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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-ANE-10-AD; Amendment 39-13644; AD 2004-10-14]

RIN 2120-AA64

Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming), Direct-Drive Reciprocating Engines; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document makes corrections to Airworthiness Directive (AD) 2004-10-14, applicable to Lycoming Engines (formerly Textron Lycoming), direct-drive reciprocating engines that was published in the *Federal Register* on May 21, 2004 (69 FR 29210). Some corrections to engine models have been made by adding missing dashes, clarification to changes in requirements from the proposed rule are made, and some corrections are made for clarification in the compliance section. In all other respects, the original document remains the same.

DATES: *Effective Date:* Effective June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Norm Perenson, Aerospace Engineer, New York Aircraft Certification Office, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228-7337; fax (516) 794-5531.

SUPPLEMENTARY INFORMATION: A final rule AD, FR Doc. 04-11406, applicable to Lycoming Engines direct-drive reciprocating engines (except O-145, O-320-H, O-360-E, IO-360-E, LTO-360-E, O-435, and TIO 541 series engines), was published in the *Federal Register* on May 21, 2004 (69 FR 29210). The following corrections are needed:

On page 29210, in the second column, in the **SUMMARY** section, in the sixth and seventh lines, "O-320H, O-360E, LO-360E, LTO-360E" are corrected to read "O-320-H, O-360-E, LO-360-E, LTO-360-E, TO-360-E".

In the third column, in the **SUMMARY** section, in the 14th line, after the words "propeller strike.", a sentence is added to read "This AD removes the requirement to perform inspections at overhaul and during repair of the gear train, because Lycoming has incorporated those procedures from their Service Bulletin into their Overhaul Manual."

Also in the third column, in the **SUPPLEMENTARY INFORMATION** section, in the seventh and eighth lines, "O-320H, O-360E, LO-360E, LTO-360E" is corrected to read "O-320-H, O-360-E, LO-360-E, LTO-360-E, TO-360-E".

On page 29211, in the second column, after the second paragraph, add the following paragraph:

Other Corrections

The TO-360-E engine model was inadvertently omitted from the list of exceptions of engines. That engine model has been added to the list of exceptions of engines not affected by this AD. Also, some of the engine model numbers were missing dashes and are corrected in this AD. Also, the phrase after the effective date of this AD, was inadvertently omitted from paragraph (e). This phrase is added to paragraph (e) to cover engines that experience a propeller strike after the effective date of the AD.

§ 39.13 [Corrected]

■ Also, on page 29211, in the third column, eighth paragraph, fourth and fifth lines, "O-320H, O-360E, LO-360E, LTO-360E" is corrected to read "O-320-H, O-360-E, LO-360-E, LTO-360-E, TO-360-E".

■ Also, on page 29211, in the third column, paragraph (e), which reads "Compliance with this AD is required as indicated before further flight if the engine has experienced a propeller strike as defined in paragraphs (i) and (j) of this AD, unless already done." is corrected to read "Compliance with this AD is required as indicated before further flight if the engine experiences a propeller strike after the effective date of this AD, as defined in paragraphs (i) and (j) of this AD."

Issued in Burlington, MA, on June 18, 2004.

Francis A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 04-14477 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-17433; Airspace Docket No. 04-ACE-31]

Modification of Class E Airspace; Kimball, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Kimball, NE.

DATES: *Effective Date:* 0901 UTC, August 5, 2004.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64104; telephone: (816) 329-2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the *Federal Register* on May 11, 2004 (69 FR 26031). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on August 5, 2004. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 15, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04-14519 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30416; Amdt. No. 3099]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective June 28, 2004. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 28, 2004.

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

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The Flight Inspection Area Office which originated the SIAP; or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030,

or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC on June 18, 2004.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

* * * *Effective August 5, 2004*

Allakaket, AK, Allakaket, RNAV (GPS) RWY 5, Orig
 Allakaket, AK, Allakaket, RNAV (GPS) RWY 23, Orig
 Pine Bluff, AR, Grider Field, ILS OR LOC RWY 18, Amdt 3
 Pine Bluff, AR, Grider Field, RNAV (GPS) RWY 36, Orig
 Pine Bluff, AR, Grider Field, VOR RWY 18, Amdt 20
 Pine Bluff, AR, Grider Field, VOR/DME RWY 36, Amdt 12
 Pine Bluff, AR, Grider Field, GPS RWY 35, Orig-B, CANCELLED
 Hibbing, MN, Chisholm-Hibbing, ILS OR LOC/DME RWY 13, Orig
 Bellefontaine, OH, Bellefontaine Regional, NDB RWY 7, Orig
 Bellefontaine, OH, Bellefontaine Regional, NDB RWY 25, Orig
 Burns, OR, Burns Muni, VOR RWY 30, Amdt 3
 Burns, OR, Burns Muni, RNAV (GPS) RWY 30, Orig
 Fort Worth, TX, Fort Worth Alliance, ILS OR LOC RWY 16L, Amdt 6
 Fort Worth, TX, Fort Worth Alliance, RNAV (GPS) RWY 16L, Amdt 1
 Fort Worth, TX, Fort Worth Alliance, ILS OR LOC RWY 34R, Amdt 5
 Fort Worth, TX, Fort Worth Alliance, RNAV (GPS) RWY 34R, Amdt 1

[FR Doc. 04–14518 Filed 6–25–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 738, 742, 772, and 774

[Docket No. 040614182–4182–01]

RIN 0694–AD11

Revisions to the Export Administration Regulations To Remove Certain Regional Stability and Crime Control License Requirements to New North Atlantic Treaty Organization (NATO) Member Countries

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security maintains the Export Administration Regulations (EAR). This rule amends the EAR by removing the license requirements for certain regional stability items and for certain crime control items destined to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to reflect the accession of those countries to the North Atlantic Treaty Organization (NATO) on March 29, 2004. In addition, this rule makes certain conforming corrections and clarifications.

EFFECTIVE DATES: This rule is effective: June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Eileen Albanese, Director, Office of Exporter Services, Bureau of Industry and Security, Telephone: (202) 482–0436.

SUPPLEMENTARY INFORMATION:

Background

Section 742.6(a)(2) of the EAR requires a license for the export or reexport of certain military related items, such as military vehicles and certain specially designed commodities used to manufacture military equipment for reasons of “regional stability” in support of foreign policy. Section 742.7(a)(1)–(3) of the EAR also requires a license for the export or reexport of certain crime control and detection instruments and equipment, and related technology and software as a matter of foreign policy, to promote the observance of human rights throughout the world. The EAR do not require a license for the export or reexport of these items to NATO member countries. Therefore, this rule removes the license requirements for these items to the 7 countries that recently joined NATO: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. This rule also removes the “X” from the RS:2 column and from all CC columns for

these countries in the Commerce Country Chart in Supplement No. 1 to part 738 of the EAR.

In addition, this rule revises the definition of NATO (North Atlantic Treaty Organization) in part 772 of the EAR, by adding the 7 countries that recently joined NATO, plus Czech Republic, Hungary, and Poland, which were inadvertently not added to the definition of NATO in the regulation published on March 18, 2002 (67 FR 11896). This rule also amends the definition of COCOM (Coordinating Committee on Multilateral Export Controls) by replacing the phrase “COCOM members included the NATO countries, except Iceland, plus Japan and Australia” with a specific list of countries that were members of COCOM, to clarify that the membership of NATO at the time COCOM existed was different than it is today.

This rule also clarifies License Exception TSR eligibility in the License Exception sections of two Export Control Classification Numbers (ECCN) 9D018 and 9E018 in the Commerce Control List. The TSR paragraph for these ECCNs state, “Yes for Australia, Japan, New Zealand, and NATO.” However, TSR is only available for export and reexport to countries listed in Country Group B. Therefore, the statement of eligibility for TSR for these ECCNs will be revised to read, “Yes for Australia, Japan, New Zealand, and NATO countries that are also listed in Country Group B of Supplement No. 1 to part 740 of the EAR.”

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001), as extended by the Notice of August 7, 2003, (68 FR 47833, 2003 WL 21877490), continues the Regulations in effect under the International Emergency Economic Powers Act.

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 a collection of information subject to the PRA. This collection has been approved by OMB under control number 0694–0088, “Multi-Purpose

Application," which carries a burden hour estimate of 58 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 in 15 CFR Parts 738, 742, 772, and 774

Exports, Foreign trade.

■ Accordingly, parts 738, 742, 772, and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 738—[AMENDED]

■ 1. The authority citation for 15 CFR part 738 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 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 2. Supplement No. 1 to part 738 is amended by revising the entries for “Bulgaria,” “Estonia,” “Latvia,” “Lithuania,” “Romania,” “Slovakia,” and “Slovenia” to read as follows:

COMMERCE COUNTRY CHART—REASON FOR CONTROL

Countries	Chemical & biological weapons			Nuclear nonproliferation		National security		Missile tech	Regional stability		Firearms convention	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2	FC 1	CC 1	CC 2	CC 3	AT 1	AT 2
Bulgaria	X					X	X									
Estonia	X	X		X		X	X	X	X							
Latvia	X	X			X	X	X									
Lithuania	X	X		X		X	X	X	X							
Romania	X					X	X	X	X							
Slovakia	X					X	X	X	X							
Slovenia	X	X				X	X	X	X							

PART 742—[AMENDED]

■ 3. The authority citation for 15 CFR 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; 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; Notice of October 29, 2003, 68 FR 62209, 3 CFR, 2003 Comp., p. 347; Notice

of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 4. Section 742.6 is amended by revising paragraph (a)(2) to read as follows:

§ 742.6 Regional Stability.

(a) * * *
 (2) As indicated in the CCL and in RS Column 2 of the Country Chart (see Supplement No. 1 to part 738 of the EAR), a license is required to any destination except Australia, Japan, New Zealand, and countries in the North Atlantic Treaty Organization (NATO) for items described on the CCL

under ECCNs 0A918, 0E918, 2A983, 2D983, 2E983, 8A918, and for military vehicles and certain commodities (specially designed) used to manufacture military equipment, described on the CCL in ECCNs 0A018.c, 1B018.a, 2B018, and 9A018.a and .b.

PART 772—[AMENDED]

■ 4. The authority citation for 15 CFR 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 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 5. Section 772.1 is amended by revising the definitions for “COCOM (Coordinating Committee on Multilateral Export Controls)” and “NATO (North Atlantic Treaty Organization)” to read as follows:

§ 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR).

* * * * *

COCOM (Coordinating Committee on Multilateral Export Controls). A multilateral organization that cooperated in restricting strategic exports to controlled countries. COCOM was officially disbanded on March 31, 1994. COCOM members included: Australia, Belgium, Canada, Denmark, France, Germany, Greece, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom, and United States.

* * * * *

NATO (North Atlantic Treaty Organization). A strategic defensive organization that consists of the following member nations: Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom, and the United States.

* * * * *

PART 774—[AMENDED]

■ 6. The authority citation for 15 CFR 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 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 7. In Supplement No. 1 to part 774, Category 9 “Propulsion Systems, Space Vehicles and Related Equipment”, ECCNs 9D018 and 9E018 are amended by revising the “TSR” entry in the License Exception sections to read as follows:

9D018 “Software” for the “use” of equipment controlled by 9A018.

* * * * *

License Exceptions

CIV: * * *

TSR: Yes for Australia, Japan, New Zealand, and NATO countries that are also listed in Country Group B of Supplement No. 1 to part 740 of the EAR.

* * * * *

9E018 “Technology” for the “development”, “production”, or “use” of equipment controlled by 9A018.

* * * * *

License Exceptions

CIV: * * *

TSR: Yes for Australia, Japan, New Zealand, and NATO countries that are also listed in Country Group B of Supplement No. 1 to part 740 of the EAR.

* * * * *

Dated: June 17, 2004.

Peter Lichtenbaum,
Assistant Secretary for Export Administration.

[FR Doc. 04–14625 Filed 6–25–04; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05–04–118]

RIN 1625–AA09

Drawbridge Operation Regulations; Chincoteague Channel, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations and request for comments.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the Route 175 Bridge across Chincoteague Channel, mile 3.5, at Chincoteague, Virginia. Under this temporary 90-day deviation, the draw of the bridge will open every two hours on the even hour from 6 a.m. to Midnight; except from 7 a.m. to 5 p.m., on the last consecutive Wednesday and Thursday in July, the draw need not be opened. At all other times, the draw need not open.

The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comments from the public.

DATES: This deviation is effective from July 2, 2004 through September 29,

2004. Comments must reach the Coast Guard on or before 15 October 2004.

ADDRESSES: You may mail comments and related material to Commander (obr), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or they may be hand delivered to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The Commander (obr), Fifth Coast Guard District maintains the public docket for this test deviation. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address.

Request for Comments

We encourage you to participate in this test schedule by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this test deviation CGD05–04–118, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

FOR FURTHER INFORMATION CONTACT: Gary S. Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6629.

SUPPLEMENTARY INFORMATION: Effective on June 16, 2004, the bridge owner, the Virginia Department of Transportation (VDOT), was officially permitted to operate the Route 175 Bridge across Chincoteague Channel with new regulations. The new operating regulations listed at 33 CFR § 117.1005 allows the draw of the bridge to remain in the closed position from 7 a.m. to 5 p.m. on the last consecutive Wednesday and Thursday in July of every year, to facilitate public safety during the Annual Pony Swim.

On behalf of the Chincoteague Town Council (the Town Council), residents and business owners in the area, VDOT has requested a temporary deviation from the drawbridge regulations to test for a period of 90 days an alternate drawbridge operation schedule in an effort to balance the needs of vessel and vehicular traffic transiting in and around this seaside resort area. The new

proposal will test new regulations that will require the bridge to open on two-hour intervals on the even hour from 6 a.m. to Midnight; except from 7 a.m. to 5 p.m., on the last consecutive Wednesday and Thursday in July, the draw need not be opened. At all other times, the draw need not open.

The Town Council has recommended this test regulation to reduce vehicular traffic congestion, to increase public safety on this small island as a result of the reduced number of drawbridge openings, and to extend the structural and operational integrity of the movable span.

Under this 90-day temporary deviation, effective from July 2, 2004 through September 29, 2004, the Route 175 Bridge across Chincoteague Channel shall open every two hours on the even hour from 6 a.m. to Midnight; except from 7 a.m. to 5 p.m., on the last consecutive Wednesday and Thursday in July, the draw need not be opened. At all other times, the draw need not open.

