbed into another system of records.

EFFECTIVE DATES: July 15, 2005.

FOR FURTHER INFORMATION CONTACT: Nuala O'Connor Kelly, DHS Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528, by telephone (571) 227–3813 or facsimile (517) 227–4171.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, and as part of its

ongoing integration and management efforts, the Department of Homeland Security (DHS) is removing a system of records currently being maintained by United States Citizenship and Immigration Services (USCIS) and formerly maintained by the Immigration and Naturalization Service (INS) when it was an agency of the Department of Justice. This legacy record system is entitled ''Alien Status Verification Index (ASVI), JUSTICE/INS–009.'' ASVI was last published in the **Federal Register** on September 7, 2001 (66 FR 46815). The system became part of the DHS inventory of record systems upon creation of DHS and the merger with INS.

ASVI was originally established in order to verify an alien's immigrant, nonimmigrant, and/or eligibility status for any purpose consistent with DHS/USCIS statutory responsibilities. The record system became obsolete in July 2004, because a new modernized system with the same capabilities as ASVI was built and added to another USCIS system of records, the Verification Information System (VIS), JUSTICE/INS–036 (last published in the **Federal Register** on October 17, 2002 (67 FR 64134)). All data from ASVI currently resides in VIS. Therefore, JUSTICE/INS–009, the ''Alien Status Verification Index (ASVI)'' has been superseded and the Department of Homeland Security is removing this system from its inventory of Privacy Act systems.

Dated: June 23, 2005.

Nuala O'Connor Kelly,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 05–13964 Filed 7–14–05; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4971-N–36]

Notice of Submission of Proposed Information Collection to OMB; Survey: Life After Transitional Housing

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.

Collection of information from formerly homeless families leaving Transitional Housing. Data will be used to evaluate the ways that participating in Transitional Housing programs affects the lives of homeless families, and will allow HUD to study what happens to families once they leave the programs.

DATES: *Comments Due Date:* August 15, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name 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 and at HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

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: Survey: Life After Transitional Housing.

OMB Approval Number: 2528-new.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: Collection of information from formerly homeless families leaving Transitional Housing. Data will be used to evaluate the ways that participating in Transitional Housing programs affects the lives of homeless families, and will allow HUD to study what happens to families once they leave the programs.

Frequency of Submission: Quarterly.

	Number of respondents	Annual responses	x	Hours per response	=	Burden hours
Reporting Burden	320	1,500		0.5		750

Total Estimated Burden Hours: 750.

Status: New collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 8, 2005.

Wayne Eddins,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E5–3754 Filed 7–14–05; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4980–N–28]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ENERGY: Mr. Andy Duran, Department of Energy, Office of Engineering & Construction Management, ME–90, 1000 Independence Ave., SW., Washington, DC 20585: (202) 586–4548; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0084; INTERIOR: Ms. Linda Tribby, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS5512, Washington, DC 20240; (202) 219–0728; NAVY: Mr. Charles C. Cocks, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (these are not toll-free numbers).

Dated: July 7, 2005.

Mark R. Johnston,

Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program Federal Register Report for 7/15/05

Suitable/Available Properties

Buildings (by State)

Arkansas

Bldg. 110001
1001 E. Main Street
Mountain View Co: Stone AR 72560
Landholding Agency: GSA
Property Number: 54200530001
Status: Surplus
Comment: 1338 sq. ft., most recent use—residential, off-site use only
GSA Number: 7USDA–AR–0568

California

Redwoods Office Bldg.
8038 Chilnualna Falls Road
Yosemite Natl Park
Wawona Co: Mariposa CA 95389
Landholding Agency: Interior
Property Number: 61200530005
Status: Unutilized
Comment: 1746 sq. ft., possible asbestos/lead paint, off-site use only

Redwoods Bldg.
8038 Chilnualna Falls Road
Yosemite Natl Park
Wawona Co: Mariposa CA 95389
Landholding Agency: Interior
Property Number: 61200530006
Status: Unutilized
Comment: 78 sq. ft., possible asbestos/lead paint, off-site use only

Virginia

Former C. Funk House
Appalachian Natl Scenic Trail
Rural Retreat Co: Smyth VA
Landholding Agency: Interior
Property Number: 61200530007
Status: Excess
Comment: 1144 sq. ft., needs rehab, presence of asbestos, off-site use only

Former Repass House
Appalachian Natl Scenic Trail
Rural Retreat Co: Smyth VA
Landholding Agency: Interior
Property Number: 61200530008
Status: Excess
Comment: 2008 sq. ft., needs rehab, presence of asbestos, off-site use only

Former Hoover House
Appalachian Natl Scenic Trail
Pearisburg Co: Giles VA
Landholding Agency: Interior
Property Number: 61200530009
Status: Excess
Comment: 996 sq. ft., needs rehab, presence of lead paint, off-site use only

Former Hoover Shed
Appalachian Natl Scenic Trail
Pearisburg Co: Giles VA
Landholding Agency: Interior

Property Number: 61200530010
Status: Excess
Comment: 128 sq. ft., needs rehab, presence of lead paint, off-site use only

Former Morse Cabin
Appalachian Natl Scenic Trail
Pearisburg Co: Giles VA
Landholding Agency: Interior
Property Number: 61200530011
Status: Excess
Comment: 792 sq. ft., needs rehab, off-site use only

Former Morse House
Appalachian Natl Scenic Trail
Pearisburg Co: Giles VA
Landholding Agency: Interior
Property Number: 61200530012
Status: Excess
Comment: 2025 sq. ft., needs rehab, presence of asbestos, off-site use only

Unsuitable Properties

Buildings (by State)

Florida

Bldg. U–150
Naval Air Station
Key West Co: Monroe FL 33040
Landholding Agency: Navy
Property Number: 77200520044
Status: Excess
Reasons: Secured Area, Extensive deterioration

Guam

73 Bldgs.
Naval Computer & Telecommunications Station
Marianas Co: GU
Location: A700–A716, A725, A728, A735, A741–A784, A803–A805, A811–A813, A829–A831
Landholding Agency: Navy
Property Number: 77200520045
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 24
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520046
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 39, 42
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520047
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 2006, 2009
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520048
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 2014, 2916
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520049
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 2031
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520050
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 2056, 2057
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520051
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 2064
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520052
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 2073, 2077
Naval Ship Repair Facility
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200520053
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. FH–05
Naval Forces
Marianas Co: GU
Landholding Agency: Navy
Property Number: 77200530002
Status: Unutilized
Reason: Extensive deterioration

Hawaii

Bldgs. 1048, 1963
Naval Station
Barbers Point Co: Honolulu HI 96707–
Landholding Agency: Navy
Property Number: 77200520054
Status: Excess
Reason: Extensive deterioration

Idaho

Bldg. B16 607
Idaho National Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200530001
Status: Excess
Reason: Secured Area

Bldg. CF660
Idaho National Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200530002
Status: Excess
Reason: Secured Area

Illinois

Bldg. 42
Naval Station
Great Lakes Co: IL 60088–
Landholding Agency: Navy
Property Number: 77200520055
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 25 & 28
Naval Station
Great Lakes Co: IL 60088–
Landholding Agency: Navy
Property Number: 77200530001
Status: Excess
Reason: Extensive deterioration

Maine

Bldg. M–17
Portsmouth Naval Shipyard
York Co: Kittery ME 03904–
Landholding Agency: Navy
Property Number: 77200520057
Status: Excess
Reason: Secured Area

Bldg. 288
Portsmouth Naval Shipyard
York Co: Kittery ME 03904–
Landholding Agency: Navy
Property Number: 77200520058
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 344, 346
Portsmouth Naval Shipyard
York Co: Kittery ME 03904–
Landholding Agency: Navy
Property Number: 77200520059
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

New Jersey

Bldgs. 437, 443, 506
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–
Landholding Agency: Navy
Property Number: 77200520056
Status: Unutilized
Reason: Extensive deterioration

New York

Sailors Haven Complex
Fire Island Natl Seashore
Suffolk Co: NY 11772–
Landholding Agency: Interior
Property Number: 61200530001
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

South Carolina

Facility 701–5G
Savannah River Site
New Ellenton Co: SC
Landholding Agency: Energy
Property Number: 41200530003
Status: Unutilized
Reason: Extensive deterioration

Virginia

Former Averhart Barn
Appalachian Natl Scenic Trail
Huffman Co: Craig VA
Landholding Agency: Interior
Property Number: 61200530002
Status: Excess
Reason: Extensive deterioration

Former Givens House
Appalachian Natl Scenic Trail
Huffman Co: Craig VA
Landholding Agency: Interior
Property Number: 61200530003
Status: Excess

Reason: Extensive deterioration

Former Edmiston Barn
Apalachian Natl Scenic Trail
Rural Retreat Co: Smyth VA
Landholding Agency: Interior
Property Number: 61200530004
Status: Excess
Reason: Extensive deterioration

Bldgs. 161 thru 167
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200520033
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 171 thru 177
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200520034
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 181 thru 187
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200520035
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 191 thru 197
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200520036
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 201 thru 207
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200520037
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 211 thru 217
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200520038
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 260–261, 263–268
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200520039
Status: Excess
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
Naval Weapons Station
Yorktown Co: VA 23691–
Location: 467, CAD120, 404, 430, 1899, 715, 1831, 1832, CAD102B
Landholding Agency: Navy
Property Number: 77200520040
Status: Excess
Reasons: Secured Area, Extensive deterioration

8 Bldgs.
Naval Weapons Station
Yorktown Co: VA 23691–
Location: 760, 761, 269, F1, F2, F3, F4, 26
Landholding Agency: Navy
Property Number: 77200520041
Status: Excess
Reasons: Secured Area, Extensive deterioration

5 Bldgs.
Naval Weapons Station
Yorktown Co: VA 23691–
Location: 797, 798, 799, 800, CAD223
Landholding Agency: Navy
Property Number: 77200520042
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 1860 thru 1865
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200520043
Status: Excess
Reasons: Secured Area, Extensive deterioration

Land (by State)

New York

Portion/Binghamton Depot
Hillcrest Co: Broome NY 13901–
Landholding Agency: GSA
Property Number: 54200530002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–G–NY–760–2C

Radar Microwave Link
Repeater Land
Hempstead Co: Nassau NY 11793–
Landholding Agency: GSA
Property Number: 54200530003
Status: Excess
Reason: landlocked
GSA Number: 1–U–NY–0918

Washington

405 sq. ft./Land
Naval Base Kitsap
Bangor Co: WA
Landholding Agency: Navy
Property Number: 77200520060
Status: Unutilized
Reason: Secured Area

[FR Doc. 05–13721 Filed 7–14–05; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Final Comprehensive Conservation Plan and Environmental Impact Statement for Maine Coastal Islands National Wildlife Refuge

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability of the Final Comprehensive Conservation Plan and Environmental Impact Statement for Maine Coastal Islands National Wildlife Refuge (NWR)(formerly Petit Manan National Wildlife Refuge Complex).

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the Final Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for Maine Coastal Islands National Wildlife Refuge (NWR) are available for review. The Final CCP and EIS were prepared pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 6688dd *et seq.*), and the National Environmental Policy Act of 1969. The CCP describes how the Service intends to manage the refuge over the next 15 years.

DATES: A Record of Decision may be signed no sooner than 30 days after publication of this notice (40 CFR 1506.10(b)(2)).

ADDRESSES: Copies of the Final CCP or EIS, including Appendix I (Summary of Public Comments and Service Responses), are available by contacting Charles Blair, Refuge Manager, Maine Coastal Islands NWR, P.O. Box 279, Water Street, Milbridge, Maine 04658–0279, or by e-mailing *petitmanan@fws.gov*. The Final CCP and EIS are also available for viewing and downloading online at the following Web site: *http://library.fws.gov/ccps.htm*.

FOR FURTHER INFORMATION CONTACT: Charles Blair, Refuge Manager, at the above street and e-mail address, or via telephone at (207) 546–2124, or fax at (207) 546–7805.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires the Service to develop a CCP for each refuge. The purpose of developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife science, natural resources conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and habitats, a CCP identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. The CCP will be

reviewed and updated at least every 15 years in accordance with the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969.

The Maine Coastal Islands NWR is located within the Gulf of Maine, with landholdings along the entire Maine coast. The refuge is a complex of five individual refuge units including: Petit Manan, Cross Island, Seal Island, Franklin Island, and Pond Island NWRs. It protects nationally-significant islands with nesting habitat for Federal- and State-listed species, and other native wildlife of high conservation concern, such as roseate tern, bald eagle, Atlantic puffin, common tern, Arctic tern, and razorbills. Its mainland divisions protect wetlands and other important habitats valuable to migratory birds of conservation concern, including waterfowl, shorebirds, and Neotropical landbirds.

The proposed action is to adopt and implement a CCP that best achieves the purposes for which the refuge was established; furthers its vision and goals; contributes to the mission of the National Wildlife Refuge System; addresses significant issues and applicable mandates; and is consistent with principals of sound fish and wildlife management. Implementing the CCP will enable the refuge to fulfill its critical role in the conservation and management of fish and wildlife resources in the Gulf of Maine, including the protection of nationally-significant coastal islands, and to provide high quality environmental education and wildlife-dependent recreational opportunities for refuge visitors. The Service analyzed four alternatives for future management of the refuge; of these, Alternative B has been identified as the Service's preferred alternative.

Alternative B, modified from the Draft CCP/EIS, would provide a refuge boundary expansion and improve the diversity and depth of management for natural resources and recreational opportunities. Selecting this alternative would expand the Petit Manan NWR by 2,459.7 acres beyond the current approved boundary. The expansion is comprised of 87 nationally significant seabird, wading bird, or bald eagle coastal nesting islands (2,306.4 acres) and 2 mainland tracts (153.3 acres) of wetlands important for waterfowl and migrating shorebirds. Alternative B would add six new seabird restoration projects to our present six, and intensify the focus of our biological programs on birds of high conservation priority in the Gulf of Maine. It would increase opportunities for wildlife-dependent recreation, especially in our environmental education and interpretation programs, build new trails on the Gouldsboro Bay, Sawyers Marsh, and Corea Heath divisions, and open the Petit Manan Point Division for deer hunting. Alternative B would also recommend that 13 NWR islands in 8 wilderness study areas be included in the National Wilderness Preservation System. Refuge staffing and budgets would increase commensurately with expanded programs. We recommend Alternative B for approval. The following are four important changes made between our Draft and Final CCP and EIS:

1. We propose changing the name of the entire refuge complex to ''Maine Coastal Islands National Wildlife Refuge''. We will use this name for outreach and administrative purposes when we are referring to the five refuges collectively. It does not change the name or status of the five individual refuge units.

2. We clarify our deer hunting proposal on the Petit Manan Point Division because the Draft CCP/EIS did not stipulate which areas or seasons would be opened. We propose opening the deer hunt to: (a) hunters with disabilities during the regular rifle season, and (b) hunters of all abilities during the regular muzzle-loader season. The hunting area will lie in the northern half of the division, above the entrance road, in the Birch Point Trail area.

3. We propose changing the wilderness study area (WSA) boundaries to exclude all private lands and all existing rights-of-way granted to private inholders on Cross and Bois Bubert islands, and Lily Lake and the common boat landing on Bois Bubert Island. All WSA boundaries will be defined by the mean high water mark surrounding the islands. (Appendix D, ''Wilderness Inventory and Study'', includes those changes).

4. We propose to exclude an 8-acre tract on Wood Island from our expansion proposal. The tract is owned by the Coast Guard and includes an historic lighthouse. The Coast Guard requested we exclude this tract, which is under a licensing agreement with the American Lighthouse Foundation for repair, maintenance, and historic preservation. (Appendix A, ''Land Protection Plan'', includes this change).

Public comments were requested, considered and incorporated throughout the planning process in numerous ways. Public outreach has included open houses, public meetings, technical workgroups, planning update mailings, and **Federal Register** notices. Three previous notices were published in the **Federal Register** concerning the development of this CCP/EIS (60 FR 52008, October 4, 1995; 64 FR 70723, December 17, 1999; 69 FR 23803, April 30, 2005). During the Draft CCP/EIS comment period that occurred from April 30 to July 6, 2004, the Service received 594 public responses in oral testimony at public hearings, in phone calls, or in written or electronic documents. All substantive issues raised in the comments on the Draft CCP/EIS have been addressed through changes incorporated into the Final CCP and EIS text, and through the responses to the public comments included in Appendix I, ''Summary of Public Comments and Service Responses,'' of the Final EIS.

Dated: March 7, 2005.

Richard O. Bennett,

Acting Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts.

[FR Doc. 05–13615 Filed 7–14–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service 2005 Federal Duck Stamp Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service announces the date and location of the 2005 Federal Duck Stamp contest, which is open to the public. This notice is a follow-up to our March 4, 2005, **Federal Register** notice, in which we gave background information on the contest and preliminary information on this year's contest (70 FR 10671).

DATES: 1. The 2005 Federal Duck Stamp Contest will be held in Memphis, Tennessee, at the Memphis College of Arts, Overton Park, 1930 Poplar Avenue, Memphis, Tennessee.

2. The public may view the 2005 Federal Duck Stamp Contest entries on Sunday, September 11, 2005 from 1 p.m. to 4 p.m., and from Monday, September 12, through Tuesday, September 13, from 8:30 a.m. to 4 p.m.

3. Judging will be held on Wednesday, September 14, and Thursday, September 15, beginning at 10 a.m.

ADDRESSES: To request a complete copy of the contest rules, reproduction rights agreement, and display and participation agreement, please call 1–703–358–2000, or write to: Federal Duck Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, 4401 North Fairfax Drive, Mail Stop MBSP–4070, Arlington, VA 22203–

1622. You may also download the information from the Federal Duck Stamp Web site at *http://duckstamps.fws.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Ryan W. Booth, Federal Duck Stamp Office, (703) 358–2004, or by e-mail *Ryan_W_Booth@fws.gov*, or fax at (703) 358–2009.

Dated: July 1, 2005.

Matt J. Hogan,

Director.

[FR Doc. 05–13916 Filed 7–14–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Prohibited Transaction Exemption (PTE) 2005–09; Exemption Application No. D–11277; Liberty Media International, Inc. (LMI), Located in Englewood, CO

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor (the Department).

ACTION: Notice of technical correction.

On June 29, 2005, the Department published PTE 2005–09 in the **Federal Register** at 70 FR 37443. On March 23, 2005, the Department published the notice of proposed exemption in the **Federal Register** at 70 FR 14726. PTE 2005–09 permits (1) the acquisition by the Liberty Media 401(k) Savings Plan—Puerto Rico (the Plan) of certain stock rights (the Rights) pursuant to a stock rights offering (the Offering) by LMI, the Plan sponsor and a party in interest with respect to the Plan; (2) the holding of the Rights by the Plan during the subscription period of the Offering; and (3) the disposition or exercise of the Rights by the Plan.

Due to a typographical error appearing in the operative language of the final exemption and the proposal, the Department is hereby revising these documents. In this regard, on page 37443 of the final exemption and on page 14726 of the proposed exemption, the reference to the Plan as the ''Liberty Cablevision of Puerto Rico 401(k) Savings Plan'' has been revised to read ''Liberty Media 401(k) Savings Plan—Puerto Rico,'' to reflect the correct Plan name.

FOR FURTHER INFORMATION CONTACT: Ms. Silvia M. Quezada of the Department, telephone number (202) 693–8553. (This is not a toll-free number.)

Signed in Washington, DC, this 11th day of July, 2005.

Ivan L. Strasfeld,

Director of Exemption, Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 05–13995 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,231]

AMI Doduco, Chase Precision Products Division, a Subdivision of Technitrol, Reidsville, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 20, 2005 in response to a petition filed by a company official on behalf of workers at AMI Doduco, Chase Precision Products Division, a subdivision of Technitrol, Reidsville, North Carolina.

The Department has determined that this petition is a photocopy of petition number TA–W–57,182, which was initiated on May 6, 2005. The company official requested that the petition be withdrawn. Accordingly, the investigation was terminated on June 10, 2005. The notice will soon be published in the **Federal Register**.

Since this petition (TA–W–57,231) is a photocopy of the initial petition, and the petitioner requested that the petition be withdrawn, this investigation is terminated.

Signed at Washington, DC, this 22nd day of June, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3762 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,781]

AT&T Corp., AT&T Classic Services, Consumer Services Division, Mesa, AZ; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at AT&T Corp., AT&T Classic Services, Consumer Services Division, Mesa, Arizona. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–56,781; AT&T Corp. AT&T Classic Services Consumer Services Division Mesa, Arizona (July 6, 2005)

Signed at Washington, DC, this 7th day of July, 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E5–3760 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,343]

IBM OS Systems Support, Royston, GA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 9, 2005 in response to a petition filed by a state agency representative on behalf of workers at IBM OS Systems Support, Royston, Georgia.

The petitioner requested that the petition be withdrawn. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 23rd day of June 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3767 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,344]

Kulicke and Soffa Industries, San Jose, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 9, 2005 in response to a petition filed by a company official on behalf of workers at Kulicke and Soffa Industries, San Jose, California.

The petitioning group of workers is covered by an earlier petition (TA–W–

57,309) filed on May 26, 2005, that is the subject of an ongoing investigation for which a determination has not yet been issued.

Further investigation in this case would serve no purpose. Consequently, the investigation under this petition has been terminated.

Signed at Washington, DC this 22nd day of June, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3768 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,474]

Lund Boat Company, New York Mills, MN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 29, 2005 in response to a worker petition filed on behalf of workers at Lund Boat Company, New York Mills, Minnesota.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 30th day of June, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3759 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,324]

Plymouth Rubber Co. Inc., Canton, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 7, 2005 in response to a petition filed by a company official on behalf of workers at Plymouth Rubber Co. Inc., Canton, Massachusetts.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 20th day of June, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3765 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,163]

Premier Refractories Snow Show, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 12, 2005 in response to a worker petition filed by a company official on behalf of workers at Premier Refractories, Snow Shoe, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC, this 22nd day of June, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3761 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,262]

Raybestos Automotive Components; a Subsidiary of Raytech Corporation, Sterling Heights, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 24, 2005 in response to a worker petition filed by United Automobile, Aerospace, & Agricultural Implement Workers of America, Local Union 771 on behalf of workers at Raybestos Automotive Components, a subsidiary of Raytech Corporation, Sterling Heights, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 22nd day of June, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3763 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,340]

Top Ride Fashion, South El Monte, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 8, 2005 in response to a petition filed by a company official on behalf of workers at Top Ride Fashion, South El Monte, California.

The Department has been unable to locate the company official for the subject group or to obtain the information necessary to reach a determination on worker group eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 20th day of June, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3766 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,307]

Traverse Precision, Inc., Williamsburg, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 3, 2005 in response to a worker petition filed by a company official on behalf of workers at Traverse Precision, Inc., Williamsburg, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 20th day of June 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3764 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *http://www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov*) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions included an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 6th day of July 2005.

Shirley Ebbesen,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 05–13703 Filed 7–14–05; 8:45 am]

BILLING CODE 4510–27–M

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 05–11]

Notice of Quarterly Report (April 1 Through June 30, 2005)

AGENCY: Millennium Challenge Corporation.

SUMMARY: The Millennium Challenge Corporation (MCC) has no reporting items for the quarter of April 1, 2005, through June 30, 2005, with respect to either assistance provided under Section 605 of the Millennium Challenge Act of 2003 (Pub. L. 108–199, Division D (the Act)), or transfers of funds to other federal agencies pursuant to Section 619 of that Act.

The sum of $12,711,868 has been approved for assistance for development and/or implementation of a Compact under Section 609(g) to Nicaragua, Georgia, Lesotho, Ghana, Cape Verde and Senegal. Moreover, during this stated quarter, MCC's Board of Directors has approved four compacts totaling $609,851,488 for development assistance to Madagascar, Honduras, Nicaragua and Cape Verde.

The following report shall be made available to the public by means of publication in the **Federal Register** and on the Internet Web site of the MCC (*http://www.mcc.gov*) in accordance with Section 612(b) of the Act.

MILLENNIUM CHALLENGE CORPORATION [1]

[Quarterly report for the period April 1, 2005, through June 30, 2005]

	Obligations
Assistance under Section 605	$0
Funds allocated or transferred under Section 619(b)	0
Total	.....

[1] The Millennium Challenge Corporation has no activity to report for the referenced quarter with respect to either assistance provided under Section 605 of the Millennium Challenge Act of 2003 (Pub. L. 108–199, Division D), or transfers of funds to other federal agencies pursuant to Section 619 of that Act.

Dated: July 11, 2005.

Frances C. McNaught,

Vice President, Domestic Relations, Millennium Challenge Corporation.

[FR Doc. 05–13897 Filed 7–14–05; 8:45 am]

BILLING CODE 9210–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On June 1, 2005, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued on July 6, 2005 to: W. Berry Lyons: Permit No. 2006–014.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 05–13948 Filed 7–14–05; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Public Law 95–541)

AGENCY: National Science Foundation

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulatred under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by August 15, 2005. This application may be inspected by interested parties at the Permit Office, address below:

ADDRESSES: Comments should be addressed to Permit Office, room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed y the Antarctic Conservation Act of 1978 (Public Law 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas. The applications received area as follows:

1. Applicant

John Alan, Campbell, Permit Application No. 2006–017.

Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Areas. The applicant proposes to enter the following protected sites: Back Door Bay, Cape Royds (ASPA #157), Cape Evans (ASPA #155), Cape Crozier (ASPA #124), Linneaus Terrace (ASPA #138), Cape Royds (ASPA #121), Discovery Hut, Hut Point (ASPA #158), Canada Glacier, Lake Fryxell (ASPA #131), and, Arrival Heights (ASPA #122). The applicant is a member of the Artists and Writers Program and plans to take photographs and paint pictures for an upcoming book on the early explorers and wishes to utilize the light and color and atmospheric conditions prevailing in the early part of the season. The applicant also plans to photograph Emperor penguins in the similar lighting conditions and before they leave the rookery.

Location

Back Door Bay, Cape Royds (ASPA #157), Cape Evans (ASPA #155), Cape Crozier (ASPA #124), Linneaus Terrace (ASPA #138), Cape Royds (ASPA #121), Discovery Hut, Hut Point (ASPA #158), Canada Glacier, Lake Fryxell (ASPA #131), and, Arrival Heights (ASPA #122)

Dates

August 20, 2005, to November 8, 2005.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 05–13949 Filed 7–14–05; 8:45 am]

BILLING CODE 7555–01–M

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in July 2005. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in August 2005. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the third quarter (July through September) of 2005.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. Pursuant to the Pension Funding Equity Act of 2004, for premium payment years beginning in 2004 or 2005, the required interest rate is the ''applicable percentage'' (currently 85 percent) of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds for the month preceding the beginning of the plan year for which premiums are being paid. Thus, the required interest rate to be used in determining variable-rate premiums for premium payment years beginning in July 2005 is 4.47 percent (*i.e.,* 85 percent of the 5.26 percent composite corporate bond rate for June 2005 as determined by the Treasury).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between August 2004 and July 2005.

For premium payment years beginning in:	The required interest rate is:
August 2004	5.10
September 2004	4.95
October 2004	4.79
November 2004	4.73
December 2004	4.75
January 2005	4.73
February 2005	4.66
March 2005	4.56
April 2005	4.78
May 2005	4.72
June 2005	4.60
July 2005	4.47

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and § 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part 4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, § 4062.7 of the PBGC's regulation on Liability for Termination of Single-Employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the third quarter (July through September) of 2005, as announced by the IRS, is 6 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

From—	Through—	Interest rate (percent)
4/1/99	3/31/00	8
4/1/00	3/31/01	9
4/1/01	6/30/01	8
7/1/01	12/31/01	7
1/1/02	12/31/02	6
1/1/03	9/30/03	5
10/1/03	3/31/04	4
4/1/04	6/30/04	5
7/1/04	9/30/04	4
10/1/04	3/31/05	5
4/1/05	9/30/05	6

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 (''Selected Interest Rates''). The rate for the third quarter (July through September) of 2005 (*i.e.,* the rate reported for June 15, 2005) is 6.00 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

From—	Through—	Interest rate (percent)
1/1/99	9/30/99	7.75
10/1/99	12/31/99	8.25
1/1/00	3/31/00	8.50
4/1/00	6/30/00	8.75
7/1/00	3/31/01	9.50
4/1/01	6/30/01	8.50
7/1/01	9/30/01	7.00
10/1/01	12/31/01	6.50
1/1/02	12/31/02	4.75
1/1/03	9/30/03	4.25
10/1/03	9/30/04	4.00
10/1/04	12/31/04	4.50
1/1/05	3/31/05	5.25
4/1/05	6/30/05	5.50
7/1/05	9/30/05	6.00

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest

assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in August 2005 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register.** Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 7th day of July 2005.

Vincent K. Snowbarger,

Deputy Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 05–13905 Filed 7–14–05; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52004; File No. SR–Amex–2005–043]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change and Amendment No. 1 Thereto to Extend Pilots Relating to Allocation and Performance Evaluation Procedures for Securities Admitted to Dealings on an Unlisted Trading Privileges Basis

July 8, 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 22, 2005, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I and II below, which Items have been substantially prepared by the Exchange. On June 14, 2005, the Exchange filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons and simultaneously approving the filing.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to retroactively extend from April 6, 2005, through April 6, 2006, the pilot programs comprising its allocations and performance evaluation procedures for securities admitted to dealings on an unlisted trading privileges (''UTP'') basis to permit these programs to remain in effect while the Commission considers permanent approval of these procedures. The text of the proposed rule change is available on the Amex's Web site at *http://www.amex.com*, at the Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change, as amended, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to reestablish and extend its allocations and performance evaluation procedures for securities admitted to dealings on a UTP basis for one year. The Commission previously approved the Exchange's allocation and performance evaluation procedures on a pilot basis through two independent approval orders (''Pilots'').[3] In 2003, the Pilots were extended until October 5, 2003,[4] and April 5, 2004.[5] In 2004, the Pilots were extended through April 6, 2005.[6] The instant proposed rule change makes no substantive change to the Pilots other than to retroactively reinstate their operation from April 5, 2005, so that the Pilots may continue without having lapsed, and extend them until April 6, 2006.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6 of the Act,[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that the Exchange's proposed rule change is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change, as amended, will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received by the Exchange on the proposed rule change, as amended.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Amex–2005–043 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9309.

All submissions should refer to File Number SR–Amex–2005–043. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

[1] 15 U.S.C 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 45698 (April 5, 2002), 67 FR 18051 (April 12, 2002) (SR–AMEX–2001–107); and 46750 (October 30, 2002), 67 FR 67880 (November 7, 2002) (SR–AMEX–2002–19) (''Pilot Approval Orders'').

[4] *See* Securities Exchange Act Release No. 47779 (May 1, 2003), 68 FR 24777 (May 8, 2003) (SR–Amex–2003–23).

[5] *See* Securities Exchange Act Release No. 48657 (October 17, 2003), 68 FR 61025 (October 24, 2003) (SR–Amex–2003–87).

[6] *See* Securities Exchange Act Release No. 49613 (April 26, 2004); 69 FR 24204 (May 3, 2004) (''2004 Notice'').

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

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 the filing also will be available for inspection and copying at the principal office of the Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2005–043 and should be submitted on or before August 5, 2005.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder, applicable to a national securities exchange.[9] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[10] and will promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, protect investors and the public interest.

The Commission notes that the Pilots, which establish securities allocation and performance evaluation procedures for specialists trading UTP securities, were approved by the Commission in April and October of 2002, respectively,[11] and were most recently extended through April 6, 2005.[12]

The Commission finds that it is consistent with the Act to permit retroactive application of the Pilots from the expiration date of the current Pilots and to extend the Pilots through April 6, 2006, to allow market participants to continue to use the securities allocation and performance evaluation procedures set forth therein.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[13] to approve the proposed rule change prior to the thirtieth day after the date of publication of notice in the **Federal Register**. Specifically, the Commission notes that the accelerated approval of the proposal will allow the Pilots to continue without interruption. Accordingly, the Commission finds that there is good cause, consistent with Section 6(b)(5) of the Act,[14] to approve the proposal on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–Amex–2005–043), as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–3771 Filed 7–14–05; 8:45 am]

BILLING CODE 8010–01–P

[9] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Pilot Approval Orders, *supra* note 3.

[12] *See* 2004 Notice, *supra* note 6.

[13] 15 U.S.C. 78s(b)(2).

[14] 15 U.S.C. 78s(b)(5).

[15] *Id.*

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51993; File No. SR–CBOE–2005–29]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Granting Approval to Proposed Rule Change Relating to the Composition of the CBOE's Modified Trading System Appointments Committee

July 7, 2005.

On April 19, 2005, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend CBOE Rule 8.82 to provide that the members of the Exchange's Modified Trading System Appointments Committee (''MTS Committee'')[3] will be appointed in accordance with CBOE Rule 2.1 (Committees of the Exchange). The proposed rule change was published for comment in the **Federal Register** on May 25, 2005.[4] The Commission received no comments on the proposal.

The Exchange proposes to revise CBOE Rule 8.82 to delete provisions relating to the composition of and election procedures for the MTS Committee and to establish that the selection of MTS Committee members and the determination of the MTS Committee's composition shall be made in accordance with CBOE Rule 2.1.[5] CBOE Rule 2.1 provides, in part, that the Vice Chairman of the CBOE Board of Directors (''Vice Chairman''), with the approval of the Board of Directors (''Board''), shall appoint the chairmen and members of certain committees provided for in CBOE Rule 2.1, or any other committees established in accordance with the Exchange's Constitution. CBOE Rule 2.1 also provides that the Vice Chairman has the authority to remove any member of such committees and to fill any vacancies for the remainder of the pertinent committee term. Further, CBOE Rule 2.1 requires the Vice Chairman to consider having, where appropriate, a cross section of the membership represented on each committee and also provides that the MTS Committee is subject to the control and supervision of the Board.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[6] and, in particular, the requirements of Section 6(b) of the Act[7] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act[8] in particular, which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market

[2] 17 CFR 240.19b–4.

[3] Generally, under CBOE rules, the MTS Committee is assigned the authority to make determinations concerning whether to grant or withdraw the approval to act as a designated primary market maker (''DPM''), among other things. *See,* specifically, CBOE Rule 8.80 and, generally, CBOE Rules 8.80 through 8.94, which provide the scope of the MTS Committee's authority over DPMs.

[4] *See* Securities Exchange Act Release No. 51704 (May 18, 2005), 70 FR 30156.

[5] Among other things, CBOE Rule 8.82 specified that members of the MTS Committee were elected to serve on the MTS Committee by the Exchange's membership at the Exchange's annual election and that MTS Committee candidates were to be nominated by the Exchange's Nominating Committee (or by petition). CBOE Rule 8.82 also had requirements regarding the MTS Committee's composition.

[6] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

system, and, in general, to protect investors and the public interest.

The Commission notes that the proposal is designed to provide the Exchange with greater flexibility with respect to the appointment of members of the MTS Committee by no longer mandating the composition of and election procedures for the MTS Committee and, instead, utilizing the process set forth in CBOE Rule 2.1.

In the Commission's view, because CBOE Rule 2.1 provides that the Vice Chairman must consider having, where appropriate, a cross section of the membership represented on each committee; the Board must approve the Vice Chairman's committee appointments, which would now include appointments to the MTS Committee; and ultimately, the MTS Committee is subject to the control and supervision of the Board, the proposal is consistent with the requirements of Section 6(b)(5) of the Act.[9]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–CBOE–2005–29) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–3772 Filed 7–14–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52005; File No. SR–CBOE–2005–17]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of Proposed Rule Change To Adopt a Revenue Sharing Program for Trades in Tape B Securities

July 11, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 7, 2005, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fee Schedule to adopt a Revenue Sharing Program (''Program'') for trades in Tape B securities.[3] Under this Program, the Exchange is proposing to share with CBOE Designated Primary Market-Makers (''DPMs'') and market-makers who trade Tape B securities a portion of the revenues that the Exchange receives under the Consolidated Tape Association Plan (''CTA Plan'') attributable to Tape B securities.[4] The Exchange proposes to begin the Program upon the launch of its new stock trading platform.[5] The text of the proposed rule change is available on the CBOE's Web site (*http://www.cboe.com*), at the CBOE's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to adopt a Revenue Sharing Program for trades in Tape B securities. Under this Program, the Exchange is proposing to share with CBOE DPMs and market-makers who trade Tape B securities a portion of the revenues that the Exchange receives under the CTA Plan attributable to Tape B securities. The Exchange proposes to begin the Program upon the launch of its new stock trading platform.

The purpose of the proposed rule change is to attract additional business in Tape B securities traded on the Exchange. The Program is intended to encourage DPMs and market-makers who trade Tape B securities to compete for increased market share in these products and help them offset some of their expenses.

The Program is proposed to operate as follows: Each quarter, the Exchange will start its calculation with the Tape B quarterly revenues actually received by the Exchange. First, the Exchange will determine the portion of such quarterly revenues attributable to the trading of each Tape B security. Then, the Exchange will subtract the amounts it owes under its license agreements for various Tape B securities (*e.g.*, QQQQ, SPY, DIA) for the prior quarter. License fees will be offset by Tape B revenue on a product specific basis (*e.g.*, QQQQ tape revenue may only be used to offset QQQQ license fees). All license fees owed but not covered in the current quarter will roll forward into the subsequent quarter(s).

Tape B revenue, net of license fee payments, will then be shared between the Exchange, DPMs and market-makers in the following order of priority, in each case to the extent that any residual Tape B revenue is available: 50% to the Exchange; 25% to the DPM; and 25% pro-rata between market-makers with the remainder going to the DPM. Revenue generated via trades with no crowd participation (*i.e.*, customer crosses), will be distributed as outlined above.

The application of the Program can be demonstrated by the following example:

- Assume each ''print'' creates $1 in after license fees are deducted.
- Assume there is a DPM and two market-makers (MMs) eligible for tape revenue.
- Assume there are 100,000 prints in the quarter.
- MM1 is on 50% of the eligible prints and averages 50% of the trade volume per print they participated.
- MM2 is on 15% of the eligible prints and average 80% of the trade volume per print they participated.

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[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Tape B securities are securities listed on the American Stock Exchange or the regional national securities exchanges.

[4] The CTA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act, (15 U.S.C. 78k–1, and Rule 11Aa3–2 thereunder, 17 CFR 240.11Aa3–2). The CTA Plan governs, among other things, the collection, consolidation and dissemination of transaction reports in certain securities and the distribution of the revenues derived therefrom among parties to the CTA Plan, which are known as the Plan Participants.

[5] The CBOE has filed a proposed rule change (SR–CBOE–2004–21) to adopt a new set of rules to allow for the trading of non-option securities on CBOEdirect, the exchange's screen based trading system.

• Assume customer to customer trades account for 20% of prints for the quarter.

			Rev share	C–DPM/MM	Cust/cust	Total
Number of Prints:100,000				80,000	20,000	100,000
Exchange			50%	40,000	10,000	50,000
DPM			25%	20,000	5,000	25,000
To be allocated (see below)			25%	20,000	5,000	25,000
	Prints %	Vol.%				
MM1	0.50	0.50	0.25	5,000	1,250	6,250
MM2	0.15	0.80	0.12	2,400	600	3,000
DPM (balance of volume)						15,750

The Exchange's proposal is substantially similar to tape credit or rebate programs that have been approved for other self-regulatory organizations.[6] As a result, the Exchange believes that Commission approval of this proposal would only be allowing the Exchange to operate a revenue sharing program that could compete on substantially similar footing with programs of other markets.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,[7] in general, and with Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating securities transactions, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[6] *See* e.g., Securities Exchange Act Release Nos. 46911 (November 26, 2002), 67 FR 72251 (December 4, 2002) (SR–BSE–2002–10); 47940 (May 29, 2003), 68 FR 33556 (June 4, 2003) (SR–{PHLX–2002–77); 49981 (July 7, 2004), 69 FR 42233 (July 14, 2004) (SR–CHX–2004–08).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change; or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2005–17 on the subject line.