This deviation from the operating regulations is authorized under 33 CFR § 117.43.

Dated: June 21, 2004.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 04-14628 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 04-013]

RIN 1625-AA00

Safety Zone; Middle River, San Joaquin County, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the Middle River, San Joaquin County due to ongoing repair operations to a break in the Upper Jones Tract Levee that resulted in the flooding of the Upper Jones Tract. The safety zone is located within the area bounded on the north by the Santa Fe Cut Canal, on the south by the entrance of the Woodward Cut Canal, on the east by the Upper Jones Tract, and on the west by the eastern edge of Woodward Island. This temporary safety zone is necessary to

ensure the safety of the personnel and vessels involved in response operations, as well as other personnel, vessels and property from the associated flooding hazards. Persons and vessels are prohibited from entering into or transiting through the safety zone, unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 12:30 p.m. (PDT) on June 12, 2004, until 5 p.m. (PDT) on July 12, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP San Francisco Bay 04-013 and are available for inspection or copying at Coast Guard Marine Safety Office San Francisco Bay, Coast Guard Island, Alameda, California, 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ensign John Bannon, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437-3082.

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. Due to the urgency in responding to the levee damage, the Coast Guard determined that drafting and publishing a NPRM would cause unnecessary delay in implementation of this rule and would act contrary to the public's interest in seeking continued response to this emergency situation.

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**. Given the urgency of the levee damage and the strong public interest served in immediate response and repair of the levee, good cause exists in making the rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

On June 3, 2004, the Coast Guard was notified that a section of the Upper Jones Tract Levee had collapsed in the vicinity of the Middle River in San Joaquin County, California. Coast Guard personnel from Station Rio Vista responded and observed an estimated 200-foot section of the levee destroyed and subsequent flooding of the agricultural land within the Upper Jones Tract. Initial response efforts included personnel from the Coast Guard, the California Department of Fish and

Game, and the San Joaquin County Sheriff. A temporary safety zone was established for one week to limit access to the waterway and assist with the safety of repair operations to the levee and restore it to a working condition.

On June 12, 2004 the San Joaquin County Sheriff Marine Patrol requested that the Coast Guard reestablish a safety zone in the vicinity of the Upper Jones Tract Levee break due to recreational vessel traffic disrupting repair operations. The previous safety zone expired on June 10, 2004. The Coast Guard has determined that a safety zone remains necessary and this temporary safety zone is established for a period of 30 days.

Discussion of Rule

This safety zone is necessary to protect the personnel involved in the response operations, and all other personnel, vessels and property from the associated river hazards resulting from the levee break. Entry into, transit through or anchoring within this safety zone is prohibited, unless authorized by the Captain of the Port, or his designated representative.

U.S. Coast Guard personnel and San Joaquin County Sheriff Marine Patrol will enforce this safety zone and may be assisted by other Federal, State, or local agencies, including the Coast Guard Auxiliary. Section 165.23 of Title 33, Code of Federal Regulations, prohibits any unauthorized person or vessel from entering or remaining in a safety zone. Vessels or persons violating this section will be subject to the penalties set forth in 33 U.S.C. 1232. Pursuant to 33 U.S.C. 1232, any violation of the safety zone described herein, will be punishable by civil penalties (not to exceed \$32,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment up to 6 years and a maximum fine of \$250,000), and in rem liability against the offending vessel. Any person who violates this section, using a dangerous weapon, or who engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce this regulation, also faces imprisonment up to 12 years.

Once the Coast Guard concludes that the safety zone is no longer required or response operations will involve a smaller area of the navigable waterway than is described by this safety zone, the Captain of the Port will announce the end of enforcement or reduction in size of this safety zone via broadcast notice to mariners.

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).

Despite restricting boating traffic within a portion of the Middle River, the effect of this regulation is not significant, as the waterway included within this area is not heavily transited and accessible only to small recreational and commercial boats.

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. The safety zone may affect small entities such as the owners and operators of pleasure craft engaged in recreational activities and sightseeing. The safety zone will not have a significant economic impact on a substantial number of small entities as the area encompassed by the safety zone is not heavily transited and vessels engaged in recreational activities and sightseeing have alternative routes outside of the safety zone to engage in these activities. The maritime public will be advised of the safety zone via public notice to mariners.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Any small business or organization may address further questions concerning the rule’s provisions, options for compliance, or in assistance in understanding this rule by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to

health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

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

Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because we are establishing an emergency safety zone that will last for a short duration.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard 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. Temporarily add § 165.T11–021 to read as follows:

§ 165.T11–021 Safety Zone: Middle River, San Joaquin County, California.

(a) *Location.* The navigable waters of the Middle River, located within the area bounded on the north by the Santa Fe Cut Canal, on the south by the entrance of the Woodward Cut Canal, on the east by the Upper Jones Tract, and on the west by the eastern edge of Woodward Island.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port or his designated representative.

(2) Persons desiring to transit the area of a safety zone may contact the Captain of the Port at telephone number 415–399–3547 or his designated representative on VHF–FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(c) *Enforcement.* U.S. Coast Guard personnel and San Joaquin County Sheriff personnel will enforce this safety zone and may be assisted by other Federal, State, or local agencies, including the Coast Guard Auxiliary. All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representatives. Upon being hailed by enforcement personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(d) *Effective period.* This safety zone is effective from 12:30 p.m. (PDT) on June 12, 2004, until 5 p.m. (PDT) on July 12, 2004.

Dated: June 12, 2004.

Gerald M. Swanson,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay.

[FR Doc. 04–14563 Filed 6–25–04; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–04–105]

RIN 1625–AA00

Safety Zone; Atlantic Intracoastal Waterway, Bogue Sound, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary Final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Atlantic Intracoastal Waterway (AIWW) in the vicinity of Marine Corps Base Camp Lejeune, NC. Naval gunfire will be conducted crossing the AIWW from offshore in the vicinity of the N–1/BT3 impact area and impacting areas in Camp Lejeune. This safety zone is needed to ensure the safety of persons and vessels operating on the AIWW in this area during the specified periods. Entry into this safety zone is prohibited unless authorized by the Captain of the Port or his/her designated representative.

DATES: This rule is effective from 8 a.m. on June 07, 2004, until 8 a.m. on July 16, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05–04–105 and are available for inspection or copying at Coast Guard Marine Safety Office Wilmington, 721 Medical Center Drive, Wilmington, NC 28401 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Charles A. Roskam II, Chief, Port Operations, USCG Marine Safety Office Wilmington, telephone number (910) 772–2200 or toll free (877) 229–0770.

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) and 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Accordingly, based on the military function exception set forth in the Administrative Procedure Act, 5 U.S.C. 553(a)(1), notice and comment rule-making and advance publication are not required for this regulation.

Additionally, publishing an NPRM and delaying the effective date of this

rule would be contrary to the public interest since immediate action is necessary to minimize potential danger to the public and required to ensure the safety of persons and vessels operating on the AIWW in the specified area at the specified times when the naval gunfire will be conducted crossing the AIWW.

Background and Purpose

Naval gunfire operations will be conducted crossing the AIWW from offshore on the Atlantic Ocean in the vicinity of the N–1/BT3 impact area and impacting areas in Camp Lejeune from 8 a.m. on June 04, 2004, until 8 a.m. on July 16, 2004. This safety zone will be in effect to ensure the safety of persons and vessels operating on the AIWW in this area.

Discussion of Rule

The safety zone will cover all waters of the AIWW, from bank to bank, extending from Bogue Sound–New River Daybeacon 58 (LLNR 39210) southeast to Bogue Sound–New River Light 64 (LLNR 39230) during periods of naval gunfire operations. Projectiles from the gunfire operations will travel across the AIWW to the impact area on Camp Lejeune. This safety zone will be in effect to ensure the safety of persons and vessels operating on the AIWW in this area. Entry into this safety zone is prohibited unless authorized by the Captain of the Port or his/her designated representative. A Coast Guard or U.S. Navy vessel will patrol each end of the safety zone to ensure that the public is aware that the firing exercises are in progress and that the firing area is clear of traffic before firing commences.

Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS). This rule only affects a small portion, less than two miles, of the AIWW in North Carolina for a limited time. The proposed regulations have been tailored in scope to impose the least impact on maritime interests, yet provide the level of safety necessary for such an event.

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 would not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the AIWW from 8 a.m. on June 04, 2004 until 8 a.m. on July 16, 2004. The Coast Guard expects a minimal economic impact on a substantial number of small entities due to this rule because little commercial traffic transits this area of the AIWW.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small Entities requesting guidance or exemption from this rule may contact LCDR Charles A. Roskam II, Chief Port Operations, USCG Marine Safety Office Wilmington at (910) 772-2200 or toll free (877) 229-0770.

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 would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that 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 would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T05–105 to read as follows:

§ 165.T05–105 Safety zone; Atlantic Intracoastal Waterway, Bogue Sound, NC.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Intracoastal Waterway, extending from Bogue Sound-New River Daybeacon 58 (LLNR 39210) southeast to Bogue Sound-New River Light 64 (LLNR 39230), Nautical Chart 11541, Intracoastal Waterway-NC-Neuse River to Myrtle Grove Sound.

(b) *Captain of the Port.* Captain of the Port means the Commanding Officer of the Marine Safety Office Wilmington, North Carolina, or any Coast Guard Commissioned, Warrant, or Petty Officer who has been authorized by the Captain of the Port to act on his/her behalf.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port. All vessel movement within the safety zone will be prohibited except as specifically authorized by the Captain of the Port. The general requirements of §165.23 also apply to this regulation.

(2) Red warning flags or red warning lights will be displayed on towers located at both ends of the safety zone while firing exercises are in progress. The flags or lights will be displayed by 8 a.m. each day that this regulation is in effect, and will be removed at the end of firing exercises.

(3) A Coast Guard or Navy vessel will patrol each end of the safety zone to ensure the public is aware that firing exercises are in progress and that the firing area is clear of vessel traffic before weapons are fired.

(4) Vessels requiring entry into or passage through any portion of the safety zone must first request authorization from the Captain of the Port or the Coast Guard or U.S. Navy vessel on-scene. The Captain of the Port can be contacted at telephone number (800) 325–4965. The Coast Guard or U.S. Navy vessel may be contacted by radio on VHF Marine Band Radio, channels 13 (156.65 MHz) and 16 (156.8 MHz)

(d) *Effective period:* This regulation will be enforced from 8 a.m. on June 07, 2004, until 8 a.m. on July 16, 2004.

(e) The Captain of the Port will notify the public of changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: June 7, 2004.

Jane M. Hartley,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 04–14561 Filed 6–25–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska, Subpart D; Seasonal Adjustment—Afognak Bay

AGENCIES: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Seasonal adjustment.

SUMMARY: This provides notice of the Federal Subsistence Board's in-season management action of closure for the Federal subsistence salmon fisheries in Afognak Bay. This action provides an exception to the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on February 3, 2004. Those regulations established seasons, harvest limits, methods, and means relating to the taking of fish and shellfish for subsistence uses during the 2004 regulatory year.

DATES: The Afognak Bay closure is effective June 12, 2004, through August 1, 2004.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, telephone (907) 786–3888. For questions specific to National Forest System lands, contact Steve Kessler, Subsistence Program Leader, USDA—Forest Service, Alaska Region, telephone (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands in Alaska, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that

provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. In December 1989, the Alaska Supreme Court ruled that the rural preference in the State subsistence statute violated the Alaska Constitution and, therefore, negated State compliance with ANILCA.

The Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. The Departments administer Title VIII through regulations at Title 50, Part 100, and Title 36, Part 242 of the Code of Federal Regulations (CFR). Consistent with Subparts A, B, and C of these regulations, as revised January 8, 1999 (64 FR 1276), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, National Park Service; the Alaska State Director, Bureau of Land Management; the Alaska Regional Director, Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participate in the development of regulations for Subparts A, B, and C, which establish the program structure and determine which Alaska residents are eligible to take specific species for subsistence uses, and the annual Subpart D regulations, which establish seasons, harvest limits, and methods and means for subsistence take of species in specific areas. Subpart D regulations for the 2003 fishing seasons, harvest limits, and methods and means were published on February 12, 2003 (68 FR 7276). Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical closures and adjustments would apply to 36 CFR part 242 and 50 CFR part 100.

The Alaska Department of Fish and Game (ADF&G), under the direction of the Alaska Board of Fisheries (BOF), manages sport, commercial, personal use, and State subsistence harvest on all lands and waters throughout Alaska. However, on Federal lands and waters, the Federal Subsistence Board implements a subsistence priority for rural residents as provided by Title VIII of ANILCA. In providing this priority, the Board may, when necessary, preempt State harvest regulations for

fish or wildlife on Federal lands and waters.

These adjustments are necessary because of the need to maintain the viability of salmon stocks in Afognak Bay based on in-season run assessments. These actions are authorized and in accordance with 50 CFR 100.19(d–e) and 36 CFR 242.19(d–e).

Afognak Bay

The strength of the Afognak Lake (Litnik) sockeye salmon run is determined by fish weir counts in the Afognak River and the estimated relative abundance of fish within the inner portion of Afognak Bay. All data and other relevant information indicate that to date the 2004 sockeye salmon escapement counts (5,854 fish) to the Afognak River drainage total 26 percent of the 9-year average (22,426 fish). The desired sockeye salmon escapement for this date would range from 9,267 to 13,900 fish. Total escapement is not expected to meet the lower end of the escapement goal (40,000 fish). In response to poor 2004 escapement numbers, at this time the Alaska Department of Fish and Game (ADF&G) has closed the Afognak Bay waters to sport and State subsistence fishery users targeting sockeye salmon. After consultation with subsistence users and ADF&G managers, closure of this Federally regulated subsistence fishery is the responsible course of action at this time, because all remaining sockeye salmon entering Afognak Bay are essential to achieve spawning escapement goals. This action is taken to ensure the conservation of the Afognak River sockeye salmon stock. Sockeye salmon escapement status into Afognak River will continue to be monitored by ADF&G on a daily basis. Should sockeye salmon escapement numbers show a significant increase suggesting escapement goals may be reached, the Federally regulated subsistence fishery for sockeye salmon may be reopened in this area.