Paper Comments

• Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–CBOE–2005–17. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2005–17 and should be submitted on or before August 5, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–3773 Filed 7–14–05; 8:45 am]

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[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52009; File No. SR–NASD–2005–032]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto, to Provide Written Explanations in Arbitration Awards Upon the Request of Customers, or of Associated Persons in Industry Controversies

July 11, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b-4 thereunder,[2] notice is hereby given that on March 15, 2005, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD. On April 14, 2005, and July 7, 2005, NASD filed Amendment Nos. 1 and 2, respectively, to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to amend the NASD Code of Arbitration Procedure (''Code'') to provide written explanations in arbitration awards upon the request of customers, or of associated persons in industry controversies. The proposed rule change consists of amendments to NASD IM–10104 and NASD Rules 10214, 10321, 10330, and 10332. The text of the proposed rule change is available on NASD's Web site (*http://www.nasd.com*), at NASD's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD 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. NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Code of Arbitration Procedure (Code) to provide written explanations in arbitration awards upon the request of customers, or of associated persons in industry controversies.

Currently, Rule 10330(e) of the Code requires only that arbitration awards contain the names of the parties and counsel; a summary of the issues; the damages and other relief requested and awarded; a statement of any other issues resolved; the names of the arbitrators; the dates the claim was filed and the award rendered; the location, number, and dates of hearing sessions; and the signatures of the arbitrators concurring in the award. [4] Arbitrators may also include the rationale underlying their decision in the award, but they currently are not required to do so [5] and, therefore, usually do not provide one. [6]

Arbitration parties occasionally raise the issue of the lack of written explanations or opinions in arbitration awards. Specifically, customers and associated persons who lose in arbitration (or consider their recovery insufficient) often request written explanations or opinions from the arbitrators. Since these requests are usually made after the awards are issued, arbitrators are unlikely to provide them because they were not advised in advance that they would be writing an explained award and do not want to undermine their award. The lack of reasoning or explanations in awards is one of the most common complaints of non-prevailing participants in NASD's arbitration forum.

In order to increase investor confidence in the fairness of the NASD arbitration process, NASD is proposing to amend the Code to allow customers or associated persons in industry controversies to require an explained decision. [7] An explained decision will constitute a fact-based award that states the reason(s) each alleged cause of action was granted or denied and will address all claims involved in the case, whether brought by the party requesting the explained decision or another party. [8] The inclusion of legal authorities or damage calculations, however, will not be required in an explained decision in order to limit the additional costs and processing time associated with explained decisions. Specifically, requiring the inclusion of legal authorities and damage calculations would significantly increase the processing time of awards because it would result in the drafting of complex and lengthy judicial-type decisions. This, in turn, would require the payment of considerably more honoraria to arbitrators. NASD believes that requiring only the fact-based reasons underlying an award in explained decisions will provide customers and associated persons with the information that they desire while at the same time maintaining the speed and efficiency of arbitration. [9]

Although customers, and associated persons in industry controversies, will be able to require the issuance of explained decisions, NASD members will not have the ability to do so. Limiting the parties that can require an explained decision in this manner will protect customers and associated persons, because they alone will determine whether to request an explained decision while bearing in mind the potential costs and the prospect that a reviewing court might find grounds in the explanation to vacate the award.[10] Furthermore,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced the original rule filing in its entirety. Amendment No. 2 represented a partial amendment, and its changes have been incorporated into this Notice.

[4] Pursuant to Rule 10214, awards in intra-industry cases involving employment discrimination claims also shall include ''a statement regarding the disposition of any statutory claim(s).''

[5] NASD is proposing to codify this policy in Rule 10330(i).

[6] The United States Supreme Court has found that there is no general requirement for an arbitrator to explain the reasons for an award. *Wilko* v. *Swan,* 346 U.S. 427 (1953).

[7] A customer or associated person may require an explained decision regardless of whether he or she is the claimant or respondent in the arbitration.

[8] While Rule 10323 provides that arbitrators shall determine the materiality and relevance of any evidence proffered, NASD intends that, as with current arbitration awards, explained decisions will have no precedential value in other cases. Thus, arbitrators will not be required to follow any findings or determinations that are set forth in prior explained decisions. In order to ensure that users of the forum are aware of the non-precedential nature of explained awards, NASD plans to revise the template for all awards to include the following sentence: ''If the arbitrators have provided an explanation of their decision in this award, the explanation is for the information of the parties only and is not precedential in nature.''

[9] NASD estimates that arbitrators will be able to render explained decisions within the 30 business day timeframe currently set forth in Rule 10330(d).

[10] *See, e.g., Dawahare* v. *Spencer,* 210 F.3d 666, 669 (6th Cir. 2000) (''Arbitrators are not required to explain their decisions. If they choose not to do so,

Continued

providing member firms with the ability to request explained decisions could result in conflicts between co-respondents who may disagree on whether to request a decision. NASD members will be able to request that a panel issue an explained decision but, unlike those situations involving customers and associated persons, the arbitrator(s) will not be required to comply with the request.

However, no parties will be able to require explained decisions in two types of arbitration proceedings. The first is simplified arbitrations that are decided solely upon the pleadings and evidence filed by the parties, as described in Rules 10203 and 10302.[11] The second is arbitrations that are conducted under the default procedures provided for in Rule 10314(e). Explained decisions would not be appropriate in either of these situations due to the abbreviated nature of these arbitration proceedings.

Under the proposed rule, an eligible party that wishes to require an explained decision must make his or her request at least 20 calendar days prior to the first scheduled hearing date. This is the same time frame for the parties to exchange documents and lists of the witnesses that they intend to present at the hearing, which is set forth in Rule 10321(c). NASD believes that this time frame provides eligible parties with a sufficient opportunity to determine whether they would like to request an explained decision and also allows arbitrators adequate notice that a case will require an explained decision. Any requests for an explained decision that are made after the deadline, including any post-award requests, would be granted only where the arbitrators agree to provide them after reviewing all the parties' arguments on the issue.

Since cases involving an explained decision will require additional time and effort on the part of arbitrators, the proposed rule provides each arbitrator with an additional $200 honorarium for cases in which an explained decision is required under Rule 10330(j). The panel will allocate $100 of each arbitrator's honorarium to the parties as part of the final award, along with the other allocable fees. NASD will pay the other $100 of each arbitrator's honorarium in order to help defray the costs associated with explained decisions. In order to avoid any potential conflict of interest, the arbitrator(s) will not receive the additional $200 honorarium if the panel issues an explained decision that is not required by Rule 10330(j).[12] Specifically, NASD does not want to provide a financial incentive for arbitrators to write an explained decision when they are not required to do so.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act, which requires, among other things, that NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD believes that allowing customers and associated persons in industry disputes to request explained decisions will enhance investor confidence in the fairness of NASD's arbitration forum.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. In particular, the Commission solicits comment on the deadline for requesting explained decisions under the proposed rule change. Should customers and associated persons be permitted to require an explained decision if the request is made after the time for the pre-hearing exchange of documents and witness lists under NASD Rule 10321(c)?

In addition, the Commission solicits comment on explained decisions in simplified cases decided without a hearing. Should customers and associated persons in those arbitrations also have the ability to require arbitrators to provide explained decisions?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASD–2005–032 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NASD–2005–032. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, Station Place, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from

it is all but impossible to determine whether they acted with manifest disregard of the law.'') (citation omitted).

[11] An eligible party may require an explained decision if there is a hearing in a simplified arbitration proceeding.

[12] For example, the arbitrator(s) will not receive the additional $200 honorarium for writing an explained decision in response to an NASD member's request or a request made by a customer or associated person after the deadline set forth in Rule 10321(c)(2).

submissions. You should submit only information that you wish to make available publicly. All submissions should refer to the File Number SR–NASD–2005–032 and should be submitted on or before August 5, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–3770 Filed 7–14–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51999; File No. SR–NYSE–2004–69]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto To Establish Rules for the Trading of Unlisted Debt Securities on the Exchange's Automated Bond System

July 8, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 3, 2004, 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 March 15, 2005, the NYSE filed Amendment No.1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes Exchange Rules 1400 and 1401 relating to the trading of unlisted debt securities on its Automated Bond System® (''ABS''). The text of the proposed rule change, as amended, is available on NYSE's Web site (*http://www.nyse.com*), at the NYSE's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 26, 2005, separately from this rule proposal, the Exchange submitted a letter (the ''2005 Exemptive Request Letter'') to the Commission requesting that the Commission, pursuant to Section 36 of the Act,[4] issue an exemption from Section 12(a) of the Act[5] that would permit NYSE members and member organizations to trade certain debt securities on ABS that are not registered under Section 12(b) of the Act.[6] Section 12(a) provides in relevant part that it shall be unlawful for any ''member, broker, or dealer to effect any transaction in any security (other than an exempted security) on a national securities exchange unless a registration is effective as to such security for such exchange.'' The Exchange requested that this exemption be granted in connection with debt securities that satisfy the following conditions:

(a) The issuer of the debt securities registered the offer and sale of that class of debt securities under the Securities Act of 1933 (''1933 Act'');[7]

(b) The issuer of the debt securities or the issuer's parent, if the issuer is a wholly owned subsidiary, has at least one class of common or preferred equity securities registered under Section 12(b) of the Act and listed on the NYSE; and

(c) The transfer agent for the debt securities is registered under Section 17A of the Act.[8]

In the 2005 Exemptive Request Letter, the NYSE stated that it would take or has taken the following steps in connection with the exemptive request:

(a) The NYSE would provide definitions of ''listed'' debt securities and ''traded'' debt securities on the ABS log-on screen and on the NYSE's Web site;

(b) The NYSE would distinguish between ''listed'' debt securities and ''traded'' debt securities on ABS and on the NYSE Web site's bond issue directory;[9]

(c) The NYSE would directly provide each member organization and each listed company notification via letter and/or e-mail prior to the date that trading of the debt securities commences on ABS to clarify the distinction between ''listed'' debt securities and ''traded'' debt securities and to provide notification that eligible listed debt securities would be delisted and, instead, traded on ABS;

(d) The NYSE would issue a press release upon launch of this initiative stating that ''listed'' debt securities trade along side ''traded'' debt securities on ABS; and

(e) The NYSE has contracted with Xcitek, LLC (''Xcitek''), a third-party bond issue tracking service, for the provision of information prior to the date that action on the NYSE's exemption request is taken by the Commission.

Xcitek's tracking service provides the NYSE a customized on-line reference for corporate actions relevant to bonds, including:

- Notification of calls (redemptions) of traded bonds;
- Notification of tender offers for traded bonds;
- Notice of defaults in payment of interest on traded bonds;
- Notice of consent solicitations for traded bonds; and
- Notice of corporate actions for traded bonds (includes tender offers,

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[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1, which replaced and superceded the original filing in its entirety, restated the scope of the NYSE's requested exemption, described in Section II(A)(1), below; provided the name of the tracking service, Xcitek, that would provide the NYSE a customized on-line reference for corporate actions relevant to bonds; provided additional discussion of the definition of ''Debt Securities'' under proposed NYSE Rule 1400; described additional scenarios in proposed NYSE Rule 1401 under which the Exchange would suspend trading on ABS of unlisted Debt Securities; and discussed the effect that the proposed rule change would have on existing NYSE Rule 396.

[4] 15 U.S.C. 78mm.

[5] 15 U.S.C. 78*l*(a).

[6] 15 U.S.C. 78*l*(b).

[7] 15 U.S.C. 77a *et seq.*

[8] 15 U.S.C. 78q–1.

[9] The NYSE would distinguish debt securities ''listed'' on ABS from those ''traded'' on ABS on the three different screens used to view the market and through which orders may be entered: (1) the book showing all the orders in a particular security; (2) the summary book showing aggregate interest at each price in a particular security; and (3) the display of the best bid/offer, price range, and calculated accrued interest in a particular security. As would be clearly noted on the ABS log-on screen, ''listed'' debt securities would be identified by a letter or symbol, and ''traded'' debt securities would be identifiable due to the absence of such letter or symbol. The location of the indicator would be the same on all three screens.

issuer name changes, and CUSIP number changes).

The tracking system does not provide notification of changes in trustees, obligors, or transfer agents with respect to traded debt securities. The NYSE has entered into a one-year contract with Xcitek to provide this information electronically on a daily basis. Xcitek independently obtains, researches, and organizes the information. The NYSE does not itself verify information provided by Xcitek. To the extent that, in the future, Xcitek is no longer willing or able to provide this information, the NYSE would contract with another third party for the provision of similar information.

Exchange bond trading is conducted through ABS, which began operations in 1977. If the Commission grants the NYSE's request for exemptive relief, the Exchange would allow NYSE members and member organizations to commence trading certain debt securities on ABS that are not registered under Section 12 of the Act.[10] ABS is a Web-based trading system for fixed income securities to which Exchange member firms may subscribe and through which they enter and match customer bond orders on a strict price-and-time priority basis. The system provides member subscribers with access to screens that display the order ''book'' in each bond in best-priced order and in the time sequence received. Completed, locked-in trades are submitted to the Depository Trust Clearing Corporation with calculated accrued interest. ABS centralizes bond trading and facilitates the high-speed dissemination of last sale prices and quotations to market data providers via the Exchange's dedicated bond quote line. ABS primarily serves the ''small-lot'' corporate bond market. Small-lot bond buyers and sellers are primarily individuals, bank trust accounts, and small institutions. In addition, bond dealers use ABS to offset so-called ''tail-end'' bond positions acquired in the course of large-lot trading. ABS is the only system, known to the NYSE, to provide the public with real-time disclosure of debt quotations and trade prices, exclusive of mark-ups/mark-downs, commissions, or other charges.

In connection with its request for exemptive relief, the Exchange proposes to adopt NYSE Rules 1400 and 1401 that would specify that certain unregistered, unlisted debt securities may be traded by NYSE members and member organizations on ABS and to specify the quantitative standards that must be met and the qualitative standards that would be considered by the NYSE for unlisted debt securities to be initially and continually traded on ABS.

Proposed NYSE Rule 1400 would state that the term ''Debt Securities'' for purposes of determining which securities are eligible to be traded on ABS would include any unlisted note, bond, debenture, or evidence of indebtedness that is:

(1) Statutorily exempt from the registration requirements of Section 12(b) of the Act, or

(2) Eligible to be traded absent registration under Section 12(b) of the Act pursuant to any exemption granted by the Commission in response to the 2005 Exemptive Request Letter.

Debt Securities that fall into the first category include those issued by entities that are themselves exempt from the registration under the Act on a statutory basis, such as those issued by the Tennessee Valley Authority and the International Bank for Reconstruction and Development (World Bank).

For purposes of the second category, proposed NYSE Rule 1400 would provide that—to be eligible to be traded by NYSE members, brokers, and dealers on ABS on an unregistered, unlisted basis—the term ''Debt Securities'' would mean securities that,

> ''if they were to be listed on the NYSE, would be listed under Sections 102.03 or 103.05 of the NYSE's Listed Company Manual; provided, however, that such securities shall not include any security that is defined as an ''equity security'' under Section 3(a)(11) of the Exchange Act. For the avoidance of doubt, note that the term Debt Securities does not include a security that, if listed on the NYSE, would have been listed under Sections 703.19 or 703.21 of the NYSE's Listed Company Manual. The references in this Rule to Sections 102.03, 103.05, 703.19, and 703.21 of the NYSE's Listed Company Manual are to those sections as in effect on January 31, 2005.''

The effect of this proposed definition would be to limit the class of unregistered, unlisted debt securities that may be traded on ABS by NYSE members and member organizations to straight-debt securities. Debt Securities that would not satisfy the proposed requirements for trading would include convertible debt securities (deemed equity securities under Section 3(a)(11) of the Act[11]); structured products (required to be listed under Sections 703.19 or 703.21 of the NYSE Listed Company Manual); debt issued by listed company subsidiaries that are not wholly owned; foreign government debt; and debt issued by an issuer that does not have equity securities listed on the NYSE.

Proposed NYSE Rule 1401 would specify that the Exchange would permit only unlisted Debt Securities with an outstanding market value or principal amount of at least $10 million to be traded by NYSE members and member organizations on ABS. Proposed NYSE Rule 1401 also would specify that trading would be suspended if:

(a) The outstanding aggregate market value or principal amount of the Debt Securities has fallen to less than $1,000,000; or

(b) The Debt Securities either:

(1) No longer qualify for a statutory exemption from the registration requirements of Section 12(b) of the Act, or

(2) May no longer be traded by NYSE members or member organizations on an unregistered basis pursuant to any exemption granted by the Commission in response to the 2005 Exemptive Request Letter.

To ensure that Debt Securities have at least $10,000,000 in aggregate market value or principal amount at the time trading commences, the NYSE would review two existing corporate bond issue data bases that provide issue size information for the preponderance of corporate bonds.

To monitor the $1,000,000 suspension threshold, the NYSE generally would utilize Xcitek to monitor partial redemptions and tender offers. The most prevalent reason for outstanding principal amounts to fall below $1,000,000 is when the price of the bond declines because of a default or potential bankruptcy. The NYSE would monitor the prices of bonds in these situations. The NYSE also would monitor the media for warnings of possible difficulties in addition to ratings downgrades.

With respect to debt securities that are currently listed on the NYSE, the Exchange intends to apply to the Commission to delist debt securities that would satisfy the NYSE's requirements for traded debt and, instead, to trade those debt securities on ABS on an unlisted basis. As described above, the NYSE would contact listed companies to notify them that eligible listed debt securities would be delisted and, instead, traded on ABS.

The NYSE also would inform listed companies of its intention to identify currently outstanding or newly issued unlisted debt securities that would be eligible to be traded by NYSE members and member organizations on ABS. The NYSE's Fixed Income Markets Division would review a variety of sources, including 1933 Act filings and bond offerings posted daily in financial publications, to identify additional

[10] 15 U.S.C. 78*l*.

[11] 15 U.S.C. 78c(a)(11).

unlisted debt securities that have been issued by an NYSE equity-listed company or wholly owned subsidiary thereof and that satisfy the requirements of proposed NYSE Rules 1400 and 1401. The NYSE intends to provide an opportunity for NYSE members and member organizations to trade all eligible debt securities. Once unlisted debt securities are identified and verified as satisfying the requirements of proposed NYSE Rules 1400 and 1401, the NYSE would notify its members and member organizations that such unlisted debt securities are eligible to be traded on ABS through ticker notices and postings on the ABS Web site.

Debt securities that do not satisfy the requirements of proposed NYSE Rules 1400 and 1401 could continue to be listed on the NYSE. Debt securities that would not satisfy the proposed requirements for trading include convertible debt securities; debt securities that were listed under Sections 703.19 and 703.21 of the NYSE's Listed Company Manual; debt issued by listed company subsidiaries that are not wholly owned; foreign government debt; and debt issued by an issuer that does not have an equity security listed on the NYSE.

Debt securities traded on ABS would not be subject to the provisions of the NYSE's Listed Company Manual that relate to debt securities that are listed on the NYSE. While both traded and listed debt securities would be subject to the same quantitative thresholds for initial trading/listing and continued trading/listing, listed debt securities are also subject to other requirements, including:

- Providing immediate notice to the NYSE and the public of defaults or other unusual circumstances relating to the payment of interest;
- Providing immediate notice to the NYSE and the public of any corporate action it (or third parties) may take towards the redemption, retirement, or cancellation of the security;
- Certain requirements for transfer agents; and
- Submission of a listing application to list the securities.

As noted above, in the case of traded debt securities, the NYSE would obtain notice regarding defaults and redemptions through the third-party tracking system.

2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(5) of the Act [12] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to remove impediments to, and perfect the mechanism of a free and open market; and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NYSE does not believe that the proposed rule change, as amended, could result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the NYSE consents, the Commission will:

A. By order approve such proposed rule change, as amended; or

B. Institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2004–69 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–NYSE–2004–69. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section Room, 100 F Street, NE., Washington, DC 20549–9303. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NYSE–2004–69 and should be submitted on or before August 15, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–3775 Filed 7–14–05; 8:45 am]

BILLING CODE 8010–01–P

[12] 15 U.S.C. 78f(b)(5).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–52008; File No. SR–PCX–2005–78]

Self-Regulatory Organizations; Pacific Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending Obvious Error Rule for Equity Options

July 11, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2005, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PCX. The Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

filed the proposed rule change as a ''non-controversial'' rule change under Rule 19b–4(f)(6) under the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to amend its obvious error rule for equity options. Below is the text of the proposed rule change. Proposed additions are in *italics* and proposed deletions are in [brackets].

* * * * *

Pacific Exchange, Incorporated

* * * * *

Rule 6.87(a)–6.87(g) Commentary .03—No Change

Rule 6.87(g) Commentary .04—Buyers of options with a zero bid [and $.05 offer (*i.e.*, a Theoretical Price of $.05)] may request that their execution be busted if at least [the two] *one* strike[s] below (for calls) or above (for puts) in the same options class [were] *was* quoted with a zero bid [and $.05 offer] at the time of the execution. Such buyers must follow the procedures of Rule 6.87(g)(3) above.

* * * * *

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 PCX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX 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, Proposed Rule Change

1. Purpose

The Exchange proposes to revise its obvious error rule with respect to equity options (PCX Rule 6.87(g)) (''Obvious Error Rule'') to adjust the terms that relate to nullification of no bid series as set forth in PCX Rule 6.87(g) Commentary .04.

Under the current Obvious Error Rule, transactions in options series quoted no bid at a nickel (*i.e.*, $0.05 offer) will be nullified provided at least two strike prices below (for calls) or above (for puts) in the same options class was quoted no bid at a nickel at the time of execution. A ''no bid'' option refers to an option where the bid price is $0.00.[4] Series of options quoted no bid are usually deep out-of-the-money series that are perceived as having little if any chance of expiring in-the-money.[5] For this reason, relatively few transactions occur in these series, and those that do are usually the result of a momentary pricing error. In some cases, the pricing error is substantial enough such that other provisions in the Obvious Error Rule become applicable. In many cases PCX Rule 6.87(g) Commentary .04 is the only provision that would apply to the pricing error.

The proposed rule change would amend the conditions set forth in PCX Rule 6.87(g) Commentary .04 that provide that the option series must be quoted at no bid at a nickel and instead only require that the option series be quoted at no bid. In addition, the proposed rule would allow a transaction to be nullified if a series is quoted at no bid one strike price below (for calls) or above (for puts) instead of two strikes below (for calls) or above (for puts) as set forth in the current rule. The reason for these changes is that options that are priced at no bid, regardless of the offer, are usually deep out-of-the-money series that are perceived as having little if any chance of expiring in-the-money. This is especially the case when the series below (for calls) or above (for puts) in the same option class similarly is quoted no bid. In this regard, the offer price is irrelevant. Therefore, transactions in series that are quoted no bid at a dime, for example, are just as likely to be the result of an obvious error as are transactions in series that are quoted no bid at a nickel when the series below (for calls) or above (for puts) in the same option class similarly is quoted at no bid.

2. Statutory Basis

The PCX believes that the proposed rule change is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(5) of the Act[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX does not believe that the proposed rule change will impose any inappropriate burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of filing, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9] As required under Rule 19b–4(f)(6)(iii),[10] the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of the filing of the proposed rule change.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[3] 17 CFR 240.19b–4(f)(6).

[4] When the bid price is $0.00, the offer price is typically $0.05. In this instance, the option typically is referred to as ''no bid at a nickel.''

[5] For example, on July 11th with the underlying stock trading at $21, the July 40 calls likely will be quoted no bid at a nickel.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–PCX–2005–78 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9309.

All submissions should refer to File Number SR–PCX–2005–78. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the PCX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PCX–2005–78 and should be submitted on or before August 5, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–3769 Filed 7–14–05; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Public Federal Regulatory Enforcement Fairness Hearing; Region X Regulatory Fairness Board

The U.S. Small Business Administration (SBA) Region X Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a public hearing on Wednesday, July 20, 2005 at 9 a.m. The meeting will take place at the WSU Health Sciences Building, room 110A, 310 N. Riverpoint Boulevard, Spokane, WA 99210–1495, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Patricia Jordan in writing or by fax, in order to be put on the agenda. Patricia Jordan, Public Information Officer, SBA Seattle District Office, Spokane Branch Office, 801 West Riverside Avenue, Suite 200, Spokane, WA 99201–0908, phone (509) 353–2879, fax (509) 353–2829, e-mail: *patricia.jordan@sba.gov.*

For more information, see our Web site at *http://www.sba.gov/ombudsman.*

Matthew K. Becker,

Committee Management Officer.

[FR Doc. 05–13902 Filed 7–14–05; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Public Federal Regulatory Enforcement Fairness Hearing; Region VIII Regulatory Fairness Board

The U.S. Small Business Administration (SBA) Region VIII Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a public hearing on Wednesday, July 27, 2005 at 8:30 a.m. The meeting will take place at the SBA Wyoming District Office, Dick Cheney Federal Building, 100 E. ''B'' Street, Casper, WY 82602, phone (307) 261–6556, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Steven Lobdell in writing or by fax, in order to be put on the agenda. Steven Lobdell, District Counsel, SBA Wyoming District Office, Dick Cheney Federal Building, 100 E. ''B'' Street, Casper, WY 82602, phone (307) 261–6503, fax (307) 261–6535, e-mail: *steven.lobdell@sba.gov.*

For more information, see our Web site at *http://www.sba.gov/ombudsman.*

Matthew K. Becker,

Committee Management Officer.

[FR Doc. 05–13903 Filed 7–14–05; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Public Federal Regulatory Enforcement Fairness Hearing; Region II Regulatory Fairness Board

The U.S. Small Business Administration (SBA) Region II Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a public hearing on Thursday, July 14, 2005 at 8:30 a.m. The meeting will take place at the SBA New York District Office, 26 Federal Plaza, Corner of Duane Street and Broadway, 6th Floor, Conference Room A, New York, NY 10278, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by Federal agencies.

Anyone wishing to attend or to make a presentation must contact Herbert Austin in writing or by fax, in order to be put on the agenda. Herbert Austin, Acting Deputy District Director, SBA New York District Office, 26 Federal Plaza, Suite 3100, New York, NY 10278, phone (212) 264–1482, fax (212) 264–7751, e-mail: *Herbert.austin@sba.gov.*

For more information, see our Web site at *http://www.sba.gov/ombudsman.*

Matthew K. Becker,

Committee Management Officer.

[FR Doc. 05–13904 Filed 7–14–05; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5137]

Culturally Significant Objects Imported for Exhibition Determinations: ''RUSSIA!''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of

October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''RUSSIA!,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at the Solomon R. Guggenheim Museum, New York, NY, from on or about September 16, 2005, to on or about January 12, 2006, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: (202) 453–8049). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: July 8, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–13985 Filed 7–14–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 5136]

Culturally Significant Objects Imported for Exhibition Determinations: ''RUSSIA!: The Majesty of the Tsars: Treasures From the Kremlin Museum'

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''RUSSIA!: The Majesty of the Tsars: Treasures from the Kremlin Museum,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the exhibition or display of the exhibit objects at the Guggenheim-Hermitage Museum, Las Vegas, NV, from on or about September 1, 2005, to on or about January 15, 2006, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: (202) 453–8049). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: July 8, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–13984 Filed 7–14–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety, Notice of Application for Exemptions

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT≤

ACTION: List of Applications for Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail Freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before August 15, 2005.

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW.

This notice of receipt of applications for modification of exemption is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC on July 11, 2005.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Safety, Exemptions & Approvals.

NEW EXEMPTION

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
14209–N	PHMSA 05–21801	ABB Power Technologies, AB Alamo, TN.	49 CFR 173.302a	To authorize the manufacture, mark, sale and use of a non-DOT specification composite cylinder for the transportation of compressed air. (modes 1, 2, 3, 4).
14210–N	PHMSA 05–21803	Arbel-Fauvet-Rail, Paris, FR.	49 CFR 178.276(b)(1).	To authorize the manufacture, marking, sale and use of certain portable tanks permanently fixed within ISO frames designed in accordance with Section VIII, Division 2 of the ASME Code for use in transporting Division 2.1 and 2.2 hazardous materials. (modes 1, 2, 3).

NEW EXEMPTION—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
14212–N	PHMSA 05–21804	Clean Harbors Environmental Services, Inc., North Andover, MA.	49 CFR 177.848(d)	To authorize the transportation in commerce of 30-gallon drums containing only residue of sulfuryl chloride on the same motor vehicle with Division 4.3 materials. (mode 1).
14213–N	PHMSA 05–21807	Greif Bros. Corporation, Delaware, OH.	49 CFR 173.158	To authorize the manufacture, marking, sale and use of 55-gallon UN 1H1 drums for shipment of up to 40% nitric acid. (modes 1, 2, 3).
14214–N	PHMSA 05–21808	Input/Output Marine Systems, Harahan, LA.	49 CFR 173.6	To authorize the transportation in commerce of certain lithium batteries as materials of trade. (mode 1).
14215–N	PHMSA 05–21809	U.S. Department of Energy, Washington, DC.	49 CFR 173.420	To authorize the one-time transportation in commerce of certain DOE-owned uranium hexafluoride cylinders using a UX–30 overpack. (mode 1).
14216–N	PHMSA 05–21813	ATK Thiokol, Inc., Brigham City, UT.	49 CFR 173.51, 173.56, 173.62.	To authorize the transportation in commerce of unapproved explosive articles and materials in non-DOT specification packaging by highway between ATK facilities within Utah. (mode 1).
14218–N	PHMSA 05–21815	Air Logistics of Alaska, Inc., Fairbanks, AK.	49 CFR 175.33	To authorize an alternative method of notification to the pilot-in-command when transporting hazardous materials by cargo-only aircraft in remote areas within the State of Alaska. (mode 4).
14219–N	PHMSA 05–21818	PSEG Nuclear LLC, Hancock's Bridge, NJ.	49 CFR 173.403, 173.427, 173.465.	To authorize the one-way transportation in commerce by motor vehicle of two Reactor Vessel Closure Head packages containing Class 7 material. (modes 1, 3).
14221–N	PHMSA 05–21820	U.S. Department of Energy, Washington, DC.	49 CFR 173.420 and 173.465.	To authorize the one-time exclusive use shipment of approximately 1,000 non-DOT specification uranium hexafluoride cylinders. (mode 1).
14222–N	PHMSA 05–21821	Clean Harbors Environmental Services, Inc., Bridgeport, NJ.	49 CFR 173.240	To authorize the transportation in commerce of a hazardous waste (boiler stacks) on a flatbed motor vehicle. (mode 1).
14223–N		Technical Concepts, Mundelein, IL.	49 CFR 173.306(a)(1) and 173.306(a)(3)(v).	To authorize the transportation in commerce of Division 2.1 aerosols in plastic packagings. (mode 1).

[FR Doc. 05–13952 Filed 7–14–05; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of applications for modification of exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite the docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of exemptions (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. Their applications have been separated from the new application for exemption to facilitate processing.

DATES: Comments must be received on or before August 1, 2005.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If Confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW., Washington DC or at *http://dms.dot.gov.*

This notice of receipt of applications for modification of exemption is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 12, 2005.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions & Approvals.

MODIFICATION EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of Exemption	Nature of exemption thereof
11321–M	.....	E.I. Du Pont, Wilmington, DE.	49 CFR 172.101, Column 7, Special Provisions B14, T38.	11321	To modify the exemption to authorize additional materials of construction and thickness requirements for the cargo and portable tanks transporting a Class 8 material.
11380–M	.....	Baker Atlas (a division of Baker Hughes, Inc.), Houston, TX.	49 CFR 173.302a(a); 178.37.	11380	To modify the exemption to authorize a new tank assembly design of the non-DOT specification cylinders transporting Division 2.1 materials.
11917–M	RSPA–97–2741.	ITW Sexton, Decatur, AL.	49 CFR 173.304(a) ...	11917	To modify the exemption to authorize an increase in diameter of the non-DOT specification, non-refillable steel cyclinders for the transportation of Division 2.1 materials.
12929–M	RSPA–03–14412.	Matheson Tri-Gas, East Rutherford, NJ.	49 CFR 173.301(1) ...	12929	To modify the exemption to authorize the optional use of pressure relief devices on certain domestic shipments for the transportation of certain Division 2.3 materials.
13192–M	RSPA–03–14315.	Onyx Environmental Services, L.L.C., Flanders, NJ.	49 CFR 173.12(b)	13192	To modify the exemption to remove relief that is now provided in the Hazardous Materials Regulations and authorize higher quantity limits for segregation of certain hazardous materials.
13484–M	RSPA–04–17297.	Air Liquide Industrial U.S. LP (formerly: Air Liquide America L.P.), Houston, TX.	49 CFR 172.302(c); 177.834.	13484	To modify the exemption to authorize an increased inspection interval by a designated employee from 15 minutes to 1 hour for on-site loading operations of DOT Specification cargo tanks.
13977–M	RSPA–05–20129.	Aethra Aviation Technologies, Farmingdale, NY.	49 CFR 173.302a; 175.3.	13977	To reissue the exemption previously issued on an emergency basis for the transportation of a Division 2.2 and Class 9 material in certain cylinders that are charged in excess of their marked pressure used as components in aircraft.
14171–M	PHMSA–05–20832.	NASA, Houston, TX ..	49 CFR 173.301(f)	14171	To reissue the exemption originally issued on an emergency basis for the transportation of a Division 2.2 material in non-DOT specification cylinders without pressure relief devices.
14193–M	.....	Honeywell, Morristown, NJ.	49 CFR 173.313	14193	To reissue the exemption originally issued on an emergency basis for the transportation of non-DOT specification IMO Type 5 portable tanks, mounted in an ISO frame, containing certain Division 2.2 and 2.3 materials.
14194–M	PHMSA–05–21246.	Zippo Manufacturing Corporation, Bradford, PA.	49 CFR 173.21, 173.24, 173.27, 173.308, 175.5, 175.10, 175.30, 175.33.	14194	To reissue the exemption originally issued on an emergency basis for the transportation of Zippo lighters in special travel containers in checked luggage on commercial passenger-carrying aircraft.

[FR Doc. 05–13953 Filed 7–14–05; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–914X]

McCloud Railway Company—Abandonment and Discontinuance of Service Exemption—in Siskiyou, Shasta, and Modoc Counties, CA

On June 27, 2005, McCloud Railway Company (MCR) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon, and discontinue service over, certain rail lines described below.

MCR proposes to abandon approximately 80 miles of rail line in Siskiyou and Shasta Counties, CA.[1] The specific rail lines proposed for abandonment include: (1) A rail line between milepost 3.3 east of McCloud and the end of the track at milepost B–61 at or near Burney; (2) a rail line between milepost B–19 at or near Bartle and milepost B–31.4 at or near Hambone; (3) a rail line between milepost B–58 at or near Berry and milepost S–7 at or near Sierra; and (4) a rail line between milepost B–31.6 at or near Bear Flat and milepost P–3.93 at or

[1] In a Draft Environmental and Historic Report that MCR submitted in this proceeding on March 8, 2005, the carrier proposed to abandon approximately 100 miles of rail line, the carrier's entire system. Subsequent to that submission, however, MCR has decided to retain approximately 19.6 miles of rail line between MCR's point of connection to Union Pacific Railroad Company (UP) at milepost 16.3 at or neat Mt. Shasta, CA and milepost 3.3 east of McCloud, CA. MCR had mistakenly stated in its March 8 filing that the milepost of the MCR–UP connection was at milepost 15.2 rather than milepost 16.3.

near Pondosa. MCR also proposes to discontinue trackage rights over a BNSF Railway Company[2] rail line between milepost 31.4 at Hambone and milepost 0.0 at Lookout Junction, a distance of approximately 31.4 miles in Siskiyou and Modoc Counties, CA.[3] The lines traverse United States Postal Service Zip Codes 96067, 96057, 96013, 96054, and 96056, and include a station at Burney.

The lines do not contain federally granted rights-of-way. Any documentation in MCR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(d). A final decision will be issued by October 14, 2005.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,200 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the lines, the lines may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 4, 2005. Each trail use request must be accompanied by a $200 filing fee. *See* 49 CFR 1002.2(f)(27).[4]

All filings in response to this notice must refer to STB Docket No. AB–914X and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001, and (2) Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604–1112. Replies to MCR's petition are due on or before August 4, 2005.

Persons seeking further information concerning abandonment or discontinuance procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1539 [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparations. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at: *http://www.stb.dot.gov*.

Decided: July 6, 2005.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–13666 Filed 7–14–05; 8:45 am]

BILLING CODE 4915–01–P

[2] Effective January 20, 2005, the name of ''The Burlington Northern Santa Fe Railway Company'' was changed to ''BNSF Railway Company.''

[3] The Board issued an exemption for abandonment of the Hambone-Lookout Junction rail line in *Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Modoc and Siskiyou Counties, CA*, STB Docket No. AB–6 (Sub-No. 414X) (STB served May 21, 2004). However, an exemption was not sought in that proceeding for discontinuance of MCR's operations over that line pursuant to trackage rights.

[4] For the line where discontinuance rather than an abandonment is being sought, trail use/rail banking and public use conditions are not appropriate.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Senior Executive Service Performance Review Board

ACTION: Notice.

SUMMARY: The Surface Transportation Board (STB) publishes the names of the persons selected to serve on its Senior Executive Service Performance Review Board (PRB).

FOR FURTHER INFORMATION CONTACT: Ernest A. Cameron, Director of Human Resources (202) 565–1691.

SUPPLEMENTARY INFORMATION: Title 5 U.S.C. 4312 requires that each agency implement a performance appraisal system making senior executives accountable for organizational and individual goal accomplishment. As part of this system, 5 U.S.C. 4314(c) requires each agency to establish one or more PRBs, the function of which is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on STB's PRB.

Craig M. Keats, Deputy General Council.

Leland L. Gardner, Director, Office of Economics, Environmental Analysis, and Administration.

David M. Konschnik, Director, Office of Proceedings.

Dan G. King, Director, Office of Congressional and Public Services.

Issued in Washington, DC, on July 11, 2005.

Vernon A. Williams,

Secretary.

[FR Doc. 05–13873 Filed 7–14–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Allocation Availability (NOAA) Inviting Applications for the CY 2006 Allocation Round of the New Markets Tax Credit Program

Announcement Type: Initial announcement of tax credit allocation availability.

Dates: Electronic applications must be received by 5 p.m. ET on September 21, 2005. Paper applications must be postmarked on or before September 21, 2005 and received by 5 p.m. ET on September 30, 2005 (*see* Section IV.D. of this NOAA for more details). Applications must meet all eligibility and other requirements and deadlines, as applicable, set forth in this NOAA. Allocation applicants that are not yet certified as community development entities (CDEs) must submit an application for certification as a CDE that is postmarked on or before August 22, 2005 and received by 5 p.m. ET on August 30, 2005 (see Section III. of this NOAA for more details).

Executive Summary: This NOAA is issued in connection with the calendar year 2006 tax credit allocation round of the New Markets Tax Credit (NMTC) Program, as authorized by Title I, subtitle C, section 121 of the Community Renewal Tax Relief Act of 2000 (the Act). Through the NMTC Program, the Community Development Financial Institutions Fund (the Fund) provides authority to CDEs to offer an incentive to investors in the form of a tax credit over seven years, which is expected to stimulate the provision of $15 billion in private investment capital that, in turn, will facilitate economic and community development in Low-

Income Communities. In this NOAA, the Fund addresses specifically how an entity may apply to receive an allocation of NMTCs, the competitive procedure through which NMTC Allocations will be made, and the actions that will be taken to ensure that proper allocations are made to appropriate entities.

I. Allocation Availability Description

A. Programmatic Improvements

In the substantive review process for applications submitted under the third round of the NMTC Program, the Fund gave greater weight to the elements contained in each application's Business Strategy and Community Impact sections. The Fund will continue this same programmatic focus in this NOAA. In order to reflect this emphasis, the Fund has re-ordered the application sections and the corresponding NOAA sections (as described in Section V.A. below) as follows: Business Strategy, Community Impact, Management Capacity, and Capitalization Strategy.

The Fund has modified certain eligibility requirements relating to prior Allocatees planning to apply for an additional allocation in this CY 2006 allocation round. These modifications generally require that Allocatees demonstrate an increasing percentage of Qualified Equity Investment issuances and/or commitments based on the allocation round in which Allocatees received their prior allocation(s). These requirements are more fully described in Section III.A.2. of this NOAA.

In the NOAA for the third allocation round, the Fund evaluated whether applicants were common enterprises that, in fact or effect, could be viewed as single entities. In this NOAA, the Fund clarifies that Allocatees (or their Subsidiary Allocatees) are also prohibited from forming common enterprises with other Allocatees (or their Subsidiary Allocatees) in the same allocation round after the submission of an allocation application to the Fund. This requirement is necessary since most Allocatees do not form the Subsidiaries to which they will transfer their NMTC Allocation until after receiving a Notice of Allocation from the Fund.

This NOAA also contains two additional clarifications with respect to the application review and selection process: (1) The Fund reserves the right to take prior NMTC Allocation performance into consideration in the case of applications submitted by entities that have, or whose affiliates have, received allocations of NMTCs in prior allocation rounds; and (2) the Fund reserves the right to reject an application if it is incorrect in any material respect. These clarifications are more fully described in Section V.B. of this NOAA.

B. Program Guidance and Regulations

This NOAA provides guidance for the application and allocation of NMTCs for the fourth round of the NMTC Program and should be read in conjunction with: (i) Guidance published by the Fund on how an entity may apply to become certified as a CDE (66 FR 65806, December 20, 2001); (ii) the final regulations issued by the Internal Revenue Service (26 CFR 1.45D–1, published on December 28, 2004) and related guidance; and (iii) the application and related materials for this fourth NMTC Program allocation round. All such materials may be found on the Fund's Web site at *http://www.cdfifund.gov.* The Fund encourages applicants to review these documents. Capitalized terms used but not defined in this NOAA shall have the respective meanings assigned to them in the allocation application, the Act or the IRS final regulations.

II. Allocation Information

A. Allocation Amounts

The Fund expects that it may allocate to CDEs the authority to issue to their investors up to the aggregate amount of $3.5 billion in equity as to which NMTCs may be claimed, as permitted under IRC § 45D(f)(1)(D). The Fund anticipates that, under this NOAA, it will not issue more than $150 million in tax credit allocation authority per applicant. The Fund, in its sole discretion, reserves the right to allocate amounts in excess of or less than the anticipated maximum allocation amount if the Fund deems it appropriate. In order to receive an allocation in excess of $150 million, an applicant will likely need to demonstrate, for example, that: (i) No part of its strategy can be successfully implemented without an allocation in excess of $150 million; or (ii) its strategy will produce extraordinary community impact. The Fund reserves the right to allocate tax credit authority to any, all or none of the entities that submit an application in response to this NOAA, and in any amount it deems appropriate.

B. Types of Awards

NMTC Program awards are made in the form of tax credit authority.

C. Notice of Allocation and Allocation Agreement

Each Allocatee under this NOAA must sign a Notice of Allocation and an Allocation Agreement before the NMTC Allocation is effective. The Notice of Allocation and the Allocation Agreement contain the terms and conditions of the allocation. For further information, see Section VI. of this NOAA.

III. Eligibility

A. *Eligible applicants:* IRC § 45D specifies certain eligibility requirements that each applicant must meet to be eligible to apply for an allocation of NMTCs. The following sets forth additional detail and certain additional dates that relate to the submission of applications under this NOAA:

1. *CDE certification:* For purposes of this NOAA, the Fund will not consider an application for an allocation of NMTCs unless: (a) The applicant is certified as a CDE at the time the Fund receives its NMTC Program allocation application; or (b) the applicant submits an application for certification as a CDE that is postmarked on or before August 22, 2005 and received by 5 p.m. ET on August 30, 2005. Applicants for certification may obtain a CDE certification application through the Fund's Web site at *http://www.cdfifund.gov*. Applications for CDE certification must be submitted as instructed in the application form. An applicant that is a community development financial institution (CDFI) or a specialized small business investment company (SSBIC) does not need to submit a CDE certification application, but must register as a CDE on the Fund's Web site on or before 5 p.m. ET on August 22, 2005. The Fund will not provide allocations of NMTCs to applicants that are not certified as CDEs. See Section IV.D.1.(c) of this NOAA for further requirements relating to postmarks.

If an applicant that has already been certified as a CDE wishes to change its designated CDE service area, it must submit its request for such a change to the Fund; and said request must be received by the Fund by 5 p.m. ET on September 21, 2005. The CDE service area change request must be sent from the applicant's authorized representative and include the applicable CDE control number, the revised service area designation, and an updated accountability chart that reflects representation from Low-Income Communities in the revised service area. The service area change request must be

sent by e-mail to *cdfihelp@cdfi.treas.gov* or by facsimile to (202) 622–7754.

2. *Prior awardees or Allocatees:* Applicants must be aware that success in a prior round of any of the Fund's programs is not indicative of success under this NOAA. Prior awardees of any component of the Fund's Community Development Financial Institutions (CDFI) Program, Bank Enterprise Award (BEA) Program, the Native Initiatives, or any other Fund program and prior Allocatees under the NMTC Program are eligible to apply under this NOAA, except as follows:

(a) *Prior Allocatees and Qualified Equity Investment issuance requirements:* A prior Allocatee in the first round of the NMTC Program (CY 2001–2002) is not eligible to receive a NMTC Allocation pursuant to this NOAA unless the Allocatee can demonstrate that, as of 11:59 p.m. ET on December 31, 2005, it has: (i) Issued and received cash from its investors for at least 60 percent of its Qualified Equity Investments relating to its CY 2001–2002 NMTC Allocation; or (ii) issued and received cash from its investors for at least 50 percent of its Qualified Equity Investments and that at least 80 percent of its total CY 2001–2002 NMTC Allocation has been exchanged for cash from or has been committed by its investors. A prior Allocatee in the second round of the NMTC Program (CY 2003–2004) is not eligible to receive a NMTC Allocation pursuant to this NOAA unless the Allocatee can demonstrate that, as of 11:59 p.m. ET on December 31, 2005, it has: (i) Issued and received cash from its investors for at least 50 percent of its Qualified Equity Investments relating to its CY 2003–2004 NMTC Allocation; or (ii) issued and received cash from its investors for at least 40 percent of its Qualified Equity Investments and that at least 80 percent of its total CY 2003–2004 NMTC Allocation has been exchanged for cash from or has been committed by its investors. A prior Allocatee in the third round of the NMTC Program (CY 2005) is not eligible to receive a NMTC Allocation pursuant to this NOAA unless the Allocatee can demonstrate that, as of 11:59 p.m. ET on February 15, 2006, it has: (i) Issued and received cash from its investors for at least 50 percent of its Qualified Equity Investments relating to its CY 2005 NMTC Allocation; or (ii) issued and received cash from its investors for at least 20 percent of its Qualified Equity Investments and that at least 60 percent of its total CY 2005 NMTC Allocation has been exchanged for cash from or has been committed by its investors. Further, an entity is not eligible to receive a NMTC Allocation pursuant to this NOAA if another entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund) is a prior Allocatee and has not met the requirements for the issuance and/or commitment of Qualified Equity Investments as set forth above for the Allocatees in the prior allocation rounds of the NMTC Program. In addition, if an applicant has received an allocation in multiple allocation rounds of the NMTC Program, the applicant will have to meet the requirements for the issuance and/or commitment of Qualified Equity Investments as set forth above for each allocation received.

For purposes of this section of the NOAA, the Fund will only count as ''issued'' those Qualified Equity Investments that have been recorded in the Fund's Allocation Tracking System (ATS) by the deadlines specified above. Allocatees and their Subsidiary transferees, if any, are advised to access ATS to record each Qualified Equity Investment that they issue to an investor in exchange for cash. For purposes of this section of the NOAA, ''committed'' Qualified Equity Investments are only those Equity Investments that are evidenced by a written, signed document in which an investor: (i) Commits to make an investment in the Allocatee in a specified amount and on specified terms; (ii) has made an initial disbursement of the investment proceeds to the Allocatee, and such initial disbursement has been recorded in ATS as a Qualified Equity Investment; (iii) commits to disburse the remaining investment proceeds to the Allocatee based on specified amounts and payment dates; and (iv) commits to make the final disbursement to the Allocatee no later than December 31, 2008. The applicant will be required, upon notification from the Fund, to submit adequate documentation to substantiate the required issuances of and commitments for Quality Equity Investments.

In addition, all requests for amendments to Allocation Agreements needed for purposes of meeting the Qualified Equity Investment issuance requirements set forth above, including requests to have Subsidiary entities certified as CDEs and/or included in Allocation Agreements, must be received by October 14, 2005. Allocation Agreement amendment requests should be submitted by mail to the Fund's Grants Manager, Community Development Financial Institutions Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005 or by e-mail to *cdfihelp@cdfi.treas.gov* or *grantsmanagement@cdfi.treas.gov* with the subject line: NMTC: Allocation Agreement Amendment Request. CDE certification requests should be submitted in accordance with the instructions provided in the CDE Certification Application. Requests for Allocation Agreement amendments and CDE certifications received after October 14, 2005 will not be processed until after December 31, 2005.

(b) *Failure to meet reporting requirements:* The Fund will not consider an application submitted by an applicant if the applicant, or an entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund) is a prior Fund awardee or Allocatee under any Fund program and is not current on the reporting requirements set forth in a previously executed assistance, allocation or award agreement(s), as of the application deadline of this NOAA. Please note that the Fund only acknowledges the receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received.

(c) *Pending resolution of noncompliance:* If an applicant is a prior awardee or Allocatee under any Fund program and if: (i) It has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, award or Allocation Agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award or Allocation Agreement, the Fund will consider the applicant's application under this NOAA pending full resolution, in the sole determination of the Fund, of the noncompliance. Further, if another entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund), is a prior Fund awardee or Allocatee and if such entity: (i) Has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, award or Allocation Agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award or Allocation Agreement, the Fund will consider the applicant's application under this NOAA pending full resolution, in the sole determination of the Fund, of the noncompliance.

(d) *Default status:* The Fund will not consider an application submitted by an

applicant that is a prior Fund awardee or Allocatee under any Fund program if, as of the application deadline of this NOAA, the Fund has made a final determination that such applicant is in default of a previously executed assistance, allocation or award agreement(s) and the Fund has provided written notification of such determination to such applicant. Further, an entity is not eligible to apply for an allocation pursuant to this NOAA if, as of the application deadline of this NOAA, the Fund has made a final determination that another entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund): (i) Is a prior Fund awardee or Allocatee under any Fund program; (ii) has been determined by the Fund to be in default of a previously executed assistance, allocation or award agreement(s); and (iii) the Fund has provided written notification of such determination to the defaulting entity.

(e) *Termination in default:* The Fund will not consider an application submitted by an applicant that is a prior Fund awardee or Allocatee under any Fund program if: (i) Within the 12-month period prior to the application deadline of this NOAA, the Fund has made a final determination that such applicant's prior award or allocation terminated in default of a previously executed assistance, allocation or award agreement(s); (ii) the Fund has provided written notification of such determination to such applicant; and (iii) the final reporting period end date for the applicable terminated assistance, allocation or award agreement(s) falls in such applicant's 2004 or 2005 fiscal year. Further, an entity is not eligible to apply for an allocation pursuant to this NOAA if: (i) Within the 12-month period prior to the application deadline of this NOAA, the Fund has made a final determination that another entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund), is a prior Fund awardee or Allocatee under any Fund program whose award or allocation terminated in default of a previously executed assistance, allocation or award agreement(s); (ii) the Fund has provided written notification of such determination to the defaulting entity; and (iii) the final reporting period end date for the applicable terminated assistance, allocation or award agreement(s) falls in the defaulting entity's 2004 or 2005 fiscal year.

(f) *Undisbursed balances:* The Fund will not consider an application submitted by an applicant that is a prior Fund awardee under any Fund program if the applicant has a balance of undisbursed funds (defined below) under said prior award(s), as of the application deadline of this NOAA. Further, an entity is not eligible to apply for an award pursuant to this NOAA if another entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund), is a prior Fund awardee under any Fund program, and has a balance of undisbursed funds under said prior award(s), as of the application deadline of this NOAA. In a case where another entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund), is a prior Fund awardee under any Fund program, and has a balance of undisbursed funds under said prior award(s), as of the application deadline of this NOAA, the Fund will include the combined awards of the applicant and such affiliated entities when calculating the amount of undisbursed funds.

For purposes of this section, ''undisbursed funds'' is defined as: (i) In the case of a prior BEA Program award(s), any balance of award funds equal to or greater than five (5) percent of the total prior BEA Program award(s) that remains undisbursed more than three (3) years after the end of the calendar year in which the Fund signed an award agreement with the awardee; and (ii) in the case of a prior CDFI Program or other Fund program award(s), any balance of award funds equal to or greater than five (5) percent of the total prior award(s) that remains undisbursed more than two (2) years after the end of the calendar year in which the Fund signed an assistance agreement with the awardee.

''Undisbursed funds'' does not include (i) tax credit allocation authority made available through the NMTC Program; (ii) any award funds for which the Fund received a full and complete disbursement request from the awardee by the application deadline of this NOAA; and (iii) any award funds for an award that has been terminated, expired, rescinded or deobligated by the Fund.

(g) *Contact the Fund:* Accordingly, applicants that are prior awardees and/or Allocatees under any other Fund program are advised to: (i) Comply with the requirements specified in assistance, allocation and/or award agreement(s), and (ii) contact the Fund to ensure that all necessary actions are underway for the disbursement of any outstanding balance of a prior award(s). All outstanding reports and compliance questions should be directed to the Compliance Manager by e-mail at *cme@cdfi.treas.gov* and all disbursement questions should be directed to the Grants Manager by e-mail at *grantsmanagement@cdfi.treas.gov*. Both the Compliance Manager and the Grants Manager can be reached by telephone at (202) 622–8226; by facsimile at (202) 622–6453; or by mail to CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. The Fund will respond to applicants' reporting, compliance or disbursement questions between the hours of 9 a.m. and 5 p.m. ET, starting the date of publication of this NOAA through September 19, 2005 (2 days before the application deadline). The Fund will not respond to applicants' reporting, compliance or disbursement phone calls or e-mail inquiries that are received after 5 p.m. ET on September 19, 2005 until after the funding application deadline of September 21, 2005.

3. *Entities that propose to transfer NMTCs to Subsidiaries:* Both for-profit and non-profit CDEs may apply to the Fund for allocations of NMTCs, but only a for-profit CDE is permitted to provide NMTCs to its investors. A non-profit applicant wishing to apply for a NMTC Allocation must demonstrate, prior to entering into an Allocation Agreement with the Fund, that: (i) It controls one or more Subsidiaries that are for-profit entities; and (ii) it intends to transfer the full amount of any NMTC Allocation it receives to said Subsidiary. The Subsidiary transferee should: (i) Submit a CDE certification application to the Fund within 30 days after the non-profit applicant receives a Notice of Allocation from the Fund; and (ii) must be certified as a CDE prior to entering into an Allocation Agreement with the Fund. The NMTC Allocation transfer must be pre-approved by the Fund, in its sole discretion, and will be a condition of the Allocation Agreement. A for-profit applicant that receives a NMTC Allocation may transfer such NMTC Allocation to its for-profit Subsidiary or Subsidiaries, provided that said Subsidiary transferees have been certified as CDEs and such transfer is pre-approved by the Fund, in its sole discretion. The transfer also will be a condition of the Allocation Agreement.

An applicant wishing to transfer all or a portion of its NMTC Allocation to a Subsidiary is not required to create the Subsidiary prior to submitting a NMTC allocation application to the Fund. Rather, the Fund will require each

applicant to indicate, in its NMTC allocation application, whether it intends to transfer all or a portion of its NMTC Allocation to a Subsidiary and its timeline for doing so. As stated above, in no circumstance will the Fund authorize such a transfer until the Fund has certified the Subsidiary transferee as a CDE.

4. *Entities that submit applications together with Affiliates; applications from common enterprises:* (a) As part of the allocation application review process, the Fund considers whether applicants are Affiliates, as such term is defined in the allocation application. If an applicant and its Affiliates wish to submit allocation applications, they must do so collectively, in one application; an applicant and its Affiliates may not submit separate allocation applications. If Affiliated entities submit multiple applications, the Fund reserves the right either to reject all such applications received or to select a single application as the only one that will be considered for an allocation.

For purposes of this NOAA, in addition to assessing whether applicants meet the definition of the term ''Affiliate'' found in the allocation application, the Fund will consider: (i) Whether the activities described in applications submitted by separate entities are, or will be, operated or managed as a common enterprise that, in fact or effect, could be viewed as a single entity; and (ii) whether the business strategies and/or activities described in applications submitted by separate entities are so closely related that, in fact or effect, they could be viewed as substantially identical applications. In such cases, the Fund reserves the right either to reject all applications received from all such entities or to select a single application as the only one that will be considered for an allocation.

(b) Furthermore, an applicant that receives an allocation in this allocation round (or its Subsidiary transferee) may not become an Affiliate of or member of a common enterprise (as defined above) with another applicant that receives an allocation in this allocation round (or its Subsidiary transferee) at any time after the submission of an allocation application under this NOAA. This prohibition, however, generally does not apply to entities that are commonly Controlled solely because of common ownership by Qualified Equity Investment investors. This requirement will also be a term and condition of the Allocation Agreement (*see* Section VI.B. of this NOAA and additional application guidance materials on the Fund's Web site at *http://www.cdfifund.gov* for more details).

5. *Entities created as a series of funds:* An applicant whose business structure consists of an entity with a series of funds may apply for CDE certification as a single entity, or as multiple entities. If such an applicant represents that it is properly classified for Federal tax purposes as a single partnership or corporation, it may apply for CDE certification as a single entity. If an applicant represents that it is properly classified for Federal tax purposes as multiple partnerships or corporations, then it may submit a single CDE certification application on behalf of the entire series of funds, and each fund must be separately certified as a CDE. Applicants should note, however, that receipt of CDE certification as a single entity or as multiple entities is not a determination that an applicant and its related funds are properly classified as a single entity or as multiple entities for Federal tax purposes. Regardless of whether the series of funds is classified as a single partnership or corporation or as multiple partnerships or corporations, an applicant may not transfer any NMTC Allocations it receives to one or more of its funds unless the transfer is pre-approved by the Fund, in its sole discretion, which will be a condition of the Allocation Agreement.

6. *Entities that are BEA Program awardees:* An insured depository institution investor (and its Affiliates and Subsidiaries) may not receive a NMTC Allocation in addition to a BEA Program award for the same investment in a CDE. Likewise, an insured depository institution investor (and its Affiliates and Subsidiaries) may not receive a BEA Program award in addition to a NMTC Allocation for the same investment in a CDE.

IV. Application and Submission Information

A. *Address to request application package:* Applicants may submit applications under this NOAA either electronically or in paper form. Shortly following the publication of this NOAA, the Fund will make available the electronic allocation application on its Web site at *http://www.cdfifund.gov*. The Fund will send application materials to applicants that are unable to download them from the Web site. To have application materials sent to you, contact the Fund by telephone at (202) 622–6355; by e-mail at *cdfihelp@cdfi.treas.gov*; or by facsimile at (202) 622–7754. These are not toll free numbers.

B. *Application content requirements:* Detailed application content requirements are found in the application related to this NOAA. Applicants must submit all materials described in and required by the application by the applicable deadlines. Applicants will not be afforded an opportunity to provide any missing materials or documentation. Electronic applications must be submitted solely by using the format made available at the Fund's Web site. Additional information, including instructions relating to the submission of signature forms and supporting information, is set forth in further detail in the electronic application. An application must include a valid and current Employer Identification Number (EIN) issued by the Internal Revenue Service and assigned to the applicant and, if applicable, its Controlling Entity; electronic applications without a valid EIN are incomplete and cannot be transmitted to the Fund; paper applications submitted without a valid EIN will be rejected as incomplete and returned to the sender. For more information on obtaining an EIN, please contact the Internal Revenue Service at (800) 829–4933 or *http://www.irs.gov*. An applicant may not submit more than one application in response to this NOAA. In addition, as stated in Section III.A.4 of this NOAA, an applicant and its Affiliates must collectively submit only one allocation application; an applicant and its Affiliates may not submit separate allocation applications. Once an application is submitted, an applicant will not be allowed to change any element of its application.

C. *Form of application submission:* Applicants may submit applications under this NOAA either electronically or in paper form. Applications sent by facsimile or by e-mail will not be accepted. In order to expedite application review, the Fund expects applicants to submit applications electronically (via an Internet-based application) in accordance with the instructions provided on the Fund's Web site. Submission of an electronic application will facilitate the processing and review of applications and the selection of Allocatees; further it will assist the Fund in the implementation of electronic reporting requirements.

1. *Electronic applications:* Electronic applications must be submitted solely by using the Fund's Web site and must be sent in accordance with the submission instructions provided in the electronic application form. Applicants need access to Internet Explorer 5.5 or higher or Netscape Navigator 6.0 or higher, Windows 98 or higher (or other

system compatible with the above Explorer and Netscape software) and optimally at least a 56Kbps Internet connection in order to meet the electronic application submission requirements. The Fund's electronic application system will only permit the submission of applications in which all required questions and tables are fully completed. Additional information, including instructions relating to the submission of signature forms and supporting information, is set forth in further detail in the electronic application.

2. *Paper applications:* If an applicant is unable to submit an electronic application, it must submit to the Fund a request for a paper application using the NMTC Program Paper Application Submission Form, and the request must be received by 5 p.m. ET on September 7, 2005. The NMTC Program Paper Application Submission Form may be obtained from the Fund's Web site at *http://www.cdfifund.gov* or the form may be requested by e-mail to *paper_request@cdfi.treas.gov* or by facsimile to (202) 622–7754. The completed NMTC Program Paper Application Submission Form should be directed to the Fund's Chief Information Officer and must be sent by facsimile to (202) 622–7754.

D. Application submission dates and times:

1. *Application deadlines:*

(a) *Electronic applications* must be received by 5 p.m. ET on September 21, 2005. Electronic applications cannot be transmitted or received after 5 p.m. ET on September 21, 2005. In addition, applicants that submit electronic applications must separately submit (by mail or other courier delivery service) an original signature page, and all other required paper attachments. The original signature page and additional documents must be postmarked on or before September 26, 2005 and received by 5 p.m. ET on October 3, 2005. See application instructions, provided in the electronic application, for further detail. Applications and other required documents and other attachments postmarked or received after these dates and times will be rejected and returned to the sender. If the original signature page is not postmarked and received by the deadlines specified above, the application will be rejected and returned to the sender. See Section IV.D.1.(c) of this NOAA for further requirements relating to postmarks. Additional deadlines (if any) relating to the submission of general supporting documentation will be further detailed in the electronic application. Please note that the document submission deadlines in this NOAA and/or the allocation application are strictly enforced.

(b) *Paper applications*, including the requisite original signature page, and all other required paper attachments must be postmarked on or before September 21, 2005 and received by 5 p.m. ET on September 30, 2005. Paper applications postmarked or received after these deadlines will not be accepted for consideration and will be returned to the sender.

(c) For purposes of this NOAA, the term ''postmark'' is defined by 26 CFR 301.7502–1. In general, the Fund will require that the postmarked document bear a postmark date that is on or before the applicable deadline. The document must be in an envelope or other appropriate wrapper, properly addressed as set forth in this NOAA and delivered by the United States Postal Service or any other private delivery service designated by the Secretary of the Treasury. For more information on designated delivery services, please see IRS Notice 2002–62, 2002–2 C.B. 574.

E. *Intergovernmental Review:* Not applicable.

F. *Funding Restrictions:* For allowable uses of investment proceeds related to an NMTC Allocation, please see 26 U.S.C. 45D and the final regulations issued by the Internal Revenue Service (26 CFR 1.45D–1, published on December 28, 2004) and related guidance. Please see Section I., above, for the Programmatic Improvements of this NOAA.

G. *Other Submission Requirements:*

Addresses: Paper applications and the signature page and attachments for electronic applications must be sent as directed in the application materials to the Bureau of Public Debt, the application intake coordinator for the Fund. Paper applications and the signature page or attachments will not be accepted at the Fund's offices in Washington, DC. Paper applications and signature pages or attachments received in the Fund's offices will be rejected and returned to the sender. Except for the signature page and attachments, electronic applications must be submitted solely by using the Fund's Web site and must be sent in accordance with the submission instructions provided in the electronic application form.

V. Application Review Information

There are two parts to the substantive review process for each allocation application—Phase 1 and Phase 2. In Phase 1, the Fund will evaluate each application, assigning points and numeric scores with respect to the criteria described below. In Phase 2, the Fund will rank applicants in accordance with the procedures set forth below.

A. Criteria:

1. *Business Strategy* (25-point maximum). (a) In assessing an applicant's business strategy, reviewers will consider, among other things: the applicant's products, services and investment criteria; the prior performance of the applicant or its Controlling Entity, particularly as it relates to making similar kinds of investments as those it proposes to make with the proceeds of Qualified Equity Investments; the applicant's prior performance in providing capital or technical assistance to disadvantaged businesses or communities; the projected level of the applicant's pipeline of potential investments; and the extent to which the applicant intends to make Qualified Low-Income Community Investments in one or more businesses in which persons unrelated to the entity hold a majority equity interest.

Under the Business Strategy criterion, an applicant will generally score well to the extent that it will deploy debt or investment capital in products or services which: (i) Are designed to meet the needs of underserved markets; (ii) are flexible or non-traditional in form and on better terms than available in the marketplace; and (iii) focus on customers or partners that typically lack access to conventional sources of capital. An applicant will also score well to the extent that it: (i) Has a track record of successfully providing products and services similar to those it intends to use with the proceeds of Qualified Equity Investments; (ii) has identified, or has a process for identifying, potential transactions; (iii) demonstrates a likelihood of issuing Qualified Equity Investments and making the related Qualified Low-Income Community Investments in a time period that is significantly shorter than the 5-year period permitted under IRC § 45D(b)(1); and (iv) in the case of an applicant proposing to purchase loans from CDEs, the applicant will require the CDE selling such loans to re-invest the proceeds of the loan sale to provide additional products and services to Low-Income Communities.

(b) *Priority Points:* In addition, as provided by IRC § 45D(f)(2), the Fund will ascribe additional points to entities that meet either or both of the statutory priorities. First, the Fund will give up to five (5) additional points to any applicant that has a record of having successfully provided capital or technical assistance to disadvantaged businesses or communities. Second, the

Fund will give five (5) additional points to any applicant that intends to satisfy the requirement of IRC § 45D(b)(1)(B) by making Qualified Low-Income Community Investments in one or more businesses in which persons unrelated to an applicant (within the meaning of IRC § 267(b) or IRC § 707(b)(1)) hold the majority equity interest. Applicants may earn points for either or both statutory priorities. Thus, applicants that meet the requirements of both priority categories can receive up to a total of ten (10) additional points. A record of having successfully provided capital or technical assistance to disadvantaged businesses or communities may be demonstrated either by the past actions of an applicant itself or by its Controlling Entity (*e.g.*, where a new CDE is established by a nonprofit corporation with a history of providing assistance to disadvantaged communities). An applicant that receives additional points for intending to make investments in unrelated businesses and is awarded a NMTC Allocation must meet the requirements of IRC § 45D(b)(1)(B) by investing substantially all of the proceeds from the aggregate amount of its Qualified Equity Investments in unrelated businesses. The Fund will factor in an applicant's priority points when ranking applicants during Phase 2 of the review process, as described below.

2. *Community Impact* (25-point maximum). In assessing the impact on communities expected to result from the applicant's proposed investments, reviewers will consider, among other things, the degree to which the applicant is likely to achieve significant and measurable community development and economic impacts in its Low-Income Communities, and whether the applicant is working in particularly economically distressed markets and/or in concert with Federal, state or local government or community economic development initiatives (*e.g.*, Empowerment Zones, Enterprise Communities, and Renewal Communities). An applicant will generally score well under this section to the extent that: (a) It articulates how its strategy is likely to produce significant and measurable community development and economic impacts that would not be achieved without NMTCs; and (b) it is working in particularly economically distressed or otherwise underserved communities and/or in concert with other Federal, State or local government or community economic development initiatives.

3. *Management Capacity* (25-point maximum). In assessing an applicant's management capacity, reviewers will consider, among other things, the qualifications of the applicant's principals, its board members, its management team, and other essential staff or contractors, with specific focus on: experience in deploying capital or technical assistance, including activities similar to those described in the applicant's business strategy; experience in raising capital; asset management and risk management experience; experience with fulfilling compliance requirements of other governmental programs, including other tax programs; and the applicant's (or its Controlling Entity's) financial health. Reviewers will also consider the extent to which an applicant has protocols in place to ensure ongoing compliance with NMTC Program requirements, and the level of involvement of community representatives and other stakeholders in the design, implementation or monitoring of an applicant's business plan and strategy. In the case of an applicant (or any entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund)) that has received a NMTC Allocation from the Fund under a prior allocation round, reviewers will consider the activities that have occurred to date with respect to the prior allocation(s).

An applicant will generally score well under this section to the extent that its management team or other essential personnel have experience in: (a) Deploying capital or technical assistance in Low-Income Communities, particularly those likely to be served by the applicant with the proceeds of Qualified Equity Investments; (b) raising capital, particularly from for-profit investors; (c) asset and risk management; and (d) fulfilling government compliance requirements, particularly tax program compliance. An applicant will also score well to the extent it has policies and systems in place to ensure ongoing compliance with NMTC Program requirements, and to the extent that Low-Income Community stakeholders play an active role in designing or implementing its business plan. In the case of an applicant (or any entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund)) that has received a NMTC Allocation from the Fund under a prior allocation round, the applicant will score well to the extent it can: (a) Demonstrate that substantial activities have occurred through its prior allocation(s); and (b) substantiate a need for additional allocation authority.

4. *Capitalization Strategy* (25-point maximum). In assessing an applicant's capitalization strategy, reviewers will consider, among other things: the extent to which the applicant has secured investments, commitments to invest, or indications of interest in investments from investors, commensurate with its requested amount of tax credit allocations; the applicant's strategy for identifying additional investors, if necessary, including the applicant's (or its Controlling Entity's) prior performance with raising equity from investors, particularly for-profit investors; the extent to which the applicant identifies how existing investors will leverage their investments in Low-Income Communities or how new investors will be brought into such investments; the distribution of the economic benefits of the tax credit; the extent to which the applicant intends to invest the proceeds from the aggregate amount of its Qualified Equity Investments at a level that exceeds the requirements of IRC § 45D(b)(1)(B), including the extent to which the applicant has identified the financial resources outside of the NMTC investments necessary to support its operations or finance its activities; and the applicant's timeline for utilizing an NMTC Allocation.

An applicant will generally score well under this section to the extent that: (a) It has secured investor commitments, or has a reasonable strategy for obtaining such commitments; (b) its request for allocations is commensurate with both the level of Qualified Equity Investments it is likely to raise and its expected investment strategy to deploy funds raised with NMTCs; (c) it generally demonstrates that the economic benefits of the tax credit will be passed through to end users; (d) it is likely to leverage other sources of funding in addition to NMTC investor dollars; and (e) it intends to invest the proceeds from the aggregate amount of its Qualified Equity Investments at a level that exceeds the requirements of IRC § 45D(b)(1)(B). In the case of an applicant proposing to raise investor funds from organizations that also will identify or originate transactions for the applicant or from affiliated entities, said applicant will score well to the extent that it will offer products with more favorable rates or terms than those currently offered by the investor and/or will target its activities to areas of greater economic distress than those currently targeted by the investor.

B. *Review and selection process:* All allocation applications will be reviewed

for eligibility and completeness. The Fund may consult with the IRS on the eligibility requirements under IRC § 45D. To be complete, the application must contain, at a minimum, all information described as required in the application form. An incomplete application will be rejected and returned to the sender. Once the application has been determined to be eligible and complete, the Fund will conduct the substantive review of each application in two parts (Phase 1 and Phase 2) in accordance with the criteria and procedures generally described in this NOAA and the allocation application.

Phase 1: Fund reviewers will evaluate and score each application in the first part of the review process. An applicant must exceed a minimum overall aggregate base score threshold *and* exceed a minimum aggregate section score threshold in each of the four application sections (Business Strategy, Community Impact, Management Capacity, and Capitalization Strategy) in order to advance from the first part of the substantive review process. If, in the case of a particular application, a reviewer's total base score or section score(s) (in one or more of the four application sections), varies significantly from the median of the reviewers' total base scores or section scores for such application, the Fund may, in its sole discretion, obtain the comments and recommendations of an additional reviewer to determine whether the anomalous score should be replaced with the score of the additional reviewer.

Phase 2: Once the Fund has determined which applicants have met the required minimum overall aggregate base score and aggregate section score thresholds, the Fund will rank applicants on the basis of their combined scores in the Business Strategy and Community Impact sections of the application and will make adjustments to each applicant's priority points so that these points maintain the same relative weight in the ranking of applicant scores. The Fund will award allocations in the order of this ranking, subject to applicants' meeting all other eligibility requirements; provided, however, that the Fund, in its sole discretion, reserves the right to reject an application and/or adjust award amounts as appropriate based on information obtained during the review process.

In the case of an applicant (or any entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund)) that has previously received an award or allocation from the Fund through any Fund program, the Fund will consider and will deduct points for the applicant's (or any entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund)) failure to meet the reporting deadlines set forth in any assistance, award or Allocation Agreement(s) with the Fund during the applicant's two complete fiscal years prior to the application deadline of this NOAA (generally FY 2003 and 2004). All outstanding reports or compliance questions should be directed to the Compliance Manager by e-mail at *cme@cdfi.treas.gov*; by telephone at (202) 622–8226; by facsimile at (202) 622–6453; or by mail to CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. The Fund will respond to reporting or compliance questions between the hours of 9 a.m. and 5 p.m. ET, starting the date of the publication of this NOAA through September 19, 2005. The Fund will not respond to reporting or compliance phone calls or e-mail inquiries that are received after 5 p.m. ET on September 19, 2005 until after the funding application deadline of September 21, 2005.

The Fund reserves the right to reject any NMTC allocation application in the case of a prior Fund awardee, if such applicant has failed to comply with the terms, conditions, and other requirements of the prior or existing assistance or award agreement(s) with the Fund. The Fund reserves the right to reject any NMTC allocation application in the case of a prior Fund Allocatee, if such applicant has failed to comply with the terms, conditions, and other requirements of its prior or existing Allocation Agreement(s) with the Fund. The Fund reserves the right to reject any NMTC allocation application in the case of any applicant, if an entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund), has failed to meet the terms, conditions and other requirements of any prior or existing assistance agreement, award agreement or Allocation Agreement with the Fund.

The Fund reserves the right to reject any NMTC allocation application in the case of a prior Fund Allocatee, if such applicant has failed to use its prior NMTC allocation(s) in a manner that is generally consistent with the business strategy (including, but not limited to, the proposed product offerings and markets served) set forth in the allocation application(s) related to such prior allocation(s). The Fund also reserves the right to reject any NMTC allocation application in the case of any applicant, if an entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund), is a prior Fund Allocatee and has failed to use its prior NMTC allocation(s) in a manner that is generally consistent with the business strategy set forth in the allocation application(s) related to such prior allocation(s).

The Fund also reserves the right to reject a NMTC allocation application if information (including administrative errors) comes to the attention of the Fund that either adversely affects an applicant's eligibility for an award, or adversely affects the Fund's evaluation or scoring of an application, or indicates fraud or mismanagement on the part of an applicant. If the Fund determines that any portion of the application is incorrect in any material respect, the Fund reserves the right, in its sole discretion, to reject the application.

As a part of the substantive review process, the Fund may permit reviewer(s) to make telephone calls to applicants for the sole purpose of obtaining, clarifying or confirming application information. In no event shall such contact be construed to permit an applicant to change any element of its application. Reviewers will not contact applicants without the prior approval of the Fund. At this point in the process, an applicant may be required to submit additional information about its application in order to assist the Fund with its final evaluation process. Such requests must be responded to within the time parameters set by the Fund. The selecting official(s) will make a final allocation determination based on an applicant's file, including without limitation, eligibility under IRC § 45D, the reviewers' scores and the amount of allocation authority available. In the case of applicants (or any entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund)) that are regulated by the Federal government or a State agency (or comparable entity), the Fund's selecting official(s) reserve(s) the right to consult with and take into consideration the views of the appropriate Federal or State banking and other regulatory agencies. In the case of applicants (or any entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant

(as determined by the Fund)) that are also Small Business Investment Companies, Specialized Small Business Investment Companies or New Markets Venture Capital Companies, the Fund reserves the right to consult with and take into consideration the views of the Small Business Administration.

The Fund reserves the right to conduct additional due diligence, as determined reasonable and appropriate by the Fund, in its sole discretion, related to the applicant and its officers, directors, owners, partners and key employees.

Each applicant will be informed of the Fund's award decision either through a Notice of Allocation if selected for an allocation (*see* Section VI.A. of this NOAA) or a declination letter, if not selected for an allocation, which may be for reasons of application incompleteness, ineligibility or substantive issues. All applicants that are not selected for an allocation based on substantive issues will likely be given the opportunity to obtain feedback on the strengths and weaknesses of their applications. This feedback will be provided in a format and within a timeframe to be determined by the Fund, based on available resources.

The Fund further reserves the right to change its eligibility and evaluation criteria and procedures, if the Fund deems it appropriate; if said changes materially affect the Fund's award decisions, the Fund will provide information regarding the changes through the Fund's Web site.

There is no right to appeal the Fund's allocation decisions. The Funds allocation decisions are final.

VI. Award Administration Information

A. Notice of Allocation

The Fund will signify its selection of an applicant as an Allocatee by delivering a signed Notice of Allocation to the applicant. The Notice of Allocation will contain the general terms and conditions underlying the Fund's provision of an NMTC Allocation including, but not limited to, the requirement that an Allocatee and the Fund enter into an Allocation Agreement. The applicant must execute the Notice of Allocation and return it to the Fund. By executing a Notice of Allocation, the Allocatee agrees that, if prior to entering into an Allocation Agreement with the Fund, information (including administrative errors) comes to the attention of the Fund that either adversely affects the Allocatee's eligibility for an award, or adversely affects the Fund's evaluation or scoring of the Allocatee's application, or indicates fraud or mismanagement on the part of the Allocatee, the Fund may, in its discretion and without advance notice to the Allocatee, terminate the Notice of Allocation or take such other actions as it deems appropriate. Moreover, by executing a Notice of Allocation, an Allocatee agrees that, if prior to entering into an Allocation Agreement with the Fund, the Fund determines that the Allocatee is not in compliance with the terms of any prior assistance agreement, award agreement, and/or Allocation Agreement entered into with the Fund, the Fund may, in its discretion and without advance notice to the Allocatee, either terminate the Notice of Allocation or take such other actions as it deems appropriate. The Fund reserves the right, in its sole discretion, to rescind the allocation and the Notice of Allocation if the Allocatee fails to return the Notice of Allocation, signed by the authorized representative of the Allocatee, along with any other requested documentation, by the deadline set by the Fund.

1. *Failure to meet reporting requirements:* If an Allocatee, or an entity that Controls the Allocatee, is Controlled by the Allocatee or shares common management officials with the Allocatee (as determined by the Fund) is a prior Fund awardee or Allocatee under any Fund program and is not current on the reporting requirements set forth in the previously executed assistance, allocation or award agreement(s), as of the date of the Notice of Allocation, the Fund reserves the right, in its sole discretion, to delay entering into an Allocation Agreement and/or to impose limitations on an Allocatee's ability to issue Qualified Equity Investments to investors until said prior awardee or Allocatee is current on the reporting requirements in the previously executed assistance, allocation or award agreement(s). Please note that the Fund only acknowledges the receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received. If said prior awardee or Allocatee is unable to meet this requirement within the timeframe set by the Fund, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Allocation and the allocation made under this NOAA.

2. *Pending resolution of noncompliance:* If an applicant is a prior awardee or Allocatee under any Fund program and if: (i) It has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, award or Allocation Agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award or Allocation Agreement, the Fund reserves the right, in its sole discretion, to delay entering into an Allocation Agreement and/or to impose limitations on the Allocatee's ability to issue Qualified Equity Investments to investors, pending full resolution, in the sole determination of the Fund, of the noncompliance. Further, if another entity that Controls the applicant, is Controlled by the applicant or shares common management officials with the applicant (as determined by the Fund), is a prior Fund awardee or Allocatee and if such entity: (i) Has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, award or Allocation Agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award or Allocation Agreement, the Fund reserves the right, in its sole discretion, to delay entering into an Allocation Agreement and/or to impose limitations on the Allocatee's ability to issue Qualified Equity Investments to investors, pending full resolution, in the sole determination of the Fund, of the noncompliance. If the prior awardee or Allocatee in question is unable to satisfactorily resolve the issues of noncompliance, in the sole determination of the Fund, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Allocation and the allocation made under this NOAA.