The Board finds that additional public notice and comment requirements under the Administrative Procedure Act (APA) for these adjustments are impracticable, unnecessary, and contrary to the public interest. Lack of appropriate and immediate conservation measures could seriously affect the continued viability of fish populations and adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive additional public notice and comment procedures prior to implementation of these actions and

pursuant to 5 U.S.C. 553(d)(3) to make this rule effective as indicated in the **DATES** section.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Final Environmental Impact Statement (FEIS) was published on February 28, 1992, and a Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD) was signed April 6, 1992. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940, published May 29, 1992), implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations. A final rule that redefined the jurisdiction of the Federal Subsistence Management Program to include waters subject to the subsistence priority was published on January 8, 1999 (64 FR 1276).

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD, which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

Paperwork Reduction Act

The adjustment and emergency closures do not contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995.

Other Requirements

The adjustments have been exempted from OMB review under Executive Order 12866.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or

governmental jurisdictions. The exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant economic effect (both positive and negative) on a small number of small entities supporting subsistence activities, such as boat, fishing gear, and gasoline dealers. The number of small entities affected is unknown; however, the effects will be seasonally and geographically limited in nature and will likely not be significant. The Departments certify that the adjustments will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, the adjustments have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that the adjustments will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation is by Federal agencies, and no cost is involved to any State or local entities or Tribal governments.

The Service has determined that the adjustments meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

In accordance with Executive Order 13132, the adjustments do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands. Cooperative salmon run assessment efforts with ADF&G will continue.

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal

Governments" (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As these actions are not expected to significantly affect energy supply, distribution, or use, they are not significant energy actions and no Statement of Energy Effects is required.

Drafting Information

Theodore Matuskowitz drafted this document under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Dennis Tol, Alaska State Office, Bureau of Land Management; Rod Simmons, Alaska Regional Office, U.S. Fish and Wildlife Service; Bob Gerhard, Alaska Regional Office, National Park Service; Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs; and Steve Kessler, USDA—Forest Service, provided additional guidance.

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Dated: June 9, 2004.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

Dated: June 9, 2004.

Steve Kessler,

Subsistence Program Leader, USDA—Forest Service.

[FR Doc. 04–14555 Filed 6–25–04; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

POSTAL SERVICE

39 CFR Parts 211 and 601

Establishment of the Purchasing Manual To Replace the Procurement Manual; Incorporation by Reference

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service has issued completely revised purchasing regulations, replacing the former U.S. Postal Service Procurement Manual with a new Postal Service Purchasing Manual. The Purchasing Manual focuses on using the purchasing process to

further the business and competitive interests of the Postal Service. As such, the new Purchasing Manual reflects a fundamental change to Postal Service purchasing policies and procedures.

EFFECTIVE DATE: This final rule is effective on June 28, 2004. The incorporation by reference of the Purchasing Manual is approved by the Director of the Federal Register as of June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Michael J. Harris (202) 268–5653.

SUPPLEMENTARY INFORMATION: Issue 1 of the Purchasing Manual was issued on January 31, 1997. At that time, purchasing organizations were advised that, pending the updating of contract-writing systems, the purchasing organizations could determine, subject to specific limitations, when and to what extent they may adopt its policies and procedures. The Purchasing Manual then became fully effective on January 27, 2000. Subsequently, updated editions of the Purchasing Manual were issued on January 31, 2002 (Issue 2), and December 25, 2003 (Issue 3). The Purchasing Manual is published and available to all users on the World Wide Web at <http://www.usps.com/business>, and contains the Postal Service's purchasing policy.

It will be noted that on March 24, 2004 (69 FR 13786), the Postal Service published a proposed rule in the **Federal Register** entitled "Purchasing of Property and Services". In this document, the Postal Service proposed to amend its regulations in order to implement the acquisition portions of its *Transformation Plan* (April 2000) and the similar recommendations of the President's Commission on the United States Postal Service (July 2003) as they relate to the acquisition of property and services. That earlier, ongoing rulemaking is proceeding separately and independently, and should not be considered to be a part of this current notice.

The new U.S. Postal Service Purchasing Manual contains a complete revision of the Postal Service's purchasing regulations, replacing the former USPS Publication 41, U.S. Postal Service Procurement Manual. Following is a brief discussion of some of the major policy changes. This is followed by a chapter-by-chapter explanation of the relevant changes, as reflected in the new Purchasing Manual.

To ensure close cooperation between all of the parties involved in the purchasing process, the new Purchasing Manual mandates that contracting officers work with their business partners in groups known as purchasing

teams. These teams determine the business priorities of the particular purchase, and enter into business arrangements which reflect the business objectives of the USPS. Whenever appropriate, purchasing professionals are encouraged to prequalify suppliers who have a proven track record of integrity, quality, and on-time performance. Prequalification, which has been used by the Postal Service since 1988, ensures quality contract performance while enhancing competition and maintaining our historical commitment to providing opportunity to the best suppliers.

In the interests of furthering purchasing uniformity and consistency, the Purchasing Manual establishes a general purchasing process containing elements common to all Postal Service purchases. The Purchasing Manual also adopts and emphasizes the proven commercial buying practices of the Postal Service's private sector counterparts and competitors. These changes will save many hours of administrative effort and improve purchasing lead time.

The Purchasing Manual encourages the use of oral presentations to obtain a clear and succinct understanding of a supplier's technical proposal. Oral presentations can provide a better understanding of suppliers' technical abilities and also significantly reduce the time it takes to complete a purchase. Communications with suppliers during the purchasing process have also been enhanced by allowing discussions during any stage of the process.

The Purchasing Manual also consolidates and makes uniform Postal Service purchases of supplies, services, equipment, facility design, construction, and mail transportation. It emphasizes commonalities among the differing commodities—purchasing best value, prequalifying suppliers, using commercial approaches whenever appropriate—while at the same time recognizing the Postal Service's unique needs and the areas in which they differ.

The Purchasing Manual reflects a complete reorganization of the Procurement Manual. It now has 9 chapters rather than the previous 12, and much material has been moved from one chapter or section to another.

The Purchasing Manual replaces the Postal Service Procurement Manual, which was incorporated by reference in the Code of Federal Regulations (*see* 39 CFR 601.100). A copy of the Purchasing Manual will be provided to the Director, Office of the Federal Register. The Purchasing Manual is available for

examination on the World-Wide Web at <http://www.usps.com/business>.

Explanation of Changes

Chapter 1—Authority, Responsibility and Policy

Significant changes:

- Name of Postal Service purchasing regulations changed from Procurement Manual to Purchasing Manual.
- Introduction of the concept of the purchasing team.
- Changes in training courses required for contracting officer qualification.
- Best value defined and established as a basic purchasing policy.
- Supplier security clearance requirements established.
- Strategic alliances defined.
- Policy established regarding contracts with former executives or officers.

Discussion:

The new name of the Manual adopts the commonly used private sector term “purchasing” instead of the traditional government term “procurement”. The permanent membership of the Purchasing Policy Committee (PPC) has been expanded to represent the diverse group of stakeholders involved in Postal Service purchasing policy and procedure development.

The concept of purchase teams is included throughout the Manual and is fully defined in 1.6.2 and 2.1, where its role in purchase planning is discussed.

With the advent of the new Purchasing Manual, the training curriculum for contracting officers has undergone some changes. Some courses (Simplified Purchasing, Contract Formation, Advanced Contract Administration) have been dropped from the curriculum and several new courses have been introduced (Commercial Purchasing, Advanced Purchasing, and Fundamentals of Purchasing). All remaining courses within the Purchasing and Materials curriculum have been revised and/or redesigned to reflect policy changes. Training requirements to qualify for each CO level are outlined in Chapter 1.

Requirements for security clearances have been added for some service contractors, along with a definition of strategic alliances which differentiates these arrangements from contracts for supplies, services and equipment.

Chapter 2—Purchase Planning

Significant changes:

- Purchase planning defined.
- The role and responsibility of the purchase team are discussed.

• Individual purchase plans are identified as the only planning document required.

• Supplier-selection strategies are defined and discussed. The supplier-selection strategy is developed by the purchase team and lists components that must be addressed in the source selection strategy contained in the individual purchase plan.

• Evaluation teams are defined and team membership, duties, and required reports are discussed.

• Performance evaluation factors are defined and discussed. There are two types: proposal-specific and supplier-specific (past performance and supplier capability). These replace traditional evaluation factors.

• The type of contract is designated an important element in purchase planning. Purchase teams are authorized increased flexibility to determine the contract type to be used in a given business situation.

Discussion:

Purchase planning has been redefined as the “process of establishing objectives and tactics to obtain the best value in a specific purchase.” Purchase teams, composed of the requesting organization, the purchasing organization and other Postal Service representatives and headed by the contracting officer, perform the purchase planning.

Individual purchase plans have replaced annual summary, implementation, and source selection plans. Individual purchase plans are tied to the particular purchase or series of purchases, and are composed of a series of elements such as potential sources, delivery schedules, purchasing method, and contract type. Individual purchase plans require the establishment of project milestones to ensure the success of the purchase.

Supplier-selection strategies are developed by the purchase team as appropriate. These strategies provide guidance regarding performance evaluation factors, determining the best value offered, and other matters, and are incorporated into the individual purchase plan.

Evaluation teams are established by the purchase team to analyze, compare, and rank competing proposals.

Performance evaluation factors provide vital information to both the purchase team and interested suppliers: the first by describing the supplier’s proposed approach and documented ability to perform the work called for in the solicitation; the second by informing interested suppliers of the particular aspects of value sought by the Postal Service. There are two types of

performance evaluation factors: proposal-specific and supplier-specific. Proposal-specific factors address aspects of a particular requirement and purchase; supplier-specific factors address aspects central to the supplier being evaluated. Any number of factors may be proposal-specific, including management plan, key personnel, delivery terms, etc. Past performance and supplier capability comprise the supplier-specific factors. For many purchases supplier-specific factors and price will be sufficient to determine the best value.

Due to the important role they play in determining the success of the purchase, contract types are now addressed in this chapter on purchase planning.

Chapter 3—Supplier Relations

Significant changes:

• Establishes Postal Service policy for a strong, competitive supplier base, and states that the Postal Service is committed to establishing mutually beneficial partnerships with the supplier community.

• Establishes that contracting officers must manage supplier diversity and, in concert with the purchase team, ensure that the Postal Service’s supplier base reflects the diversity of the American business community.

• Describes the responsibilities of both the purchase team and the contracting officer in identifying sources.

• Lists mandatory suppliers which must be considered before purchasing certain commodities, and discusses available government sources.

• Establishes that except for commodities available from mandatory suppliers, it is Postal Service policy to purchase its requirements from commercial suppliers whenever feasible.

• When appropriate, purchase teams should prequalify commercial suppliers regardless of the purchasing method being used, or the commodity being purchased.

• Maintains Postal Service policy and procedures regarding commercial suppliers, and encourages purchase teams to investigate other means of publicizing purchase opportunities.

• Establishes new policy and procedures for noncompetitive purchases and provides for exceptions to justification, reviews, and approval requirements.

• Establishes new policy and procedures regarding protests, adjusting time schedules for consistency with current protest provisions and establishing the contracting officer’s

general responsibility for accountability to prospective suppliers.

Discussion:

Although the Purchasing Manual contains many changes in policy and procedure, several areas have not changed. Among these are the Postal Service's historic commitments to (1) treating all suppliers fairly, openly and equally and; (2) providing opportunities to small, minority and woman-owned businesses to compete for Postal Service contracts. These commitments are reemphasized in this chapter, and contracting officer responsibilities in this area have been more accurately described and delineated, as has policy regarding subcontracting with small, minority and woman-owned businesses.

For legislative or policy reasons, certain commodities may only be obtained from specific sources, including the Workshops for People who are Blind or Severely Retarded, State Licensing Agencies, etc. As a part of purchase training, purchase teams must ensure that these suppliers are considered for relevant purchases.

Purchasing from commercial suppliers whenever possible is the preferred method in the new Purchasing Manual, and purchase teams are encouraged to consider prequalifying suppliers prior to solicitation and award. Prequalification may be used for a single purchase or a series of purchases; when prequalification is used, competition may be limited to only those suppliers who have been prequalified or to selected suppliers on a prequalified list.

In addition to publicizing all purchase opportunities valued at more than \$100,000, purchase teams may now use their market knowledge to determine the extent and means of further publicizing. Publicizing may be accomplished through whatever media is deemed the most promising in terms of adequate competition, enhancing competition, or gaining greater awareness of a particular marketplace or segment.

Noncompetitive purchases have been moved to this chapter, as they are more the result of the state of the marketplace rather than a particular purchasing method.

Protests have also been moved to this chapter. Changes have been made to policy and procedures regarding protests.

Chapter 4—Purchasing

Significant changes:

- Establishes policy that a single purchasing process be used for all Postal Service requirements, and describes the process.

- Defines commercial, design and construction, mail transportation and special purchasing and sets forth policy and procedures for their use.

- Establishes general policy regarding solicitations, release of information, oral presentations, performance evaluations, discussions, best value determinations, contract award, notification, and debriefings.

Discussion:

Since 1993, the Postal Service has promoted increased uniformity and consistency throughout its buying practices. The establishment of a single purchasing process is an important result of this ongoing effort. The process entails three basic phases: solicitation of a sufficient number of qualified suppliers to ensure adequate and effective competition; a two-step evaluation process requiring the review and analysis of proposals in relation to the solicitation's performance evaluation factors and a subsequent comparison of the proposals to each other; and discussions among the most able suppliers in order to determine which is offering the best value to the Postal Service.

The comparison of competing proposals is a significant change to current purchasing processes, as is the new role of discussions during the evaluation and award period. Comparing proposals should allow evaluation teams, and subsequently the contracting officer and purchase team, to attain a clearer grasp of the relative quality and value being offered by competing suppliers; it should also make determinations of relative value easier and more effective. Discussions, a single concept replacing what were previously termed "clarifications," "discussions," or "negotiations", are used to reach understandings and agreement with suppliers over what is being required, what is being offered, and what the final contract terms and conditions will be. Discussions are also used to improve suppliers' proposals so that the Postal Service receives best value. They are held with the suppliers deemed most qualified, and may be opened or reopened at any time before contract award.

Within the general framework of the purchasing process, contracting officers and purchase teams may use a number of purchasing methods. The method used depends on the item being purchased (mail transportation or design and construction) or on the relative complexity of the purchase itself.

Chapter 5—Contract Pricing

Significant changes:

- Inclusion of the purchase team in decision making relative to cost or pricing.

- Contract types coverage has been moved from this chapter.