3. *Default status:* If, at any time prior to entering into an Allocation Agreement through this NOAA, the Fund has made a final determination that an Allocatee that is a prior Fund awardee or Allocatee under any Fund program is in default of a previously executed assistance, allocation or award agreement(s) and has provided written notification of such determination to the Allocatee, the Fund reserves the right, in its sole discretion, to delay entering into an Allocation Agreement and/or to impose limitations on the Allocatee's ability to issue Qualified Equity Investments to investors, until said prior awardee or Allocatee has submitted a complete and timely report demonstrating full compliance with said agreement within a timeframe set by the Fund. Further, if at any time prior to entering into an Allocation Agreement through this NOAA, the Fund has made a final determination that another entity that Controls the Allocatee, is Controlled by the applicant or shares

common management officials with the Allocatee (as determined by the Fund), is a prior Fund awardee or Allocatee under any Fund program, and is in default of a previously executed assistance, allocation or award agreement(s) and has provided written notification of such determination to the defaulting entity, the Fund reserves the right, in its sole discretion, to delay entering into an Allocation Agreement and/or to impose limitations on the Allocatee's ability to issue Qualified Equity Investments to investors, until said prior awardee or Allocatee has submitted a complete and timely report demonstrating full compliance with said agreement within a timeframe set by the Fund. If said prior awardee or Allocatee is unable to meet this requirement, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Allocation and the allocation made under this NOAA.

4. *Termination in default:* If (i) within the 12-month period prior to entering into an Allocation Agreement through this NOAA, the Fund has made a final determination that an Allocatee that is a prior Fund awardee or Allocatee under any Fund program whose award or allocation was terminated in default of such prior agreement; (ii) the Fund has provided written notification of such determination to such organization; and (iii) the final reporting period end date for the applicable terminated agreement falls in such organization's 2004 or 2005 fiscal year, the Fund reserves the right, in its sole discretion, to delay entering into an Allocation Agreement and/or to impose limitations on the Allocatee's ability to issue Qualified Equity Investments to investors. Further, if (i) within the 12-month period prior to entering into an Allocation Agreement through this NOAA, the Fund has made a final determination that another entity that Controls the Allocatee, is Controlled by the Allocatee or shares common management officials with the Allocatee (as determined by the Fund), is a prior Fund awardee or Allocatee under any Fund program whose award or allocation was terminated in default of such prior agreement; (ii) the Fund has provided written notification of such determination to the defaulting entity; and (iii) the final reporting period end date for the applicable terminated agreement falls in such defaulting entity's 2004 or 2005 fiscal year, the Fund reserves the right, in its sole discretion, to delay entering into an Allocation Agreement and/or to impose limitations on the Allocatee's ability to issue Qualified Equity Investments to investors.

B. Allocation Agreement

Each applicant that is selected to receive a NMTC Allocation (including the applicant's Subsidiary transferees) must enter into an Allocation Agreement with the Fund. The Allocation Agreement will set forth certain required terms and conditions of the NMTC Allocation which may include, but not be limited to, the following: (i) The amount of the awarded NMTC Allocation; (ii) the approved uses of the awarded NMTC Allocation (*e.g.*, loans to or equity investments in Qualified Active Low-Income Businesses or loans to or equity investments in other CDEs); (iii) the approved service area(s) in which the proceeds of Qualified Equity Investments may be used; (iv) the time period by which the applicant may obtain Qualified Equity Investments from investors; (v) reporting requirements for all applicants receiving NMTC Allocations; and (vi) a requirement to maintain certification as a CDE throughout the term of the Allocation Agreement. If an applicant has represented in its NMTC allocation application that it intends to invest substantially all of the proceeds from its investors in businesses in which persons unrelated to the applicant hold a majority equity interest, the Allocation Agreement will contain a covenant whereby said applicant agrees that it will invest substantially all of said proceeds in businesses in which persons unrelated to the applicant hold a majority equity interest.

In addition to entering into an Allocation Agreement, each applicant selected to receive a NMTC Allocation must furnish to the Fund an opinion from its legal counsel, the content of which will be further specified in the Allocation Agreement, to include, among other matters, an opinion that an applicant (and its Subsidiary transferees, if any): (i) Is duly formed and in good standing in the jurisdiction in which it was formed and/or operates; (ii) has the authority to enter into the Allocation Agreement and undertake the activities that are specified therein; (iii) has no pending or threatened litigation that would materially affect its ability to enter into and carry out the activities specified in the Allocation Agreement; and (iv) is not in default of its articles of incorporation, bylaws or other organizational documents, or any agreements with the Federal government.

If an Allocatee identifies Subsidiary transferees, the Fund reserves the right to require an Allocatee to provide supporting documentation evidencing that it Controls such entities prior to entering into an Allocation Agreement with the Allocatee and its Subsidiary transferees. The Fund reserves the right, in its sole discretion, to rescind its Notice of Allocation if the Allocatee fails to return the Allocation Agreement, signed by the authorized representative of the Allocatee, and/or provide the Fund with any other requested documentation, within the deadlines set by the Fund.

C. *Fees:* The Fund reserves the right, in accordance with applicable Federal law and if authorized, to charge allocation reservation and/or compliance monitoring fees to all entities receiving NMTC Allocations. Prior to imposing any such fee, the Fund will publish additional information concerning the nature and amount of the fee.

D. *Reporting:* The Fund will collect information, on at least an annual basis, from all applicants that are awarded NMTC Allocations and/or are recipients of Qualified Low-Income Community Investments, including such audited financial statements and opinions of counsel as the Fund deems necessary or desirable, in its sole discretion. The Fund will use such information to monitor each Allocatee's compliance with the provisions of its Allocation Agreement and to assess the impact of the NMTC Program in Low-Income Communities. The Fund may also provide such information to the IRS in a manner consistent with IRC § 6103 so that the IRS may determine, among other things, whether the Allocatee has used substantially all of the proceeds of each Qualified Equity Investment raised through its NMTC Allocation to make Qualified Low-Income Community Investments. The Allocation Agreement shall further describe the Allocatee's reporting requirements.

The Fund reserves the right, in its sole discretion, to modify these reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after due notice to Allocatees.

VII. Agency Contacts

The Fund will provide programmatic and information technology support related to the allocation application between the hours of 9 a.m. and 5 p.m. ET through September 19, 2005. The Fund will not respond to phone calls or e-mails concerning the application that are received after 5 p.m. ET on September 19, 2005 until after the allocation application deadline of

September 21, 2005. Applications and other information regarding the Fund and its programs may be obtained from the Fund's Web site at *http://www.cdfifund.gov.* The Fund will post on its Web site responses to questions of general applicability regarding the NMTC Program.

A. *Information technology support:* Technical support can be obtained by calling (202) 622–2455 or by e-mail at *ithelpdesk@cdfi.treas.gov.* People who have visual or mobility impairments that prevent them from accessing the Low-Income Community maps using the Fund's Web site should call (202) 622–2455 for assistance. These are not toll free numbers.

B. *Programmatic support:* If you have any questions about the programmatic requirements of this NOAA, contact the Fund's NMTC Program Manager by e-mail at *cdfihelp@cdfi.treas.gov*, by telephone at (202) 622–6355, by facsimile at (202) 622–7754, or by mail at CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. These are not toll-free numbers.

C. *Administrative support:* If you have any questions regarding the administrative requirements of this NOAA, contact the Fund's Grants Manager by e-mail at *grantsmanagement@cdfi.treas.gov*, by telephone at (202) 622–8226, by facsimile at (202) 622–6453, or by mail at CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. These are not toll free numbers.

D. *IRS support:* For questions regarding the tax aspects of the NMTC Program, contact Branch Five, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS, by telephone at (202) 622–3040, by facsimile at (202) 622–4753, or by mail at 1111 Constitution Avenue, NW., Attn: CC:PSI:5, Washington, DC 20224. These are not toll free numbers.

E. *Legal counsel support:* If you have any questions or matters that you believe require response by the Fund's Office of Legal Counsel, please refer to the document titled ''How to Request a Legal Review,'' found on the Fund's Web site at *http://www.cdfifund.gov.* Requests for legal reviews must be received by the Fund no later than October 14, 2005.

VIII. Information Sessions

In connection with this NOAA, the Fund intends to broadcast a no fee, interactive video teleconference information session on August 4, 2005, from 1 p.m. to 5 p.m. ET. Registration is required, as the video teleconference information session will be broadcast to secured Federal facilities. The video teleconference information session will be produced in Washington, DC, and will be downlinked via satellite to local Department of Housing and Urban Development offices in certain cities. For further information on the video teleconference information session, locations, or to register, please visit the Fund's Web site at *http://www.cdfifund.gov* or call the Fund at (202) 622–9046.

Authority: 26 U.S.C. 45D; 31 U.S.C. 321; 26 CFR 1.45D–1.

Dated: July 5, 2005.

Owen M. Jones,

Acting Director, Community Development Financial Institutions Fund.

[FR Doc. 05–13591 Filed 7–14–05; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Privacy Act of 1974, as Amended; System of Records

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Office of Thrift Supervision (OTS), Treasury, is publishing its Privacy Act systems of records.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A–130, the OTS has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records.

Other changes throughout the document are editorial in nature and consist principally of changes to system locations and system manager addresses and or titles in several systems of records. Editorial changes were also made to Appendix A.

Systems Covered by This Notice

This notice covers all systems of records adopted by OTS up to May 2, 2005. The systems notices are reprinted in their entirety following the Table of Contents.

Dated: July 7, 2005.

Nicholas Williams,

Deputy Assistant Secretary for Headquarters Operations.

Table of Contents

OTS .001—Confidential Individual Information System
OTS .002—Correspondence/Correspondence Tracking
OTS .003—Consumer Complaint
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OTS .005—Employee Counseling Service
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OTS .008—Employee Training Database
OTS .011—Positions/Budget
OTS .012—Payroll/Personnel Systems & Payroll Records.

Office of Thrift Supervision

TREASURY/OTS .001

SYSTEM NAME:

Confidential Individual Information System—Treasury/OTS.

SYSTEM LOCATION:

Enforcement Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. Computerized records of Suspicious Activity Reports (SAR), with status updates, are managed by FinCEN pursuant to a contractual agreement, and are stored at the Internal Revenue Service's Computing Center in Detroit, Michigan. Authorized personnel at the Federal financial regulatory agencies have on-line access to the computerized database managed by FinCEN through individual work stations that are linked to the database central computer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers, employees, agents, borrowers, and persons participating in the conduct of the affairs of entities regulated by the OTS who have been involved in suspected criminal activity or suspicious financial transactions and referred to law enforcement officials; and other individuals who have been involved in irregularities, violations of law, or unsafe or unsound practices referenced in documents received by OTS in the exercising of its supervisory functions.

These records also contain information concerning individuals who have filed notices of intention to acquire control of a savings association; controlling persons of companies that have applications to acquire control of a savings association; and organizers of savings associations who have sought Federal Savings and Loan Insurance Corporation (FSLIC) or Saving Association Insurance Fund (SAIF) insurance of accounts or Federal charters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application information and inter-agency and intra-agency correspondence, memoranda and reports. The SAR contains information identifying the financial institution involved, the suspected person, the type

of suspicious activity involved, the amount of loss known, and any witnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1464; 44 U.S.C. 3101.

PURPOSE(S):

The overall system serves as a central historical OTS repository for investigatory or enforcement information related to the responsibility of OTS to examine and supervise savings associations. It also serves to store information on applicants to acquire, control, or insure a savings association in connection with OTS's regulatory responsibilities.

The system maintained by FinCEN serves as the database for the cooperative storage, retrieval, analysis, and use of information relating to Suspicious Activity Reports made to or by the Federal financial regulatory agencies and FinCEN to various law enforcement agencies for possible criminal, civil or administrative proceedings based on known or suspected violations affecting or involving persons, financial institutions, or other entities under the supervision or jurisdiction of such Federal financial regulatory agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used to: (1) Provide the Department of Justice with periodic reports on the number, amount, individual identity and other details concerning outstanding potential criminal violations of the law that have been referred to the Department;

(2) Provide the Federal financial regulatory agencies and FinCEN with information relevant to their operations;

(3) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(4) Provide information or records to any appropriate governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order, policy, or license;

(5) Disclose, when considered appropriate, information to a bar association, or other professional organizations performing similar functions, for possible disciplinary action;

(6) Disclose information when appropriate to international and foreign governmental authorities in accordance with law and formal or informal international agreements; and

(7) Provide information to any person with whom the OTS contracts to reproduce, by typing, photocopying or other means, any record within this system for use by the OTS and its staff in connection with their official duties or to any person who is utilized by the OTS to perform clerical or stenographic functions relating to the official business of the OTS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on electronic media and in paper files.

RETRIEVABILITY:

Computer output and file folders are retrievable by indexes of data fields, including name of financial institution and individual's name.

SAFEGUARDS:

Paper files are stored in lockable metal file cabinets with access limited to authorized individuals. Computer disks maintained at OTS are accessed only by authorized personnel. The database maintained by FinCEN complies with applicable security requirements of the Department of the Treasury. On-line access to the information in the database is limited to authorized individuals, and each individual has been issued a non-transferable identifier or password.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESSES:

Enforcement Deputy Counsel, Enforcement Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

The system is exempt from notification and record-access requirements and requirements that an individual be permitted to contest its contents under 5 U.S.C. 552a(j)(2) and (k)(2) as relating to investigatory material compiled for law enforcement purposes.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Suspicious activity reports and related historical information and updating forms compiled by financial institutions, the OTS, and other Federal financial regulatory agencies for law enforcement purposes. The OTS will also include information from applicants, inter-agency and intra-agency correspondence, memoranda, and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/OTS .002

SYSTEM NAME:

Correspondence/Correspondence Tracking.

SYSTEM LOCATION:

Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

White House and Executive Office of the President officials, Members of Congress, Treasury Department officials, the general public, and businesses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence addressed to the Director of OTS, letters from members of Congress transmitting letters from constituents or making inquiries; OTS responses; OTS memoranda and notes used to prepare responses; and information concerning internal office assignments, processing and response to the correspondence.

PURPOSE(S):

To maintain written records of correspondence addressed to the Director of OTS and Congressional correspondence; to track the progress of the response; to document the completion of the response to the incoming correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(1) Disclosures may be made to a Congressional office from the records of an individual in response to an inquiry made at the request of the individual to whom the record pertains; (2) Information may be disclosed to the appropriate governmental agency charged with the responsibility of administering law or investigating or prosecuting violations of law or charged

with enforcing or implementing a statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic media and in paper files.

RETRIEVABILITY:

Records are maintained by name of individual; assignment control number.

SAFEGUARDS:

Access to paper records is limited to authorized personnel with a direct need to know. Some paper records are maintained in locked file cabinets in a secured office with access limited to those personnel whose official duties require access. Access to computerized records is limited, through the use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Computerized records relating to non-congressional correspondence are retained for two (2) years after the Director's term. Computerized records relating to congressional correspondence are kept permanently. Paper records are retained for two (2) years after the Director's or member of Congress' term, then transferred directly to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Congressional Affairs, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to FOIA Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

RECORDS ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Congressional letters and responses from a Member of Congress and/or a constituent.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .003

SYSTEM NAME:

Consumer Complaint System.

SYSTEM LOCATION:

Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. See Appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit inquiries or complaints concerning federally insured depository institutions, service corporations, and subsidiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consumer's name, savings association's docket number, case number as designated by a Consumer Complaint Case number. Within these categories of records, the following information may be obtained: consumer's address, source of inquiry or complaint, nature of the inquiry or complaint, nature of the inquiry or complaint designated by instrument and complaint code, information on the investigation and resolution of inquiries and complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 57a(f), 5 U.S.C. 301.

PURPOSE(S):

OTS uses this system to track individual complaints and to provide additional information about each institution's compliance with regulatory requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(1) Information may be disclosed to officials of regulated savings associations in connection with investigation and resolution of complaints and inquiries;

(2) relevant information may be made available to appropriate law enforcement agencies or authorities in connection with investigation and/or prosecution of alleged civil, criminal and administrative violations;

(3) disclosures may be made to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) disclosures may be made to other Federal and nonfederal governmental supervisory or regulatory authorities when the subject matter is within such other agency's jurisdiction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper files and on electronic media.

RETRIEVABILITY:

By name of individual, complaint case number, savings association name, docket number, region complaint code, instrument code, source code or by some combination thereof.

SAFEGUARDS:

Paper records are maintained in locked file cabinets with access limited to those personnel whose official duties require access. Access to computerized records is limited, through use of the system passwords, to those whose official duties require access.

RETENTION AND DISPOSAL:

Active paper files are maintained until the case is closed. Closed files are retained six (6) years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Consumer Protection and Specialized Programs, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to FOIA Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Inquirer or complainant (or his or her representative which may include a member of Congress or an attorney); savings association officials and employees; compliance/safety and soundness examiner(s); and other supervisory records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .004

SYSTEM NAME:

Criminal Referral Database.

SYSTEM LOCATION:

Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. See Appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals suspected of having committed crime(s) and individuals indicted or convicted of crime(s) against or involving savings associations prior to 1996.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal referrals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1464; 44 U.S.C. 3101.

PURPOSE(S):

This system lists matters referred to the Department of Justice for possible criminal proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information may be disclosed to the appropriate governmental agency charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper files and on electronic media.

RETRIEVABILITY:

Records are filed by name of individual, savings institution or referral control number.

SAFEGUARDS:

Paper records are maintained in locked file cabinets. Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a job-related purpose.

RETENTION AND DISPOSAL:

Records are maintained in paper form as long as needed for the purpose for which the information was collected. Records will then be disposed of in accordance with applicable law.

SYSTEM MANAGER(S) AND ADDRESS:

Enforcement Deputy Counsel, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

This system is exempt from notification and record-access requirements and requirements that an individual be permitted to contest its contents under 5 U.S.C. 552a(j)(2) and (k)(2) as relating to investigatory material compiled for law enforcement purposes.

RECORDS ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Criminal Referral forms compiled for law enforcement purposes.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/OTS .005

SYSTEM NAME:

Employee Counseling Services.

SYSTEM LOCATION:

Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. See Appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who seek counseling services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Counseling records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

To provide a history and record of the employee counseling session(s) and to assist the counselor in identifying and resolving employee problem(s).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

This system will have minimal effect on individual privacy because access is limited to the employee counseling program counselor. Under special and emergency circumstances records may be released to medical personnel, research personnel, and as a result of a court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper files.

RETRIEVABILITY:

Records are retrieved by a number assigned to employee.

SAFEGUARDS:

Records are maintained in locked file cabinet. Access is limited to the employee counselor.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to FOIA Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Employees and counselors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .006

SYSTEM NAME:

Employee Locator File.

SYSTEM LOCATION:

Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. See Appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present employees of the OTS and persons whose employment has been terminated within the last six months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, present address, telephone number, and the name, address, and telephone number of another person to notify in case of emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

This system provides current information on employee's address and emergency contact person.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(1) Disclosure of information may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(2) medical personnel in case of an emergency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on electronic media.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

System access is limited to those personnel whose official duties require such access and who have a need to know information in a record for a particular job-related purpose.

Access to computerized records is limited, through use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are maintained until termination of employee's employment with OTS. After termination, records are retained for six months then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to FOIA Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The individual whose record is being maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .008

SYSTEM NAME:

Employee Training Database.

SYSTEM LOCATION:

Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Office of Thrift Supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual employee records are maintained by name, course taken, employee identification number, social security number, position, division, and manager name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

PURPOSE(S):

To maintain necessary information on training taken by employees through outside sources and vendors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records are not disclosed outside of OTS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on electronic media.

RETRIEVABILITY:

Records are filed by individual name, employee identification number, social security number and course taken.

SAFEGUARDS:

Access to computerized records is limited, through use of a password, to those persons whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Professional Development, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to FOIA Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Personnel records and individual development plans completed by employee and supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .011

SYSTEM NAME:

Positions/Budget.

SYSTEM LOCATION:

Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. See Appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current employees of the Office of Thrift Supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual employee records are kept by office and agency as follows: Name, title, entered on duty date, service computation date, occupation series, social security number, grade, current salary, location of employee, date of last promotion, and eligibility for promotion. Records are kept for each office (and, where appropriate, for the agency) on number of vacancies, authorized position ceilings, and number of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

The system allows the OTS Budget Division the ability to track positions by Office to assure that assigned Full-Time Equivalent ceilings are not exceeded and remain within the limits set by the Director of the OTS. The system also provides information to each office

which can be used in developing their calendar year compensation budget.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information may be disclosed to the appropriate governmental agency charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order, or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper files and on electronic media.

RETRIEVABILITY:

Records are filed by name of individual.

SAFEGUARDS:

Paper records are maintained in file folders in secured areas. Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose. Access to computerized records is limited, through use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Information Systems, Administration and Finance, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to FOIA Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/OTS .012

SYSTEM NAME:

Payroll/Personnel System & Payroll Records.

SYSTEM LOCATION:

Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. See Appendix A for appropriate local address of OTS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current Office of Thrift Supervision (OTS) employees and all former employees of the OTS, within the past three years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to (1) employee status, grade, salary, pay plan, hours worked, hours of leave taken and earned, hourly rate, gross pay, taxes, deductions, net pay, location, and payroll history; (2) employee's residence, office, social security number, and address; (3) Personnel actions (SF–50), State employees' withholding exemption certificates, Federal employees' withholding allowance certificates (W4), Bond Allotment File (SF–1192), Federal Employee's Group Life Insurance (SF–2810 and 2811), Savings Allotment-Financial Institutions, Address File (OTS Form 108), Union Dues Allotment, time and attendance reports, individual retirement records (SF–2806), Combined Federal Campaign allotment, direct deposit, health benefits, and thrift investment elections to either the Federal Thrift Savings Plan (TSP–1) or OTS' Financial Institutions Thrift Plan (FITP–107 and K 1–2).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

PURPOSE(S):

Provides all the key personnel and payroll data for each employee which is required for a variety of payroll and personnel functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(1) In the event that records maintained in this system of records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of implementing the statute, or rule or regulation or order issued pursuant thereto;

(2) A record from this system may be disclosed to other Federal agencies and the Office of Personnel Management if necessary for or regarding the payment of salaries and expenses incident to employment at the Office of Thrift Supervision or other Federal employment, or the vesting, computation, and payment of retirement or disability benefits;

(3) A record from this system may be disclosed if necessary to support the assessment, computation, and collection of Federal, State, and local taxes, in accordance with established procedures;

(4) Disclosure of information may be made to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Records from this system may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, for the purpose of locating individuals to establish paternity, establishing and modifying orders of child support, and identifying sources of income, and for other support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104–193).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on electronic media, microfiche, and in paper files.

RETRIEVABILITY:

Records are filed by individual name, social security number and by office.

SAFEGUARDS:

Paper and microfiche records are maintained in secured offices and access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose. Access to computerized records is limited, through the use of a password, to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives

and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Payroll and Travel, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to FOIA Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Personnel and payroll records of current and former employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Appendix A

Addresses of Office of Thrift Supervision Regional Offices:

Northeast Region: Harborside Financial Center Plaza Five, Suite 1600, Jersey City, NJ 07311.

Southeast Region: 1475 Peachtree Street, NE., Atlanta, GA 30309.

Midwest Region: 225 E. John Carpenter Freeway, Suite 500, Irving, TX 75062.

West Region: Office of Thrift Supervision, Pacific Plaza, 2001 Junipero Serra Boulevard, Suite 650, Daly City, CA 94014–1976.

[FR Doc. 05–13915 Filed 7–14–05; 8:45 am]

BILLING CODE 6720–01–P

Corrections

Federal Register

Vol. 70, No. 135

Friday, July 15, 2005

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 305 and 319

[Docket No. 02–019–1]

Phytosanitary Treatments; Location of Treatment Schedules and Other Requirements

Correction

In rule document 05–9387 beginning on page 33264 in the issue of Tuesday, June 7, 2005 make the following corrections:

§305.17 [Corrected]

1. On page 33313, in the first column, in §305.17 (b)(2), in the fifth line, after ''Cote d'Ivoire'' add ''Federated States of Micronesia''.

§305.23 [Corrected]

2. On page 33314, in §305.23, in the table, under the column ''Directions'', in the third entry, ''Use 25& Prime vacuum '' should read ''Use 25''Prime vacuum.''

§305.27 [Corrected]

3. On page 33316, in the second column, in §305.27(b), in the second line, the first sentence should begin with ''(1)''.

§319.37–5 [Corrected]

4. On page 33324, in §319.37–5, amendatory instruction 43 should read as follows:

''43. Section 319.37–5 is amended as follows:

a. In paragraph (e), by redesignating footnote 7 as footnote 6.

b. In paragraph (s)(3)(i), by removing the words ''the Plant Protection and Quarantine Treatment Manual'' and by adding the words ''part 305 of this chapter'' in their place.''

[FR Doc. C5–9387 Filed 7–14–05; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 98–67 and CG Docket No. 03–123; FCC 05–135]

Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

Correction

In notice document 05–13149 beginning on page 38134 in the issue of Friday, July 1, 2005, make the following correction:

On page 38134, in the second column, under the **SUMMARY** heading, in the last line, ''$6,644'' should read ''$6.644''.

[FR Doc. C5–13149 Filed 7–14–05; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
July 15, 2005

Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 740, 742, 743, 772, and 774
Export Administration Regulations: December 2004 Wassenaar Arrangement Plenary Agreement Implementation; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 742, 743, 772 and 774

[Docket No. 050607153–5153–01]

RIN 0694–AD41

December 2004 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5 Part I (Telecommunications), 6, 7, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; and Certain New or Expanded Export Controls

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This final rule revises certain entries controlled for national security reasons in Categories 1, 2, 3, 4, 5 Part I (telecommunications), 6, 7, 8, and 9, and Definitions to conform with changes in the Wassenaar Arrangement's List of Dual-Use Goods and Technologies and Statements of Understanding maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement). The Wassenaar Arrangement focuses on implementation of effective export controls on strategic items with the objective of improving regional and international security and stability.

The purpose of this final rule is to make the necessary changes to the CCL, definitions of terms used in the Export Administration Regulations (EAR), and Wassenaar reporting requirements to implement Wassenaar List revisions that were agreed upon in the December 2004 Wassenaar Arrangement Plenary Meeting. In addition, this rule adds Slovenia to the list of Wassenaar member countries in the EAR.

This rule also adds or expands unilateral U.S. controls on certain items consistent with the amendments made to implement the Wassenaar Arrangement's decisions.

DATES: *Effective Date:* This rule is effective July 15, 2005.

FOR FURTHER INFORMATION CONTACT: For questions of a general nature contact Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at (202) 482–2440 or e-mail: *scook@bis.doc.gov.*

For questions of a technical nature contact:

Category 1: Bob Teer 202–482–4749
Category 2: George Loh 202–482–3570
Category 3: Brian Baker 202–482–5534
Category 4 and 5 part 1: Joe Young 202–482–4197
Category 5 part 2: Norm La Croix 202–482–4439
Category 6: Chris Costanzo (night vision) 202–482–0718 or Wayne Hovis (lasers) 202–482–1837
Categories 7 and 8: Dan Squire 202–482–3710
Categories 8 and 9: Gene Christensen 202–482–2984

SUPPLEMENTARY INFORMATION:

Background

In July 1996, the United States and thirty-three other countries gave final approval to the establishment of a new multilateral export control arrangement, called the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement). The Wassenaar Arrangement contributes to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations of such items. Participating states have committed to exchange information on exports of dual-use goods and technologies to non-participating states for the purposes of enhancing transparency and assisting in developing common understandings of the risks associated with the transfers of these items.

Addition of Slovenia

Slovenia was welcomed as a new Participating State to the Wassenaar Arrangement at the December 2004 Plenary Meeting. To reflect this change, this rule adds Slovenia to the list of Wassenaar Arrangement member Countries in Supplement No. 1 to part 743.

Expansion or New Export Controls

New or expanded antiterrorism (AT) controls imposed by this rule. This rule imposes a unilateral U.S. license requirement to export and reexport commodities (and related software and technology) controlled under ECCNs 6A001.a.2.a.3.b, 6A001.a.2.a.3.c, 6A001.a.2.a.6, 6A002.a.3.f, 6A003.b.4.b, 7A002.b for AT reasons to Cuba, Iran, Libya, North Korea, Sudan and Syria, in addition to the national security controls imposed to implement the Wassenaar Arrangement's decisions. There is a general policy of denial for applications to terrorism supporting countries, as set forth in part 742. In addition, certain of these countries are also subject to embargoes, as set forth in part 746. A license is also required for the export and reexport of these items to specially designated terrorists and foreign terrorist organizations, as set forth in part 744; license applications to these parties are reviewed under a general policy of denial.

New or expanded regional security (RS) controls imposed by this rule. This rule also imposes a unilateral U.S. license requirement to export and reexport commodities (and related technology) controlled under ECCNs 6A002.a.3.f and 6A003.b.4.b for RS reasons to all countries, except Canada, in addition to the national security controls imposed to implement the Wassenaar Arrangement's decisions. These destinations have an ''X'' indicated in RS column 1 on the Commerce Country Chart of Supplement No. 1 to part 738. Applications to export and reexport these commodities will be reviewed on a case-by-case basis to determine whether the export or reexport could contribute directly or indirectly to any country's military capabilities in a manner that would alter or destabilize a region's military balance contrary to the foreign policy interests of the United States. For designated terrorism-supporting countries, the applicable licensing policies are found in parts 742 and 746 of the EAR.

New or expanded United Nations (UN) controls imposed by this rule. This rule also imposes a license requirement to export and reexport commodities (and related technology) controlled under ECCN 6A002.a.3.f for UN reasons to Rwanda in addition to the national security controls imposed to implement the Wassenaar Arrangement's decisions. The U.S. Government has a general policy of denial for export or reexport of certain items, including 6A002.a.3, to Rwanda. However, proposed exports or reexports to the Government of Rwanda are reviewed on a case-by-case basis. The implementation of UN controls under 6A002.a.3.f, indirectly expands the UN controls under ECCNs 6A003.b.4, 6E001, and 6E002.

New or expanded NS Column 2 controls imposed by this rule. This rule imposes a license requirement under section 742.4(a) of the EAR for exports and reexports of commodities (and related software and technology) described in ECCNs 6A001.a.2.a.3.b, 6A001.a.2.a.3.c, 6A001.a.2.a.6, 6A002.a.3.f, and 6A003.b.4.b to all

destinations that are not Country Group A:1 or cooperating countries (see Supplement No. 1 to part 740). These destinations have an ''X'' indicated in NS column 2 on the Commerce Country Chart of Supplement No. 1 to part 738. The purpose of the controls is to ensure that these items do not make a contribution to the military potential that would prove detrimental to the national security of the United States.

New or expanded NS Column 1 controls imposed by this rule. This rule imposes a license requirement under section 742.4(a) of the EAR for exports and reexports of commodities (and related software and technology) described in ECCN 7A002.b to all destinations, except Canada. These destinations have an ''X'' indicated in NS column 1 on the Commerce Country Chart of Supplement No. 1 to part 738. The purpose of the controls is to ensure that these items do not make a contribution to the military potential that would prove detrimental to the national security of the United States.

The licensing policy for national security controlled items exported or reexported to any country except a country in Country Group D:1 (see Supplement No. 1 to part 740) is to approve applications unless there is a significant risk that the items will be diverted to a country in Country Group D:1. The general policy for exports and reexport of items to Country Group D:1 is to approve applications when BIS determines, on a case-by-case basis, that the items are for civilian use or would otherwise not make a significant contribution to the military potential of the country of destination that would prove detrimental to the national security of the United States.

This rule revises a number of entries on the Commerce Control List (CCL) to conform with the December 2004 agreed revisions to the Wassenaar List of Dual-Use Goods and Technologies. This rule also revises language to provide a complete or more accurate description of controls. A description of the specific amendments to the CCL pursuant to the December 2004 Wassenaar Agreement is provided below. The ECCNs affected, as described below, are 1C008, 2B001, 2B005, 2B006, 2B201, 3A001, 3A001, 3A002, 3B001, 3B002, 3B991, 3B992, 4D001, 4E001, 5A001, 6A001, 6A002, 6A003, 6A006, 6A993, 6A996, 6E001, 6E002, 6E003, 6E991, 6E993, 7A002, 7A007, 8A002, and 9A001.

Category 1—Materials, Chemicals, ''Microorganisms,'' and Toxins

ECCN 1C008 is amended by:

(a) Deleting the phrase ''determined using the dry method described in ASTM D 3418'' from 1C008.a.4;

(b) Replacing the phrase ''ASTM D–648, method A'' with the phrase ''ISO 75–3 (2004)'' in 1C008.b;

(c) Adding the phrase ''having a glass transition temperature (T_g) exceeding 513 K (240 °C)'' to the end of 1C008.f; and

(d) Replacing the phrase ''ASTM D 3418 using the dry method'' with the phrase ''ISO 11357–2 (1999) or national equivalents'' in the technical note to 1C008.

The amendments in 1C008 were agreed to by the Wassenaar Arrangement for consistency and to avoid differing treatment of resins having the same applications and functional capabilities. The plastic resins that are controlled under 1C008.a.4 are extremely similar to those controlled under 1C008.f. The characteristics of these two types of resins allow them to be used interchangeably for the same end-uses. The resins under 1C008.a.4 are controlled differently than those under 1C008.f. This has created a marketing distortion which favors the resins controlled under 1C008.a.4. This rule clarifies the distinction in the control of these resins by including a glass transition temperature for items described in 1C008.f.

Category 2—Materials Processing

ECCN 2B001 is amended by:

(a) Removing the Note to 2B001.a regarding the contact lens turning machines exception and placing it under the NS Reason for Control; and

(b) Revising Note 2 to 2B001.c regarding what jig grinders are not controlled by ECCN 2B001.

Although the Wassenaar Arrangement agreed to not control under 2B001.c grinding machines that are ''designed specifically as jig grinders that do not have a z-axis or w-axis, with a positioning accuracy with 'all compensations available' less (better) than 3 μm according to ISO 230/2 (1997) or national equivalents,'' Technical Note 6 at the beginning of Category 2 Product Group B states that ''The positioning accuracy of 'numerically controlled' machine tools is to be determined and presented in accordance with ISO 230/2 (1988).'' Therefore, in Note 2 to 2B001.c BIS has replaced the ''3 μm'' with ''4 μm,'' which is the equivalent positioning accuracy under the 1988 standard.

The amendments to ECCN 2B001 were agreed to by the Wassenaar Arrangement because many of the latest generation jig grinders today utilize a Computer Numerical Controller (CNC) to control and coordinate 3 or more axes. The wording of the Note to 2B001.c could be interpreted to release 3- or more axes jig grinders with full CNC contouring control if a c- or an a-axis, as listed in 2B001.c Note 2, is added to their current capabilities. This was not the original intent of the Note. The revisions presented in this rule clarify that jig grinders with precise 3-dimensional contouring capability are controlled, because of their capacity to produce high-precision, complex military components. The revision limits the exclusion by placing accuracy parameters on the third linear axis (z or w).

ECCN 2B005 is amended by removing the term ''stored program controlled'' from paragraphs 2B005.a, .b, .c, .d, .e, .f, and .g. ECCN 2B006 is amended by removing the term ''stored program controlled'' from paragraph 2B006.a. This term is removed because most equipment is computer controlled now and the term no longer adds any value to the control.

ECCN 2B201 is amended by revising the list of items controlled by redesignating paragraphs (a) and (b) as paragraphs (b) and (c) and adding a new paragraph (a) that describes machine tools with ''positioning accuracies'' to mirror 1.B.2.a and the Note to 1.B.2.a from the Nuclear Suppliers Group INFCIRC/254/Rev. 5/Part 2 dated May 2003. This amendment is being added to conform with the Wassenaar Arrangement's exclusion note for turning machines specially designed for the production of contact lenses and capable of machining diameters greater than 35 mm in 2B001. Also, because of the structure of the numbering system for ECCNs in the CCL, an item (such as the item covered under ECCN 2B201) which is controlled for NP reasons but not NS reasons cannot remain in an NS-controlled ECCN where the second digit is a ''0'' (2B001), because ''0'' indicates that an item is controlled for NS reasons. The second digit differentiates individual CCL entries by identifying the type of controls associated with the items contained in the entry. (For example, zero indicates NS controls, one MT controls, two NP controls, etc.)

Category 3—Electronics

ECCN 3A001 is amended by:

(a) Revising paragraph 3A001.a.3.c for microprocessor microcircuits, micro-computer microcircuits, and microcontroller microcircuits by increasing the controlling number of data or instruction bus or serial communication ports from ''one'' to ''three,'' and increasing the direct

external interconnection between parallel microprocessor microcircuits from a transfer rate exceeding ''150 Mbyte/s'' to ''1000 Mbyte/s or greater.''

The Wassenaar Arrangement agreed to raise the threshold for the number of ports to three and the transfer rate to 1000 Mbyte/s in 3A001.a.3.c because these thresholds will not adversely affect national security, as the new thresholds fall just below what is currently being used in some military systems.

The revision to 3A001.a.3.c will expand the availability of License Exception CIV for deemed exports of technology for the development or production of 3A001.a.3.c commodities, as described in 3E001.

(b) Revising the control parameter of conversion time to output word rate to reduce control interpretation ambiguities across various analog-to-digital (A–D) architectures. The conversion time parameter did not take into account latency or techniques used to perform conversions. Therefore, this rule revises paragraph 3A001.a.5.a for A–D converter integrated circuits by:

(b.1) Splitting 3A001.a.5.a.1 into two separate ranges of resolution with different controlling output parameters: ''A resolution of 8 bit or more, but less than 10 bit, with an output rate greater than 500 million words per second;'' and ''A resolution of 10 bit or more, but less than 12 bit, with an output rate greater than 200 million words per second;''

(b.2) Revising the controlling parameter in 3A001.a.5.a.3 for A–D converter integrated circuits with a resolution of 12 bit from ''with a total conversion time of less than 20 ns'' to ''with an output rate greater than 50 million words per second;''

(b.3) Revising the controlling parameter in 3A001.a.5.a.4 for A–D converter integrated circuits with a resolution of more than 12 bit but equal to or less than 14 bit from a ''total conversion time of less than 200 ns;'' to an ''output rate greater than 5 million words per second;''

(b.4) Revising the controlling parameter in 3A001.a.5.a.5 for A–D converter integrated circuits with a resolution of more than 14 bit from ''a total conversion time of less than 1 μs'' to an ''output rate greater than 1 million words per second.''

(c) Replacing the explanation for ''total conversion time'' in Technical Note 2 with explanations ''for number of bits in the output word'' and ''output rate'' in the new Technical Notes 2 through 4. This change was made pursuant to agreed definition clarifications made at the Plenary Meeting to be consistent with changes to the control parameters for Analog-Digital Converters.

The amendments to 3A001.a.5.a were agreed to by the Wassenaar Arrangement because the use of conversion time and sample rate metrics are not consistent across different Analog-Digital Converter (ADC) architectures. The revisions in this rule update the control parameter to account for changes on the architectures of ADCs—specifically pipelined converters and sigma delta converters—where conversion time and sampling rate are not appropriate indicators of a converter's capabilities.

ECCN 3A002 is amended by:

(a) Removing a comma in 3A002.b to conform to the Wassenaar Dual-use List; and

(b) Redesignating 3A002.c.2 as new paragraph 3A002.c.3 and revising 3A002.c.1 by splitting it into two paragraphs 3A002.c.1 and new 3A002.c.2:

(a.1) Paragraph 3A002.c.1 is revised by adding a new parameter ''having a 3 dB resolution bandwidth (RBW) exceeding 10 MHz'' for signal analyzers capable of analyzing any frequencies exceeding 31.8 GHz but not exceeding 37.5 GHz.

(a.2) New paragraph 3A002.c.2 controls signal analyzers capable of analyzing frequencies exceeding 43.5 GHz, which used to be controlled in 3A002.c.1.

The amendments to 3A002.c were agreed to by the Wassenaar Arrangement to revise the decontrol to certain signal analyzers by replacing the 31.8–37.5 GHz range frequency blackout that was agreed to in December 2002 with controls based on resolution bandwidth. This action is complementary to and consistent with the controls on signal generators agreed to by the Wassenaar Arrangement in December 2003.

ECCN 3B001 is amended by:

(a) Revising the dimensions parameter for anisotropic plasma dry etching equipment with cassette-to-cassette operation and load-locks from ''0.3 μm or less'' to 180 nm or less'' in 3B001.c.1.a;

(b) Revising the dimensions parameter for anisotropic plasma dry etching equipment specially designed for equipment controlled by 3B001.e from ''0.3 μm or less'' to ''180 nm or less'' in 3B001.c.2.a;

(c) Revising the wavelength parameter for lithography equipment from ''350 nm'' to ''245 nm'' in 3B001.f.1.a;

(d) Revising the minimum resolvable feature size for lithograph equipment from ''0.35 μm'' to ''180 nm'' in 3B001.f.1.b; and

(e) Revising the K factor of the MRF formula in the Technical Note from ''0.7'' to ''0.45.''

The Wassenaar Arrangement agreed to the revisions in 3B001 because consensus was reached regarding PE–CVD equipment controlled by 3B001.d.1, one of the thresholds, ''critical dimensions,'' was relaxed to 180 nm. ''Critical dimensions'' or ''feature size'' do not directly indicate the performance of PE–CVD equipment; however, they are related to the ''design rule'' of the semiconductor devices. In order to unify as much as possible in other provisions of 3B001, 180 nm was adopted in other relevant corresponding entries of the list for consistency. In order for the relaxation under 3B001.d.1 to be effective, revisions had to be made accordingly to 3B001.f.1.a (because the light source of KrF steppers are 248nm). In addition, the Technical Note to 3B001.f.1.b is revised because the level of K-factor has become lower based on the recent technological developments, *e.g.*, the K-factor of most current lithography equipment is less than 0.45.

Commodities no longer controlled under ECCN 3B001 continue to be controlled for antiterrorism reasons under ECCN 3B991.b.2.f for exports and reexports to designated terrorism-supporting countries, as set forth in parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart.

ECCN 3B002 is amended by removing the term ''stored program controlled'' from the heading. This term is removed because most equipment is computer controlled now and the term no longer adds any value to the control. ECCN 3B002 is further amended by removing and reserving 3B002.b, including the Note and Technical Note. The Wassenaar Arrangement agreed to the removal of 3B002.b because although enhancing production efficiencies, semiconductor test equipment in 3B002 is not considered to be a choke point technology or a key enabler for semiconductor production. This type of testing equipment lowers manufacturing costs and increases output but does not otherwise provide semiconductor producers with the ability to create particular chips or technically advanced devices. Restricting test equipment also does not prevent the production of semiconductors targeted for military use. In addition, the most advanced semiconductor devices can be produced without requiring full speed testing on automatic test equipment. Moreover, test services have become readily available through international test

outsourcing companies. Semiconductors can be developed and manufactured in one country and then tested in other countries with no restrictions.

ECCN 3B991 is amended by adding the words ''*e.g.*, lithography'' to 3B991.b.2.f, to clarify that lithography equipment is controlled under that paragraph.

ECCN 3B992 is amended by:

(a) Organizing the notes after 3B992.b.4.b, and adding a note that 3B992.b.4.b does not control test equipment specially designed for testing memories; and

(b) Adding a technical note to define ''pattern rate.''

Commodities no longer controlled under ECCN 3B002 continue to be controlled for antiterrorism reasons under ECCN 3B992 for exports and reexports to designated terrorism-supporting countries, as set forth in parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart.

Category 4—Computers

ECCN 4A003 is amended by making an editorial correction, removing a reference to ''4A003.d'' in Note 1 to 4A003.c.

ECCN 4A994 is amended by making an editorial correction, clarifying the reference to ''4A994'' to read ''4A994.g and 4A994.k'' in Note 1 to 4A994.c.

ECCN 4D001 is amended by:

(a) Removing the License Requirement Note that provided a reference to Wassenaar reporting requirements for computer software under ECCN 4D001, because this rule removed this Wassenaar reporting requirement.

(b) Raising the CTP limit from ''33,000 MTOPS'' to ''190,000 MTOPS'' in the License Exception TSR eligibility paragraph under the License Exception section of ECCN 4D001.

(c) Raising the composite theoretical performance (CTP) control threshold for software for the production, development, or use of computers from ''28,000 MTOPS'' to ''75,000 MTOPS'' in 4D001.b.1.

ECCN 4E001 is amended by:

(a) Removing the License Requirement Note that provided a reference to Wassenaar reporting requirements for computer technology under ECCN 4E001, because this rule removed this Wassenaar reporting requirement.

(b) Raising the CTP limit from ''33,000 MTOPS'' to ''190,000 MTOPS'' in the License Exception TSR eligibility paragraph under the License Exception section of 4E001.

(c) Raising the composite theoretical performance (CTP) control threshold for technology for the production, development, or use of computers from ''28,000 MTOPS'' to ''75,000 MTOPS'' in 4E001.b.1.

The amendments to 4D001 and 4E001 were agreed to in the Wassenaar Arrangement because digital computers capable of either 75,000 or 190,000 MTOPS are becoming more common. The Wassenaar Arrangement recognized this with its decontrol of hardware to 190,000 MTOPS. Most of the multi-processor computer servers sold in this range are for commercial applications. It is for these reasons that the Wassenaar Arrangement removed computer technology and software from the Annex 2 (Very Sensitive List), raised the Annex 1 (Sensitive List) threshold from ''150,000 MTOPS'' to ''190,000 MTOPS,'' and raised the control threshold from ''33,000 MTOPS'' to ''75,000 MTOPS.'' Therefore, this rule revises to the CTP limit for License Exception TSR eligibility in ECCNs 4D001 and 4E001 accordingly.

BIS expects that the raising of the threshold for computer software and technology in 4D001 and 4E001, along with raising the eligibility limit for License Exceptions TSR and CTP will decrease the number of Category 4 license applications received by BIS by about 15 percent (*i.e.*, 150 applications) over the next 6 months.

Software and technology no longer controlled under ECCNs 4D001 and 4E001 continue to be controlled for antiterrorism reasons under ECCN 4D994 and 4E992, respectively, for exports and reexports to designated terrorism-supporting countries, as set forth in parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart.

Category 5—Part I—Telecommunications

ECCN 5A001 is amended by:

(a) Raising the operating frequency for electronically steerable phased array antennae from ''31 GHz'' to ''31.8 GHz'' in paragraph 5A001.d.

In 2003, all frequency control units in Categories 3 and 5 were changed from 31 GHz to 31.8 GHz, except 5.A.1.d. This revision is a technical correction to implement a change that was inadvertently overlooked in 2003.

(b) Moving ECCN 7A007 to 5A001.e—direction finding equipment operating at frequencies above 30 MHz, and having other characteristics set forth in 5A001.e.1 through e.3, and specially designed components therefor.

This rule adds a note to the Related Controls paragraph in the List of Items Controlled section that states, ''Direction finding equipment defined in 5A001.e is subject to the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121).'' Direction finding equipment defined in 5A001.e is specifically excluded from eligibility for License Exceptions LVS, GBS, and CIV, because this equipment will remain under the jurisdiction of the Department of State, Directorate of Defense Trade Controls.

ECCN 7A007 is moved to 5A001.e to ensure that direction-finding equipment for navigation is not confused with direction-finding equipment for surveillance. Direction finding equipment defined in 5A001.e is subject to the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121), because radio surveillance equipment and systems capable of finding the line-of-bearing (LOB) to a radio transmitter are used in tactical applications for locating and targeting hostile emitters. Historically, direction finding equipment for surveillance equipment has been controlled under International Munitions List (IML) Category 11. However, the International Telecommunications Union Spectrum Monitoring Handbook recommends that civil spectrum authorities employ radio-surveillance direction finding systems (DF) capable of finding the LOB to emitters with signals with a duration of less than 10 milliseconds. Systems which meet and exceed this threshold are marketed for this purpose, indicating that surveillance equipment and systems for locating non-cooperating emitters may be becoming more dual-use in nature, even though it is still of tactical interest.

Category 6—Sensors

ECCN 6A001 is amended by:

(a) Redesignating paragraphs 6A001.a.2.a.2 through 6A001.a.2.a.5, to 6A001.a.2.a.3 through 6A001.a.2.a.6;

This rule revises License Exception LVS eligibility to harmonize with the redesignation of these paragraphs.

(b) Revising 6A001.a.2.a.1 to separate the characteristics for hydrophones into two paragraphs 6A001.a.2.a.1 and a new paragraph 6A001.a.2.a.2;

(c) Redesignating paragraph 6A001.a.2.a.3.b as 6A001.a.2.a.3.c and revising the control language from ''Flexible piezoelectric *ceramic materials*'' to ''Flexible piezoelectric *composites*'' in the newly designated 6A001.a.2.a.3 (used to be 6A001.a.2.a.2);

(d) Adding a new paragraph 6A001.a.2.a.3.b to control ''Piezoelectric polymer films other than polyvinylidene-fluoride (PVDF) and its

co-polymers {P(VDF–TrFE) and P(VDF–TFE)};'' and

(e) Adding two new Technical Notes to 6A001.a.2.a to define ''Piezoelectric polymer film'' and ''Flexible piezoelectric composite.''

The Wassenaar Arrangement agreed to the revisions in ECCN 6A001 because the original intention was not to include all kinds of semi-rigid assemblies of discrete sensor elements, but only sensitive sensor elements constituting a flexible assembly and thereby making an array easy to handle.

ECCN 6A002 is amended by:

(a) Adding an N.B. to 6A002.a to state that 6A002.a includes ''focal plane arrays'' based on microbolometer material (see 6A002.a.3.f), and that silicon-based ''focal plane arrays'' are only specified under 6A002.a.3.f;

(b) Adding a Note Bene to 6A002.a.3 to read as follows: ''**N.B.** Silicon and other material based 'microbolometer' non ''space-qualified'' ''focal plane arrays'' are only specified in 6A002.a.3.f.''

(c) Removing paragraph (a) from Note 2 to 6A002.a.3 and redesignating the other paragraphs accordingly. Paragraph (a) of Note 2 to 6A002.a.3 stated that 6A002.a.3 does not control silicon ''focal plane arrays'';

(d) Adding a Note Bene to 6A002.a.3.c to read ''**N.B.** Silicon and other material based 'microbolometer' non-''space-qualified'' ''focal plane arrays'' are only specified in 6A002.a.3.f.''

(e) Adding paragraph 6A002.a.3.f to control non-''space-qualified'' non-linear (2-dimensional) infrared ''focal plane arrays'' based on microbolometer material having individual elements with an unfiltered response in the wavelength range equal to or exceeding 8,000 nm but not exceeding 14,000 nm; and

(f) Adding a technical note for 6A002.a.3.f to define ''microbolometer'' as a thermal imaging detector that, as a result of a temperature change in the detector caused by the absorption of infrared radiation, is used to generate any usable signal.

(g) Adding a technical note for 6A002.a.3.f that specifies that microbolometers having any response between 8,000 nm and 14,000 nm are controlled.

The amendments to ECCNs 6A002 and 6A003 (and indirectly 6E001 and 6E002) were agreed to by the Wassenaar Arrangement because, while silicon infrared focal plane arrays (SIIRFPAs) are used in cameras and other systems for civilian fire fighting, commercial collision avoidance (*e.g.* automotive, aircraft, maritime), predictive/preventative maintenance, and medical imaging applications, they also have the potential to be used in strategic military applications including surveillance systems, vehicle systems, soldier systems, rifle sights, and unmanned vehicle systems.

The focal plane array industry is changing rapidly and needs to be monitored. The amendments to ECCNs 6A002 and 6A003 are subject to a Validity Note. Control of these items is valid until December 5, 2007. Renewal of controls will require unanimous consent by all Wassenaar Arrangement Participating States. Applying a validity note on these items requires Participating States to reassess the need for controlling these items based on technological developments and strategic applications.

By interagency agreement, there are no devices that are no longer controlled under ECCN 6A002 as a result of these amendments that merit application of antiterrorism controls. Therefore, this rule does not amend ECCN 6A992.

ECCN 6A003 is amended by:

(a) Adding paragraph 6A003.b.4.a to clarify that imaging cameras incorporating ''focal plane arrays'' controlled by 6A002.a.3.a to 6A002.a.3.e are controlled by 6A003.b.4.a;

(b) Adding paragraph 6A003.b.4.b to add a control for imaging cameras incorporating 6A002.a.3.f—non-''space-qualified'' non-linear (2-dimensional) infrared ''focal plane arrays'' based on microbolometer material having individual elements with an unfiltered response in the wavelength range equal to or exceeding 8,000 nm but not exceeding 14,000 nm;

(c) Renumbering the existing note as Note 2 and adding Note 1 to 6A003.b.4 to read '''Imaging cameras' described in 6A003.b.4 include ''focal plane arrays'' combined with sufficient signal processing electronics, beyond the read out integrated circuit, to enable as a minimum the output of an analogue or digital signal once power is supplied.'';

(d) Adding Note 3 to 6A003.b.4.b to explain what is not controlled under 6A003.b.4.b. The new note explains that ECCN 6A003.b.4.b does not control the following items:

(a) Imaging cameras having a maximum frame rate equal to or less than 9 Hz; or

(b) Imaging cameras having a minimum horizontal or vertical Instantaneous-Field-of-View (IFOV) of at least 10 mrad/pixel (milliradians/pixel), incorporating a fixed focal-length lens that is not designed to be removed, not incorporating a direct view display, having no facility to obtain a viewable image or designed for a single kind of application and designed not to be user modified; or

(c) Imaging cameras that are specially designed for installation into certain civilian passenger land vehicles, and that incorporate a tamper-proof mechanism.

A note to this entry states that detailed information about items must be provided, upon request, to the Bureau of Industry and Security in order to ascertain compliance with the conditions described in Note 3.b.4. and Note 3.c. in this Note to 6A003.b.4.b. The intent of this note is to require exporters in Wassenaar Arrangement countries to provide detailed technical data, if requested by their governments, to assist in making licensing decisions. Such a procedure is common practice in the United States, and this note imposes no additional burden on U.S. exporters.

Certain commodities no longer controlled under ECCN 6A003, as well as certain items not previously listed on the Commerce Control List, are controlled for antiterrorism reasons under new ECCN 6A993 for exports and reexports to designated terrorism-supporting countries, as set forth in parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart (see discussion of 6A993 below).

The revisions to ECCNs 6A002 and 6A003 affect U.S. exporters of imaging cameras and non-space qualified silicon infrared focal plane arrays (SIIRFPAs), original equipment manufacturers who use non-space qualified SIIRFPAs in their products, and distributors of these products and technologies. Based on discussions with industry, BIS expects that the imposition of license requirements on systems that contain these non-space qualified SIIRFPAs and related software and technology will increase the number of Category 6 license applications received by BIS by more than 40 percent (*i.e.*, 800 to 1000 applications) over the next 6 months.

ECCN 6A006 is amended by:

(a) Splitting 6A006.a (Magnetometers) into three separate paragraphs: 6A006.a.1 to control those using superconductive (SQUID) technology, 6A006.a.2 those using optically pumped or nuclear precession (proton/Overhauser) technology, and 6A006.a.3 to control those using fluxgate technology;

(b) Adding the following two characteristics for 6A006.a.1 (magnetometers using superconductive (SQUID) technology):

(1) 6A006.a.1.a, which are those that have SQUID systems designed for stationary operation with certain characteristics; and

(2) 6A006.a.1.b, which are those that have SQUID systems designed for in-motion operation with certain characteristics;

Note that this rule removes License Exception LVS eligibility for ''magnetometers'' and subsystems defined in 6A006.a.1, because magnetometers and subsystems with these characteristics are utilized in military applications and 6A006.a.1 is the old 6A006.h, which is listed on the Wassenaar Arrangement's Sensitive List (Annex 1).

(c) Revising the noise level (sensitivity) for magnetometers and subsystems defined using optically pumped or nuclear precession (proton/Overhauser) technology, in 6A002.a.2, from ''lower (better) than 0.05 nT rms per square root Hz'' to ''lower (better) than 20 pT(rms) per square root Hz;

Note also that this rule removes License Exception LVS eligibility for ''magnetometers'' and subsystems defined in 6A006.a.2 using optically pumped or nuclear precession (proton/Overhauser) having a ''noise level'' (sensitivity) lower (better) than 2 pT rms per square root Hz, because magnetometers and subsystems with these characteristics are utilized in military applications and are therefore listed on the Wassenaar Arrangement's Sensitive List (Annex 1).

(d) Revising the noise level (sensitivity) for magnetometers and subsystems using fluxgate technology, in 6A006.a.3, from ''lower (better) than 0.05 nT rms per square root Hz'' to ''lower (better) than 10 pT (rms) per square root Hz at a frequency of 1 Hz;''

(e) Redesignating 6A006.b (induction coil magnetometers) and 6A006.c (fiber optic magnetometers) as 6A006.a.4 and 6A006.a.5;

(f) Redesignating 6A006.d (Magnetic gradiometers), 6A006.e (Fiber optic intrinsic magnetic gradiometers), 6A006.f (Intrinsic magnetic gradiometers other than fiber optic), and 6A006.g (magnetic compensation systems) as 6A006.b.1, 6A006.b.2, 6A006.b.3, and 6A006.c respectively; and

(g) Removing 6A006.h (Superconductive electromagnetic sensors).

The Wassenaar Arrangement agreed to the revisions in 6A006 because it makes no difference what technology is used to perform a measurement, only the sensitivity, therefore the specific technologies were dropped from the control.

Commodities no longer controlled under ECCN 6A006, and related technology no longer controlled under 6E001, continue to be controlled for antiterrorism reasons under ECCNs 6A996 and 6E991, respectively, for exports and reexports to designated terrorism-supporting countries, as set forth in parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart.

ECCN 6A993 is added to EAR to control for antiterrorism (AT) reasons imaging cameras no longer controlled under 6A003.b.4.b (*see* Note 3 to 6A003.b.4.b). ECCN 6A993 also captures certain cameras that previously were not controlled on the CCL such as cameras incorporating microbolometers made from amorphous silicon or thermopiles that fall below the control thresholds for 6A003. The effect of adding this entry is to require a license to export or reexport certain low performance thermal imaging cameras to those countries determined by the Department of State to have provided support for international terrorism.

ECCN 6A996 is amended by revising the entry to include not only magnetometers, but also superconductive electromagnetic sensors formerly controlled for NS reasons in 6A006.h.

ECCNs 6E001 and 6E002 are amended by:

(a) Removing License Exception TSR eligibility for exports or reexports of 6A001.a.1.b.1 (Object detection or location systems) to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom, because 6A001.a.1.b.1 is listed on the Wassenaar Arrangement's Annex 2 (Very Sensitive List).

(b) Replacing 6A001.a.2.a.3 with 6A001.a.2.a.4, and adding 6A001.a.2.a.6 to the list of ineligible commodities under License Exception TSR, because of the redesignation of paragraphs in 6A001.a.2.a and because these paragraphs are listed on the Wassenaar Arrangement's Annex 2 (Very Sensitive List).

ECCN 6E003 is amended by removing ECCN 6E003.f (Technology required for the development or production of non-triaxial fluxgate magnetometers or non-triaxial fluxgate magnetometer systems), to conform with a similar change on the Wassenaar Arrangement list. Technology no longer controlled under ECCN 6E003 continues to be controlled for antiterrorism reasons under ECCN 6E993 for exports and reexports to designated terrorism-supporting countries, as set forth in parts 742 and 746 of the EAR and as indicated in AT Column 1 of the Commerce Country Chart.

ECCN 6E991 is amended by making an editorial correction to the heading, *i.e.*, revising the phrase ''or use equipment'' to read ''or use *of* equipment.''

ECCN 6E993 is amended by:

(a) Revising the ''heading'' to include the phrase ''as follows (*see* List of Items Controlled)'' to clarify that 6E993 only controls the technology in the List of Items Controlled;

(b) Adding a new paragraph 6E993.c to control technology for the development or production of cameras controlled by 6A993, *i.e.*, those cameras decontrolled by Note 3 to 6A003.b.4.b; and

(c) Adding a new paragraph 6E993.d (formally 6E003.f) to control technology required for the development or production of non-triaxial fluxgate magnetometers or non-triaxial fluxgate magnetometer systems.

Because technology entries generally directly correspond to commodity entries, the shift of commodities from NS-controlled entries to AT-controlled entries (*e.g.*, 6A003 to 6A993) necessitates a corresponding shift in technology controls (*e.g.*, 6E003 to 6E993).

Category 7—Navigation and Avionics

ECCN 7A002 (Gyros, and angular or rotational accelerometers) is amended by:

(a) Revising the time frame in which drift rate stability is measured from ''over a period of three months'' to ''over a period of one month'' in 7A002.a;

(b) Revising the linear acceleration level from ''below 10 g'' to ''below 12 g'' in 7A002.a.1;

(c) Revising the linear acceleration level from ''from 10 g to 100 g'' to ''from 12 g to 100 g'' in 7A002.a.2;

(d) Redesignating 7A002.b as 7A002.c; and

(e) Adding a new control parameter in new paragraph 7A002.b (angle random walk in degree per square root hour), including a Note describing that 7A002.b does not control spinning mass gyros, and a Technical Note defining ''angle random walk''. This rule also revises the MT control in the License Requirements section to exempt the newly added 7A002.b from MT controls, as this is not a control parameter for gyros on the Missile Technology Control Regime Annex.

The amendments to 7A002.a and the addition of 7A002.b were agreed to by the Wassenaar Arrangement, because 7A002.a only addressed gyroscopes with long-term stability, mainly used for spacecraft, vessels and submersibles. The current control did not adequately address gyroscopes with short-term

stability that are used for aircraft, land vehicles, rockets and tactical missiles. This rule revises 7A002.a and adds new parameters in 7A002.b to address highly accurate gyroscopes necessary to meet the existing inertial system's parameters in 7A003.a. and 7A003.c.1.

ECCN 7A007 is removed and the direction finding equipment is now controlled under ECCN 5A001.e. This amendment is explained in the description of amendments to Category 5 in paragraph (b) above.

Category 8—Marine

ECCN 8A002 is amended by removing the term ''stored program controlled'' from 8A002.h, 8A002.i.2, and the Note following 8A002.i.2. This term is removed because most equipment is computer controlled now and the term no longer adds any value to the control.

Category 9—Propulsion Systems, Space Vehicles and Related Equipment

ECCN 9A001 is amended by:

(a) Revising the heading to make it more general, so that the parameter in the heading could be placed in a new paragraph 9A001.a;

(b) Moving old 9A001.a. and 9A001.b to the new Note to 9A001.a; and

(c) Redesignating 9A001.c (aero gas turbine engines that are designed to power an aircraft designed to cruise at Mach 1 or higher for more than 30 minutes) as 9A001.b.

The Wassenaar Arrangement agreed to the revisions in ECCN 9A001 because it was unclear whether the certification referred to in 9A001 had to be done by aviation authorities in a Wassenaar Participating State or whether the certification could be done by aviation authorities in any country, including rogue countries who could evade the Wassenaar controls by issuing civil certification for aircraft that would never be considered acceptable by a Wassenaar Participating State.

Section 740.7—License Exception Computers (CTP)

This rule raises the Composite Theoretical Performance (CTP) eligibility limit from 75,000 MTOPS to 190,000 MTOPS for deemed exports of computer technology and source code to foreign nationals of Computer Tier 3 destinations, because doing so will assist the computer industry in the area of research and development to advance computer technology, and because it will not adversely affect the national security of the United States. Certain deemed exports to Computer Tier 3 foreign nationals are subject to a Foreign National Review requirement.

Digital computers capable of either 75,000 or 190,000 MTOPS are becoming more common. The Wassenaar Arrangement (WA) recognized this with its decontrol of hardware to 190,000 MTOPS. Most of the multi-processor computer servers sold in this range are for commercial applications. It is for these reasons that WA removed computer technology and software from the Annex 2 (Very Sensitive List), raised the Annex 1 (Sensitive List) threshold from ''150,000 MTOPS'' to ''190,000 MTOPS,'' and raised the control threshold under ECCNs 4D001 and 4E001 from ''33,000 MTOPS'' to ''75,000 MTOPS.''

Generally, Wassenaar Arrangement countries do not have in-country transfer controls (deemed export controls), with the exception of classified material. A deemed export is any release of technology or source code subject to the EAR to a foreign national within the United States. Such release is deemed to be an export to the home country or countries of the foreign national. The deemed export rule does not apply to persons lawfully admitted for permanent residence in the United States and does not apply to persons who are protected individuals under the Immigration and Naturalization Act (8 U.S.C. 1324b(a)(3)). Deemed export license applications for foreign nationals with dual citizenship should be based on the most recently obtained country citizenship. Applications for foreign nationals with temporary or permanent residence status of a third country (*i.e.,* non-U.S. and a temporary or permanent residence status other than a foreign national's country of origin) should be based on the foreign national's country of citizenship.

Because the United States is one of the only Wassenaar Arrangement member countries to implement deemed export controls, U.S. industry has been required to obtain license authorization for these deemed exports when other Wassenaar Arrangement member countries have not imposed such controls on their industries. Expanding the availability of a License Exception for deemed exports of computer technology and source code provides relief from licensing burdens for U.S. industry and levels the playing field in global competition. BIS agrees with the analysis of WA and has decided that the expansion of license exception availability under the technology parameters set forth above will not have an adverse impact on the U.S. national security, and will assist in strengthening the U.S. national security through advancements in computer technology.

Section 740.11 and Supplement No. 1 to Part 740.11—License Exception GOV

The Wassenaar Arrangement agreed to remove computer technology and software from the Annex 2 (Very Sensitive List) for reasons stated in a note under Category 4 above. Therefore, this rule removes the restrictions for computer software classified under ECCN 4D001 and computer technology under ECCN 4E001 under License Exception GOV for: (1) The official use of any agency of a cooperating government within the territory of any cooperating government; (2) the official use of a diplomatic or consular mission of a cooperating government located in any country in Country Group B (*see* Supplement No. 1 to part 740); and (3) the official international safeguard use of the International Atomic Energy Agency (IAEA) and the European Atomic Energy Community (Euratom). However, the access of computer restriction by nationals of countries in Country Group E:1 will be retained in a new paragraph 740.11(a)(4).

In addition, this rule removes computers from the list of items excluded from eligibility under License Exception GOV to the Organization for Prohibition of Chemical Weapons (OPCW). However, the access of computer restriction by nationals of countries in Country Group E:1 will be retained in a new paragraph 740.11(c)(4).

1. Section 740.11 is amended by removing and reserving paragraphs (a)(2)(ii), (a)(2)(iii), and (a)(2)(vi)(A). In addition, the Note to 740.11(a)(2)(iii) is removed.

2. Supplement No. 1 to 740.11 is amended by removing and reserving paragraphs (a)(1)(vi)(A), (a)(1)(vii)(B), (b)(1)(vi)(A), and (b)(1)(vii)(B).

Because of the redesignation of the paragraphs in 6A001.a.2, concerning hydrophones, the following corresponding revisions were made to section 740.11 and Supplement No. 1 to section 740.11 to ensure that all cross-references are accurate:

1. Section 740.11 is amended by revising paragraph (a)(2), and

2. Supplement No. 1 to 740.11 is amended by revising paragraphs (a)(1), (a)(1)(vii)(D), (a)(1)(vii)(E), (b)(1), (b)(1)(vii)(D), and (b)(1)(vii)(E).

Section 742.12 ''High Performance Computers''

Section 742.12 is amended by revising the phrase ''greater than 75,000 MTOPS.'' to read ''greater than 190,000 MTOPS.'' in paragraph (a)(3), to harmonize the CTP value in this paragraph with the Wassenaar reporting requirement in 743.1(c)(2).

Section 743.1 ''Wassenaar Arrangement''

Section 743.1 is amended by revising the phrase ''having a CTP exceeding 75,000 MTOPS.'' to read ''having a CTP exceeding 190,000 MTOPS.'' in paragraph (c)(2), because the Wassenaar Arrangement agreed to raise the threshold to 190,000 MTOPS in the Sensitive List (Annex 1).

Definitions in Part 772

''Allocated by the ITU'' has been amended by revising which ITU Radio Regulations should be consulted for the allocation of frequency bands, from ''edition 1998'' to ''current edition of the'' ITU Radio Regulations.

''Stored program controlled'' was removed from the Wassenaar Arrangement's definitions because most equipment is computer controlled now and the term no longer adds any value to the control, therefore the term has been removed from many paragraphs in the CCL. However, BIS will retain this definition in part 772, because the term is still used in some ECCNs controlled for anti-terrorism reasons, *e.g.*, ECCNs 3B991, 4B994, and 5A991, and to remove the term from these entries would allow the rare instance of manually controlled equipment to be used in nefarious ways.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended by the Notice of August 6, 2004, 69 FR 48763 (August 10, 2004) continues the Regulations in effect under the International Emergency Economic Powers Act.

Saving Clause

Shipments of items removed from license exception eligibility or eligibility for export without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on August 15, 2005, pursuant to actual orders for export to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported from the United States before September 13, 2005. Any such items not actually exported before midnight, on September 13, 2005, require a license in accordance with this regulation.

Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves two collections of information subject to the PRA. One of the collections has been approved by OMB under control number 0694–0088, ''Multi-Purpose Application,'' and carries a burden hour estimate of 58 minutes for a manual or electronic submission. The other of the collections has been approved by OMB under control number 0694–0106, ''Reporting and Recordkeeping Requirements under the Wassenaar Arrangement,'' and carries a burden hour estimate of 21 minutes for a manual or electronic submission. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to the Office of Administration, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Avenue, NW., Room 6883, Washington, DC 20230.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 740

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

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 743

Administrative practice and procedure, Reporting and recordkeeping requirements.

15 CFR Part 772

Exports.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

■ Accordingly, parts 740, 742, 743, 772 and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 740—[AMENDED]

■ 1. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Pub. L. 106–387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

§ 740.7 [Amended]

■ 2. Section 740.7 is amended by revising the phrase ''with a CTP less than or equal to 75,000 MTOPS are eligible for deemed exports under License Exception CTP to foreign nationals of Tier 3 destinations'' to read ''with a CTP less than or equal to 190,000 MTOPS are eligible for deemed exports under License Exception CTP to foreign nationals of Tier 3 destinations'' in paragraph (d)(3).

■ 3. Section 740.11 is amended by:

■ (a) Revising paragraph (a)(2) introductory text as set forth below;

■ (b) Removing and reserving paragraphs (a)(2)(ii), (a)(2)(iii), (a)(2)(vi)(A), and (c)(2)(i);

■ (c) Removing the Note to 740.11(a)(2)(iii); and

■ (d) Adding two new paragraphs (a)(4) and (c)(4) to read as follows:

§ 740.11 Governments, international organizations, and international inspections under the Chemical Weapons Convention (GOV).

* * * * *

(a) * * *

(2) The following items controlled for national security (NS) reasons under

Export Control Classification Numbers (ECCNs) identified on the Commerce Control List may not be exported or reexported under this License Exception to destinations other than Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom: 1C001, 5A001.b.5, 6A001.a.1.b.1 object detection and location systems having a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 30 Hz to 2 kHz inclusive, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.e, 6A002.a.1.c, 6A008.l.3, 6B008, 8A001.b, 8A001.d, 8A002.o.3.b; and

* * * * *

(4) *Restrictions.* Nationals of countries in Country Group E:1 may not physically or computationally access computers that have been enhanced by ''electronic assemblies'', which have been exported or reexported under License Exception GOV and have been used to enhance such computers by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds the CTP parameter set forth in ECCN 4A003.b. of the Commerce Control List in Supplement No. 1 to part 774 of the EAR, without prior authorization from the Bureau of Industry and Security.

* * * * *

(c) * * *

(4) *Restrictions.* Nationals of countries in Country Group E:1 may not physically or computationally access computers that have been enhanced by ''electronic assemblies'', which have been exported or reexported under License Exception GOV and have been used to enhance such computers by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds the CTP parameter set forth in ECCN 4A003.b. of the Commerce Control List in Supplement No. 1 to part 774 of the EAR, without prior authorization from the Bureau of Industry and Security.

■ 4. Supplement No. 1 to 740.11 is amended by:

■ a. Removing and reserving paragraphs (a)(1)(vi)(A), (a)(1)(vii)(B), (b)(1)(vi)(A), and (b)(1)(vii)(B); and

■ b. Revising paragraphs (a)(1) introductory text, (a)(1)(vii)(D), (a)(1)(vii)(E)(b)(1) introductory text, (b)(1)(vii)(D), and (b)(1)(vii)(E), to read as follows:

Supplement No. 1 to § 740.11—Additional Restrictions on Use of License Exception Gov

(a) * * *

(1) Items identified on the Commerce Control List as controlled for national security (NS) reasons under Export Control Classification Numbers (ECCNs) as follows for export or reexport to destinations other than Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom: 1C001, 5A001.b.5, 6A001.a.1.b.1 object detection and location systems having a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 30 Hz to 2 kHz inclusive, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.e, 6A002.a.1.c, 6A008.1.3, 6B008, 8A001.b, 8A001.d, 8A002.o.3.b; and

* * * * *

(vii) * * *

(D) Controlled by 6E001 for the ''development'' of equipment or ''software'' in 6A001.a.1.b.1, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.c, 6A001.a.2.e, 6A001.a.2.f, 6A002.a.1.c, 6A008.1.3, or 6B008, as described in paragraph (a)(1) of this Supplement; and

(E) Controlled by 6E002 for the ''production'' of equipment controlled by 6A001.a.1.b.1, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.c, 6A001.a.2.e, 6A001.a.2.f, 6A002.a.1.c, 6A008.1.3, or 6B008, as described in paragraph (a)(1) of this Supplement; and

* * * * *

(b) * * *

(1) Items identified on the Commerce Control List as controlled for national security (NS) reasons under Export Control Classification Numbers (ECCNs) as follows for export or reexport to destinations other than Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom: 1C001, 5A001.b.5, 6A001.a.1.b.1 object detection and location systems having a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 30 Hz to 2 kHz inclusive, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.e, 6A002.a.1.c, 6A008.1.3, 6B008, 8A001.b, 8A001.d, 8A002.o.3.b; and

* * * * *

(vii) * * *

(D) Controlled by 6E001 for the ''development'' of equipment or ''software'' in 6A001.a.1.b.1, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.c, 6A001.a.2.e, 6A001.a.2.f, 6A002.a.1.c, 6A008.1.3, or 6B008, as described in paragraph (a)(1) of this supplement; and

(E) Controlled by 6E002 for the ''production'' of equipment controlled by 6A001.a.1.b.1, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.c, 6A001.a.2.e, 6A001.a.2.f, 6A002.a.1.c, 6A008.l.3, or 6B008, as described in paragraph (a)(1) of this Supplement; and

* * * * *

PART 742—[AMENDED]

■ 5. The authority citation for part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; Sec 1503, Pub.L. 108–11,117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, 3 CFR, 2003 Comp., p. 320; Notice of August 6, 2004, 69 FR 48763, 3 CFR, 2004 Comp., p. 284; Notice of November 4, 2004, 69 FR 64637, 3 CFR, 2004 Comp., p. 303.

§ 742.12 [Amended]

■ 6. Section 742.12 is amended by revising the phrase ''greater than 75,000 MTOPS.'' to read ''greater than 190,000 MTOPS.'' in paragraph (a)(3).

PART 743—[AMENDED]

■ 7. The authority citation for part 743 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* Pub. L. 106–508; 50 U.S.C. 1701 *et seq.;* E.O. 13206, 66 FR 18397, 3 CFR, 2001 Comp., p. 763.

§ 743.1 [Amended]

■ 8. Section 743.1 is amended by revising the phrase ''having a CTP exceeding 75,000 MTOPS.'' to read ''having a CTP exceeding 190,000 MTOPS.'' in paragraph (c)(2).

Supplement No. 1 to Part 743 [Amended]

■ 9. Supplement No. 1 to part 743 is amended by adding ''Slovenia'' in alphabetical order after ''Slovakia'' and before ''South Korea''.

PART 772—[AMENDED]

■ 10. The authority citation for part 772 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 6, 2004, 69 FR 48763, 3 CFR, 2004 Comp., p. 284.

■ 11. Section 772.1 is amended by revising the definition of ''Allocated by the ITU'', to read as follows.

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

Allocated by the ITU. (Cat 3 and Cat 5 part 1)—The allocation of frequency bands according to the current edition of the ITU Radio Regulations for primary, permitted and secondary services.

N.B. Additional and alternative allocations are not included.

* * * * *

PART 774—[AMENDED]

■ 12. The authority citation for part 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 6, 2004, 69 FR 48763, 3 CFR, 2004 Comp., p. 284.

Supplement No. 1 to Part 774 [Amended]

■ 13. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1C008 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

1C008 Non-Fluorinated Polymeric Substances, as Follows (See List of Items Controlled)

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Non-fluorinated polymeric substances, as follows:

a.1. Bismaleimides;

a.2. Aromatic polyamide-imides;

a.3. Aromatic polyimides;

a.4. Aromatic polyetherimides having a glass transition temperature (T_g) exceeding 513K (240 °C).

Note: 1C008.a does not control non-fusible compression molding powders or molded forms.

b. Thermoplastic liquid crystal copolymers having a heat distortion temperature exceeding 523 K (250 °C) measured according to ISO 75–3 (2004), or national equivalents, with a load of 1.82 N/mm ^{2} and composed of:

b.1. Any of the following:

b.1.a. Phenylene, biphenylene or naphthalene; *or*

b.1.b. Methyl, tertiary-butyl or phenyl substituted phenylene, biphenylene or naphthalene; *and*

b.2. Any of the following acids:

b.2.a. Terephthalic acid;

b.2.b. 6-hydroxy-2 naphthoic acid; *or*

b.2.c. 4-hydroxybenzoic acid;

c. Polyarylene ether ketones, as follows:

c.1. Polyether ether ketone (PEEK)

c.2. Polyether ketone ketone (PEKK);

c.3. Polyether ketone (PEK);

c.4. Polyether ketone ether ketone ketone (PEKEKK);

d. Polyarylene ketones;

e. Polyarylene sulphides, where the arylene group is biphenylene, triphenylene or combinations thereof;

f. Polybiphenylenethersulphone having a glass transition temperature (T_g) exceeding 513 K (240 °C).

Technical Note: The glass transition temperature (T_g) for 1C008 materials is determined using the method described in ISO 11357–2 (1999) or national equivalents.

■ 14. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Product Group B ''Test, Inspection and Production Equipment'', following ECCN 2A999, the ''Technical Notes for 2B001 to 2B009'' are revised to read as follows:

Category 2—Material Processing

B. Test, Inspection and Production Equipment

Technical Notes for 2B001 to 2B009:

1. Secondary parallel contouring axes, (*e.g.*, the w-axis on horizontal boring mills or a secondary rotary axis the center line of which is parallel to the primary rotary axis) are not counted in the total number of contouring axes. Rotary axes need not rotate over 360°. A rotary axis can be driven by a linear device (*e.g.*, a screw or a rack-and-pinion).

2. The number of axes which can be co-ordinated simultaneously for ''contouring control'' is the number of axes along or around which, during processing of the workpiece, simultaneous and interrelated motions are performed between the workpiece and a tool. This does not include any additional axes along or around which other relative motions within the machine are performed, such as:

2.a. Wheel-dressing systems in grinding machines;

2.b. Parallel rotary axes designed for mounting of separate workpieces;

2.c. Co-linear rotary axes designed for manipulating the same workpiece by holding it in a chuck from different ends.

3. Axis nomenclature shall be in accordance with International Standard ISO 841, ''Numerical Control Machines—Axis and Motion Nomenclature'.

4. A ''tilting spindle'' is counted as a rotary axis.

5. Guaranteed ''positioning accuracy'' levels instead of individual test protocols may be used for each machine tool model using the agreed ISO test procedure.

6. The positioning accuracy of ''numerically controlled'' machine tools is to be determined and presented in accordance with ISO 230/2 (1988).

■ 15. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B001 is amended by revising the License Requirements section, and the ''items'' paragraph in the List of Items Controlled section to read as follows:

2B001 Machine tools and any combination thereof, for removing (or cutting) metals, ceramics or ''composites'', which, according to the manufacturer's technical specifications, can be equipped with electronic devices for ''numerical control''; and specially designed components (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT.

Control(s)	Country chart
NS applies to entire entry	NS Column 2.
NP applies to 2B001.a, .b, .c, and .d, EXCEPT: (1) turning machines under 2B001.a with a capacity equal to or less than 35 mm diameter; (2) bar machines (Swissturn), limited to machining only bar feed through, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. (Machines may have drilling and/or milling capabilities for machining parts with diameters less than 42 mm); or (3) milling machines under 2B001.b. with x-axis travel greater than two meters and overall ''positioning accuracy'' on the x-axis more (worse) than 0.030 mm.	NP Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

Note 1: 2B001 does not control special purpose machine tools limited to the manufacture of gears. For such machines, see 2B003.

Note 2: 2B001 does not control special purpose machine tools limited to the manufacture of any of the following parts:

a. Crank shafts or cam shafts;

b. Tools or cutters;

c. Extruder worms;

d. Engraved or faceted jewelry parts.