Discussion:

Contracting officers remain responsible for the ultimate pricing decision. However, new policies make this decision subject to dialogue among the members of the purchase team. With reorganization of the Purchasing Manual, it was deemed more effective to discuss contract types in relation to purchase planning (see 2.4 of the new PM).

Other than these changes, the contents of this chapter remain generally unchanged.

Chapter 6—Contract Administration

Significant changes:

- Identifies post-award roles and responsibilities of the purchase team.
- Establishes Postal Service policy to resolve contractual issues by mutual agreement at the level of the manager and the contracting officer.

- Supports and encourages the use of alternative dispute resolution (ADR) as an effective way to understand, address, and resolve conflicts with suppliers.

- Parties by mutual consent may agree to use an ADR process to assist in resolving a claim. If ADR is not appropriate or acceptable to the parties, the contracting officer must review all pertinent facts, obtain assistance from assigned counsel if necessary, and issue a final decision in writing.

Discussion:

The role of the purchase team does not end with contract award but carries over throughout the life of the contract. The contracting officer remains the head of the purchase team, continuing to act in the capacity as business manager to the team. After contract award, it becomes critical for the purchase team to partner with the supplier to ensure quality contract performance. By developing mutual performance objectives at the beginning of contract performance, all parties have a clear understanding of their respective roles and responsibilities. This continuing dialog not only solidifies and reinforces expectations, but also will resolve misunderstandings or apparent conflicts before they develop into an adversarial situation.

The use of Alternative Disputes Resolution (ADR) procedures has been established. ADR provides a nonlitigious method of handling misunderstandings or conflicts. ADR procedures are established in Clause B-9, Claims and Disputes.

Chapter 7—Bonds, Insurance, and Taxes

Significant changes:

- Requirement for proposal guarantees has been deleted
- Alternate provisions in addition to performance bonds have been provided for construction contracts between \$25,000 and \$100,000, reflecting Miller Act amendments.

Discussion:

The new purchasing policies minimize the likelihood of the supplier not agreeing to contract terms and conditions or not performing. Therefore, the need for performance guarantees is no longer necessary.

Legislation has amended the Miller Act to make provisions for alternate payment protection for construction contracts valued at over \$25,000 and less than \$100,000. Alternate payment protection consists of a performance bond, a irrevocable letter of credit, tripartite agreements or certificates of deposit. Such alternates are specified in individual solicitations.

Chapter 8—Patents and Data Rights

Significant changes:

- Previously, this material was covered in Chapter 9 of the Procurement Manual.

Discussion:

None.

Chapter 9—Labor Policies

Significant changes:

- Previously, this material was covered in Chapter 10 of the Procurement Manual.

Discussion:

None.

Appendix A—Solicitations

The following provisions have been revised or added to Appendix A:

No.	Title
A-2	Submission of Proposals.
A-3	Modification or Withdrawal of Proposals.
A-17	Telegraphic Proposals.
2-2	Time of Delivery.
2-3	Evaluation of Options.
2-4	Evaluation Exclusive of Options.
2-5	Evaluation Exclusive of Unpriced Options.
2-6	Type of Contract.
3-1	Notice of Small, Minority and Women-owned Contracting Requirements.
4-1	Instruction to Offerors—Commercial Items.
4-2	Evaluation—Commercial Items.
4-3	Representations and Certifications—Commercial Items.
4-7	Postal Computing Environment.
4-8	Pre-Proposal Conference.
4-9	Preparation of Proposals (Construction).

No.	Title
7-1	Performance Bond Requirements.
7-2	Payment Bond Requirements.
7-5	Alternative Payment Protections.

Appendix B—Contract Clauses

The following clauses have been revised or added to Appendix B:

No.	Title
B-9	Claims and Disputes.
B-31	Supplier Clearance Requirements.
B-32	Differing Site Conditions.
B-33	Inspection and Acceptance (Construction).
B-34	Notice to Proceed and Commencement, Prosecution and Completion of Work.
B-35	Specifications and Drawings.
B-36	Postal Service Partial Occupancy.
B-37	Changes (Construction).
B-38	Accident Prevention.
B-39	Indemnification.
B-40	Construction Cost Breakdown.
B-41	Conditions Affecting the Work.
B-42	Performance of Work by Supplier.
B-43	Superintendence by Supplier.
B-44	Use of Premises.
B-45	Other Contracts.
B-46	Subcontracts (Construction).
B-47	Permits and Responsibilities.
B-48	Payment (Construction).
B-49	Building Codes, Fees, and Charges.
B-50	Protection of Existing Vegetation, Structures, Utilities, and Improvements.
B-51	Heat.
B-52	Debris and Cleanup.
B-53	Survey Monuments and Bench Marks.
B-54	Measurements.
B-55	Standard References.
B-56	Shop Drawings, Coordination Drawings, and Schedules.
B-57	Record "As Built" Drawings.
B-58	Spare-Parts Data.
B-59	Construction Progress Chart.
B-60	Postal Service Occupancy.
B-61	Warranty (Construction).
B-62	Samples.
B-63	Materials and Workmanship.
B-64	Accountability of the Supplier (Highway).
B-65	Adjustments to Compensation.
B-66	Appeals to the Next Higher Level Contract Authority.
B-67	Changes (Transportation).
B-68	Changes in Corporate Ownership or Corporate Officers.
B-69	Events of Default.
B-70	Release of Supplier.
B-71	Termination for Convenience (Transportation).
B-72	Termination for Convenience—Emergency Contracts.
B-73	Trailer Damage.
B-74	Payment (Highway).

No.	Title
B-75	Accountability of the Supplier (Non-Highway).
B-76	Excusable Delays (Mail Transportation Non-Highway).
B-77	Protection of the Mail.
B-78	Renewal.
B-79	Forfeiture of Compensation.
B-80	Laws and Regulations Applicable.
B-81	Information or Access by Third Parties.
B-82	Access by Officials.
B-83	Payment (Air Taxi).
1-8	Organizational Conflict of Interest.
2-24	Inspection and Acceptance—Non-fixed Price.
2-25	Unpriced Options.
2-26	Payment—Fixed Price.
2-27	Incentive Price Revision.
2-28	Economic Price Adjustment—Labor and Materials.
2-29	Economic Price Adjustment (Index Method).
2-30	Allowable Cost and Payment.
2-31	Limitation of Cost.
2-32	Limitation of Funds.
2-33	Cost Contract—No Fee.
2-34	Cost—Sharing Contract—No Fee.
2-35	Incentive Fee.
2-36	Fixed Fee.
2-37	Award Fee.
2-38	Payment (Time-and-materials and Labor-Hour Contracts).
2-39	Ordering.
2-40	Delivery-Order Limitations.
2-41	Definite Quantity.
2-42	Indefinite Quantity.
2-43	Requirements.
2-44	Contract Definitization.
2-45	Execution and Commencement of Work.
2-46	Limitation of Postal Service Liability.
2-47	Payment of Allowable Costs Before Definitization.
3-1	Participation of Small, Minority and Women-owned Business.
3-2	Small, Minority and Women-owned Business Subcontracting Requirements.
4-2	Contract Terms and Conditions—Commercial Items.
4-3	Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.
4-16	Substitution of Information Technology.
4-17	Technology Enhancement.
6-2	Contracting Officer's Representation.

Appendix C—Forms and Formats

No changes have been made to this Appendix.

Appendix D—Rules of Practice in Proceedings Relative to Debarment And Suspension from Contracting

No changes have been made to this Appendix.

Appendix E—Rules of Practice Before the Postal Service Board of Contract Appeals

This Appendix has been revised to reflect changes required by the Federal Acquisition Streamlining Act's changes to the Contract Disputes Act.

Appendix F—Purchasing Manual Index

This Appendix has been updated as necessary.

List of Subjects

39 CFR Part 211

Administrative practice and procedure.

39 CFR Part 601

Government procurement, Postal Service, Incorporation by reference.

■ In view of the considerations discussed above, the Postal Service hereby adopts the Purchasing Manual in replacement of the Procurement Manual, Publication 41, and therefore amends 39 CFR parts 211 and 601 as follows:

PART 211—APPLICATION OF REGULATIONS

■ 1. The authority citation for part 211 continues to read as follows:

Authority: 39 U.S.C. 201, 202, 401(2), 402, 403, 404, 410, 1001, 1005, 1209; Pub. L. 91–375, Secs. 3–5, 84 Stat. 773–75.

§ 211.2 [Amended]

■ 2. In section 211.2(a)(2), remove “Postal Contracting Manual” and add in its place “Purchasing Manual”.

■ 3. Part 601 is revised to read as follows:

PART 601—PURCHASING PROPERTY AND SERVICES

Sec.

601.100 Purchasing Manual; incorporation by reference.

601.101 Effective date.

601.102 Applicability and coverage.

601.103 Content of Purchasing Manual.

601.104 Amendments to the Purchasing Manual.

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 410, 411, 2008, 5001–5605.

§ 601.100 Purchasing Manual; incorporation by reference.

Section 552(a) of Title 5, U.S.C., relating to public information requirements of the Administrative Procedure Act, provides in pertinent part that “* * * matter reasonably available to the class of persons affected thereby is deemed published in the **Federal Register** when incorporated by reference therein with the approval of the Director of the Federal Register.” In conformity with that provision, with 39 U.S.C. 410(b)(1), and as provided in this

part, the U.S. Postal Service hereby incorporates by reference its Purchasing Manual (PM). The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The Purchasing Manual is available for examination on the World-Wide Web at <http://www.usps.com/business>. You may inspect a copy at the U.S. Postal Service Library, 475 L’Enfant Plaza West SW., Washington, DC 20260–1641, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

§ 601.101 Effective date.

The provisions of the Purchasing Manual, issued January 31, 1997, are applicable, effective January 27, 2000, with respect to all covered purchasing activities of the Postal Service.

§ 601.102 Applicability and coverage.

(a) The Purchasing Manual applies to all Postal Service procurements of property and services (except real estate and related services).

(b) The Purchasing Manual supersedes the Procurement Manual.

§ 601.103 Content of Purchasing Manual.

The Purchasing Manual consists of 9 chapters and 6 appendices, as follows:

(a) Chapter 1—Authority, Responsibility, and Policy—covers general purchasing policies, including the delegation of purchasing authority and responsibility; introduces the concept of the purchasing team; defines and establishes best value as a basic purchasing policy.

(b) Chapter 2—Purchase Planning—establishes requirements and procedures for advance purchase planning, including supplier-selection strategies and performance evaluation factors.

(c) Chapter 3—Supplier Relations—establishes policy for a strong, competitive supplier base; describes the responsibilities of both the purchase team and the contracting officer in identifying sources; discusses sources and their priority; and sets forth policy and procedures regarding commercial suppliers, noncompetitive purchases, and protests.

(d) Chapter 4—Purchasing—establishes a single purchasing process for all requirements; defines commercial, design and construction, mail transportation, and special purchasing and sets policy and procedures for their use; establishes

general policy regarding solicitations, release of information, oral presentations, performance evaluations, discussions, best value determinations, contract award, notification, and debriefings.

(e) Chapter 5—Contract Pricing—establishes policies and procedures for price evaluation, including price analysis, cost analysis, and principles for determining the allowability of costs; includes the purchase team in decision making relative to cost or pricing.

(f) Chapter 6—Contract Administration—identifies post-award roles and responsibilities of the purchase team; establishes policy to resolve contract issues by mutual agreement at the level of the manager and the contracting officer; supports and encourages the use of alternative dispute resolution (ADR) to address conflicts with suppliers.

(g) Chapter 7—Bonds, Insurance, and Taxes—sets forth policies and procedures governing bonds and insurance under contracts, and discusses the applicability of Federal, State, and local taxes.

(h) Chapter 8—Patents and Data Rights—covers the acquisition of patents, copyrights, and other rights in data.

(i) Chapter 9—Labor Policies—contains procedures for contracting with minority-owned businesses, and policies carrying out the requirements of certain statutes, including the Contract Work Hours and Safety Standards Act, the Davis-Bacon Act, and the Service Contract Act. It establishes Postal Service policy and preference regarding purchase of domestic-source products and services.

(j) Appendix A—Solicitations—prescribes the forms, format, and provisions to be used in preparing solicitations, and the establishment and maintenance of solicitation mailing lists. It contains all solicitation provisions prescribed in the Manual.

(k) Appendix B—Contract Clauses—prescribes certain clauses not prescribed elsewhere in the Manual and contains all clauses prescribed in the Manual.

(l) Appendix C—Forms and Formats—states that the forms and computer generated formats necessary to implement and supplement the manual are in the Procurement Handbook, the Facilities Design and Construction Handbook, the Mail Transportation Procurement Handbook, and other publications and directives referenced in the Manual or in these handbooks.

(m) Appendix D—Rules of Practice in Proceedings Relative to Debarment and Suspension from Contracting—contains

a reprint of the rules of practice issued by the Judicial Officer as 39 CFR 957.

(n) Appendix E—Rules of Practice Before the Postal Service Board of Contract Appeals—contains a reprint of the rules of practice issued as 39 CFR 955.

(o) Appendix F—Purchasing Manual Index—is an alphabetical index of important words and terms used in the Manual.

§ 601.104 Amendments to the Purchasing Manual.

New issues of the Purchasing Manual will be incorporated by reference into this part and will be available at <http://www.usps.com/business>. The text of amendments to the Purchasing Manual will be published in the **Federal Register** and will be available at <http://www.usps.com/business>.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 04-13747 Filed 6-25-04; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL218-2a; FRL-7661-8]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to a direct final rule; extension of the public comment period.

SUMMARY: This document contains corrections to the preamble and codification of a final rule which was published on March 23, 2004 (69 FR 13474). The rule being corrected approved revisions to Illinois' definition of volatile organic material (VOM) or volatile organic compound (VOC) contained in the Illinois State Implementation Plan (SIP). Because of the errors in the March 23, 2004, direct final rule which necessitated correction, EPA is extending the public comment period for 30 days from the publication of this correction and delaying the effective date of the direct final rule for 60 days from the date of the publication of this correction. This will provide the public with an opportunity to comment on the corrected rule before it takes effect.

DATES: The removal of § 52.720 (c)(168) is effective June 28, 2004. The addition of a new paragraph (c)(168) is effective

August 27, 2004, unless EPA receives adverse written comments by July 28, 2004. If EPA receives adverse comments, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You may inspect copies of the documents relevant to this action during normal business hours at the following location: Criteria Pollutant Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 office.

Send written comments to: J. Elmer Bortzer, Chief, Criteria Pollutant Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. bortzer.jay@epa.gov.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in Part(I)(B)(1)(i) through (iii) of the **SUPPLEMENTARY INFORMATION** section which begins in the third column on page 13474 of the March 23, 2004 (69 FR 13474) direct final rule.

FOR FURTHER INFORMATION CONTACT:

Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767. dagostino.kathleen@epa.gov.

SUPPLEMENTARY INFORMATION: On March 23, 2004 (69 FR 13474), EPA approved revisions to Illinois' definition of VOM and VOC contained in the Illinois State Implementation Plan (SIP).

Need for Correction

As published, the direct final rule contains two errors. First, the rule identified the State definition of VOM or VOC as being codified at 35 Ill. Adm. Code 211.7250. This error was published in the first column on page 13476 under the heading "What has Illinois Submitted?" It also appears in the codification for this action, specifically in the introductory text of 40 CFR 52.720(c)(168) which is presented in the second column on page 13477. The correct State citation for this paragraph is 35 Ill. Adm. Code 211.7150. This citation was correctly presented in the "Incorporation by reference" section of the codification of this rule.

A second error in the March 23, 2004, direct final rule concerns the omission

of methyl acetate from the list of nonreactive compounds being exempted from the State definition of VOM or VOC. This list of nonreactive compounds was presented in the "What has Illinois submitted?" section which was published in the first column on page 13476. It was also omitted from the list of nonreactive compounds being exempted from the State definition of VOM or VOC in the introductory text of 40 CFR 52.720(c)(168) where EPA's approval of these exemptions is codified.

Unless these errors are corrected, persons seeking a copy of the rules incorrectly cited in the codification of the direct final rule will be unable to locate the correct document. Readers of the codification will not know that methyl acetate has been exempted from the Illinois definition of VOM or VOC because it is considered to be negligibly photochemically reactive. EPA regrets any inconvenience that these errors have caused.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Volatile organic compounds.

Dated: May 4, 2004.

Norman Niedergang,

Acting Regional Administrator, Region 5.

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart O—Illinois

- 2. In § 52.720, paragraph (c)(168), added on March 23, 2004 (69 FR 13474), is removed.
- 3. In § 52.720, new paragraph (c)(168) is added to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(168) On October 31, 2003, the Illinois Environmental Protection Agency submitted revisions to the Illinois State Implementation Plan for ozone. The submittal revises the definition for volatile organic material (VOM) or volatile organic compound (VOC) contained in 35 Ill. Adm. Code 211.7150 to incorporate an exemption for perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane

(HCFC-225cb); decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1-chloro-1-fluoroethane (HCFC-151a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅); and methyl acetate from the definition of VOM or VOC and thereby, from regulation as ozone precursors.

(i) Incorporation by reference.

(A) Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, Subpart B: Definitions, Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC), amended at 22 Illinois Register 11405, effective June 22, 1998.

[FR Doc. 04-14382 Filed 6-25-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. RSPA-03-16330; Amdt. 192-97]

RIN 2137-AB71

Pipeline Safety: Passage of Internal Inspection Devices

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: The Research and Special Programs Administration (RSPA) published a regulation requiring that new gas transmission lines and sections of existing transmission lines in which pipe or components are replaced be designed and constructed to

accommodate the passage of instrumented internal inspection devices. Responding to petitions for reconsideration, RSPA stayed enforcement on some facilities and invited comments on proposed changes to the regulation. The present action concludes our consideration of the petitions and comments. For existing onshore transmission lines, this action restricts the regulation to replacements of pipe or components. For offshore transmission lines, the regulation is restricted to certain new lines that run between platforms or from platforms to shore. The action aligns the regulation with the supporting congressional directive and a related Marine Board recommendation.

DATES: This Final Rule takes effect July 28, 2004. Offshore transmission lines covered by revised § 192.150 are those on which construction begins after December 28, 2005.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow by phone at 202-366-4559, by fax at 202-366-4566, by mail at U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, or by e-mail at buck.furrow@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

This proceeding began when RSPA proposed regulations (49 CFR 192.150 and 195.120) that would require operators, except in certain impracticable situations, to design and construct new and replacement gas transmission lines and new and replacement hazardous liquid pipelines to accommodate the passage of instrumented internal inspection devices (57 FR 54745; Nov. 20, 1992) (“Notice 1”).¹ The proposed regulations

¹ The proposed gas transmission line regulation (49 CFR 192.150) was substantially identical to the proposed regulation for hazardous liquid pipelines (49 CFR 195.120). Proposed § 192.150 reads as follows:

§ 192.150 *Provision for internal passage of inspection devices.*

(a) Except as provided in paragraph (b) of this section, each new transmission line and each replacement transmission line must be designed and constructed to accommodate the passage of instrumented internal inspection devices.

(b) Paragraph (a) of this section does not apply to manifolds, station piping (such as compressor stations, metering stations, or regulator stations), cross-overs, and fittings that provide branch line junctures (such as tees and other lateral connections), and any other piping that the Administrator finds in a particular case would be impracticable to design and construct to accommodate the passage of an instrumented internal inspection device. In the case of fittings providing branch line junctures, however, restraining elements must be added to the fitting so that pigs can pass in the direction of straight flow.

were in response to congressional directives in Sections 108(b) and 207(b) of the Pipeline Safety Reauthorization Act of 1988 (Pub. L. 100-561; Oct. 31, 1988).²

Instrumented internal inspection devices, also called “smart pigs,” travel with the flow of fluid in pipelines. Along the way, they collect data that operators subsequently analyze and investigate to learn the physical condition of the pipeline. However, operators cannot use smart pigs in pipelines that contain obstructions to their passage, such as short radius bends or valves that do not open fully. The purpose of the proposed regulations was to make pipelines open to the passage of smart pigs wherever practicable.

Persons who submitted written comments on the proposed regulations generally sought to expand the number of impracticable situations in which design and construction for the passage of smart pigs would not be mandatory. In a Final Rule document (59 FR 17281; April 12, 1994) (“1994 Final Rule”), we responded to these comments by including the following additional exceptions in final §§ 192.150 and 195.120:

- Pipe for which there is no commercially available smart pig.
- Transmission lines in Class 4 (urban) locations that operate with a gas distribution system.
- Piping associated with storage facilities.
- Emergency or other unforeseen construction problems for which the operator seeks post-construction approval.
- Offshore pipelines less than 10 inches in nominal diameter that transport gas or hazardous liquid to onshore facilities.

In the 1994 Final Rule, we also changed the proposed regulations in response to comments that the terms “replacement transmission line” and “replacement pipeline” were unclear. We had used these terms to identify which existing pipelines operators

² Section 108(b) added the following new Section 3(g) to the Natural Gas Pipeline Safety Act of 1968: (g) Instrumented Internal Inspection Devices.—The Secretary shall, by regulation, establish minimum Federal safety standards requiring that—

(1) the design and construction of new transmission facilities, and

(2) when replacement of existing transmission facilities or equipment is required, the replacement of such existing facilities, be carried out, to the extent practicable, in a manner so as to accommodate the passage through such transmission facilities of instrumented internal inspection devices (commonly referred to as “smart pigs”).

Section 207(b) added a similar new section 203(k) to the Hazardous Liquid Pipeline Safety Act of 1979.

would have to modify to accommodate the passage of smart pigs. The commenters suggested several alternative terms, including "replaced component" or "replaced line section." Although we agreed the proposed terms lacked clarity, we did not use the suggested alternatives in final § 192.150(a) and 195.120(a). Instead the final rules required that when operators replace any line pipe or component, they must design and construct the entire line section containing the replacement to accommodate the passage of smart pigs ("replacement provision").³ Also, based on the definition of "line section" in § 195.2, we added the following definition to § 192.3: "*Line section* means a continuous run of transmission line between adjacent compressor stations, between a compressor station and storage facilities, between a compressor station and a block valve, or between adjacent block valves." We rejected as fruitless the idea of applying the proposed terms just to replaced pipe or components. Our reasoning was that if operators never replaced some existing obstructions, the pipelines would never accommodate the passage of smart pigs, or become piggable.

After publication of the 1994 Final Rule, the American Gas Association (AGA) and the Interstate Natural Gas Association of America (INGAA) asked us to stay the effective date of the replacement provision. They argued that construction projects require lengthy advance planning for, among other things, design, contracting, funding, and government approvals, and that compliance with § 192.150 would cause adverse consequences. In addition, AGA and INGAA each submitted a petition for reconsideration of the replacement provision, citing procedural errors. INGAA also sought exemption of all offshore gas transmission lines from § 192.150.

In view of the serious nature of these requests, on May 12, 1994, we suspended enforcement of the replacement provision, except as it applies to the pipe or component being replaced. Subsequently we published a notice proposing changes to § 192.150 that would relax the effect of the regulation, but not fully grant the

petitions for reconsideration (59 FR 49896; Sept. 30, 1994) (Notice of Proposed Rulemaking (NPRM)). Specifically the proposed changes would do the following:

- For transmission lines in Class 1 and 2 locations (areas of low population), limit the replacement provision to the component being replaced, if modifying the entire line section is infeasible and unnecessary for future safety.
- For transmission lines in Class 1 and 2 locations, postpone mandatory compliance with the replacement provision, apart from the component being replaced, until February 2, 1995.
- Exempt all offshore transmission lines (other than new transmission lines 10¾ inches or larger) if the operator runs cleaning pigs regularly to remove condensate and inspects risers regularly for corrosion.

We did not propose similar changes to § 195.120 primarily because no one requested reconsideration of § 195.120. The lack of a request was most likely because hazardous liquid pipelines have historically been designed for the passage of internal inspection equipment. We also thought the risk of environmental damage posed by hazardous liquid spills weighed against changing § 195.120. Nevertheless, since there was no apparent need to change § 195.120, we announced in the NPRM that we would begin to enforce the replacement provision of that regulation in full. We also said we would continue to suspend enforcement on gas transmission lines until February 2, 1995, or until we completed action on compliance dates, whichever occurred first (59 FR 49897).

After reviewing the comments on the NPRM, we realized we would not complete the rulemaking before February 2, 1995. So on January 30, 1995, we issued another suspension of enforcement (60 FR 7133; Feb. 7, 1995). On existing onshore transmission lines, we continued the previous suspension, and on offshore transmission lines, we suspended enforcement of § 192.150 entirely. We said these suspensions would stay in effect until we responded to the comments on the NPRM and established new compliance dates. The suspensions did not affect new onshore transmission lines or replacements of pipe or components in existing onshore transmission lines.

Comments on the NPRM

Fifty-seven persons responded to the invitation to comment on the NPRM. Comments came from pipeline operators, pipeline trade associations, and government agencies.

AGA considered the proposed changes to § 192.150 impracticable and unreasonable, and said they would not significantly reduce industry's costs of compliance. AGA estimated that even if the replacement provision applied only to Class 3 and 4 pipelines, compliance would cost industry more than \$100 million a year. It urged us to rescind the replacement provision rather than adopt the proposed changes.

Other commenters largely objected to the replacement provision without directly addressing the proposed changes. Most of these commenters saw the replacement provision as an unnecessary high-cost burden that would cause the delay of other maintenance work or safety objectives. Many of them suggested that on existing transmission lines § 192.150 should apply only to replacements of pipe and components. Four commenters argued we should not apply the replacement provision to Class 3 transmission lines operated with distribution systems because these lines have constraints similar to those of exempt Class 4 lines. Six commenters, including INGAA, expected improvements in the technology of smart pigs would make the replacement provision unnecessary. INGAA also suggested that preparing line sections for smart pig inspections before deciding the inspections are needed is not proper risk management.

Six commenters, including INGAA, suggested that § 192.150 should exempt all offshore transmission lines. Two of these commenters urged exemption without the proposed preconditions, which they argued were unnecessary in view of usual operating practices and corrosion control regulations. Mostly these commenters contended that designing and constructing these lines to provide for the future use of smart pigs would be very costly, technically difficult, and of almost no benefit to the public because of the remote location. They attributed the costs and difficulties to the normal configuration of offshore transmission lines, essentially an underwater network of different pipe sizes with multiple right-angle connections, making smart pig passage from one line to another and installation of launcher or receivers at connection point impracticable. However, two commenters supported the Marine Board's recommendation (discussed below) that, whenever reasonably practical, operators design new medium-to-large-diameter lines running between platforms and platforms to shore for the passage of smart pigs.

Several commenters addressed the question of what alternative to the replacement provision would ensure

³ Final §§ 192.150(a) and 195.120(a) are substantially identical. Final § 192.150(a) reads as follows: *§ 192.150 Passage of internal inspection devices.*

(a) Except as provided in paragraphs (b) and (c) of this section, each new transmission line and each line section of a transmission line where the line pipe, valve, fitting, or other line component is replaced must be designed and constructed to accommodate the passage of instrumented internal inspection devices.

that existing transmission lines eventually accommodate the passage of smart pigs. A few commenters said there was no alternative. Others said the accommodation of smart pigs would gradually result from planned replacement programs or from a combination of replaced pipe and components, new installations, and removal of obstructions. Two commenters stated the alternative was continuously improving technology.

Advisory Committee Consideration

The Technical Pipeline Safety Standards Committee (TPSSC) considered the NPRM at a meeting in Washington, DC, on May 2, 1995. TPSSC is a statutory, advisory committee that advises RSPA on proposed safety standards and other policies for gas pipelines. The committee has an authorized membership of 15 persons, five each representing government, industry, and the public. Each member has qualifications to consider the technical feasibility, reasonableness, cost-effectiveness, and practicability of proposed gas pipeline safety standards. A transcript of the meeting is available in the Nassif Building, Room 7128, 400 Seventh Street, SW, Washington, DC 20590-0001.

TPSSC's discussion at the meeting dwelled on the replacement provision of § 192.150(a). One member thought the provision put too much emphasis on a single method of evaluating pipeline integrity (using smart pigs) when alternatives are available. Other members questioned the benefit of requiring operators to do more than just insure that replacement pipe and components accommodate the passage of smart pigs. Still other members were concerned the replacement provision would cause an undesirable reallocation of resources by reducing funds available for more important maintenance needs. In the end, TPSSC voted nine to one to recommend that we amend the replacement provision to apply only to replacements of pipe or components.