Note 3: A machine tool having at least two of the three turning, milling or grinding capabilities (*e.g.*, a turning machine with milling capability), must be evaluated against each applicable entry 2.B001.a., b. or c.

a. Machine tools for turning, having all of the following characteristics:

a.1. Positioning accuracy with ''all compensations available'' of less (better) than 6 µm along any linear axis; *and*

a.2. Two or more axes which can be coordinated simultaneously for ''contouring control'';

Note: 2B001.a does not control turning machines specially designed for the production of contact lenses.

b. Machine tools for milling, having any of the following characteristics:

b.1. Having all of the following:

b.1.a. Positioning accuracy with ''all compensations available'' of less (better) than 6 µm along any linear axis; *and*

b.1.b. Three linear axes plus one rotary axis which can be coordinated simultaneously for ''contouring control'';

b.2. Five or more axes which can be coordinated simultaneously for ''contouring control'';

b.3. A positioning accuracy for jig boring machines, with ''all compensations available'', of less (better) than 4 µm along any linear axis; *or*

b.4. Fly cutting machines, having all of the following characteristics:

b.4.a. Spindle ''run-out'' and ''camming'' less (better) than 0.0004 mm TIR; *and*

b.4.b. Angular deviation of slide movement (yaw, pitch and roll) less (better) than 2 seconds of arc, TIR, over 300 mm of travel.

c. Machine tools for grinding, having any of the following characteristics:

c.1. Having all of the following:

c.1.a. Positioning accuracy with ''all compensations available'' of less (better) than 4 µm along any linear axis; *and*

c.1.b. Three or more axes which can be coordinated simultaneously for ''contouring control''; *or*

c.2. Five or more axes which can be coordinated simultaneously for ''contouring control'';

Notes: 2B001.c does not control grinding machines, as follows:

1. Cylindrical external, internal, and external-internal grinding machines having all the following characteristics:

a. Limited to cylindrical grinding; and

b. Limited to a maximum workpiece capacity of 150 mm outside diameter or length.

2. Machines designed specifically as jig grinders that do not have a z-axis or a w-axis, with a positioning accuracy with ''all compensations available'' less (better) than 4 µm.

3. Surface grinders.

d. Electrical discharge machines (EDM) of the non-wire type which have two or more rotary axes which can be coordinated simultaneously for ''contouring control'';

e. Machine tools for removing metals, ceramics or ''composites'' having all of the following characteristics:

e.1. Removing material by means of any of the following:

e.1.a. Water or other liquid jets, including those employing abrasive additives;

e.1.b. Electron beam; *or*

e.1.c. ''Laser'' beam; *and*

e.2. Having two or more rotary axes which:

e.2.a. Can be coordinated simultaneously for ''contouring control''; *and*

e.2.b. Have a positioning accuracy of less (better) than 0.003°;

f. Deep-hole-drilling machines and turning machines modified for deep-hole-drilling, having a maximum depth-of-bore capability exceeding 5,000 mm and specially designed components therefor.

■ 16. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B005 is amended by revising the ''items'' paragraph in the List of Items Controlled section to read as follows:

2B005 Equipment specially designed for the deposition, processing and in-process control of inorganic overlays, coatings and surface modifications, as follows, for non-electronic substrates, by processes shown in the Table and associated Notes following 2E003.f, and specially designed automated handling, positioning, manipulation and control components therefor.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Chemical vapor deposition (CVD) production equipment having all of the following:

a.1. Process modified for one of the following:

a.1.a. Pulsating CVD;

a.1.b. Controlled nucleation thermal deposition (CNTD); *or*

a.1.c. Plasma enhanced or plasma assisted CVD; *and*

a.2. Any of the following:

a.2.a. Incorporating high vacuum (equal to or less than 0.01 Pa) rotating seals; *or*

a.2.b. Incorporating *in situ* coating thickness control;

b. Ion implantation production equipment having beam currents of 5 mA or more;

c. Electron beam physical vapor (EB–PVD) production equipment incorporating power systems rated for over 80 kW, having any of the following:

c.1. A liquid pool level ''laser'' control system which regulates precisely the ingots feed rate; *or*

c.2. A computer controlled rate monitor operating on the principle of photo-luminescence of the ionized atoms in the evaporant stream to control the deposition rate of a coating containing two or more elements;

d. Plasma spraying production equipment having any of the following characteristics:

d.1. Operating at reduced pressure controlled atmosphere (equal or less than 10 kPa measured above and within 300 mm of the gun nozzle exit) in a vacuum chamber capable of evacuation down to 0.01 Pa prior to the spraying process; *or*

d.2. Incorporating *in situ* coating thickness control;

e. Sputter deposition production equipment capable of current densities of 0.1 mA/mm^2 or higher at a deposition rate 15 µm/h or more;

f. Cathodic arc deposition equipment incorporating a grid of electromagnets for steering control of the arc spot on the cathode;

g. Ion plating production equipment allowing for the *in situ* measurement of any of the following:

g.1. Coating thickness on the substrate and rate control; *or*

g.2. Optical characteristics.

■ 17. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B006 is amended by revising the ''items'' paragraph in the List of Items Controlled section to read as follows:

2B006 Dimensional inspection or measuring systems and equipment, as follows (see List of Items Controlled).

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Computer controlled or ''numerically controlled'' co-ordinate measuring machines (CMM), having a three dimensional length (volumetric) maximum permissible error of indication (MPE_E) at any point within the operating range of the machine (*i.e.*, within the length of axes) equal to or less (better) than (1.7 + L/1,000) µm (L is the measured length in mm) tested according to ISO 10360–2 (2001);

b. Linear and angular displacement measuring instruments, as follows:

b.1. Linear displacement measuring instruments having any of the following:

Technical Note: For the purpose of 2B006.b.1 ''linear displacement'' means the change of distance between the measuring probe and the measured object.

b.1.a. Non-contact type measuring systems with a ''resolution'' equal to or less (better) than 0.2 µm within a measuring range up to 0.2 mm;

b.1.b. Linear voltage differential transformer systems having all of the following characteristics:

b.1.b.1. ''Linearity'' equal to or less (better) than 0.1% within a measuring range up to 5 mm; *and*

b.1.b.2. Drift equal to or less (better) than 0.1% per day at a standard ambient test room temperature ±1 K; *or*

b.1.c. Measuring systems having all of the following:

b.1.c.1. Containing a ''laser''; *and*

b.1.c.2. Maintaining, for at least 12 hours, over a temperature range of ±1 K around a standard temperature and at a standard pressure, all of the following:

b.1.c.2.a. A ''resolution'' over their full scale of 0.1 µm or less (better); *and*

b.1.c.2.b. A ''measurement uncertainty'' equal to or less (better) than (0.2 + L/2,000) µm (L is the measured length in mm);

Note: 2B006.b.1 does not control measuring interferometer systems, without closed or open loop feedback, containing a ''laser'' to measure slide movement errors of machine-tools, dimensional inspection machines or similar equipment.

b.2. Angular displacement measuring instruments having an ''angular position deviation'' equal to or less (better) than 0.00025°;

Note: 2B006.b.2 does not control optical instruments, such as autocollimators, using collimated light (*e.g.*, laser light) to detect angular displacement of a mirror.

c. Equipment for measuring surface irregularities, by measuring optical scatter as a function of angle, with a sensitivity of 0.5 nm or less (better).

■ 18. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B201 is amended by revising the ''items'' paragraph in the List of Items Controlled section to read as follows:

2B201 Machine tools, other than those controlled by 2B001, for removing or cutting metals, ceramics or ''composites'', which, according to manufacturer's technical specifications, can be equipped with electronic devices for simultaneous ''contouring control'' in two or more axes.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Machine tools for turning, that have ''positioning accuracies'' with all compensations available better (less) than 6 µm according to ISO 230/2 (1988) along any linear axis (overall positioning) for machines capable of machining diameters greater than 35 mm;

Note: Item 2B201.a. does not control bar machines (Swissturn), limited to machining only bar feed thru, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. Machines may have drilling and/or milling capabilities for machining parts with diameters less than 42 mm.

b. Machine tools for milling, having any of the following characteristics:

b.1. Positioning accuracies with ''all compensations available'' equal to or less (better) than 6 µm along any linear axis (overall positioning); *or*

b.2. Two or more contouring rotary axes.

Note: 2B201.b does not control milling machines having the following characteristics:

a. X-axis travel greater than 2 m; and

b. Overall positioning accuracy on the x-axis more (worse) than 30 µm.

c. Machine tools for grinding, having any of the following characteristics:

c.1. Positioning accuracies with ''all compensations available'' equal to or less (better) than 4 µm along any linear axis (overall positioning); *or*

c.2. Two or more contouring rotary axes.

Note: 2B201.c does not control the following grinding machines:

a. Cylindrical external, internal, and external-internal grinding machines having all of the following characteristics:

1. Limited to cylindrical grinding;

2. A maximum workpiece outside diameter or length of 150 mm;

3. Not more than two axes that can be coordinated simultaneously for ''contouring control''; and

4. No contouring c-axis.

b. Jig grinders with axes limited to x, y, c and a where c axis is used to maintain the grinding wheel normal to the work surface, and the a axis is configured to grind barrel cams;

c. Tool or cutter grinding machines with ''software'' specially designed for the production of tools or cutters; or

d. Crankshaft or camshaft grinding machines.

■ 19. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A001 is amended by revising the ''items'' paragraphs in the List of Items Controlled section, to read as follows:

3A001 Electronic components, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. General purpose integrated circuits, as follows:

Note 1: The control status of wafers (finished or unfinished), in which the function has been determined, is to be evaluated against the parameters of 3A001.a.

Note 2: Integrated circuits include the following types:

''Monolithic integrated circuits'';

''Hybrid integrated circuits'';

''Multichip integrated circuits'';

''Film type integrated circuits'', including silicon-on-sapphire integrated circuits;

''Optical integrated circuits''.

a.1. Integrated circuits, designed or rated as radiation hardened to withstand any of the following:

a.1.a. A total dose of 5×10^3 Gy (Si), or higher;

a.1.b. A dose rate upset of 5×10^6 Gy (Si)/s, or higher; *or*

a.1.c. A fluence (integrated flux) of neutrons (1 MeV equivalent) of 5×10^{13} n/cm^2 or higher on silicon, or its equivalent for other materials;

Note: 3A001.a.1.c does not apply to Metal Insulator Semiconductors (MIS).

a.2. ''Microprocessor microcircuits'', ''microcomputer microcircuits'', microcontroller microcircuits, storage integrated circuits manufactured from a compound semiconductor, analog-to-digital converters, digital-to-analog converters, electro-optical or ''optical integrated circuits'' designed for ''signal processing'', field programmable logic devices, neural network integrated circuits, custom integrated circuits for which either the function is unknown or the control status of the equipment in which the integrated circuit will be used in unknown, Fast Fourier Transform (FFT) processors, electrical erasable programmable read-only memories (EEPROMs), flash memories or static random-access memories (SRAMs), having any of the following:

a.2.a. Rated for operation at an ambient temperature above 398 K (125 °C);

a.2.b. Rated for operation at an ambient temperature below 218 K (−55 °C); *or*

a.2.c. Rated for operation over the entire ambient temperature range from 218 K (−55 °C) to 398 K (125 °C);

Note: 3A001.a.2 does not apply to integrated circuits for civil automobile or railway train applications.

a.3. ''Microprocessor microcircuits'', ''micro-computer microcircuits'' and microcontroller microcircuits, having any of the following characteristics:

Note: 3A001.a.3 includes digital signal processors, digital array processors and digital coprocessors.

a.3.a. [RESERVED]

a.3.b. Manufactured from a compound semiconductor and operating at a clock frequency exceeding 40 MHz; *or*

a.3.c. More than three data or instruction bus or serial communication ports, each providing direct external interconnection between parallel ''microprocessor microcircuits'' with a transfer rate of 1000 Mbyte/s or greater;

a.4. Storage integrated circuits manufactured from a compound semiconductor;

a.5. Analog-to-digital and digital-to-analog converter integrated circuits, as follows:

a.5.a. Analog-to-digital converters having any of the following:

a.5.a.1.A resolution of 8 bit or more, but less than 10 bit, an output rate greater than 500 million words per second;

a.5.a..2 A resolution of 10 bit or more, but less than 12 bit, with an output rate greater than 200 million words per second;

a.5.a.3. A resolution of 12 bit with an output rate greater than 50 million words per second;

a.5.a.4. A resolution of more than 12 bit but equal to or less than 14 bit with an output rate greater than 5 million words per second; *or*

a.5.a.5. A resolution of more than 14 bit with an output rate greater than 1 million words per second.

a.5.b. Digital-to-analog converters with a resolution of 12 bit or more, and a ''settling time'' of less than 10 ns;

Technical Notes:

1. A resolution of n bit corresponds to a quantization of 2^n levels.

2. The number of bits in the output word is equal to the resolution of the analogue-to-digital converter.

3. The output rate is the maximum output rate of the converter, regardless of architecture or oversampling. Vendors may also refer to the output rate as sampling rate,

conversion rate or throughput rate. It is often specified in megahertz (MHz) or mega samples per second (MSPS).

4. For the purpose of measuring output rate, one output word per second is equivalent to one Hertz or one sample per second.

a.6. Electro-optical and ''optical integrated circuits'' designed for ''signal processing'' having all of the following:

a.6.a. One or more than one internal ''laser'' diode;

a.6.b. One or more than one internal light detecting element; *and*

a.6.c. Optical waveguides;

a.7. Field programmable logic devices having any of the following:

a.7.a. An equivalent usable gate count of more than 30,000 (2 input gates);

a.7.b. A typical ''basic gate propagation delay time'' of less than 0.1 ns; *or*

a.7.c. A toggle frequency exceeding 133 MHz;

Note: 3A001.a.7 includes: Simple Programmable Logic Devices (SPLDs), Complex Programmable Logic Devices (CPLDs), Field Programmable Gate Arrays (FPGAs), Field Programmable Logic Arrays (FPLAs), and Field Programmable Interconnects (FPICs).

N.B.: Field programmable logic devices are also known as field programmable gate or field programmable logic arrays.

a.8. [RESERVED]

a.9. Neural network integrated circuits;

a.10. Custom integrated circuits for which the function is unknown, or the control status of the equipment in which the integrated circuits will be used is unknown to the manufacturer, having any of the following:

a.10.a. More than 1,000 terminals;

a.10.b. A typical ''basic gate propagation delay time'' of less than 0.1 ns; *or*

a.10.c. An operating frequency exceeding 3 GHz;

a.11. Digital integrated circuits, other than those described in 3A001.a.3 to 3A001.a.10 and 3A001.a.12, based upon any compound semiconductor and having any of the following:

a.11.a. An equivalent gate count of more than 3,000 (2 input gates); *or*

a.11.b. A toggle frequency exceeding 1.2 GHz;

a.12. Fast Fourier Transform (FFT) processors having a rated execution time for an N-point complex FFT of less than (N log2 N)/20,480 ms, where N is the number of points;

Technical Note: When N is equal to 1,024 points, the formula in 3A001.a.12 gives an execution time of 500 μs.

b. Microwave or millimeter wave components, as follows:

b.1. Electronic vacuum tubes and cathodes, as follows:

Note 1: 3A001.b.1 does not control tubes designed or rated for operation in any frequency band which meets all of the following characteristics:

(a) Does not exceed 31.8 GHz; and

(b) Is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

Note 2: 3A001.b.1 does not control non-''space-qualified'' tubes which meet all the following characteristics:

(a) An average output power equal to or less than 50 W; *and*

(b) Designed or rated for operation in any frequency band which meets all of the following characteristics:

(1) Exceeds 31.8 GHz but does not exceed 43.5 GHz; *and*

(2) Is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

b.1.a. Traveling wave tubes, pulsed or continuous wave, as follows:

b.1.a.1. Operating at frequencies exceeding 31.8 GHz;

b.1.a.2. Having a cathode heater element with a turn on time to rated RF power of less than 3 seconds;

b.1.a.3. Coupled cavity tubes, or derivatives thereof, with a ''fractional bandwidth'' of more than 7% or a peak power exceeding 2.5 kW;

b.1.a.4. Helix tubes, or derivatives thereof, with any of the following characteristics:

b.1.a.4.a. An ''instantaneous bandwidth'' of more than one octave, and average power (expressed in kW) times frequency (expressed in GHz) of more than 0.5;

b.1.a.4.b. An ''instantaneous bandwidth'' of one octave or less, and average power (expressed in kW) times frequency (expressed in GHz) of more than 1; *or*

b.1.a.4.c. Being ''space qualified'';

b.1.b. Crossed-field amplifier tubes with a gain of more than 17 dB;

b.1.c. Impregnated cathodes designed for electronic tubes producing a continuous emission current density at rated operating conditions exceeding 5 A/cm^2;

b.2. Microwave monolithic integrated circuits (MMIC) power amplifiers having any of the following:

b.2.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6 GHz and with an average output power greater than 4W (36 dBm) with a ''fractional bandwidth'' greater than 15%;

b.2.b. Rated for operation at frequencies exceeding 6 GHz up to and including 16 GHz and with an average output power greater than 1W (30 dBm) with a ''fractional bandwidth'' greater than 10%;

b.2.c. Rated for operation at frequencies exceeding 16 GHz up to and including 31.8 GHz and with an average output power greater than 0.8W (29 dBm) with a ''fractional bandwidth'' greater than 10%;

b.2.d. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz;

b.2.e. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and with an average output power greater than 0.25W (24 dBm) with a ''fractional bandwidth'' greater than 10%; or

b.2.f. Rated for operation at frequencies exceeding 43.5 GHz.

Note 1: 3A001.b.2 does not control broadcast satellite equipment designed or rated to operate in the frequency range of 40.5 to 42.5 GHz.

Note 2: The control status of the MMIC whose operating frequency spans more than one frequency range, as defined by 3A001.b.2., is determined by the lowest average output power control threshold.

Note 3: Notes 1 and 2 following the Category 3 heading for A. Systems, Equipment, and Components mean that 3A001.b.2. does not control MMICs if they are specially designed for other applications, *e.g.*, telecommunications, radar, automobiles.

b.3. Microwave transistors having any of the following:

b.3.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6 GHz and having an average output power greater than 60W (47.8 dBm);

b.3.b. Rated for operation at frequencies exceeding 6 GHz up to and including 31.8 GHz and having an average output power greater than 20W (43 dBm);

b.3.c. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz and having an average output power greater than 0.5W (27 dBm);

b.3.d. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and having an average output power greater than 1W (30 dBm); or

b.3.e. Rated for operation at frequencies exceeding 43.5 GHz.

Note: The control status of an item whose operating frequency spans more than one frequency range, as defined by 3A001.b.3, is determined by the lowest average output power control threshold.

b.4. Microwave solid state amplifiers and microwave assemblies/modules containing microwave amplifiers having any of the following:

b.4.a. Rated for operation at frequencies exceeding 3.2 GHz up to and including 6 GHz and with an average output power greater than 60W (47.8 dBm) with a ''fractional bandwidth'' greater than 15%;

b.4.b. Rated for operation at frequencies exceeding 6 GHz up to and including 31.8 GHz and with an average output power greater than 15W (42 dBm) with a ''fractional bandwidth'' greater than 10%;

b.4.c. Rated for operation at frequencies exceeding 31.8 GHz up to and including 37.5 GHz;

b.4.d. Rated for operation at frequencies exceeding 37.5 GHz up to and including 43.5 GHz and with an average output power greater than 1W (30 dBm) with a ''fractional bandwidth'' greater than 10%;

b.4.e. Rated for operation at frequencies exceeding 43.5 GHz; or

b.4.f. Rated for operation at frequencies above 3 GHz and all of the following:

b.4.f.1. An average output power (in watts), P, greater than 150 divided by the maximum operating frequency (in GHz) squared [$P > 150\ W^{*}GHz^2 / f_{GHz}^2$];

b.4.f.2. A fractional bandwidth of 5% or greater; *and*

b.4.f.3. Any two sides perpendicular to one another with length d (in cm) equal to or less than 15 divided by the lowest operating frequency in GHz [$d \leq 15\ cm^{*}GHz / f_{GHz}$].

N.B. MMIC power amplifiers should be evaluated against the criteria in 3A001.b.2.

Note 1: 3A001.b.4. does not control broadcast satellite equipment designed or

rated to operate in the frequency range of 40.5 to 42.5 GHz.

Note 2: The control status of an item whose operating frequency spans more than one frequency range, as defined by 3A001.b.4, is determined by the lowest average output power control threshold.

b.5. Electronically or magnetically tunable band-pass or band-stop filters having more than 5 tunable resonators capable of tuning across a 1.5:1 frequency band (f_{max}/f_{min}) in less than 10 μs having any of the following:

b.5.a. A band-pass bandwidth of more than 0.5% of center frequency; *or*

b.5.b. A band-stop bandwidth of less than 0.5% of center frequency;

b.6. [RESERVED]

b.7. Mixers and converters designed to extend the frequency range of equipment described in 3A002.c, 3A002.e or 3A002.f beyond the limits stated therein;

b.8. Microwave power amplifiers containing tubes controlled by 3A001.b and having all of the following:

b.8.a. Operating frequencies above 3 GHz;

b.8.b. An average output power density exceeding 80 W/kg; *and*

b.8.c. A volume of less than 400 cm^3;

Note: 3A001.b.8 does not control equipment designed or rated for operation in any frequency band which is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

c. Acoustic wave devices, as follows, and specially designed components therefor:

c.1. Surface acoustic wave and surface skimming (shallow bulk) acoustic wave devices (*i.e.*, ''signal processing'' devices employing elastic waves in materials), having any of the following:

c.1.a. A carrier frequency exceeding 2.5 GHz;

c.1.b. A carrier frequency exceeding 1 GHz, but not exceeding 2.5 GHz, and having any of the following:

c.1.b.1. A frequency side-lobe rejection exceeding 55 dB;

c.1.b.2. A product of the maximum delay time and the bandwidth (time in μs and bandwidth in MHz) of more than 100;

c.1.b.3. A bandwidth greater than 250 MHz; *or*

c.1.b.4. A dispersive delay of more than 10 μs; *or*

c.1.c. A carrier frequency of 1 GHz or less, having any of the following:

c.1.c.1. A product of the maximum delay time and the bandwidth (time in μs and bandwidth in MHz) of more than 100;

c.1.c.2. A dispersive delay of more than 10 μs; *or*

c.1.c.3. A frequency side-lobe rejection exceeding 55 dB and a bandwidth greater than 50 MHz;

c.2. Bulk (volume) acoustic wave devices (*i.e.*, ''signal processing'' devices employing elastic waves) that permit the direct processing of signals at frequencies exceeding 1 GHz;

c.3. Acoustic-optic ''signal processing'' devices employing interaction between acoustic waves (bulk wave or surface wave) and light waves that permit the direct processing of signals or images, including spectral analysis, correlation or convolution;

d. Electronic devices and circuits containing components, manufactured from ''superconductive'' materials specially designed for operation at temperatures below the ''critical temperature'' of at least one of the ''superconductive'' constituents, with any of the following:

d.1. Current switching for digital circuits using ''superconductive'' gates with a product of delay time per gate (in seconds) and power dissipation per gate (in watts) of less than 10^{-14} J; *or*

d.2. Frequency selection at all frequencies using resonant circuits with Q-values exceeding 10,000;

e. High energy devices, as follows:

e.1. Batteries and photovoltaic arrays, as follows:

Note: 3A001.e.1 does not control batteries with volumes equal to or less than 27 cm^3 (*e.g.,* standard C-cells or R14 batteries).

e.1.a. Primary cells and batteries having an energy density exceeding 480 Wh/kg and rated for operation in the temperature range from below 243 K (−30 °C) to above 343 K (70 °C);

e.1.b. Rechargeable cells and batteries having an energy density exceeding 150 Wh/kg after 75 charge/discharge cycles at a discharge current equal to C/5 hours (C being the nominal capacity in ampere hours) when operating in the temperature range from below 253 K (−20 °C) to above 333 K (60 °C);

Technical Note: Energy density is obtained by multiplying the average power in watts (average voltage in volts times average current in amperes) by the duration of the discharge in hours to 75% of the open circuit voltage divided by the total mass of the cell (or battery) in kg.

e.1.c. ''Space qualified'' and radiation hardened photovoltaic arrays with a specific power exceeding 160 W/m^2 at an operating temperature of 301 K (28 °C) under a tungsten illumination of 1 kW/m^2 at 2,800 K (2,527 °C);

e.2. High energy storage capacitors, as follows:

e.2.a. Capacitors with a repetition rate of less than 10 Hz (single shot capacitors) having all of the following:

e.2.a.1. A voltage rating equal to or more than 5 kV;

e.2.a.2. An energy density equal to or more than 250 J/kg; *and*

e.2.a.3. A total energy equal to or more than 25 kJ;

e.2.b. Capacitors with a repetition rate of 10 Hz or more (repetition rated capacitors) having all of the following:

e.2.b.1. A voltage rating equal to or more than 5 kV;

e.2.b.2. An energy density equal to or more than 50 J/kg;

e.2.b.3. A total energy equal to or more than 100 J; *and*

e.2.b.4. A charge/discharge cycle life equal to or more than 10,000;

e.3. ''Superconductive'' electromagnets and solenoids specially designed to be fully charged or discharged in less than one second, having all of the following:

Note: 3A001.e.3 does not control ''superconductive'' electromagnets or solenoids specially designed for Magnetic Resonance Imaging (MRI) medical equipment.

e.3.a. Energy delivered during the discharge exceeding 10 kJ in the first second;

e.3.b. Inner diameter of the current carrying windings of more than 250 mm; *and*

e.3.c. Rated for a magnetic induction of more than 8 T or ''overall current density'' in the winding of more than 300 A/mm^2;

f. Rotary input type shaft absolute position encoders having any of the following:

f.1. A resolution of better than 1 part in 265,000 (18 bit resolution) of full scale; *or*

f.2. An accuracy better than ±2.5 seconds of arc.

■ 20. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A002 is amended by revising the ''items'' paragraphs in the List of Items Controlled section, to read as follows:

3A002 General purpose electronic equipment, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Recording equipment, as follows, and specially designed test tape therefor:

a.1. Analog instrumentation magnetic tape recorders, including those permitting the recording of digital signals (*e.g.*, using a high density digital recording (HDDR) module), having any of the following:

a.1.a. A bandwidth exceeding 4 MHz per electronic channel or track;

a.1.b. A bandwidth exceeding 2 MHz per electronic channel or track and having more than 42 tracks; *or*

a.1.c. A time displacement (base) error, measured in accordance with applicable IRIG or EIA documents, of less than ±0.1 μs;

Note: Analog magnetic tape recorders specially designed for civilian video purposes are not considered to be instrumentation tape recorders.

a.2. Digital video magnetic tape recorders having a maximum digital interface transfer rate exceeding 360 Mbit/s;

Note: 3A002.a.2 does not control digital video magnetic tape recorders specially designed for television recording using a signal format, which may include a compressed signal format, standardized or recommended by the ITU, the IEC, the SMPTE, the EBU , the ETSI, or the IEEE for civil television applications.

a.3. Digital instrumentation magnetic tape data recorders employing helical scan techniques or fixed head techniques, having any of the following:

a.3.a. A maximum digital interface transfer rate exceeding 175 Mbit/s; *or*

a.3.b. Being ''space qualified'';

Note: 3A002.a.3 does not control analog magnetic tape recorders equipped with HDDR conversion electronics and configured to record only digital data.

a.4. Equipment, having a maximum digital interface transfer rate exceeding 175 Mbit/s, designed to convert digital video magnetic tape recorders for use as digital instrumentation data recorders;

a.5. Waveform digitizers and transient recorders having all of the following:

N.B.: See also 3A292.

a.5.a. Digitizing rates equal to or more than 200 million samples per second and a resolution of 10 bits or more; *and*

a.5.b. A continuous throughput of 2 Gbit/s or more;

Technical Note: For those instruments with a parallel bus architecture, the continuous throughput rate is the highest word rate multiplied by the number of bits in a word. Continuous throughput is the fastest data rate the instrument can output to mass storage without the loss of any information while sustaining the sampling rate and analog-to-digital conversion.

a.6. Digital instrumentation data recorders, using magnetic disk storage technique, having all of the following:

a.6.a. Digitizing rate equal to or more than 100 million samples per second and a resolution of 8 bits or more; *and*

a.6.b. A continuous throughput of 1 Gbit/s or more;

b. ''Frequency synthesizer'', ''electronic assemblies'' having a ''frequency switching time'' from one selected frequency to another of less than 1 ms;

c. Radio frequency ''signal analyzers'', as follows:

c.1. ''Signal analyzers'' capable of analyzing any frequencies exceeding 31.8 GHz but not exceeding 37.5 Ghz and having a 3 dB resolution bandwidth (RBW) exceeding 10 MHz;

c.2. ''Signal analyzers'' capable of analyzing frequencies exceeding 43.5 GHz;

c.3. ''Dynamic signal analyzers'' having a ''real-time bandwidth'' exceeding 500 kHz;

Note: 3A002.c.3 does not control those ''dynamic signal analyzers'' using only constant percentage bandwidth filters (also known as octave or fractional octave filters).

d. Frequency synthesized signal generators producing output frequencies, the accuracy and short term and long term stability of which are controlled, derived from or disciplined by the internal master frequency, and having any of the following:

d.1. A maximum synthesized frequency exceeding 31.8 GHz, but not exceeding 43.5 GHz and rated to generate a pulse duration of less than 100 ns;

d.2. A maximum synthesized frequency exceeding 43.5 GHz;

d.3. A ''frequency switching time'' from one selected frequency to another of less than 1 ms; *or*

d.4. A single sideband (SSB) phase noise better than $(-126 + 20 \log_{10}F - 20 \log_{10}f)$ in dBc/Hz, where F is the off-set from the operating frequency in Hz and f is the operating frequency in MHz;

Technical Note: For the purposes of 3A002.d.1., 'duration' is defined as the time interval between the leading edge of the pulse achieving 90% of the peak and the trailing edge of the pulse achieving 10% of the peak.

Note: 3A002.d does not control equipment in which the output frequency is either produced by the addition or subtraction of two or more crystal oscillator frequencies, or by an addition or subtraction followed by a multiplication of the result.

e. Network analyzers with a maximum operating frequency exceeding 43.5 GHz;

f. Microwave test receivers having all of the following:

f.1. A maximum operating frequency exceeding 43.5 GHz; *and*

f.2. Being capable of measuring amplitude and phase simultaneously;

g. Atomic frequency standards having any of the following:

g.1. Long-term stability (aging) less (better) than 1×10^{-11}/month; *or*

g.2. Being ''space qualified''.

Note: 3A002.g.1 does not control non-''space qualified'' rubidium standards.

■ 21. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3B001 is amended revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

3B001 Equipment for the manufacturing of semiconductor devices or materials, as follows (see List of Items Controlled), and specially designed components and accessories therefor.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Equipment designed for epitaxial growth, as follows:

a.1. Equipment capable of producing any of the following:

a.1.a. A silicon layer with a thickness uniform to less than ''2.5% across a distance of 200 mm or more; *or*

a.1.b. A layer of any material other than silicon with a thickness uniform to less than ±2.5% across a distance of 75 mm or more;

a.2. Metal organic chemical vapor deposition (MOCVD) reactors specially designed for compound semiconductor crystal growth by the chemical reaction between materials controlled by 3C003 or 3C004;

a.3. Molecular beam epitaxial growth equipment using gas or solid sources;

b. Equipment designed for ion implantation, having any of the following:

b.1. A beam energy (accelerating voltage) exceeding 1MeV;

b.2. Being specially designed and optimized to operate at a beam energy (accelerating voltage of less than 2 keV;

b.3. Direct write capability; *or*

b.4. A beam energy of 65 keV or more and a beam current of 45 mA or more for high energy oxygen implant into a heated semiconductor material ''substrate'';

c. Anisotropic plasma dry etching equipment, as follows:

c.1. Equipment with cassette-to-cassette operation and load-locks, and having any of the following:

c.1.a. Designed or optimized to produce critical dimensions of 180 nm or less with ±5% 3 sigma precision; *or*

c.1.b. Designed for generating less than 0.04 particles/cm^2 with a measurable particle size greater than 0.1 μm in diameter;

c.2. Equipment specially designed for equipment controlled by 3B001.e. and having any of the following:

c.2.a. Designed or optimized to produce critical dimensions of 180 nm or less with ±5% 3 sigma precision; *or*

c.2.b. Designed for generating less than 0.04 particles/cm^2 with a measurable particle size greater than 0.1 μm in diameter;

d. Plasma enhanced CVD equipment, as follows:

d.1. Equipment with cassette-to-cassette operation and load-locks, and designed according to the manufacturer's specifications or optimized for use in the production of semiconductor devices with critical dimensions of 180 nm or less;

d.2. Equipment specially designed for equipment controlled by 3B001.e. and designed according to the manufacturer's specifications or optimized for use in the production of semiconductor devices with critical dimensions of 180 nm or less;

e. Automatic loading multi-chamber central wafer handling systems, having all of the following:

e.1. Interfaces for wafer input and output, to which more than two pieces of semiconductor processing equipment are to be connected; *and*

e.2. Designed to form an integrated system in a vacuum environment for sequential multiple wafer processing;

Note: 3B001.e. does not control automatic robotic wafer handling systems not designed to operate in a vacuum environment.

f. Lithography equipment, as follows:

f.1. Align and expose step and repeat (direct step on wafer) or step and scan (scanner) equipment for wafer processing using photo-optical or X-ray methods, having any of the following:

f.1.a. A light source wavelength shorter than 245 nm; *or*

f.1.b. Capable of producing a pattern with a minimum resolvable feature size of 180 nm or less;

Technical Note: The minimum resolvable feature size is calculated by the following formula:

MRF =

$$\frac{\text{(an exposure light source wavelength in } \mu\text{m)} \times \text{(K factor)}}{\text{numerical aperture}}$$

where the K factor = 0.45
MRF = minimum resolvable feature size.

f.2. Equipment specially designed for mask making or semiconductor device processing using deflected focused electron beam, ion beam or ''laser'' beam, having any of the following:

f.2.a. A spot size smaller than 0.2 μm;

f.2.b. Being capable of producing a pattern with a feature size of less than 1 μm; *or*

f.2.c. An overlay accuracy of better than ±0.20 μm (3 sigma);

g. Masks and reticles designed for integrated circuits controlled by 3A001;

h. Multi-layer masks with a phase shift layer.

Note: 3B001.h. does not control multi-layer masks with a phase shift layer designed for the fabrication of memory devices not controlled by 3A001.

■ 22. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3B002 is amended revising the heading and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

3B002 Test equipment, specially designed for testing finished or unfinished semiconductor devices, as follows (see List of Items Controlled), and specially designed components and accessories therefor.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. For testing S-parameters of transistor devices at frequencies exceeding 31.8 GHz;

b. [RESERVED]

c. For testing microwave integrated circuits controlled by 3A001.b.2.

■ 23. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3B991 is amended, revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

3B991 Equipment not controlled by 3B001 for the manufacture of electronic components and materials, and specially designed components and accessories therefor.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Equipment specially designed for the manufacture of electron tubes, optical elements and specially designed components therefor controlled by 3A001 or 3A991;

b. Equipment specially designed for the manufacture of semiconductor devices, integrated circuits and ''electronic assemblies'', as follows, and systems incorporating or having the characteristics of such equipment:

Note: 3B991.b also controls equipment used or modified for use in the manufacture of other devices, such as imaging devices, electro-optical devices, acoustic-wave devices.

b.1. Equipment for the processing of materials for the manufacture of devices and components as specified in the heading of 3B991.b, as follows:

Note: 3B991 does not control quartz furnace tubes, furnace liners, paddles, boats (except specially designed caged boats), bubblers, cassettes or crucibles specially designed for the processing equipment controlled by 3B991.b.1.

b.1.a. Equipment for producing polycrystalline silicon and materials controlled by 3C001;

b.1.b. Equipment specially designed for purifying or processing III/V and II/VI semiconductor materials controlled by 3C001, 3C002, 3C003, or 3C004, except crystal pullers, for which see 3B991.b.1.c below;

b.1.c. Crystal pullers and furnaces, as follows:

Note: 3B991.b.1.c does not control diffusion and oxidation furnaces.

b.1.c.1. Annealing or recrystallizing equipment other than constant temperature furnaces employing high rates of energy transfer capable of processing wafers at a rate exceeding 0.005 m^2 per minute;

b.1.c.2. ''Stored program controlled'' crystal pullers having any of the following characteristics:

b.1.c.2.a. Rechargeable without replacing the crucible container;

b.1.c.2.b. Capable of operation at pressures above 2.5×10^5 Pa; *or*

b.1.c.2.c. Capable of pulling crystals of a diameter exceeding 100 mm;

b.1.d. ''Stored program controlled'' equipment for epitaxial growth having any of the following characteristics:

b.1.d.1. Capable of producing a layer thickness uniformity across the wafer of equal to or better than ±3.5%; *or*

b.1.d.2. Rotation of individual wafers during processing;

b.1.e. Molecular beam epitaxial growth equipment;

b.1.f. Magnetically enhanced ''sputtering'' equipment with specially designed integral load locks capable of transferring wafers in an isolated vacuum environment;

b.1.g. Equipment specially designed for ion implantation, ion-enhanced or photo-enhanced diffusion, having any of the following characteristics:

b.1.g.1. Patterning capability;

b.1.g.2. Beam energy (accelerating voltage) exceeding 200 keV;

b.1.g.3. Optimized to operate at a beam energy (accelerating voltage) of less than 10 keV; *or*

b.1.g.4. Capable of high energy oxygen implant into a heated ''substrate'';

b.1.h. ''Stored program controlled'' equipment for the selective removal (etching) by means of anisotropic dry methods (*e.g.*, plasma), as follows:

b.1.h.1. Batch types having either of the following:

b.1.h.1.a. End-point detection, other than optical emission spectroscopy types; *or*

b.1.h.1.b. Reactor operational (etching) pressure of 26.66 Pa or less;

b.1.h.2. Single wafer types having any of the following:

b.1.h.2.a. End-point detection, other than optical emission spectroscopy types;

b.1.h.2.b. Reactor operational (etching) pressure of 26.66 Pa or less; *or*

b.1.h.2.c. Cassette-to-cassette and load locks wafer handling;

Notes: 1. ''Batch types'' refers to machines not specially designed for production processing of single wafers. Such machines can process two or more wafers simultaneously with common process parameters, *e.g.*, RF power, temperature, etch gas species, flow rates.