The rest of TPSSC's discussion concerned application of § 192.150 to offshore transmission lines. One member stated emphatically that the regulation should not apply offshore because the cost of design and construction would be too great. An industry representative in the audience added that normal sub-sea designs inherently do not permit the passage of smart pigs due to right angles between connecting pipelines. This industry representative also said that other than in a few places, running smart pigs in offshore gas transmission lines was not

technically feasible. With little further discussion, TPSSC voted unanimously to recommend that we exempt all offshore transmission lines from § 192.150.

Resolving the Issues

Essentially we face two issues in deciding whether to change § 192.150: The first is whether the replacement provision is justified. And the second is whether to exclude additional transmission lines from coverage.

Replacement provision. The controversy over the replacement provision began with our response to Notice 1 commenters who requested clarification of the term "replacement transmission line." We had used the term in proposed § 192.150(a) to identify the portions of existing transmission line that operators would have to design and construct to accommodate the passage of smart pigs.

A strong inference of what "replacement transmission line" meant is found in the following excerpt from Notice 1 concerning the purpose of the proposed regulations:

Sections 108(b) and 207(b) of the Reauthorization Act (Pub. L. 100-561) require DOT to require operators to design and construct certain new pipeline facilities and replacement pipeline facilities (*i.e.*, pipeline facilities that replace existing facilities), to the extent practicable, to accommodate the passage of smart pigs. To meet this statutory requirement, the rules proposed by this notice would, with limited exceptions, prohibit any physical restriction on the passage of a smart pig in the design or construction of new or replacement pipelines. (57 FR 54746).

In the first sentence of the excerpt, the term "replacement pipeline facilities" identifies which existing facilities Congress wanted operators to design and construct to accommodate the passage of smart pigs. The parenthetical expression leaves no doubt that we intended the term to mean "facilities that replace existing facilities." The second sentence further explains that to meet this congressional directive on existing facilities, the proposed rules would prohibit restrictions in "replacement pipelines." Given that in Part 192 a "transmission line" is a type of "pipeline" which in turn is a type of "pipeline facility" (see § 192.3), it follows that in Notice 1 we intended "replacement transmission line" to refer to a transmission line that replaces an existing transmission line.

This interpretation of Notice 1 is consistent with the legislative history of Pub. L. 100-561. In its report on H.R. 2266, the House bill that led to the pig passage requirement, the Committee on

Energy and Commerce discussed the limited effect the bill would have on existing pipelines. The Committee said the "requirement would *only apply to repairs or replacements* that * * * could be done in a manner to facilitate the use of smart pigs." (H.R. Rept. 100-445, Part 1, 100th Cong., 1st Sess., at 15, emphasis added).

In the 1994 Final Rule, however, we did not refer to Notice 1 or the Committee report to answer commenters' questions about the meaning of "replacement transmission line." Instead we dropped the term from the final regulations in favor of the replacement provision, which has a much broader effect than the design and construction of replacements. It requires that each transmission line section containing a replacement must be designed and constructed to accommodate the passage of smart pigs.

To justify this change in the final regulations, we pointed to Notice 1 comments that suggested alternatives to "replacement transmission line," such as "replacement line section" or "replacement transmission section." However, these comments were made by persons who suggested that for existing transmission lines we restrict application of the proposed rules to actual replacements. Thus, in the present reconsideration of the replacement provision, we looked for a better reason that would explain the change.

We believe that reason lies in the explanation we gave in the 1994 Final Rule for rejecting the idea that "replacement" should mean only replacement of pipe or components. We said if the regulations were so limited, "then pipelines with restrictive components, such as elbows and tight radius field bends (which when properly maintained never need replacement) would never be piggable." (59 FR 17279). We amplified this reasoning—that some existing pipelines might never become piggable—when, in the same paragraph, we said the clear intent of the congressional mandate was to improve an existing pipeline's piggability. A further example of this reasoning is in the NPRM. There we explained that applying § 192.150 to single components rather than line sections "would result in virtually no change in the 'piggability' of existing pipelines" and that "Congress clearly intended that change in the 'piggability' occur." (59 FR 49897). It seems, therefore, that our strong interest in carrying out the will of Congress to make existing transmission lines piggable was behind the replacement provision in § 192.150.

Notwithstanding this prior reasoning, recent legislation and RSPA rulemaking have reduced the significance of the replacement provision in reaching the piggability goal. Section 14 of the Pipeline Safety Improvement Act of 2002 (Pub. L. 107-355; Dec. 17, 2002) requires gas pipeline operators to analyze and reduce the risks to their facilities in highly populated areas using integrity management programs prescribed by DOT regulations. Last year RSPA published the required regulations on integrity management programs (68 FR 69778; Dec. 15, 2003). The backbone of the regulations is a requirement to use smart pigs, pressure testing, direct assessment, or an equivalent technology periodically to assess the effects of potential risks on pipeline integrity. Comments submitted in response to the rulemaking proposal indicated that operators strongly prefer to use smart pigs as the method of assessment and will modify their transmission lines as necessary to accommodate smart pigs. For convenience of pig launching and retrieving and to maximize pigging benefits, planned modifications most likely will include considerable mileage outside areas covered by the new regulations. We believe this approach is prudent because pigging yields much more information about the condition of a pipeline and should lower compliance costs when widely used. Thus, regardless of the replacement provision, the new integrity management regulations should result in increased piggability of existing transmission lines in and near areas of high population, areas where the risk of damage from a pipeline rupture is greatest.

In sum, the NPRM commenters and the TPSSC opposed the replacement provision and did not back our NPRM proposal to relax it. Moreover, the goal of the replacement provision—ensuring the piggability of existing transmission—will likely be met in and near areas of greatest risk through compliance with the new integrity management regulations. Therefore, upon further consideration of the record and the integrity management rulemaking, we have decided to revise the replacement provision of § 192.150(a) to apply only to replacements of pipe or components. Because this decision is consistent with our long-running stay of enforcement, it should not affect operators' current methods of compliance. Also, it will enable operators to focus their line modification resources on areas of greatest risk rather than spread them

helter-skelter across their systems as the present rule requires.

Offshore transmission lines. The offshore issue first arose when 11 commenters to Notice 1 suggested we exempt all offshore pipelines from the final regulations. The commenters generally said design features, including short bends and right-angle connections, made it impracticable for offshore pipelines to accommodate the passage of smart pigs. Because of these comments, we exempted offshore pipelines less than 10 inches in nominal diameter that transport gas or hazardous liquid to onshore facilities (§ 192.150(b)(7) and § 195.120(b)(6)).

INGAA was dissatisfied with this outcome and, in its petition for reconsideration, asked us to exempt all new and replacement offshore transmission lines from § 192.150. Among other things, INGAA argued that making offshore transmission lines piggable would be of little benefit because the offshore location and operators' maintenance practices significantly limit the risk they pose. Largely accepting this argument, in the NPRM we proposed to modify the offshore exemption in § 192.150(b)(7). The modified exemption would cover all existing transmission lines and new transmission lines less than 10³/₄ inches in outside diameter if operators regularly run cleaning pigs through the lines to remove condensate and regularly inspect risers for corrosion.

To support our decision to continue applying § 192.150 to new lines 10³/₄ inches or larger in outside diameter, we noted that nothing in the record showed that offshore transmission lines are incapable of being designed and constructed to accommodate smart pigs. We also relied on a 1994 report titled "Improving the Safety of Marine Pipelines" prepared by a committee of scientists and engineers expert in offshore development and management. The Marine Board of the National Research Council established the committee in response to requests by RSPA and the Minerals Management Service to review and assess various offshore pipeline issues. The report is available on the Web from the National Academies Press at <http://books.nap.edu/books/0309050472/html/>. After concluding that modification of existing pipelines to accommodate smart pigs would generally be uneconomic, the committee recommended that "[n]ew medium-to large-diameter pipelines running from platform to platform or platform to shore should be designed to accommodate smart pigs whenever reasonably practical."

As stated above, NPRM commenters generally opposed applying § 192.150 to offshore transmission lines, and the TPSSC supported that view. The rationale related to customary offshore construction practices and the inability to run pigs through interconnected lines. However, no commenter or TPSSC member objected specifically to applying the regulation to new lines 10³/₄ inches or larger in outside diameter, and two commenters supported the idea within the limits of the Marine Board's recommendation. By comparison, since the 1994 Final Rule took effect, § 195.120 has required operators to design and construct offshore hazardous liquid pipelines 10³/₄ inches or larger in outside diameter to accommodate the passage of smart pigs. And nothing presented by the NPRM commenters suggests operators cannot similarly design and construct new gas transmission lines.

All these considerations, especially the Marine Board's recommendation, weigh toward continuing to apply § 192.150 to new offshore transmission lines 10³/₄ inches or larger in outside diameter. At the same time, we agree with the two NPRM commenters who suggested we limit the regulation's offshore coverage to new lines running from platform to platform or platform to shore whenever reasonably practical, as the Marine Board recommended. We also agree with the commenters who suggested that conditioning the exemption of other offshore lines on certain maintenance practices is unnecessary. As discussed in the NPRM, operators regularly remove condensate from transmission lines, and Part 192 already requires regular inspections for corrosion.

However, before making a final decision, we sought further public input because the offshore issue had not been aired for some time. So we published a notice (68 FR 67128; Dec. 1, 2003) seeking comments on the following questions:

- Do operators of offshore gas transmission lines still object to applying § 192.150 to new offshore transmission lines 10 inches or larger?
- If the answer is yes, given that new hazardous liquid pipelines 10 inches or larger are meeting § 195.120, what differences are there between gas and liquid pipeline design and construction practices that would justify exempting new offshore gas transmission lines 10 inches or larger from § 192.150?
- Regarding the Marine Board's recommendation, when would it not be "reasonably practical" to design new gas transmission lines 10 inches or larger running between platforms or

platforms and shore to accommodate the passage of smart pigs?

We received four responses to the request for comments: Barb Sachau of Florham Park, New Jersey; Duke Energy Gas Transmission Corporation (Duke); El Paso Pipeline Group (El Paso); and INGAA. Of these commenters, only Duke offered useful information in response to the questions. Ms. Sachau merely urged us to adopt the utmost safety standards. El Paso supported INGAA's petition for reconsideration, but said it could not respond properly to the questions because the on-line docket (Docket No. RSPA-03-16330) did not contain the "technical material" referenced in INGAA's petition or the Marine Board study. El Paso said it needed more time for research, and asked us to extend the comment period 30 days. INGAA also requested more time to submit comments (15 days), stating that its time had been occupied by work related to RSPA's new Integrity Management Rule, published December 15, 2003, and by end-of-year holidays.

We did not grant El Paso's or INGAA's request to extend the comment period, because both commenters offered weak excuses for not meeting the deadline and did not suggest what new information we would receive if the deadline were extended. We especially differed with El Paso's contention that the "technical material" mentioned in INGAA's petition and the Marine Board study were not in the on-line docket. The only reference to technical material occurs on page 6 of the petition, where INGAA states: "RSPA was provided with an abundance of technical reasons why offshore pipelines cannot be smart pigged." The context clearly implies that INGAA was referring to technical reasons contained in the rulemaking record. The 1994 Final Rule discusses these reasons, and we put a copy of the 1994 Final Rule in the on-line docket to make it easier for persons to respond to the request for comments. In addition, the notice included a Web address for the Marine Board study, effectively placing that study in the on-line docket. Although the comment deadline was not extended, our customary policy is to consider late-filed comments whenever practical, but neither commenter submitted anything more to the docket.

In its comments on the offshore issue, Duke opposed applying § 192.150 to existing offshore gas pipelines. Yet it supported the Marine Board's recommendation on the design of certain new offshore pipelines, calling the recommendation an appropriate application of the congressional requirement. As to when designing for pig passage would not be reasonably

practical, Duke suggested it would not be practical if pig launching or receiving were constrained by platform space or configuration. Nor would it be reasonably practical, Duke said, if the new pipeline were designed to have multiple lateral connections between launching and receiving points. Similarly, a participant at the May 2, 1995 TPSSC meeting suggested design would not be practical if it includes a lateral connection large enough to cause a smart pig to turn.

We agree it makes little sense to design and construct a new platform-connected transmission line for smart pig passage if the platform lacks room for equipment and handling needed to launch or retrieve smart pigs. We are less certain, however, about the consequences of designs that provide taps for future lateral connections, either through manifolds or more than one individual connection. While comments indicate that right-angle connections are common on offshore pipelines and impede smart pig passage from laterals to trunklines, it is not clear that these connections necessarily restrict the passage of smart pigs through the trunkline. Wye connections can be used in some situations to alleviate problems that might arise from right-angle connections, although they may not be suitable in all situations. Thus to be sure the pig passage requirement is not frustrated by designs that include taps for lateral connections, we believe operators should consider using non-obstructive alternatives wherever reasonably practical. Thus we are willing to exempt designs with obstructive taps only if the operator has considered alternative designs and can explain why they are not reasonably practical for the intended application.

Accordingly, based on our earlier conclusions and Duke's latest input, we are revising § 192.150(b)(7) consistent with the Marine Board's recommendation. New offshore transmission lines 10" inches or more in outside diameter that run from platform to platform or platform to shore will have to be designed and constructed to accommodate the passage of smart pigs. This requirement will not apply, however, if platform space or configuration is not compatible with launching or retrieving smart pigs. Nor will it apply if the design includes one or more taps for lateral connections and the operator can demonstrate, based on investigation or experience, that use of a tap that does not obstruct the passage of instrumented internal inspection devices is not reasonably practical under the design circumstances.

Although § 192.150 already applies to new offshore transmission lines 10³/₄ inches or more in outside diameter, because of our long-running suspension of enforcement, operators will probably need time to plan for compliance with revised § 192.150(b)(7). So we decided to require compliance only on lines on which construction begins more than 18 months after the date of publication of the present Final Rule.

The changes we are making to § 192.150 remove the need to continue in force the suspension of enforcement dated January 30, 1995 (60 FR 7133; Feb. 7, 1995). Therefore, we are withdrawing the suspension as of the effective date of this Final Rule, which is shown in "Dates" heading above.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Policies and Procedures

We do not consider this rulemaking to be a significant regulatory action under Section 3(f) of Executive Order 12866 (58 FR 51735; Oct. 4, 1993). Therefore, the Office of Management and Budget (OMB) has not received a copy of this rulemaking for review. In addition, we do not consider this rulemaking to be significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979).

This rulemaking merely relaxes certain provisions of the 1994 Final Rule. It does not establish any new requirements. It will reduce the costs to pipeline operators by limiting the amount of pipelines and pipeline components that operators must modify onshore and reduce the amount of pipeline offshore that is subject to regulation. A copy of the regulatory evaluation is available in the public docket for review.

Regulatory Flexibility Act

This rulemaking relaxes certain provisions of § 192.150 and does not establish any new requirements. Therefore, based on these facts, I certify, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this rulemaking will not have a significant impact on a substantial number of small entities.

Executive Order 13084

We have analyzed this rulemaking according to the principles and criteria contained in Executive Order 13084, "Consultation and Coordination with Indian Tribal Governments." Because the rulemaking will not significantly or uniquely affect the communities of the Indian tribal governments and will not impose substantial direct compliance

costs, the funding and consultation requirements of Executive Order 13084 do not apply.

Paperwork Reduction Act

This rulemaking does not contain any additional information collection requirements.

Unfunded Mandates Reform Act of 1995

This rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It would not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and would be the least burdensome alternative that achieves the objective of the rule.

National Environmental Policy Act

Because this rulemaking merely relaxes certain provisions of § 192.150 and does not establish any new requirements, it does not create any significant environmental issues. Therefore, we have not analyzed this rulemaking under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Executive Order 13132

We have analyzed this rulemaking according to the principles and criteria contained in Executive Order 13132 (“Federalism”). The rulemaking does not establish any regulation that: (1) Has a substantial direct effect on the States, the relationship between the National government and the States, or the

distribution of power and responsibilities among the various levels of government; (2) imposes substantial direct compliance cost on State and local governments; or (3) preempts State law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

Executive Order 13211

This rulemaking is not a “Significant energy action” under Executive Order 13211. 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. Further, this rulemaking has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

■ For the reasons discussed in this preamble, RSPA amends 49 CFR Part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

■ 2. Revise § 192.150(a) and (b)(7) to read as follows:

§ 192.150 Passage of internal inspection devices.

(a) Except as provided in paragraphs (b) and (c) of this section, each new transmission line and each replacement of line pipe, valve, fitting, or other line component in a transmission line must be designed and constructed to accommodate the passage of instrumented internal inspection devices.

(b) * * *

(7) Offshore transmission lines, except transmission lines 10¾ inches (273 millimeters) or more in outside diameter on which construction begins after December 28, 2005, that run from platform to platform or platform to shore unless—

(i) Platform space or configuration is incompatible with launching or retrieving instrumented internal inspection devices; or

(ii) If the design includes taps for lateral connections, the operator can demonstrate, based on investigation or experience, that there is no reasonably practical alternative under the design circumstances to the use of a tap that will obstruct the passage of instrumented internal inspection devices; and

* * * * *

Issued in Washington, DC, on June 23, 2004.

Samuel G. Bonasso,
Deputy Administrator.

[FR Doc. 04–14638 Filed 6–25–04; 8:45 am]

BILLING CODE 4910–60–P

Proposed Rules

Federal Register

Vol. 69, No. 123

Monday, June 28, 2004

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA 2003-16805; Airspace Docket 03-ANM-22]

Proposed Establishment of Class D Airspace; Provo, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would establish Class D airspace at Provo, UT. An FAA Airport Traffic Control Tower (ATCT) is being constructed at Provo Municipal Airport, Provo, UT, which will meet criteria for Class D airspace. Class D surface area airspace is required when the ATCT is open.

DATES: Comments must be received on or before August 12, 2004.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the Docket FAA 2003-16805; Airspace Docket 03-ANM-22, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final dispositions in person in the Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office, 1-800-647-5527, is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the Office of the Regional Air Traffic Division, Northwest Mountain Region, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify Docket FAA-2003-16805; Airspace Docket 03-ANM-22, and be submitted in triplicate to the address listed above. Commentators wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Docket FAA-2003-16805; Airspace Docket 03-ANM-22". The postcard will be date/time stamped and returned to the commentators.

Availability of NPRM

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Document's Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Airspace Branch ANM-520, 1601 Lind Avenue, SW., Renton, WA, 98055. Communications must identify both document numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking at 202-267-9677 to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations part 71 (14 CFR part 71) to establish Class D airspace at Provo, UT. An ATCT is being constructed at Provo Municipal Airport and Class D airspace is required during the hours the ATCT

is open. Class D controlled airspace is necessary for the safety of aircraft executing SIAPs and other IFR operations at Provo Municipal Airport. Class D airspace will be effective during specified dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be published in the Airport/Facility Directory.

Class D airspace areas designated as surface areas are published in Paragraph 5000 of FAA Order 7400.9L dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR part 71.1 The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

Paragraph 5000 Class D airspace designated as surface area for an airport.

* * * * *

ANM UT D Provo, UT [Added]

Provo Municipal Airport, UT
(Lat. 40°13'09" N., long. 111°43'24" W.)
Spanish Fork-Springville, UT
(Lat. 40°08'30" N., long. 111°39'41" W.)

That airspace extending upward from the surface to and including 7,000 feet MSL within a 4.3-mile radius of Provo Municipal Airport, excluding that airspace within 2.4 mile radius of the Spanish Fork-Springville Airport. This Class D airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on June 9, 2004.

Raul C. Treviño,

*Acting Manager, Air Traffic Division,
Northwest Mountain Region.*

[FR Doc. 04–14633 Filed 6–25–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2004–17178; Airspace
Docket No. 03–AWA–7]

RIN 2120–AA66

Proposed Establishment of Prohibited Area 51, Bangor, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking, (NPRM).

SUMMARY: This action proposes to establish a prohibited area (P–51) over the U.S. Naval Submarine Base, at Bangor, WA. The proposed prohibited area would replace a Temporary Flight Restriction (TFR) that is currently in effect. The FAA is proposing this action to enhance the security of the Naval Submarine Base, at Bangor, WA.

DATES: Comments must be received on or before August 12, 2004.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify FAA Docket No. FAA–2004–17178 and Airspace Docket No. 03–AWA–7 at the beginning of your comments. You may also submit comments through the Internet to <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations and Safety, ATO–R, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2004–17178 and Airspace Docket No. 03–AWA–7) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA–2004–17178 and Airspace Docket No. 03–AWA–7.” The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov>, or the **Federal Register's** Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 1601 Lind Avenue, SW, Renton Washington 98055.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

History

On September 11, 2001, the United States (U.S.) suffered catastrophic terrorist attacks involving four hijacked U.S. commercial aircraft. In response to these attacks, the FAA took action to temporarily shut down the National Airspace System with the exception of certain military, law enforcement, and emergency aircraft flight operations. Additionally, to hinder the potential for further airborne attacks and to specifically respond to security concerns, the FAA issued numerous TFRs to limit or prohibit aircraft flight operations in the vicinity of critical military, government, and national infrastructure locations across the country. Beginning on September 12, 2001, the FAA issued a series of TFRs to prohibit aircraft flight operations over a wide area in the vicinity of the U.S. Naval Submarine Base at Bangor, WA. The current NOTAM 4/0221 for this area was issued on January 9, 2004.

U.S. Navy Request

Due to the current world situation and continued security concerns at this facility, the U.S. Navy has requested that the FAA designate a prohibited area at Bangor, WA, to enhance Navy security efforts at the submarine base. This proposal responds to that request.

Statutory Authority

The FAA Administrator has broad authority to regulate the safe and

efficient use of the navigable airspace (49 U.S.C. 40103(a)). The Administrator is also authorized to issue air traffic rules and regulations to govern the flight of aircraft, the navigation, protection, and identification of aircraft for the protection of persons and property on the ground, and for the efficient use of the navigable airspace. Additionally, pursuant to 49 U.S.C. section 40103(b)(3) the Administrator has the authority, in consultation with the Secretary of Defense, to "establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security." Such provisions may include establishing airspace areas the Administrator decides are necessary in the interest of national defense; and by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas.

The Proposal

In response to the U.S. Navy request, the FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 73 (part 73) to designate a prohibited area over the U.S. Naval Submarine Base, at Bangor, WA. The proposed prohibited area, designated as P-51, would consist of that airspace from the surface up to but not including 2,500 feet mean seal level (MSL), to include base property on the east side of the Hood Canal, the water across the Hood Canal, and the base owned land portion of the Toandos Peninsula. No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency, and a waiver is issued by the FAA in accordance with 14 CFR 91.903. The proposed prohibited area dimension is reduced from that contained in the current TFR in effect for the Bangor Submarine base. If implemented, P-51 would modify and replace the current TFR at Bangor, WA detailed in NOTAM 2/0447.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine

matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has reviewed this action in accordance with the National Environmental Policy Act and FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts. The FAA has determined that this action is neither permissive nor enabling and no extraordinary circumstance exists, therefore it does not require an environmental assessment or statement.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 73.93 [New]

2. § 73.93 is added as follows:

* * * * *

P-51 Bangor, WA [Added]

Boundaries: Beginning at lat. 47°46'31" N., long. 122°46'12" W.; to lat. 47°46'29" N., long. 122°41'31" W.; to lat. 47°41'42" N., long. 122°41'27" W.; to lat. 47°41'40" N., long. 122°44'11" W.; to lat. 47°43'19" N., long. 122°46'09" W.; to the point of beginning.

Designated Altitudes. Surface to 2,500 MSL.

Times of designation. Continuous.

Using agency. Administrator, FAA, Washington, DC.

* * * * *

Issued in Washington, DC on June 16, 2004.

Reginald C. Matthews,

Manager, Airspace and Rules.

[FR Doc. 04-14631 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05-04-047]

RIN 1625-AA00

Security Zone; Atlantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and Its Tributaries

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing a security zone that will require all vessels in a 500-yard radius around escorted passenger vessels to operate at the minimum speed necessary to navigate safely and prohibit any vessels from entering within 100 yards of escorted passenger vessels in the Captain of the Port (COTP) Philadelphia zone. The proposed security zone is needed to ensure public safety and enhance maritime safety. The zone will ensure the security of the vessels during transit in the COTP Philadelphia zone.

DATES: Comments and related material must reach the Coast Guard on or before July 28, 2004.

ADDRESSES: You may mail comments and related material to Coast Guard Marine Safety Office Philadelphia, One Washington Avenue, Philadelphia, Pennsylvania, 19147. The Marine Safety Office Philadelphia Waterways Management Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above mentioned office between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Kevin Sligh or Ensign Jill Munsch, Coast Guard Marine Safety Office/Group Philadelphia, at (215) 271-4889.

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 (CGD05-04-047), indicate the specific section of this document to which each comment

applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Marine Safety Office Philadelphia, Waterways Management Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On April 2, 2004, the Captain of the Port Philadelphia signed a temporary final rule (TFR) that was published in the **Federal Register** (69 FR 19326, April 13, 2004; CGD05-04-066). That rule, codified as temporary 33 CFR 165.T05-066, established security zones for the protection of escorted passenger vessels. It expires September 1, 2004.

Both that TFR and this proposed rule are necessary because hostile entities continue to operate with the intent to harm U.S. shipping interests. The President has continued the national emergencies he declared following the September 11, 2001 terrorist attacks. 67 FR 58317 ((Sept. 13, 2002) (continuing national emergency with respect to terrorist attacks)); 67 FR 59447 ((Sept. 20, 2002) continuing national emergency with respect to persons who commit, threaten to commit or support terrorism)); 68 FR 55189 ((Sept. 22, 2003) (continuing national emergency with respect to persons who commit, threaten to commit or support terrorism)).

The U.S. Maritime Administration (MARAD) recently issued Advisory 03-06 informing operators of maritime interests of increased threat possibilities to vessels and facilities and a higher risk of terrorist attack to the transportation community in the United States. The Coast Guard proposes this rule to ensure vessels transit safely in the COTP zone Philadelphia, Pennsylvania.

Discussion of Proposed Rule

This rule proposes placing a 500-yard security zone around all escorted passenger vessels in the COTP Philadelphia zone. Only vessels traveling at the minimum safe speed

may transit in the 500-yard zone and no vessels will be allowed within 100 yards of any escorted passenger vessel while the vessel is in the COTP Philadelphia zone. The Captain of the Port Philadelphia, Pennsylvania's zone is defined in 33 CFR 3.25-05. For purposes of this rule, passenger vessels are defined as vessels greater than 100 feet in length, over 100 gross tons that are authorized to carry 500 or more passengers, making voyages lasting more than 24 hours, except for ferries. All persons or vessels would be required to operate at the minimum safe speed necessary to maintain navigation within 500-yards of a passenger vessel in accordance with the Navigation Rules as seen in 33 CFR chapter I, subchapters D and E. No person or vessel would be able to transit or remain within 100-yards of a passenger vessel without the permission of the COTP Philadelphia, PA, or a designated representative while the escorted passenger vessel is underway, moored or anchored in the Captain of the Port Philadelphia zone. This rule applies to all passenger vessels with escorts, at least one of which will be a Coast Guard asset.

Stationary vessels that are moored or anchored must remain moored or anchored when an escorted passenger vessel approaches within 100 yards of the stationary vessel. Additionally, maneuver-restricted vessels may request permission of the COTP or designated representative to enter the security zone in order to ensure safe passage in accordance with the Navigation Rules in 33 CFR chapter I, subparts D and E.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. There is ample room for vessels to navigate around the security zone and the Captain of the Port may allow vessels to enter the zone on a case by case basis with the express permission of the Captain of the Port of Philadelphia or their designated representative.

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 may affect the following entities, some of which may be small entities: All vessels intending to transit in the COTP Philadelphia zone.

This proposed rule would not have a significant impact on a substantial number of small entities because the restrictions affect only a limited area. Although this is a permanent security zone, the rule is effective only when the passenger vessel is in the COTP Philadelphia zone, and vessel traffic could pass safely around the security zone. Additionally, the opportunity to engage in recreational and charter fishing outside the limits of the security zone will not be disrupted.

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 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 Kevin Sligh or Ensign Jill Munsch, Coast Guard Marine Safety Office/Group Philadelphia, at (215) 271-4889.

Collection of Information

This proposed 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 proposed rule will 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 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 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 Security Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to security 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

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 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)(g), of the Instruction.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard 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 § 165.511 to read as follows:

§ 165.511 Security Zone; Atlantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and its tributaries.

(a) *Location.* A 500-yard radius around escorted passenger vessels in the Captain of the Port, Philadelphia zone as defined in 33 CFR 3.25–05.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in § 165.33 of this part.