2. ''Single wafer types'' refers to machines specially designed for production processing of single wafers. These machines may use automatic wafer handling techniques to load a single wafer into the equipment for processing. The definition includes equipment that can load and process several wafers but where the etching parameters, *e.g.*, RF power or end point, can be independently determined for each individual wafer.

b.1.i. ''Chemical vapor deposition'' (CVD) equipment, *e.g.*, plasma-enhanced CVD (PECVD) or photo-enhanced CVD, for semiconductor device manufacturing, having either of the following capabilities, for deposition of oxides, nitrides, metals or polysilicon:

b.1.i.1. ''Chemical vapor deposition'' equipment operating below 10^5 Pa; *or*

b.1.i.2. PECVD equipment operating either below 60 Pa (450 millitorr) or having automatic cassette-to-cassette and load lock wafer handling;

Note: 3B991.b.1.i does not control low pressure ''chemical vapor deposition'' (LPCVD) systems or reactive ''sputtering'' equipment.

b.1.j. Electron beam systems specially designed or modified for mask making or semiconductor device processing having any of the following characteristics:

b.1.j.1. Electrostatic beam deflection;

b.1.j.2. Shaped, non-Gaussian beam profile;

b.1.j.3. Digital-to-analog conversion rate exceeding 3 MHz;

b.1.j.4. Digital-to-analog conversion accuracy exceeding 12 bit; *or*

b.1.j.5. Target-to-beam position feedback control precision of 1 micrometer or finer;

Note: 3B991.b.1.j does not control electron beam deposition systems or general purpose scanning electron microscopes.

b.1.k. Surface finishing equipment for the processing of semiconductor wafers as follows:

b.1.k.1. Specially designed equipment for backside processing of wafers thinner than 100 micrometer and the subsequent separation thereof; *or*

b.1.k.2. Specially designed equipment for achieving a surface roughness of the active surface of a processed wafer with a two-sigma value of 2 micrometer or less, total indicator reading (TIR);

Note: 3B991.b.1.k does not control single-side lapping and polishing equipment for wafer surface finishing.

b.1.l. Interconnection equipment which includes common single or multiple vacuum chambers specially designed to permit the integration of any equipment controlled by 3B991 into a complete system;

b.1.m. ''Stored program controlled'' equipment using ''lasers'' for the repair or trimming of ''monolithic integrated circuits'' with either of the following characteristics:

b.1.m.1. Positioning accuracy less than ±1 micrometer; *or*

b.1.m.2. Spot size (kerf width) less than 3 micrometer.

b.2. Masks, mask ''substrates'', mask-making equipment and image transfer equipment for the manufacture of devices and components as specified in the heading of 3B991, as follows:

Note: The term ''masks'' refers to those used in electron beam lithography, X-ray lithography, and ultraviolet lithography, as well as the usual ultraviolet and visible photo-lithography.

b.2.a. Finished masks, reticles and designs therefor, except:

b.2.a.1. Finished masks or reticles for the production of unembargoed integrated circuits; *or*

b.2.a.2. Masks or reticles, having both of the following characteristics:

b.2.a.2.a. Their design is based on geometries of 2.5 micrometer or more; *and*

b.2.a.2.b. The design does not include special features to alter the intended use by means of production equipment or ''software'';

b.2.b. Mask ''substrates'' as follows:

b.2.b.1. Hard surface (*e.g.*, chromium, silicon, molybdenum) coated ''substrates'' (*e.g.*, glass, quartz, sapphire) for the preparation of masks having dimensions exceeding 125 mm × 125 mm; *or*

b.2.b.2. ''Substrates'' specially designed for X-ray masks;

b.2.c. Equipment, other than general purpose computers, specially designed for computer aided design (CAD) of semiconductor devices or integrated circuits;

b.2.d. Equipment or machines, as follows, for mask or reticle fabrication:

b.2.d.1. Photo-optical step and repeat cameras capable of producing arrays larger than 100 mm x 100 mm, or capable of producing a single exposure larger than 6 mm x 6 mm in the image (*i.e.*, focal) plane, or capable of producing line widths of less than 2.5 micrometer in the photoresist on the ''substrate'';

b.2.d.2. Mask or reticle fabrication equipment using ion or ''laser'' beam lithography capable of producing line widths of less than 2.5 micrometer; *or*

b.2.d.3. Equipment or holders for altering masks or reticles or adding pellicles to remove defects;

Note: 3B991.b.2.d.1 and b.2.d.2 do not control mask fabrication equipment using photo-optical methods which was either commercially available before the 1st January, 1980, or has a performance no better than such equipment.

b.2.e. ''Stored program controlled'' equipment for the inspection of masks, reticles or pellicles with:

b.2.e.1. A resolution of 0.25 micrometer or finer; *and*

b.2.e.2. A precision of 0.75 micrometer or finer over a distance in one or two coordinates of 63.5 mm or more;

Note: 3B991.b.2.e does not control general purpose scanning electron microscopes except when specially designed and instrumented for automatic pattern inspection.

b.2.f. Align and expose equipment for wafer production using photo-optical or X-ray methods, *e.g.*, lithography equipment, including both projection image transfer equipment and step and repeat (direct step on wafer) or step and scan (scanner) equipment, capable of performing any of the following functions:

Note: 3B991.b.2.f does not control photo-optical contact and proximity mask align and expose equipment or contact image transfer equipment.

b.2.f.1. Production of a pattern size of less than 2.5 micrometer;

b.2.f.2. Alignment with a precision finer than ±0.25 micrometer (3 sigma);

b.2.f.3. Machine-to-machine overlay no better than ±0.3 micrometer; *or*

b.2.f.4. A light source wavelength shorter than 400 nm;

b.2.g. Electron beam, ion beam or X-ray equipment for projection image transfer capable of producing patterns less than 2.5 micrometer;

Note: For focused, deflected-beam systems (direct write systems), see 3B991.b.1.j or b.10.

b.2.h. Equipment using ''lasers'' for direct write on wafers capable of producing patterns less than 2.5 micrometer.

b.3. Equipment for the assembly of integrated circuits, as follows:

b.3.a. ''Stored program controlled'' die bonders having all of the following characteristics:

b.3.a.1. Specially designed for ''hybrid integrated circuits'';

b.3.a.2. X–Y stage positioning travel exceeding 37.5 x 37.5 mm; *and*

b.3.a.3. Placement accuracy in the X–Y plane of finer than ±10 micrometer;

b.3.b. ''Stored program controlled'' equipment for producing multiple bonds in a single operation (*e.g.*, beam lead bonders, chip carrier bonders, tape bonders);

b.3.c. Semi-automatic or automatic hot cap sealers, in which the cap is heated locally to a higher temperature than the body of the package, specially designed for ceramic microcircuit packages controlled by 3A001 and that have a throughput equal to or more than one package per minute.

Note: 3B991.b.3 does not control general purpose resistance type spot welders.

b.4. Filters for clean rooms capable of providing an air environment of 10 or less particles of 0.3 micrometer or smaller per 0.02832 m^3 and filter materials therefor.

■ 24. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3B992 is amended revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

3B992 Equipment not controlled by 3B002 for the inspection or testing of electronic components and materials, and specially designed components and accessories therefor.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Equipment specially designed for the inspection or testing of electron tubes, optical elements and specially designed components therefor controlled by 3A001 or 3A991;

b. Equipment specially designed for the inspection or testing of semiconductor devices, integrated circuits and ''electronic assemblies'', as follows, and systems incorporating or having the characteristics of such equipment:

Note: 3B992.b also controls equipment used or modified for use in the inspection or testing of other devices, such as imaging devices, electro-optical devices, acoustic-wave devices.

b.1. ''Stored program controlled'' inspection equipment for the automatic detection of defects, errors or contaminants of 0.6 micrometer or less in or on processed wafers, ''substrates'', other than printed circuit boards or chips, using optical image acquisition techniques for pattern comparison;

Note: 3B992.b.1 does not control general purpose scanning electron microscopes, except when specially designed and instrumented for automatic pattern inspection.

b.2. Specially designed ''stored program controlled'' measuring and analysis equipment, as follows:

b.2.a. Specially designed for the measurement of oxygen or carbon content in semiconductor materials;

b.2.b. Equipment for line width measurement with a resolution of 1 micrometer or finer;

b.2.c. Specially designed flatness measurement instruments capable of measuring deviations from flatness of 10 micrometer or less with a resolution of 1 micrometer or finer.

b.3. ''Stored program controlled'' wafer probing equipment having any of the following characteristics:

b.3.a. Positioning accuracy finer than 3.5 micrometer;

b.3.b. Capable of testing devices having more than 68 terminals; *or*

b.3.c. Capable of testing at a frequency exceeding 1 GHz;

b.4. Test equipment as follows:

b.4.a. ''Stored program controlled'' equipment specially designed for testing discrete semiconductor devices and unencapsulated dice, capable of testing at frequencies exceeding 18 GHz;

Technical Note: Discrete semiconductor devices include photocells and solar cells.

b.4.b. ''Stored program controlled'' equipment specially designed for testing integrated circuits and ''electronic assemblies'' thereof, capable of functional testing:

b.4.b.1. At a 'pattern rate' exceeding 20 MHz; *or*

b.4.b.2. At a 'pattern rate' exceeding 10 MHz but not exceeding 20 MHz and capable of testing packages of more than 68 terminals.

Notes: 3B992.b.4.b does not control test equipment specially designed for testing:

1. memories;

2. ''Assemblies'' or a class of ''electronic assemblies'' for home and entertainment applications; and

3. Electronic components, ''assemblies'' and integrated circuits not controlled by 3A001 or 3A991 provided such test equipment does not incorporate computing facilities with ''user accessible programmability''.

Technical Note: For purposes of 3B992.b.4.b, 'pattern rate' is defined as the maximum frequency of digital operation of a tester. It is therefore equivalent to the highest data rate that a tester can provide in non-multiplexed mode. It is also referred to as test speed, maximum digital frequency or maximum digital speed.

b.4.c. Equipment specially designed for determining the performance of focal-plane arrays at wavelengths of more than 1,200 nm, using ''stored program controlled'' measurements or computer aided evaluation and having any of the following characteristics:

b.4.c.1. Using scanning light spot diameters of less than 0.12 mm;

b.4.c.2. Designed for measuring photosensitive performance parameters and for evaluating frequency response, modulation transfer function, uniformity of responsivity or noise; *or*

b.4.c.3. Designed for evaluating arrays capable of creating images with more than 32 x 32 line elements;

b.5. Electron beam test systems designed for operation at 3 keV or below, or ''laser'' beam systems, for non-contactive probing of powered-up semiconductor devices having any of the following:

b.5.a. Stroboscopic capability with either beam blanking or detector strobing;

b.5.b. An electron spectrometer for voltage measurements with a resolution of less than 0.5 V; *or*

b.5.c. Electrical tests fixtures for performance analysis of integrated circuits;

Note: 3B992.b.5 does not control scanning electron microscopes, except when specially designed and instrumented for non-contactive probing of a powered-up semiconductor device.

b.6. ''Stored program controlled'' multifunctional focused ion beam systems specially designed for manufacturing, repairing, physical layout analysis and testing of masks or semiconductor devices and having either of the following characteristics:

b.6.a. Target-to-beam position feedback control precision of 1 micrometer or finer; *or*

b.6.b. Digital-to-analog conversion accuracy exceeding 12 bit;

b.7. Particle measuring systems employing ''lasers'' designed for measuring particle size and concentration in air having both of the following characteristics:

b.7.a. Capable of measuring particle sizes of 0.2 micrometer or less at a flow rate of 0.02832 m^3 per minute or more; *and*

b.7.b. Capable of characterizing Class 10 clean air or better.

■ 25. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A003 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

4A003 ''Digital computers'', ''electronic assemblies'', and related equipment therefor, as follows, and specially designed components therefor.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

Note 1: 4A003 includes the following:

a. Vector processors;

b. Array processors;

c. Digital signal processors;

d. Logic processors;

e. Equipment designed for ''image enhancement'';

f. Equipment designed for ''signal processing''.

Note 2: The control status of the ''digital computers'' and related equipment described in 4A003 is determined by the control status of other equipment or systems provided:

a. The ''digital computers'' or related equipment are essential for the operation of the other equipment or systems;

b. The ''digital computers'' or related equipment are not a ''principal element'' of the other equipment or systems; *and*

N.B. 1: The control status of ''signal processing'' or ''image enhancement'' equipment specially designed for other equipment with functions limited to those required for the other equipment is determined by the control status of the other equipment even if it exceeds the ''principal element'' criterion.

N.B. 2: For the control status of ''digital computers'' or related equipment for telecommunications equipment, see Category 5, Part 1 (Telecommunications).

c. The ''technology'' for the ''digital computers'' and related equipment is determined by 4E.

a. Designed or modified for ''fault tolerance'';

Note: For the purposes of 4A003.a., ''digital computers'' and related equipment are not considered to be designed or modified for ''fault tolerance'' if they utilize any of the following:

1. Error detection or correction algorithms in ''main storage'';

2. The interconnection of two ''digital computers'' so that, if the active central processing unit fails, an idling but mirroring central processing unit can continue the system's functioning;

3. The interconnection of two central processing units by data channels or by use of shared storage to permit one central processing unit to perform other work until the second central processing unit fails, at which time the first central processing unit takes over in order to continue the system's functioning; *or*

4. The synchronization of two central processing units by ''software'' so that one central processing unit recognizes when the other central processing unit fails and recovers tasks from the failing unit.

b. ''Digital computers'' having a ''composite theoretical performance'' (''CTP'') exceeding 190,000 million theoretical operations per second (MTOPS);

c. ''Electronic assemblies'' specially designed or modified to be capable of enhancing performance by aggregation of ''computing elements'' (''CEs'') so that the ''CTP'' of the aggregation exceeds the limit in 4A003.b.;

Note 1: 4A003.c applies only to ''electronic assemblies'' and programmable interconnections not exceeding the limit in 4A003.b. when shipped as unintegrated ''electronic assemblies''. It does not apply to ''electronic assemblies'' inherently limited by nature of their design for use as related equipment controlled by 4A003.e.

Note 2: 4A003.c does not control ''electronic assemblies'' specially designed for a product or family of products whose maximum configuration does not exceed the limit of 4A003.b.

d. [RESERVED]

e. Equipment performing analog-to-digital conversions exceeding the limits in 3A001.a.5;

f. [RESERVED]

g. Equipment specially designed to provide external interconnection of ''digital computers'' or associated equipment that allows communications at data rates exceeding 1.25 Gbyte/s.

Note: 4A003.g does not control internal interconnection equipment (*e.g.*, backplanes, buses) passive interconnection equipment, ''network access controllers'' or ''communication channel controllers''.

■ 26. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A994 is amended by revising the ''items''

paragraph in the List of Items Controlled section, to read as follows:

4A994 Computers, ''electronic assemblies'', and related equipment not controlled by 4A001 or 4A003, and specially designed components therefor.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

Note 1: The control status of the ''digital computers'' and related equipment described in 4A994 is determined by the control status of other equipment or systems provided:

a. The ''digital computers'' or related equipment are essential for the operation of the other equipment or systems;

b. The ''digital computers'' or related equipment are not a ''principal element'' of the other equipment or systems; and

N.B. 1: The control status of ''signal processing'' or ''image enhancement'' equipment specially designed for other equipment with functions limited to those required for the other equipment is determined by the control status of the other equipment even if it exceeds the ''principal element'' criterion.

N.B. 2: For the control status of ''digital computers'' or related equipment for telecommunications equipment, see Category 5, Part 1 (Telecommunications).

c. The ''technology'' for the ''digital computers'' and related equipment is determined by 4E.

a. Electronic computers and related equipment, and ''electronic assemblies'' and specially designed components therefor, rated for operation at an ambient temperature above 343 K (70 °C);

b. ''Digital computers'' having a ''composite theoretical performance'' (''CTP'') equal to or greater than 6 million theoretical operations per second (MTOPS);

c. ''Electronic assemblies'' that are specially designed or modified to enhance performance by aggregation of ''computing elements'' (''CEs''), as follows:

c.1. Designed to be capable of aggregation in configurations of 16 or more ''computing elements'' (''CEs''); *or*

c.2. Having a sum of maximum data rates on all channels available for connection to associated processors exceeding 40 million Byte/s;

Note 1: 4A994.c applies only to ''electronic assemblies'' and programmable interconnections with a ''CTP'' not exceeding the limits in 4A994.b, when shipped as unintegrated ''electronic assemblies''. It does not apply to ''electronic assemblies'' inherently limited by nature of their design for use as related equipment controlled by 4A994.g and 4A994.k.

Note 2: 4A994.c does not control any ''electronic assembly'' specially designed for a product or family of products whose maximum configuration does not exceed the limits of 4A994.b.

d. Disk drives and solid state storage equipment:

d.1. Magnetic, erasable optical or magneto-optical disk drives with a ''maximum bit transfer rate'' exceeding 25 million bit/s;

d.2. Solid state storage equipment, other than ''main storage'' (also known as solid state disks or RAM disks), with a ''maximum bit transfer rate'' exceeding 36 million bit/s;

e. Input/output control units designed for use with equipment controlled by 4A994.d;

f. Equipment for ''signal processing'' or ''image enhancement'' having a ''composite theoretical performance'' (''CTP'') exceeding 8.5 million theoretical operations per second (MTOPS);

g. Graphics accelerators or graphics coprocessors that exceed a ''three dimensional vector rate'' of 400,000 or, if supported by 2–D vectors only, a ''two dimensional vector rate'' of 600,000;

Note: The provisions of 4A994.g do not apply to work stations designed for and limited to:

a. Graphic arts (*e.g.*, printing, publishing); and

b. The display of two-dimensional vectors.

h. Color displays or monitors having more than 120 resolvable elements per cm in the direction of the maximum pixel density;

Note 1: 4A994.h does not control displays or monitors not specially designed for electronic computers.

Note 2: Displays specially designed for air traffic control (ATC) systems are treated as specially designed components for ATC systems under Category 6.

i. Equipment containing ''terminal interface equipment'' exceeding the limits in 5A991.

Note: For the purposes of 4A994.i, ''terminal interface equipment'' includes ''local area network'' interfaces, modems and other communications interfaces. ''Local area network'' interfaces are evaluated as ''network access controllers''.

j. Equipment specially designed to provide external interconnection of ''digital computers'' or associated equipment that allows communications at data rates exceeding 80 Mbyte/s.

Note: 4A994.j does not control internal interconnection equipment (*e.g.*, backplanes, buses) passive interconnection equipment, ''network access controllers'' or ''communication channel controllers''.

k. ''Hybrid computers'' and ''electronic assemblies'' and specially designed components therefor, as follows:

k.1. Containing ''digital computers'' controlled by 4A003;

k.2. Containing analog-to-digital converters having all of the following characteristics:

k.2.a. 32 channels or more; *and*

k.2.b. A resolution of 14 bit (plus sign bit) or more with a conversion rate of 200,000 conversions/s or more.

■ 27. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4D001 is amended by revising the License Requirements section, the ''TSR'' paragraph of the License Exception section, and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

4D001 ''Software'' specially designed or modified for the ''development'', ''production'' or ''use'' of equipment or ''software'' controlled by 4A001 to 4A004, or 4D (except 4D980, 4D993 or 4D994), and other specified software, see List of Items Controlled.

License Requirements

Reason for Control: NS, CC, AT, NP, XP.

Control(s)	Country chart
NS applies to ''software'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003	NS Column 1.
CC applies to ''software'' for computerized finger-print equipment controlled by 4A003 for CC reasons	CC Column 1.
AT applies to entire entry	AT Column 1.

NP applies, unless a License Exception is available. *See* § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''software'' for computers with a CTP greater than 190,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use; however, XP does not apply to Canada. *See* § 742.12 of the EAR for additional information.

License Exceptions

CIV: * * *

TSR: Yes, except software for commodities controlled by ECCN 4A003.b or ECCN 4A003.c is limited to software for computers or electronic assemblies with a CTP equal to or less than 190,000 MTOPS.

CTP: * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. ''Software'' specially designed or modified for the ''development'', ''production'' or ''use'' of equipment or ''software'' controlled by 4A001 to 4A004, or 4D (except 4D980, 4D993 or 4D994).

b. ''Software'', other than that controlled by 4D001.a, specially designed or modified for the ''development'' or ''production'' of:

b.1. ''Digital computers'' having a ''composite theoretical performance'' (''CTP'') exceeding 75,000 MTOPS; *or*

b.2. ''Electronic assemblies'' specially designed or modified for enhancing performance by aggregation of ''computing elements'' (''CEs'') so that the ''CTP'' of the aggregation exceeds the limit in 4D001.b.1.

■ 28. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4E001 is amended by revising the License Requirements section, the ''TSR'' paragraph in the License Exception section, and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

4E001 ''Technology'' according to the General Technology Note, for the ''development'', ''production'' or ''use'' of equipment or ''software'' controlled by 4A (except 4A980, 4A993 or 4A994) or 4D (except 4D980, 4D993, 4D994), and other specified technology, see List of Items Controlled.

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP.

Control(s)	Country chart
NS applies to ''technology'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003	NS Column 1.
MT applies to ''technology'' for items controlled by 4A001.a and 4A101 for MT reasons	MT Column 1.
CC applies to ''technology'' for computerized fingerprint equipment controlled by 4A003 for CC reasons	CC Column 1.
AT applies to entire entry	AT Column 1.

NP applies, unless a License Exception is available. *See* § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''technology'' for computers with a CTP greater than 190,000 MTOPS, unless a License Exception is available. XP controls vary according to destination and end-user and end-use, however, XP does not apply to Canada. *See* § 742.12 of the EAR for additional information.

License Exceptions

CIV: * * *

TSR: Yes, except technology for commodities controlled by ECCN 4A003.b or ECCN 4A003.c is limited to technology for computers or electronic assemblies with a CTP equal to or less than 190,000 MTOPS.

CTP: * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. ''Technology'' according to the General Technology Note, for the ''development,'' ''production,'' or ''use'' of equipment or ''software'' controlled by 4A (except 4A980, 4A993 or 4A994) or 4D (except 4D980, 4D993, 4D994).

b. ''Technology'', other than that controlled by 4E001.a, specially designed or modified for the ''development'' or ''production'' of:

b.1. ''Digital computers'' having a ''composite theoretical performance'' (''CTP'') exceeding 75,000 MTOPS; or

b.2. ''Electronic assemblies'' specially designed or modified for enhancing performance by aggregation of ''computing elements'' (''CEs'') so that the ''CTP'' of the aggregation exceeds the limit in 4E001.b.1.

■ 29. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security'', Part I—Telecommunications, Export Control Classification Number (ECCN) 5A001 is amended by revising the License Requirements and License Exceptions sections, and revising the ''Related Controls'' and ''items'' paragraphs in the List of Items Controlled section, to read as follows:

5A001 Telecommunications systems, equipment, and components.

License Requirements

Reason for Control: NS, AT.

Control(s)	Country chart
NS applies to 5A001.a, and .e	NS Column 1.
NS applies to 5A001.b, .c, or .d	NS Column 2.
AT applies to entire entry	AT Column 1.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

License Exceptions

LVS: N/A for 5A001.a, b.5, .e $5000 for 5A001b.1, b.2, b.3, b.6, and .d $3000 for 5A001.c.

GBS: Yes, except 5A001.a, b.5, .e.

CIV: Yes, except 5A001.a, b.3, b.5, .e.

List of Items Controlled

Unit: * * *

Related Controls: Telecommunications equipment defined in 5A001.a.1 through A001.a.3 for use on board satellites is subject to the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121). Direction finding equipment defined in 5A001.e is subject to the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121). See also 5A101 and 5A991.

Related Definitions: * * *

Items:

a. Any type of telecommunications equipment having any of the following characteristics, functions or features:

a.1. Specially designed to withstand transitory electronic effects or electromagnetic pulse effects, both arising from a nuclear explosion;

a.2. Specially hardened to withstand gamma, neutron or ion radiation; or

a.3. Specially designed to operate outside the temperature range from 218 K (−55 °C) to 397 K (124 °C).

Note: 5A001.a.3 applies only to electronic equipment.

Note: 5A001.a.2 and 5A001.a.3 do not apply to equipment on board satellites.

b. Telecommunication transmission equipment and systems, and specially designed components and accessories therefor, having any of the following characteristics, functions or features:

b.1 Being underwater communications systems having any of the following characteristics:

b.1.a. An acoustic carrier frequency outside the range from 20 kHz to 60 kHz;

b.1.b. Using an electromagnetic carrier frequency below 30 kHz; or

b.1.c. Using electronic beam steering techniques;

b.2. Being radio equipment operating in the 1.5 MHz to 87.5 MHz band and having any of the following characteristics:

b.2.a. Incorporating adaptive techniques providing more than 15 dB suppression of an interfering signal; *or*

b.2.b. Having all of the following:

b.2.b.1. Automatically predicting and selecting frequencies and ''total digital transfer rates'' per channel to optimize the transmission; *and*

b.2.b.2. Incorporating a linear power amplifier configuration having a capability to support multiple signals simultaneously at an output power of 1 kW or more in the frequency range of 1.5 MHz or more but less

than 30 MHz, or 250 W or more in the frequency range of 30 MHz or more but not exceeding 87.5 MHz, over an ''instantaneous bandwidth'' of one octave or more and with an output harmonic and distortion content of better than -80 dB;

b.3. Being radio equipment employing ''spread spectrum'' techniques, including ''frequency hopping'' techniques, having any of the following characteristics:

b.3.a. User programmable spreading codes; *or*

b.3.b. A total transmitted bandwidth which is 100 or more times the bandwidth of any one information channel and in excess of 50 kHz;

Note: 5A001.b.3.b does not control radio equipment specially designed for use with civil cellular radio-communications systems.

Note: 5A001.b.3 does not control equipment operating at an output power of 1.0 Watt or less.

b.4 Being radio equipment employing ''time-modulated ultra-wideband'' techniques, having user programmable channelizing or scrambling codes;

b.5. Being digitally controlled radio receivers having all of the following:

b.5.a. More than 1,000 channels;

b.5.b. A ''frequency switching time'' of less than 1 ms;

b.5.c. Automatic searching or scanning of a part of the electromagnetic spectrum; *and*

b.5.d. Identification of the received signals or the type of transmitter; *or*

Note: 5A001.b.5 does not control radio equipment specially designed for use with civil cellular radio-communications systems.

b.6. Employing functions of digital ''signal processing'' to provide voice coding output at rates of less than 2,400 bit/s.

Technical Note: For variable rate voice coding, 5A001.b.6 applies to the voice coding output of continuous speech.

c. Optical fiber communication cables, optical fibers and accessories, as follows:

c.1. Optical fibers of more than 500 m in length specified by the manufacturer as being capable of withstanding a proof test tensile stress of 2×10^9 N/m^2 or more;

Technical Note: Proof Test: On-line or off-line production screen testing that dynamically applies a prescribed tensile stress over a 0.5 to 3 m length of fiber at a running rate of 2 to 5 m/s while passing between capstans approximately 150 mm in diameter. The ambient temperature is a nominal 293 K (20 °C) and relative humidity 40%. Equivalent national standards may be used for executing the proof test.

c.2. Optical fiber cables and accessories designed for underwater use.

Note: 5A001.c.2 does not control standard civil telecommunication cables and accessories.

N.B. 1: For underwater umbilical cables, and connectors thereof, see 8A002.a.3.

N.B. 2: For fiber-optic hull penetrators or connectors, see 8A002.c.

d. ''Electronically steerable phased array antennae'' operating above 31.8 GHz.

Note: 5A001.d does not control ''electronically steerable phased array antennae'' for landing systems with instruments meeting ICAO standards covering microwave landing systems (MLS).

e. Direction finding equipment operating at frequencies above 30 MHz and having all of the following characteristics, and specially designed components therefor:

e.1. ''Instantaneous bandwidth'' of 1 MHz or more;

e.2. Parallel processing of more than 100 frequency channels; and

e.3. Processing rate of more than 1,000 direction finding results per second and per frequency channel.

■ 30. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6A001 is amended by revising the ''LVS'' paragraph in the License Exceptions section, and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

6A001 Acoustics.

* * * * *

License Exceptions

LVS: $3000; N/A for 6A001.a.1.b.1 object detection and location systems having a transmitting frequency below 5 kHz or a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 30 kHz to 2 kHz inclusive; 6A001.a.2.a.1, a.2.a.2, 6A001.a.2.a.3, a.2.a.5, a.2.a.6, 6A001.a.2.b; processing equipment controlled by 6A001.a.2.c, and specially designed for real time application with towed acoustic hydrophone arrays; a.2.e.1, a.2.e.2; and bottom or bay cable systems controlled by 6A001.a.2.f and having processing equipment specially designed for real time application with bottom or bay cable systems.

GBS: * * *

CIV: * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Marine acoustic systems, equipment and specially designed components therefor, as follows:

a.1. Active (transmitting or transmitting-and-receiving) systems, equipment and specially designed components therefor, as follows:

Note: 6A001.a.1 does not control:

a. Depth sounders operating vertically below the apparatus, not including a scanning function exceeding ±20°, and limited to measuring the depth of water, the distance of submerged or buried objects or fish finding;

b. Acoustic beacons, as follows:

1. Acoustic emergency beacons;

2. Pingers specially designed for relocating or returning to an underwater position.

a.1.a. Wide-swath bathymetric survey systems designed for sea bed topographic mapping, having all of the following:

a.1.a.1. Being designed to take measurements at an angle exceeding 20° from the vertical;

a.1.a.2. Being designed to measure depths exceeding 600 m below the water surface; *and*

a.1.a.3. Being designed to provide any of the following:

a.1.a.3.a. Incorporation of multiple beams any of which is less than 1.9°; *or*

a.1.a.3.b. Data accuracies of better than 0.3% of water depth across the swath averaged over the individual measurements within the swath;

a.1.b. Object detection or location systems having any of the following:

a.1.b.1. A transmitting frequency below 10 kHz;

a.1.b.2. Sound pressure level exceeding 224dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 10 kHz to 24 kHz inclusive;

a.1.b.3. Sound pressure level exceeding 235 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band between 24 kHz and 30 kHz;

a.1.b.4. Forming beams of less than 1° on any axis and having an operating frequency of less than 100 kHz;

a.1.b.5. Designed to operate with an unambiguous display range exceeding 5,120 m; *or*

a.1.b.6. Designed to withstand pressure during normal operation at depths exceeding 1,000 m and having transducers with any of the following:

a.1.b.6.a. Dynamic compensation for pressure; *or*

a.1.b.6.b. Incorporating other than lead zirconate titanate as the transduction element;

a.1.c. Acoustic projectors, including transducers, incorporating piezoelectric, magnetostrictive, electrostrictive, electrodynamic or hydraulic elements operating individually or in a designed combination, having any of the following:

Notes: 1. The control status of acoustic projectors, including transducers, specially designed for other equipment is determined by the control status of the other equipment.

2. 6A001.a.1.c does not control electronic sources that direct the sound vertically only, or mechanical (*e.g.*, air gun or vapor-shock gun) or chemical (*e.g.*, explosive) sources.

a.1.c.1. An instantaneous radiated acoustic power density exceeding 0.01 mW/mm^2/Hz for devices operating at frequencies below 10 kHz;

a.1.c.2. A continuously radiated acoustic power density exceeding 0.001 Mw/mm^2/Hz for devices operating at frequencies below 10 kHz; *or*

Technical Note: Acoustic power density is obtained by dividing the output acoustic power by the product of the area of the radiating surface and the frequency of operation.

a.1.c.3. Side-lobe suppression exceeding 22 dB;

a.1.d. Acoustic systems, equipment and specially designed components for determining the position of surface vessels or underwater vehicles designed to operate at a range exceeding 1,000 m with a positioning

accuracy of less than 10 m rms (root mean square) when measured at a range of 1,000 m;

Note: 6A001.a.1.d includes:

a. Equipment using coherent ''signal processing'' between two or more beacons and the hydrophone unit carried by the surface vessel or underwater vehicle;

b. Equipment capable of automatically correcting speed-of-sound propagation errors for calculation of a point.

a.2. Passive (receiving, whether or not related in normal application to separate active equipment) systems, equipment and specially designed components therefor, as follows:

a.2.a. Hydrophones having any of the following characteristics:

Note: The control status of hydrophones specially designed for other equipment is determined by the control status of the other equipment.

a.2.a.1. Incorporating continuous flexible sensing elements;

a.2.a.2. Incorporating flexible assemblies of discrete sensing elements with either a diameter or length less than 20 mm and with a separation between elements of less than 20 mm;

a.2.a.3. Having any of the following sensing elements:

a.2.a.3.a. Optical fibers; *or*

a.2.a.3.b. Piezoelectric polymer films other than polyvinylidene-fluoride (PVDF) and its co-polymers {P(VDF–TrFE) and P(VDF–TFE)}; *or*

a.2.a.3.c. Flexible piezoelectric composites;

a.2.a.4. A hydrophone sensitivity better than −180dB at any depth with no acceleration compensation;

a.2.a.5. When designed to operate at depths exceeding 35 m with acceleration compensation; *or*

a.2.a.6. Designed for operation at depths exceeding 1,000 m;

Technical Notes: 1. ''Piezoelectric polymer film'' sensing elements consist of polarized polymer film that is stretched over and attached to a supporting frame or spool (mandrel).

2. 'Flexible piezoelectric composite' sensing elements consist of piezoelectric ceramic particles or fibers combined with an electrically insulating, acoustically transparent rubber, polymer or epoxy compound, where the compound is an integral part of the sensing elements.

3. Hydrophone sensitivity is defined as twenty times the logarithm to the base 10 of the ratio of rms output voltage to a 1 V rms reference, when the hydrophone sensor, without a pre-amplifier, is placed in a plane wave acoustic field with an rms pressure of 1 μPa. For example, a hydrophone of −160 dB (reference 1 V per μPa) would yield an output voltage of 10^{-8} V in such a field, while one of −180 dB sensitivity would yield only 10^{-9} V output. Thus, −160 dB is better than −180 dB.

a.2.b. Towed acoustic hydrophone arrays having any of the following:

a.2.b.1. Hydrophone group spacing of less than 12.5 m or ''able to be modified'' to have hydrophone group spacing of less than 12.5 m;

a.2.b.2. Designed or 'able to be modified' to operate at depths exceeding 35m;

Technical Note: ''Able to be modified'' in 6A001.a.2.b means having provisions to allow a change of the wiring or interconnections to alter hydrophone group spacing or operating depth limits. These provisions are: spare wiring exceeding 10% of the number of wires, hydrophone group spacing adjustment blocks or internal depth limiting devices that are adjustable or that control more than one hydrophone group.

a.2.b.3. Heading sensors controlled by 6A001.a.2.d;

a.2.b.4. Longitudinally reinforced array hoses;

a.2.b.5. An assembled array of less than 40 mm in diameter;

a.2.b.6. Multiplexed hydrophone group signals designed to operate at depths exceeding 35 m or having an adjustable or removable depth sensing device in order to operate at depths exceeding 35 m; *or*

a.2.b.7. Hydrophone characteristics controlled by 6A001.a.2.a;

a.2.c. Processing equipment, specially designed for towed acoustic hydrophone arrays, having ''user accessible programmability'' and time or frequency domain processing and correlation, including spectral analysis, digital filtering and beamforming using Fast Fourier or other transforms or processes;

a.2.d. Heading sensors having all of the following:

a.2.d.1. An accuracy of better than ±0.5°; *and*

a.2.d.2. Designed to operate at depths exceeding 35 m or having an adjustable or removable depth sensing device in order to operate at depths exceeding 35 m;

a.2.e. Bottom or bay cable systems having any of the following:

a.2.e.1. Incorporating hydrophones controlled by 6A001.a.2.a; *or*

a.2.e.2. Incorporating multiplexed hydrophone group signal modules having all of the following characteristics:

a.2.e.2.a. Designed to operate at depths exceeding 35 m or having an adjustable or removal depth sensing device in order to operate at depths exceeding 35 m; *and*

a.2.e.2.b. Capable of being operationally interchanged with towed acoustic hydrophone array modules;

a.2.f. Processing equipment, specially designed for bottom or bay cable systems, having ''user accessible programmability'' and time or frequency domain processing and correlation, including spectral analysis, digital filtering and beamforming using Fast Fourier or other transforms or processes;

b. Correlation-velocity sonar log equipment designed to measure the horizontal speed of the equipment carrier relative to the sea bed at distances between the carrier and the sea bed exceeding 500 m.

■ 31. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6A002 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

6A002 Optical sensors.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls:

Related Definitions: * * *

Items:

a. Optical detectors, as follows:

Note: 6A002.a does not control germanium or silicon photodevices.

N.B. Silicon and other material based ''microbolometer'' non ''space-qualified'' ''focal plane arrays'' are only specified under 6A002.a.3.f.

a.1. ''Space-qualified'' solid-state detectors, as follows:

a.1.a. ''Space-qualified'' solid-state detectors, having all of the following:

a.1.a.1. A peak response in the wavelength range exceeding 10 nm but not exceeding 300 nm; *and*

a.1.a.2. A response of less than 0.1% relative to the peak response at a wavelength exceeding 400 nm;

a.1.b. ''Space-qualified'' solid-state detectors, having all of the following:

a.1.b.1. A peak response in the wavelength range exceeding 900 nm but not exceeding 1,200 nm; *and*

a.1.b.2. A response ''time constant'' of 95 ns or less;

a.1.c. ''Space-qualified'' solid-state detectors having a peak response in the wavelength range exceeding 1,200 nm but not exceeding 30,000 nm;

a.2. Image intensifier tubes and specially designed components therefor, as follows:

a.2.a. Image intensifier tubes having all of the following:

a.2.a.1. A peak response in the wavelength range exceeding 400 nm but not exceeding 1,050 nm;

a.2.a.2. A microchannel plate for electron image amplification with a hole pitch (center-to-center spacing) of 12 μm or less; *and*

a.2.a.3. Any of the following photocathodes:

a.2.a.3.a. S-20, S-25 or multialkali photocathodes with a luminous sensitivity exceeding 350 μA/lm;

a.2.a.3.b. GaAs or GaInAs photocathodes; *or*

a.2.a.3.c. Other III–V compound semiconductor photocathodes;

Note: 6A002.a.2.a.3.c does not apply to compound semiconductor photocathodes with a maximum radiant sensitivity of 10 mA/W or less.

a.2.b. Specially designed components, as follows:

a.2.b.1. Microchannel plates having a hole pitch (center-to-center spacing) of 12 μm or less;

a.2.b.2. GaAs or GaInAs photocathodes;

a.2.b.3. Other III–V compound semiconductor photocathodes;

Note: 6A002.a.2.b.3 does not control compound semiconductor photocathodes with a maximum radiant sensitivity of 10 mA/W or less.

a.3. Non-''space-qualified'' ''focal plane arrays'', as follows:

N.B. Silicon and other material based 'microbolometer' non ''space-qualified'' ''focal plane arrays'' are only specified in 6A002.a.3.f.

Technical Notes:

1. Linear or two-dimensional multi-element detector arrays are referred to as ''focal plane arrays''.

2. For the purposes of 6A002.a.3. 'cross scan direction' is defined as the axis parallel to the linear array of detector elements and the 'scan direction' is defined as the axis perpendicular to the linear array of detector elements.

Note 1: 6A002.a.3 includes photoconductive arrays and photovoltaic arrays.

Note 2: 6A002.a.3 does not control:

a. Multi-element (not to exceed 16 elements) encapsulated photoconductive cells using either lead sulphide or lead selenide;

b. Pyroelectric detectors using any of the following:

b.1. Triglycine sulphate and variants;

b.2. Lead-lanthanum-zirconium titanate and variants;

b.3. Lithium tantalate;

b.4. Polyvinylidene fluoride and variants; *or*

b.5. Strontium barium niobate and variants.

a.3.a. Non-''space-qualified'' ''focal plane arrays'', having all of the following:

a.3.a.1. Individual elements with a peak response within the wavelength range exceeding 900 nm but not exceeding 1,050 nm; *and*

a.3.a.2. A response ''time constant'' of less than 0.5 ns;

a.3.b. Non-''space-qualified'' ''focal plane arrays'', having all of the following:

a.3.b.1. Individual elements with a peak response in the wavelength range exceeding 1,050 nm but not exceeding 1,200 nm; *and*

a.3.b.2. A response ''time constant'' of 95 ns or less;

a.3.c. Non-''space-qualified'' non-linear (2-dimensional) ''focal plane arrays'', having individual elements with a peak response in the wavelength range exceeding 1,200 nm but not exceeding 30,000 nm;

N.B. Silicon and other material based 'microbolometer' non-''space-qualified'' ''focal plane arrays'' are only specified in 6A002.a.3.f.

a.3.d. Non-''space-qualified'' linear (1-dimensional) ''focal plane arrays'', having all of the following :

a.3.d.1. Individual elements with a peak response in the wavelength range exceeding 1,200 nm but not exceeding 2,500 nm; *and*

a.3.d.2. Any of the following:

a.3.d.2.a. A ratio of scan direction dimension of the detector element to the cross-scan direction dimension of the detector element of less than 3.8; *or*

a.3.d.2.b. Signal processing in the element (SPRITE);

a.3.e. Non-''space-qualified'' linear (1-dimensional) ''focal plane arrays'', having individual elements with a peak response in the wavelength range exceeding 2,500 nm but not exceeding 30,000 nm.

a.3.f. Non-''space-qualified'' non-linear (2-dimensional) infrared ''focal plane arrays'' based on 'microbolometer' material having individual elements with an unfiltered response in the wavelength range equal to or exceeding 8,000 nm but not exceeding 14,000 nm.

Technical Notes:

1. For the purposes of 6A002.a.3.f. 'microbolometer' is defined as a thermal imaging detector that, as a result of a temperature change in the detector caused by the absorption of infrared radiation, is used to generate any usable signal.

2. Non-imaging thermal detectors are not controlled by 6A002.a.3. Imaging thermal detectors are a multi-element array of thermal detectors with the capacity to form a visual, electronic or other representation of an object with sufficient fidelity to enable understanding of its shape or other spatial characteristics, such as height, width, or area. A multi-element array of thermal detectors without the capacity to form spatial representation of an object is non-imaging.

3. 6A002.a.3.f captures all non-''space-qualified'' non-linear (2-dimensional) infrared ''focal plane arrays'' based on microbolometer material having individual elements with any unfiltered response between 8,000 nm and 14,000 nm.

b. ''Monospectral imaging sensors'' and ''multispectral imaging sensors'' designed for remote sensing applications, having any of the following:

b.1. An Instantaneous-Field-Of-View (IFOV) of less than 200 μrad (microradians); *or*

b.2. Being specified for operation in the wavelength range exceeding 400 nm but not exceeding 30,000 nm and having all the following;

b.2.a. Providing output imaging data in digital format; *and*

b.2.b. Being any of the following:

b.2.b.1. ''Space-qualified'; *or*

b.2.b.2. Designed for airborne operation, using other than silicon detectors, and having an IFOV of less than 2.5 mrad (milliradians).

c. Direct view imaging equipment operating in the visible or infrared spectrum, incorporating any of the following:

c.1. Image intensifier tubes having the characteristics listed in 6A002.a.2.a; *or*

c.2. ''Focal plane arrays'' having the characteristics listed in 6A002.a.3.

Technical Note: ''Direct view'' refers to imaging equipment, operating in the visible or infrared spectrum, that presents a visual image to a human observer without converting the image into an electronic signal for television display, and that cannot record or store the image photographically, electronically or by any other means.

Note: 6A002.c does not control the following equipment incorporating other than GaAs or GaInAs photocathodes:

a. Industrial or civilian intrusion alarm, traffic or industrial movement control or counting systems;

b. Medical equipment;

c. Industrial equipment used for inspection, sorting or analysis of the properties of materials;

d. Flame detectors for industrial furnaces;

e. Equipment specially designed for laboratory use.

d. Special support components for optical sensors, as follows:

d.1. ''Space-qualified'' cryocoolers;

d.2. Non-''space-qualified'' cryocoolers, having a cooling source temperature below 218 K (− 55 °C), as follows:

d.2.a. Closed cycle type with a specified Mean-Time-To-Failure (MTTF), or Mean-Time-Between-Failures (MTBF), exceeding 2,500 hours;

d.2.b. Joule-Thomson (JT) self-regulating minicoolers having bore (outside) diameters of less than 8 mm;

d.3. Optical sensing fibers specially fabricated either compositionally or structurally, or modified by coating, to be acoustically, thermally, inertially, electromagnetically or nuclear radiation sensitive.

e. ''Space qualified'' ''focal plane arrays'' having more than 2,048 elements per array and having a peak response in the wavelength range exceeding 300 nm but not exceeding 900 nm.

■ 32. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6A003 is amended by revising the ''Items'' paragraphs in the List of Items Controlled section, to read as follows:

6A003 Cameras.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Instrumentation cameras and specially designed components therefor, as follows:

Note: Instrumentation cameras, controlled by 6A003.a.3 to 6A003.a.5, with modular structures should be evaluated by their maximum capability, using plug-ins available according to the camera manufacturer's specifications.

a.1. High-speed cinema recording cameras using any film format from 8 mm to 16 mm inclusive, in which the film is continuously advanced throughout the recording period, and that are capable of recording at framing rates exceeding 13,150 frames/s;

Note: 6A003.a.1 does not control cinema recording cameras designed for civil purposes.

a.2. Mechanical high speed cameras, in which the film does not move, capable of recording at rates exceeding 1,000,000 frames/s for the full framing height of 35 mm film, or at proportionately higher rates for lesser frame heights, or at proportionately lower rates for greater frame heights;

a.3. Mechanical or electronic streak cameras having writing speeds exceeding 10 mm/μs;

a.4. Electronic framing cameras having a speed exceeding 1,000,000 frames/s;

a.5. Electronic cameras, having all of the following:

a.5.a. An electronic shutter speed (gating capability) of less than 1 μs per full frame; *and*

a.5.b. A read out time allowing a framing rate of more than 125 full frames per second.

a.6. Plug-ins, having all of the following characteristics:

a.6.a. Specially designed for instrumentation cameras which have modular structures and that are controlled by 6A003.a; *and*

a.6.b. Enabling these cameras to meet the characteristics specified in 6A003.a.3, 6A003.a.4 or 6A003.a.5, according to the manufacturer's specifications.

b. Imaging cameras, as follows:

Note: 6A003.b does not control television or video cameras specially designed for television broadcasting.

b.1. Video cameras incorporating solid state sensors, having a peak response in the wavelength range exceeding 10nm, but not exceeding 30,000 nm and having all of the following:

b.1.a. Having any of the following:

b.1.a.1. More than 4×10^6 ''active pixels'' per solid state array for monochrome (black and white) cameras;

b.1.a.2. More than 4×10^6 ''active pixels'' per solid state array for color cameras incorporating three solid state arrays; *or*

b.1.a.3. More than 12×10^6 ''active pixels'' for solid state array color cameras incorporating one solid state array; *and*

b.1.b. Having any of the following:

b.1.b.1. Optical mirrors controlled by 6A004.a.;

b.1.b.2. Optical control equipment controlled by 6A004.d.; *or*

b.1.b.3. The capability for annotating internally generated camera tracking data.

Technical Notes:

1. For the purposes of this entry, digital video cameras should be evaluated by the maximum number of ''active pixels'' used for capturing moving images.

2. For the purpose of this entry, camera tracking data is the information necessary to define camera line of sight orientation with respect to the earth. This includes: (1) the horizontal angle the camera line of sight makes with respect to the earth's magnetic field direction and; (2) the vertical angle between the camera line of sight and the earth's horizon.

b.2. Scanning cameras and scanning camera systems, having all of the following:

b.2.a. A peak response in the wavelength range exceeding 10 nm, but not exceeding 30,000 nm;

b.2.b. Linear detector arrays with more than 8,192 elements per array; *and*

b.2.c. Mechanical scanning in one direction;

b.3. Imaging cameras incorporating image intensifier tubes having the characteristics listed in 6A002.a.2.a;

b.4. Imaging cameras incorporating ''focal plane arrays'' having any of the following:

b.4.a. Incorporating ''focal plane arrays'' controlled by 6A002.a.3.a. to 6A002.a.3.e.; or

b.4.b. Incorporating ''focal plane arrays'' controlled by 6A002.a.3.f.

Note 1: ''Imaging cameras'' described in 6A003.b.4 include ''focal plane arrays'' combined with sufficient signal processing electronics, beyond the read out integrated circuit, to enable as a minimum the output of an analog or digital signal once power is supplied.

Note 2: 6A003.b.4.a does not control imaging cameras incorporating linear ''focal plane arrays'' with twelve elements or fewer, not employing time-delay-and-integration within the element, designed for any of the following:

a. Industrial or civilian intrusion alarm, traffic or industrial movement control or counting systems;

b. Industrial equipment used for inspection or monitoring of heat flows in buildings, equipment or industrial processes;

c. Industrial equipment used for inspection, sorting or analysis of the properties of materials;

d. Equipment specially designed for laboratory use; or

e. Medical equipment.

Note 3: 6A003.b.4.b. does not control imaging cameras having any of the following characteristics:

a. A maximum frame rate equal to or less than 9 Hz;

b. Having all of the following:

1. Having a minimum horizontal or vertical Instantaneous-Field-of-View (IFOV) of at least 10 mrad/pixel (milliradians/pixel);

2. Incorporating a fixed focal-length lens that is not designed to be removed;

3. Not incorporating a direct view display, *and*

Technical Note: ''Direct view'' refers to an imaging camera operating in the infrared spectrum that presents a visual image to a human observer using a near-to-eye micro display incorporating any light-security mechanism.

4. Having any of the following:

a. No facility to obtain a viewable image of the detected field-of-view, *or*

b. The camera is designed for a single kind of application and designed not to be user modified, *or*

Technical Note: Instantaneous Field of View (IFOV) specified in Note 3.b is the lesser figure of the Horizontal FOV or the Vertical FOV.

Horizontal IFOV = horizontal Field of View (FOV) / number of horizontal detector elements

Vertical IFOV = vertical Field of View (FOV) / number of vertical detector elements

c. Where the camera is specially designed for installation into a civilian passenger land vehicle of less than three tons (gross vehicle weight) and having all of the following:

1. Is operable only when installed in any of the following:

a. The civilian passenger land vehicle for which it was intended; *or*

b. A specially designed, authorized maintenance test facility; *and*

2. Incorporates an active mechanism that forces the camera not to function when it is removed from the vehicle for which it was intended.

Note: When necessary, details of the items will be provided, upon request, to the Bureau of Industry and Security in order to ascertain compliance with the conditions described in Note 3.b.4. and Note 3.c. in this Note to 6A003.b.4.b.

■ 33. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6A006 is amended by revising the ''LVS'' paragraph in the License Exceptions section, and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

6A006 ''Magnetometers'', ''magnetic gradiometers'', ''intrinsic magnetic gradiometers'' and compensation systems, and specially designed components therefor, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: $1500, N/A for 6A006.a.1; ''Magnetometers'' and subsystems defined in 6A006.a.2 using optically pumped or nuclear precession (proton/Overhauser) having a ''noise level'' (sensitivity) lower (better) than 2 pT rms per square root Hz; and 6A006.c.

GBS: * * *

CIV: * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. ''Magnetometers'' and subsystems, as follows:

a.1. Using ''superconductive'' (SQUID) ''technology'' and having any of the following characteristics:

a.1.a. SQUID systems designed for stationary operation, without specially designed subsystems designed to reduce in-motion noise, and having a ''noise level'' (sensitivity) equal to or lower (better) than 50 fT (rms) per square root Hz at a frequency of 1 Hz; *or*

a.1.b. SQUID systems having an in-motion-magnetometer ''noise level'' (sensitivity) lower (better) than 20 pT (rms) per square root Hz at a frequency of 1 Hz and specially designed to reduce in-motion noise;

a.2. Using optically pumped or nuclear precession (proton/Overhauser) ''technology'' having a ''noise level'' (sensitivity) lower (better) than 20 pT (rms) per square root Hz;

a.3. Using fluxgate ''technology'' having a ''noise level'' (sensitivity) equal to or lower (better) than 10 pT (rms) per square root Hz at a frequency of 1 Hz;

a.4. Induction coil ''magnetometers'' having a ''noise level'' (sensitivity) lower (better) than any of the following:

a.4.a. 0.05 nT rms/square root Hz at frequencies of less than 1 Hz;

a.4.b. 1×10^{-3} nT rms/square root Hz at frequencies of 1 Hz or more but not exceeding 10 Hz; *or*

a.4.c. 1×10^{-4} nT rms/square root Hz at frequencies exceeding 10 Hz;

a.5. Fiber optic ''magnetometers'' having a ''noise level'' (sensitivity) lower (better) than 1 nT rms per square root Hz;

b. Magnetic gradiometers, as follows:

b.1. ''Magnetic gradiometers'' using multiple ''magnetometers'' controlled by 6A006.a;

b.2. Fiber optic ''intrinsic magnetic gradiometers'' having a magnetic gradient field ''noise level'' (sensitivity) lower (better) than 0.3 nT/m rms per square root Hz;

b.3. ''Intrinsic magnetic gradiometers'', using ''technology'' other than fiber-optic ''technology'', having a magnetic gradient field ''noise level'' (sensitivity) lower (better) than 0.015 nT/m rms per square root Hz; *and*

c. Magnetic compensation systems for magnetic sensors designed for operation on mobile platforms.

■ 34. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6A993 is added after ECCN 6A992 and before ECCN 6A994, to read as follows:

6A993 Cameras, not controlled by 6A003 or 6A203, as follows (see List of Items Controlled).

License Requirements

Reason for Control: AT

Control(s)	Country chart
AT applies to entire entry	AT Column 1.

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: Number
Related Controls: N/A
Related Definitions: N/A
Items:

a. Cameras that meet the criteria of Note 3 to 6A003.b.4.

b. [Reserved.]

■ 35. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6A996 is amended by revising the heading and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

6A996 ''Magnetometers'' not controlled by ECCN 6A006, ''Superconductive'' electromagnetic sensors, and specially designed components therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. ''Magnetometers'', n.e.s., having a ''noise level'' (sensitivity) lower (better) than 1.0 nT rms per square root Hz.

b. ''Superconductive'' electromagnetic sensors, components manufactured from ''superconductive'' materials:

b.1. Designed for operation at temperatures below the ''critical temperature'' of at least one of their ''superconductive'' constituents (including Josephson effect devices or ''superconductive'' quantum interference devices (SQUIDS));

b.2. Designed for sensing electromagnetic field variations at frequencies of 1 KHz or less; *and*

b.3. Having any of the following characteristics:

b.3.a. Incorporating thin-film SQUIDS with a minimum feature size of less than 2 μm and with associated input and output coupling circuits;

b.3.b. Designed to operate with a magnetic field slew rate exceeding 1×10^6 magnetic flux quanta per second;

b.3.c. Designed to function without magnetic shielding in the earth's ambient magnetic field; *or*

b.3.d. Having a temperature coefficient less (smaller) than 0.1 magnetic flux quantum/K.

■ 36. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6E001 is amended by revising the License Exceptions section, to read as follows:

6E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment, materials or ''software'' controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, or 6A998), 6B (except 6B995), 6C (except 6C992 or 6C994), or 6D (except 6D991, 6D992, or 6D993).

* * * * *

License Exceptions

CIV: N/A
TSR: Yes, except for the following:

(1) Items controlled for MT reasons;

(2) ''Technology'' for commodities controlled by 6A002.e, 6A004.e, or 6A008.j.1;

(3) ''Technology'' for ''software'' specially designed for ''space qualified'' ''laser'' radar or Light Detection and Ranging (LIDAR) equipment defined in 6A008.j.1 and controlled by 6D001 or 6D002;

(4) Exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of ''technology'' for the ''development'' of the following: (a) Items controlled by 6A001.a.1.b.1, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6,6A001.a.2.b, 6A001.a.2.e., 6A002.a.1.c, 6A008.l.3, 6B008, 6D003.a; (b) Equipment controlled by 6A001.a.2.c or 6A001.a.2.f when specially designed for real time applications; *or* (c) ''Software'' controlled by 6D001 and specially designed for the ''development'' or ''production'' of equipment controlled by 6A008.l.3 or 6B008; or

(5) Exports or reexports to Rwanda.

* * * * *

■ 37. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6E002 is amended by revising the License Exceptions section, to read as follows:

6E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment or materials controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997 or 6A998), 6B (except 6B995) or 6C (except 6C992 or 6C994).

* * * * *

License Exceptions

CIV: N/A
TSR: Yes, except for the following:

(1) Items controlled for MT reasons;

(2) ''Technology'' for commodities controlled by 6A002.e, 6A004.e, 6A008.j.1;

(3) Exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of ''technology'' for the ''development'' of the following: (a) Items controlled by 6A001.a.1.b.1, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, and 6A001.a.2.c; and (b) Equipment controlled by 6A001.a.2.e and 6A001.a.2.f when specially designed for real time applications; or (c) ''Software'' controlled by 6D001 and specially designed for the ''development'' or ''production'' of equipment controlled by 6A002.a.1.c, 6A008.l.3 or 6B008; or

(4) Exports or reexports to Rwanda.

* * * * *

■ 38. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6E003 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

6E003 Other ''technology'', as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Acoustics. None.

b. Optical sensors. None.

c. Cameras. None.

d. Optics, ''technology'', as follows:

d.1. Optical surface coating and treatment ''technology'' ''required'' to achieve uniformity of 99.5% or better for optical coatings 500 mm or more in diameter or major axis length and with a total loss (absorption and scatter) of less than 5×10^{-3};

N.B.: See also 2E003.f.

d.2. Optical fabrication ''technology'' using single point diamond turning techniques to produce surface finish accuracies of better than 10 nm rms on non-planar surfaces exceeding 0.5 m^2;

e. Lasers. ''Technology'' ''required'' for the ''development'', ''production'' or ''use'' of specially designed diagnostic instruments or targets in test facilities for ''SHPL'' testing or testing or evaluation of materials irradiated by ''SHPL'' beams;

f. Magnetometers. None

g. Gravimeters. None

h. Radar. None

■ 39. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6E991 is amended by revising the heading to read as follows:

6E991 ''Technology'' for the ''development'', ''production'' or ''use'' of equipment controlled by 6A991, 6A996, 6A997, or 6A998.

* * * * *

■ 40. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors, Export Control Classification Number (ECCN) 6E993 is amended by revising the heading and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

6E993 Other ''technology'', not controlled by 6E003, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Optical fabrication technologies for serially producing optical components at a rate exceeding 10 m^2 of surface area per year on any single spindle and with:

a.1. An area exceeding 1 m^2; *and*

a.2. A surface figure exceeding lambda/10 rms at the designed wavelength;

b. ''Technology'' for optical filters with a bandwidth equal to or less than 10 nm, a field of view (FOV) exceeding 40° and a resolution exceeding 0.75 line pairs per milliradian;

c. ''Technology'' for the ''development'' or ''production'' of cameras controlled by 6A993;

d. ''Technology'' ''required'' for the ''development'' or ''production'' of non-triaxial fluxgate ''magnetometers'' or non-triaxial fluxgate ''magnetometer'' systems, having any of the following:

d.1. A ''noise level'' of less than 0.05 nT rms per square root Hz at frequencies of less than 1 Hz; *or*

d.2. A ''noise level'' of less than 1×10^{-3} nT rms per square root Hz at frequencies of 1 Hz or more.

■ 41. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A002 is amended by revising the License Requirements section, and the ''items'' paragraph in the List of Items Controlled section, to read as follows:

7A002 Gyros, and angular or rotational accelerometers, having any of the following characteristics (see List of Items Controlled), and specially designed components therefor.

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to entire entry	NS Column 1.
MT applies to, commodities described in this entry that meet the parameters of 7A102	MT Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. A ''drift rate'' ''stability'', when measured in a 1 g environment over a period of one month and with respect to a fixed calibration value, of:

a.1. Less (better) than 0.1 degree per hour when specified to function at linear acceleration levels below 12 g; *or*

a.2. Less (better) than 0.5 degree per hour when specified to function at linear acceleration levels from 12 g to 100 g inclusive;

b. An angle random walk of less (better) than or equal to 0.0035 degree per square root hour; *or*

Note: 7A002.b does not control spinning mass gyros (spinning mass gyros are gyros which use a continually rotating mass to sense angular motion).

Technical Note: For the purpose of 7A002.b, ''angle random walk'' is the angular error buildup with time that is due to white noise in angular rate. (IEEE STD 528–2001).

c. Specified to function at linear acceleration levels exceeding 100 g.

■ 42. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A007 is removed.

■ 43. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8A002 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

8A002 Systems and equipment, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Systems and equipment, specially designed or modified for submersible vehicles, designed to operate at depths exceeding 1,000 m, as follows:

a.1. Pressure housings or pressure hulls with a maximum inside chamber diameter exceeding 1.5 m;

a.2. Direct current propulsion motors or thrusters;

a.3. Umbilical cables, and connectors therefor, using optical fiber and having synthetic strength members;

b. Systems specially designed or modified for the automated control of the motion of submersible vehicles controlled by 8A001 using navigation data and having closed loop servo-controls:

b.1. Enabling a vehicle to move within 10 m of a predetermined point in the water column;

b.2. Maintaining the position of the vehicle within 10 m of a predetermined point in the water column; *or*

b.3. Maintaining the position of the vehicle within 10 m while following a cable on or under the seabed;

c. Fiber optic hull penetrators or connectors;

d. Underwater vision systems, as follows:

d.1. Television systems and television cameras, as follows:

d.1.a. Television systems (comprising camera, monitoring and signal transmission equipment) having a limiting resolution when measured in air of more than 800 lines and specially designed or modified for remote operation with a submersible vehicle;

d.1.b. Underwater television cameras having a limiting resolution when measured in air of more than 1,100 lines;

d.1.c. Low light level television cameras specially designed or modified for underwater use containing all of the following:

d.1.c.1. Image intensifier tubes controlled by 6A002.a.2.a; *and*

d.1.c.2. More than 150,000 ''active pixels'' per solid state area array;

Technical Note: Limiting resolution in television is a measure of horizontal resolution usually expressed in terms of the maximum number of lines per picture height discriminated on a test chart, using IEEE Standard 208/1960 or any equivalent standard.

d.2. Systems, specially designed or modified for remote operation with an underwater vehicle, employing techniques to minimize the effects of back scatter, including range-gated illuminators or ''laser'' systems;

e. Photographic still cameras specially designed or modified for underwater use below 150 m having a film format of 35 mm or larger, and having any of the following:

e.1. Annotation of the film with data provided by a source external to the camera;

e.2. Automatic back focal distance correction; *or*

e.3. Automatic compensation control specially designed to permit an underwater camera housing to be usable at depths exceeding 1,000 m;

f. Electronic imaging systems, specially designed or modified for underwater use, capable of storing digitally more than 50 exposed images;

g. Light systems, as follows, specially designed or modified for underwater use:

g.1. Stroboscopic light systems capable of a light output energy of more than 300 J per flash and a flash rate of more than 5 flashes per second;

g.2. Argon arc light systems specially designed for use below 1,000 m;

h. ''Robots'' specially designed for underwater use, controlled by using a dedicated computer, having any of the following:

h.1. Systems that control the ''robot'' using information from sensors which measure force or torque applied to an external object, distance to an external object, or tactile sense between the ''robot'' and an external object; *or*

h.2. The ability to exert a force of 250 N or more or a torque of 250 Nm or more and using titanium based alloys or ''fibrous or filamentary'' ''composite'' materials in their structural members;

i. Remotely controlled articulated manipulators specially designed or modified for use with submersible vehicles, having any of the following:

i.1. Systems which control the manipulator using the information from sensors which measure the torque or force applied to an external object, or tactile sense between the manipulator and an external object; *or*

i.2. Controlled by proportional master-slave techniques or by using a dedicated computer, and having 5 degrees of freedom of movement or more;

Note: Only functions having proportional control using positional feedback or by using a dedicated computer are counted when determining the number of degrees of freedom of movement.

j. Air independent power systems, specially designed for underwater use, as follows:

j.1. Brayton or Rankine cycle engine air independent power systems having any of the following:

j.1.a. Chemical scrubber or absorber systems specially designed to remove carbon dioxide, carbon monoxide and particulates from recirculated engine exhaust;

j.1.b. Systems specially designed to use a monoatomic gas;

j.1.c. Devices or enclosures specially designed for underwater noise reduction in frequencies below 10 kHz, or special mounting devices for shock mitigation; *or*

j.1.d. Systems specially designed:

j.1.d.1. To pressurize the products of reaction or for fuel reformation;

j.1.d.2. To store the products of the reaction; *and*

j.1.d.3. To discharge the products of the reaction against a pressure of 100 kPa or more;

j.2. Diesel cycle engine air independent systems, having all of the following:

j.2.a. Chemical scrubber or absorber systems specially designed to remove carbon dioxide, carbon monoxide and particulates from recirculated engine exhaust;

j.2.b. Systems specially designed to use a monoatomic gas;

j.2.c. Devices or enclosures specially designed for underwater noise reduction in frequencies below 10 kHz or special mounting devices for shock mitigation; *and*

j.2.d. Specially designed exhaust systems that do not exhaust continuously the products of combustion;

j.3. Fuel cell air independent power systems with an output exceeding 2 kW having any of the following:

j.3.a. Devices or enclosures specially designed for underwater noise reduction in frequencies below 10 kHz or special mounting devices for shock mitigation; *or*

j.3.b. Systems specially designed:

j.3.b.1. To pressurize the products of reaction or for fuel reformation;

j.3.b.2. To store the products of the reaction; *and*

j.3.b.3. To discharge the products of the reaction against a pressure of 100 kPa or more;

j.4. Stirling cycle engine air independent power systems, having all of the following:

j.4.a. Devices or enclosures specially designed for underwater noise reduction in frequencies below 10 kHz or special mounting devices for shock mitigation; *and*

j.4.b. Specially designed exhaust systems which discharge the products of combustion against a pressure of 100 kPa or more;

k. Skirts, seals and fingers, having any of the following:

k.1. Designed for cushion pressures of 3,830 Pa or more, operating in a significant wave height of 1.25 m (Sea State 3) or more and specially designed for surface effect vehicles (fully skirted variety) controlled by 8A001.f; *or*

k.2. Designed for cushion pressures of 6,224 Pa or more, operating in a significant wave height of 3.25 m (Sea State 5) or more and specially designed for surface effect vehicles (rigid sidewalls) controlled by 8A001.g;

l. Lift fans rated at more than 400 kW specially designed for surface effect vehicles controlled by 8A001.f or 8A001.g;

m. Fully submerged subcavitating or supercavitating hydrofoils specially designed for vessels controlled by 8A001.h;

n. Active systems specially designed or modified to control automatically the sea-induced motion of vehicles or vessels controlled by 8A001.f, 8A001.g, 8A001.h or 8A001.i;

o. Propellers, power transmission systems, power generation systems and noise reduction systems, as follows:

o.1. Water-screw propeller or power transmission systems, as follows, specially designed for surface effect vehicles (fully skirted or rigid sidewall variety), hydrofoils or small waterplane area vessels controlled by 8A001.f, 8A001.g, .8A001.h or 8A001.i:

o.1.a. Supercavitating, super-ventilated, partially-submerged or surface piercing propellers rated at more than 7.5 MW;

o.1.b. Contrarotating propeller systems rated at more than 15 MW;

o.1.c. Systems employing pre-swirl or post-swirl techniques for smoothing the flow into a propeller;

o.1.d. Light-weight, high capacity (K factor exceeding 300) reduction gearing;

o.1.e. Power transmission shaft systems, incorporating ''composite'' material components, capable of transmitting more than 1 MW;

o.2. Water-screw propeller, power generation systems or transmission systems designed for use on vessels, as follows:

o.2.a. Controllable-pitch propellers and hub assemblies rated at more than 30 MW;

o.2.b. Internally liquid-cooled electric propulsion engines with a power output exceeding 2.5 MW;

o.2.c. ''Superconductive'' propulsion engines, or permanent magnet electric propulsion engines, with a power output exceeding 0.1 MW;

o.2.d. Power transmission shaft systems, incorporating ''composite'' material components, capable of transmitting more than 2 MW;

o.2.e. Ventilated or base-ventilated propeller systems rated at more than 2.5 MW;

o.3. Noise reduction systems designed for use on vessels of 1,000 tons displacement or more, as follows:

o.3.a. Systems that attenuate underwater noise at frequencies below 500 Hz and consist of compound acoustic mounts for the acoustic isolation of diesel engines, diesel generator sets, gas turbines, gas turbine generator sets, propulsion motors or propulsion reduction gears, specially designed for sound or vibration isolation, having an intermediate mass exceeding 30% of the equipment to be mounted;

o.3.b. Active noise reduction or cancellation systems, or magnetic bearings, specially designed for power transmission systems, and incorporating electronic control systems capable of actively reducing equipment vibration by the generation of anti-noise or anti-vibration signals directly to the source;

p. Pumpjet propulsion systems having a power output exceeding 2.5 MW using divergent nozzle and flow conditioning vane

techniques to improve propulsive efficiency or reduce propulsion-generated underwater-radiated noise.

q. Self-contained, closed or semi-closed circuit (rebreathing) diving and underwater swimming apparatus.

Note: 8A002.q does not control an individual apparatus for personal use when accompanying its user.

■ 44. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Propulsion Systems, Space Vehicles and Related Equipment, Export Control Classification Number (ECCN) 9A001 is amended by revising the ''items'' paragraph in the List of Items Controlled section, to read as follows:

9A001 Aero gas turbine engines having any of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Incorporating any of the technologies controlled by 9E003.a.; *or*

Note: 9A001.a. does not control aero gas turbine engines which meet all of the following:

1. Certified by the civil aviation authority in a country listed in Supplement No. 1 to part 743; and

2. Intended to power non-military manned aircraft for which a civil Type Certificate has been issued by a country listed in Supplement No. 1 to part 743.

b. Designed to power an aircraft designed to cruise at Mach 1 or higher for more than 30 minutes.

Dated: July 1, 2005.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 05–13581 Filed 7–14–05; 8:45 am]

BILLING CODE 3510–33–P

Federal Register

Friday,
July 15, 2005

Part III

Department of Education

Grants and Cooperative Agreements; Notice of Availability; Notices

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of final priority for a National Center for the Dissemination of Disability Research (NCDDR).

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces one funding priority for the National Institute on Disability and Rehabilitation Research's (NIDRR) Disability and Rehabilitation Research Projects and Centers Program, Disability and Rehabilitation Research Projects (DRRP). The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2005 and later years. We take this action to focus research attention on areas of national need. We intend this priority to improve rehabilitation services and outcomes for individuals with disabilities.

EFFECTIVE DATE: This priority is effective August 15, 2005.

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6030, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *donna.nangle@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION:

Disability and Rehabilitation Research Projects (DRRP) Program

The purpose of the DRRP Program is to plan and conduct research, demonstration projects, training, and related activities to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended. DRRPs carry out one or more of the following types of activities, as specified in 34 CFR 350.13 through 350.19: Research, development, demonstration, training, dissemination, utilization, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b).

Under the DRRP program, we define a utilization activity as relating the research findings to practical applications in planning, policymaking, program administration, and delivery of services to individuals with disabilities (34 CFR 350.17). We define a dissemination activity as the systematic distribution of information or knowledge through a variety of ways to potential users or beneficiaries (34 CFR 350.18). Additional information on the DRRP program can be found at: *http://www.ed.gov/rschstat/research/pubs/res-program.html#DRRP.*

Analysis of Comments and Changes

We published a notice of proposed priority (NPP) for this program in the **Federal Register** on May 5, 2005 (70 FR 23852). Page 23853 of the NPP included a background statement that described our rationale for proposing this priority.

In response to our invitation in the NPP, one party submitted comments on the proposed priority. An analysis of the comments and our responses follows.

Generally, we do not address technical and other minor changes and suggested changes we are not authorized to make under the applicable statutory authority.

Comment: The commenter noted that research and training must be of the highest quality, relevant, and useful. The commenter suggested that the priority would not ensure access to information on whether past efforts have been successful in meeting congressional intent or information that would enable people with disabilities, their families, and professionals to make recommendations for improving outcomes for persons with disabilities.

Discussion: The priority is intended to ensure that NIDRR constituencies will have ready access to high-quality, research-based information that has the potential to improve the lives of individuals with disabilities. NIDRR proposes to accomplish this through such means as facilitating evidence-based systematic reviews of disability and rehabilitation research and promoting the development and use of effective strategies for disseminating information to diverse populations.

Changes: None.

Comment: The commenter opposed the focus and implementation of this priority and stated that it will not support the NFI and that it is inconsistent with NIDRR's Long-range Plan.

Discussion: The project to be supported under this priority, along with several others, advances the goals of the NFI by helping to ensure that individuals with disabilities have access to research that meets high standards and has the potential for improving their lives. The project implements the Long-range Plan by ensuring that information disseminated is of high quality and is based on scientifically rigorous research and development.

Changes: None.

Comment: The commenter stated that, by focusing only on NIDRR research information, the priority will not provide information needed by people with disabilities.

Discussion: The priority does not limit applicants to focus only on NIDRR research in their research syntheses and related activities. Applicants may propose to expand their research synthesis and related activities to include other sources of information and the peer review process will evaluate the merits of each proposal.

Changes: None.

Comment: The commenter urged NIDRR to revise the scope of the priority to focus generically on research and dissemination from all publicly-funded sources and to include scanning and reporting of this research.

Discussion: The priority does not limit applicants to including only NIDRR research in their research syntheses and related activities. Scanning journal articles and negotiating permission to place them on a Web site is beyond the scope of this priority. Applicants may propose to expand their research synthesis and related activities to include other sources of information and the peer review process will evaluate the merits of each proposal.

Changes: None.

Comment: The commenter stated that the NCDDR will operate a Web site that is not readily accessible to people with intellectual disabilities.

Discussion: NIDRR agrees that Web site accessibility for people with intellectual disabilities is important. The priority does not limit applicants to addressing any particular type of accessibility. Applicants may propose to disseminate information in other

accessible formats and the peer review process will evaluate the merits of each proposal.

Change: None.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register.** When inviting applications we designate the priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by either (1) awarding additional points, depending on how well or the extent to which the application meets the competitive preference priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive preference priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Note: NIDRR supports the goals of President Bush's New Freedom Initiative (NFI). The NFI can be accessed on the Internet at the following site: *http://www.whitehouse.gov/infocus/newfreedom/.*

This final priority is in concert with NIDRR's 1999–2003 Long-Range Plan (Plan). The Plan is comprehensive and integrates many issues relating to disability and rehabilitation research topics. While applicants will find many sections throughout the Plan that support potential research and dissemination to be conducted under the proposed priority, a specific reference is included for the priority presented in this notice. The Plan can be accessed on the Internet at the following site: *http://www.ed.gov/rschstat/research/pubs/index.html.*

Through the implementation of the NFI and the Plan, NIDRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

Priority

The Assistant Secretary for Special Education and Rehabilitative Services intends to fund a National Center for the Dissemination of Disability Research to serve as a lead center in the area of Knowledge Translation/Knowledge Dissemination and Utilization. This center will ensure that NIDRR constituencies have ready access to high-quality, research-based information that has the potential to improve the lives of individuals with disabilities. The reference to this priority may be found in the Plan, Chapter 8, Knowledge Dissemination. The center must—

(1) Identify standards, guidelines, and methods appropriate for developing evidence-based systematic reviews of disability and rehabilitation research;

(2) Serve as a technical assistance resource to NIDRR grantees to ensure that research studies will meet standards for inclusion in evidence-based systematic reviews;

(3) Develop partnerships with existing collaborations and registries to identify gaps and opportunities and to facilitate the systematic review of disability and rehabilitation research;

(4) Identify and promote the use of evidence-based reviews in topic areas developed in collaboration with NIDRR and its grantees;

(5) Identify, develop, and assess the effectiveness of strategies for dissemination of high quality information to diverse target populations; and

(6) Serve as a technical assistance resource to NIDRR grantees to ensure the use of effective strategies for dissemination of high quality information to diverse target populations.

Executive Order 12866

This notice of final priority (NFP) has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the NFP are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this NFP, we have determined that the benefits of the final priority justify the costs.

Applicable Program Regulations: 34 CFR part 350.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

(Catalog of Federal Domestic Assistance Number 84.133A, Disability Rehabilitation Research Project.)

Program Authority: 29 U.S.C. 762(g) and 764(a).

Dated: July 12, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 05–13997 Filed 7–14–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability Rehabilitation Research Projects (DRRP); Notice Inviting Applications for a New Award for Fiscal Year (FY) 2005

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A–1.

DATES:

Applications Available: July 15, 2005.

Deadline for Transmittal of Applications: September 13, 2005.

Eligible Applicants: States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; institutions of higher education; and Indian tribes and tribal organizations.

Estimated Available Funds: $750,000.

Estimated Average Size of Award: $750,000.

Maximum Award: We will reject any application that proposes a budget exceeding $750,000 for a single budget period of 12 months.

Note: The maximum amount includes direct and indirect costs.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to plan and conduct research, demonstration projects, training, and related activities that help to maximize the full inclusion and integration of individuals with disabilities into society and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended.

Under the DRRP program, we define a development activity as using knowledge and understanding gained from research to create materials, devices, systems, or methods beneficial to the target population, including design and development of prototypes and processes (34 CFR 350.16). We define a dissemination activity as the systematic distribution of information or knowledge through a variety of ways to potential users or beneficiaries (34 CFR 350.18). We define a technical assistance activity as the provision of expertise or information for use in problem-solving (34 CFR 350.19).

Priority: This priority is from the notice of final priority for this program published elsewhere in this issue of the **Federal Register.**

Absolute Priority: For FY 2005 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: a *National Center for the Dissemination of Disability Research.*

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 350. (c) The notice of final priority for this program, published elsewhere in this issue of the **Federal Register.**

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $750,000.

Estimated Average Size of Award: $750,000.

Maximum Award: We will reject any application that proposes a budget exceeding $750,000 for a single budget period of 12 months.

Note: The maximum amount includes direct and indirect costs.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; institutions of higher education; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching.

IV. Application and Submission Information

1. *Address To Request Application Package:* You may obtain an application package via Internet or from the Education Publications Center (ED Pubs). To obtain a copy via Internet use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.133A–1.

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 75 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including, if applicable, titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

The application package will provide instructions for completing all components to be included in the application. Each application must include a cover sheet (ED Standard Form 424); budget requirements (ED Form 524) and narrative justification; other required forms; an abstract, Human Subjects narrative, Part III narrative; resumes of staff; and other related materials, if applicable.

3. *Submission Dates and Times:*

Applications Available: July 15, 2005.

Deadline for Transmittal of Applications: September 13, 2005.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

We have been accepting applications electronically through the Department's e-Application system since FY 2000. In order to expand on those efforts and comply with the President's Management Agenda, we are continuing

to participate as a partner in the new government wide Grants.gov Apply site in FY 2005. Disability Rehabilitation Research Projects—CFDA Number 84.133A–1 is one of the programs included in this project.

If you choose to submit your application electronically, you must use the Grants.gov Apply site (Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us. We request your participation in Grants.gov.

You may access the electronic grant application for Disability Rehabilitation Research Projects—CFDA Number 84.133A–1 at: *http://www.grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted with a date/time received by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. We will not consider your application if it was received by the Grants.gov system later than 4:30 p.m. on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was submitted after 4:30 p.m. on the application deadline date.
- If you experience technical difficulties on the application deadline date and are unable to meet the 4:30 p.m., Washington, DC time, deadline, print out your application and follow the instructions in this notice for the submission of paper applications by mail or hand delivery.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that your application is submitted timely to the Grants.gov system.
- To use Grants.gov, you, as the applicant, must have a D–U–N–S Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five business days to complete the CCR registration.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Any narrative sections of your application must be attached as files in a .DOC (document), .RTF (rich text) or .PDF (Portable Document) format.
- Your electronic application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133A–1), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.133A–1), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133A–1), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 of EDGAR. The specific selection criteria to be used for this

competition are listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

Note: NIDRR will provide information by letter to grantees on how and when to submit the report.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through review of grantee performance and products. Each year, NIDRR examines, through expert peer review, a portion of its grantees to determine—

- The number of tools, methods, interventions, programs, and devices, developed and/or validated with NIDRR funding, that meet the standards for review by independent scientific collaborations and registries; and
- The number of non-academic and consumer-oriented dissemination products and services, nominated by grantees to be their best outputs based on NIDRR-funded research and related activities, that demonstrate ''good to excellent'' utility for intended beneficiaries.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports (APRs) for these reviews. NIDRR also determines, using information submitted as part of the APR, the number of publications in refereed journals that are based on NIDRR-funded research and development activities.

The Department's program performance reports, which include information on NIDRR programs, are available on the U.S. Department of Education Web site: *http://www.ed.gov/offices/OUS/PES/planning.html*.

Updates on the GPRA indicators, revisions and methods appear in the NIDRR Program Review Web site: *http://www.neweditions.net/pr/commonfiles/pmconcepts.htm*.

Grantees should consult these sites, on a regular basis, to obtain details and explanations on how NIDRR programs contribute to the advancement of the Department's long-term and annual performance goals.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6030, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *donna.nangle@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: July 12, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 05–13998 Filed 7–14–05; 8:45 am]

BILLING CODE 4000–01–P

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Vol. 70, No. 135

Friday, July 15, 2005

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

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H.R. 120/P.L. 109–22

To designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building". (July 12, 2005; 119 Stat. 365)

H.R. 289/P.L. 109–23

To designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building". (July 12, 2005; 119 Stat. 366)

H.R. 324/P.L. 109–24

To designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building". (July 12, 2005; 119 Stat. 367)

H.R. 504/P.L. 109–25

To designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building". (July 12, 2005; 119 Stat. 368)

H.R. 627/P.L. 109–26

To designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office". (July 12, 2005; 119 Stat. 369)

H.R. 1072/P.L. 109–27

To designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building". (July 12, 2005; 119 Stat. 370)

H.R. 1082/P.L. 109–28

To designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building". (July 12, 2005; 119 Stat. 371)

H.R. 1236/P.L. 109–29

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H.R. 1460/P.L. 109–30

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H.R. 1524/P.L. 109–31

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H.R. 1542/P.L. 109–32

To designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building". (July 12, 2005; 119 Stat. 375)

H.R. 2326/P.L. 109–33

To designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office". (July 12, 2005; 119 Stat. 376)

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To amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes. (July 12, 2005; 119 Stat. 377)

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