(2) All persons or vessels operating at the minimum safe speed necessary to maintain navigation may transit within 500 yards of an escorted passenger vessel without the permission of the Captain of the Port Philadelphia, PA or designated representative while the escorted passenger vessel is in the Captain of the Port Philadelphia zone.

(3) No person or vessel may transit or remain within 100 yards of an escorted passenger vessel without the permission of the Captain of the Port Philadelphia, PA or designated representative while the passenger vessel is in the Captain of the Port Philadelphia zone.

(4) Any person or vessel authorized to enter the security zone must operate in strict conformance with any directions given by the Captain of the Port Philadelphia, PA or designated representative and leave the security zone immediately if the Captain of the Port Philadelphia, PA or designated representative so orders.

(5) When an escorted passenger vessel approaches within 100 yards of any vessel that is moored or anchored, the stationary vessel must stay moored or anchored while it remains within 100 yards of the passenger vessel unless it is either ordered by or given permission by the Captain of the Port, Philadelphia or designated representative to do otherwise.

(6) The Coast Guard designated representative enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271–4807.

(c) *Maneuver-restricted vessels.* When conditions permit, the Captain of the Port or designated representative should:

(1) Permit vessels constrained by their navigational draft or restricted in their

ability to maneuver to pass within the 100 yards of the passenger vessel in order to ensure safe passage in accordance with the Navigation Rules as seen in 33 CFR chapter I, subchapters D and E; and

(2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver that must transit via a navigable channel or waterway to pass within 100 yards of an anchored passenger vessel.

(d) *Definitions.* As used in this section—

Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act as a designated representative on his behalf.

Escort means assets (surface or air) with the Coast Guard insignia that accompany and protect the escorted vessel, armed with crew-served weapons that are manned and ready.

Passenger Vessels means vessels greater than 100 feet in length, over 100 gross tons that are authorized to carry 500 or more passengers, making voyages lasting more than 24 hours, except for ferries.

Dated: June 17, 2004.

Jonathan D. Sarubbi,

Captain, U.S. Coast Guard, Captain of the Port Philadelphia.

[FR Doc. 04-14562 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL218-2b; FRL-7661-7]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Extension of the public comment period.

SUMMARY: EPA is extending the public comment period for a proposed rule published on March 23, 2004 (69 FR 13498). In the March 23, 2004 proposed rule, EPA proposed to approve the exemption of a number of nonreactive compounds from Illinois' definition of volatile organic material or volatile organic compound. Two errors were contained in the direct final rule for that action which was published March 23,

2004 (69 FR 13474). In the rules section of this **Federal Register**, EPA is publishing a final rule which identifies and corrects the errors, extends the public comment period for 30 days from the date of this publication and extends the effective date of the final rule for 60 days from the date of publication. If EPA receives no written adverse comments in response to that direct final rule, EPA plans to take no further action on this proposed rule. If EPA receives written adverse comments, which EPA has not addressed, EPA will withdraw the direct final rule and address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute an additional comment period on this document.

DATES: Comments must be received on or before July 28, 2004.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. bortzer.jay@epa.gov.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in part (I)(B)(1)(i) through (iii) of the **SUPPLEMENTARY INFORMATION** section of the March 23, 2004 (69 FR 13474) direct final rule.

You may inspect copies of the documents relevant to this action during normal business hours at the following location: Criteria Pollutant Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Please contact Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767. dagostino.kathleen@epa.gov.

Dated: May 4, 2004.

Norman Niedergang,

Acting Regional Administrator, Region 5.

[FR Doc. 04-14383 Filed 6-25-04; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. R02-OAR-2004-NJ-0002, FRL-7779-3]

Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Transportation Conformity Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the New Jersey State Implementation Plan (SIP) transportation conformity budgets for carbon monoxide and ozone precursors. These budgets are being revised to reflect updated modeling estimates, as well as updated vehicle registration data. The intended effect of this action is to approve a SIP revision that will help the State continue to maintain the carbon monoxide National Ambient Air Quality Standards (NAAQS) and to continue progress in attainment of the 1-hour NAAQS for ozone in the Northern New Jersey-New York-Long Island nonattainment area (NAA).

DATES: Comments must be received on or before July 28, 2004. Public comments on this action are requested and will be considered before taking final action.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID Number R02-OAR-2004-NJ-0002 by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. *Agency Website:* <http://docket.epa.gov/rmepub/> Regional Material in EDocket (RME), EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select "quick search," then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

3. *E-mail:* Werner.Raymond@epa.gov

4. *Fax:* (212) 637-3901.

5. *Mail:* "RME ID Number R02-OAR-2004-NJ-0002", Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

6. *Hand Delivery or Courier.* Deliver your comments to: Raymond Werner,

Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Regional Material in EDocket (RME) ID Number R02-OAR-2004-NJ-0002. 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 Regional Material in EDocket (RME), regulations.gov, or e-mail. The EPA RME Web site and the federal regulations.gov Web site are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through RME or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public 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 Regional Material in EDocket (RME) index at <http://docket.epa.gov/rmepub/>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy at the Air Programs Branch, Environmental Protection

Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Reema Persaud, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249, persaud.reema@epa.gov.

SUPPLEMENTARY INFORMATION: This document is being proposed under a procedure called parallel processing. Under parallel processing, EPA proposes action on a state submission before it has been formally adopted and submitted to EPA, and will take final action on its proposal if the final submission is substantially unchanged from the submission on which the proposal is based, or if significant changes in the final submission are anticipated and adequately described in EPA's proposal as a basis for EPA's proposed action.

New Jersey held a public hearing on its proposed SIP revision on April 14, 2004. If New Jersey's proposed SIP revision is substantially changed, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made, EPA will take final action on the State's plan consistent with this proposal and any submitted comments. Before EPA can approve this SIP revision, New Jersey must adopt the SIP revision and submit it formally to EPA for incorporation into the SIP.

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1. Background

All states whose attainment demonstrations or maintenance plans included interim MOBILE5-based estimates for EPA's Tier 2 standards were required to revise and resubmit their budgets within 1 or 2 years of the final release of MOBILE6 in order to gain SIP approval. On January 31, 2003, New Jersey submitted its first MOBILE6 submittal. This SIP submittal demonstrated the continued attainment

of the ozone standard, and was approved by EPA on May 5, 2003, see 68 FR 23662.

On March 15, 2004, New Jersey submitted a, SIP revision (hereinafter referred to as the March 15, 2004 submittal) that demonstrated the continued attainment of the CO standard using MOBILE6 modeling. The previous MOBILE5-based CO estimates were approved by EPA on July 25, 1996, see 61 FR 38591. Also included in the March 15, 2004 revision were revised budgets for the one-hour ozone attainment demonstration using 2002 vehicle registration data for the New Jersey portions of the two severe ozone NAAs—the New York-Northern New Jersey-Long Island Area, the Northern New Jersey NAA and the Trenton-Philadelphia-Wilmington NAA.

2. What Is MOBILE6?

MOBILE6 is an EPA emissions factor model for estimating pollution from on-road motor vehicles in states outside of California. MOBILE calculates emissions of volatile organic compounds (VOCs), nitrogen oxides (NO_x) and carbon monoxide (CO) from passenger cars, motorcycles, buses, and light-duty and heavy-duty trucks. The model accounts for the emission impacts of factors such as changes in vehicle emission standards, changes in vehicle populations and activity, and variation in local conditions such as temperature, humidity, fuel quality, and air quality programs. Further details on MOBILE models can be found in EPA's final approval of the State's 2003 MOBILE6 SIP revision at 68 FR 23662 (May 5, 2003), and also at <http://www.epa.gov/otaq/mobile6.htm>.

3. What Is the Purpose and Content of New Jersey's Submittal?

The purpose of the SIP revision the State submitted on March 15, 2004 is to revise the existing CO budget estimates using MOBILE6, and to incorporate updated 2002 vehicle registration data that has recently been made available to New Jersey. The CO budgets are being updated to ensure consistency with the requirement that New Jersey Metropolitan Planning Organizations (MPOs) use EPA's latest MOBILE model for their conformity determinations. The VOC and NO_x budgets for the North Jersey Transportation Planning Authority are also being updated to incorporate the 2002 vehicle registration information.

4. Are New Jersey's Motor Vehicle Emissions Budgets Approvable?

Table 1 below summarizes New Jersey's revised budgets contained in the

March 15, 2004 submittal. These budgets were developed using the latest planning assumptions, including the latest MOBILE model, 2002 vehicle registration data, VMT, speeds, fleet mix, and SIP control measures. For the North Jersey Transportation Planning Authority (NJTPA) the 2005 VOC and NO_x budgets are revised budgets based on the Reasonable Further Progress (RFP) Plans, while the 2007 VOC and NO_x budgets are revised attainment year budgets. The CO budgets are updated maintenance budgets using MOBILE6 modeling, as well as 2002 vehicle registration data. EPA is proposing to approve all of these budgets.

The MOBILE6 modeling predicts an increase in the NO_x budget of 3.01 tons per day and a reduction in the VOC budget of 13.7 tons per day for NJTPA in 2005. Also, the updated modeling estimates an increase in the NO_x budget of 1.15 tons per day and a reduction in the VOC budget of 12.95 tons per day in 2007. The March 15, 2004 submittal demonstrated that the new levels of motor vehicle budgets calculated using MOBILE6, compared to MOBILE5 based budgets, continue to support achievement of the rate of progress requirements and projected attainment of the 1-hour ozone NAAQS for the

Northern New Jersey nonattainment area by 2007.

Generally, EPA's updated version of the motor vehicle emissions model, MOBILE6 results in greater emission when compared to MOBILE5. The emission factors generated by the MOBILE6 modeling are higher than those estimated with the MOBILE5 model in the years before 2007. When comparing budgets generated for 1997 there was an increase in the budgets of 860.31 tons of CO per day when compared to MOBILE5 modeling. However, the monitored CO concentrations continue to indicate a downward trend. Similarly, through MOBILE6 modeling, estimates for the Northern New Jersey maintenance area for year 2007 indicate an increase in the CO budget of 290.98 tons per day, and an increase of 115.18 tons per day for the year 2014 over the emission estimates of prior budgets. EPA attributes the increased emissions to the way the MOBILE models calculates emissions, rather than an increase in emission trends. Since future conformity determinations will be modeled using MOBILE6, the revised emission budgets are appropriate.

The CO updates for SJTPO indicated a 32.55 tons per winter day increase in

the estimated conformity budgets for Atlantic County and 0.88 tons per winter day increase for Salem County. The updated budgets for CO for DVRPC indicate a 32.85 tons per winter day increase for Burlington County, and 20.4 tons per winter day increase for Mercer County, and 13.96 tons per winter day decrease in the CO budget for Camden County. As discussed above, the changes to the CO emission budgets do not affect the CO maintenance plan trends. There continues to be a downward trend in CO emissions, therefore EPA proposes to approve these budgets.

The March 15, 2004 SIP revision demonstrated that the updated budgets continue to support the predicted achievements of the rate of progress and the projected attainment of the 1-hour ozone NAAQS for Northern New Jersey/ New York City/Long Island nonattainment area by attainment date 2007. The SIP submittal also indicates that with the MOBILE6 modeling together with the downward CO air quality monitoring trends, emission trends over time are still downward, so the updates to the CO budgets do not affect the continued maintenance of the CO NAAQS for each CO maintenance area.

TABLE 1.—NEW JERSEY MOTOR VEHICLE EMISSIONS BUDGETS

	CO emissions (tons per winter day)			VOC emissions (tons per ozone day)		NO _x emissions (tons per ozone day)	
	1997	2007	2014	2005	2007	2005	2007
North Jersey Transportation Planning Authority (NJTPA).	11550.74	783.39	605.63	² 148.27	² 125.82	² 253.06	² 198.34
South Jersey Transportation Planning Organization (SJTPO).	³ NA	Atlantic Co. 91.68 Salem Co. 31.99	NA	NA	NA	NA	NA
Delaware Valley Regional Planning Commission (DVRPC).	NA	Burlington Co. 170.43 Camden Co. 149.73 Mercer Co. 128.49	NA	NA	NA	NA	NA

¹ For Passaic, Bergen, Essex, Hudson and Union counties.

² For all counties within the MPO.

³ NA—Budgets revisions not applicable.

5. Summary of Conclusions and Proposed Action

This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrently with the State's procedures for amending its regulations. If the proposed revision is substantially changed, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no

substantial changes are made, EPA will publish a final rulemaking on the revisions. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by New Jersey and submitted formally to EPA for incorporation into the SIP.

EPA is proposing to approve New Jersey's proposed SIP revision submitted on March 15, 2004. The submittal revises New Jersey's

transportation conformity budgets for CO and ozone precursors. MOBILE6 modeling, which incorporated 2002 vehicle registration data indicates that together with the downward CO air quality monitoring trends, emission trends over time are still downward and the updates to the CO budgets do not affect the continued maintenance of the CO NAAQS for each CO maintenance area. The updated volatile organic

compound and oxides of nitrogen budgets continue to support the predicted achievements of the rate of progress and the projected attainment of the 1-hour ozone NAAQS for Northern New Jersey/New York City/Long Island nonattainment area by the attainment date of 2007.

6. 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 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from

Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, 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. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: June 17, 2004.

Jane M. Kenny,

Regional Administrator, Region 2.

[FR Doc. 04-14605 Filed 6-25-04; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 555, 567, 568, 571 and 573

[Docket No. NHTSA-99-5673]

RIN 2127-AE27

Vehicles Built in Two or More Stages

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

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: Today's document proposes to amend five different parts of title 49 to establish a comprehensive regulatory scheme for addressing the certification issues related to vehicles built in two or more stages and, to a lesser degree, to altered vehicles. The proposal, if adopted would create a new temporary

exemption process limited to final stage manufacturers and alterers, would better allocate legal responsibility among incomplete and final stage manufacturers, and would provide an automatic one year lead time to new safety requirements for final stage manufacturers and alterers unless the agency determines that a longer or shorter time period is appropriate.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than August 27, 2004.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number 03-15817] by any of the following methods:

- Web site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Analyses and Notices.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Charles Hott, Office of Crashworthiness Standards, at (202) 366-0247.

For legal issues, you may call Rebecca MacPherson, Office of the Chief Counsel, at (202) 366-2992.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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I. Background

The certification problems related to vehicles built in two or more stages have troubled both the automotive industry and the National Highway Traffic Safety Administration (NHTSA) almost since the agency's creation. An early set of NHTSA regulations on this subject was overturned by the Seventh Circuit Court of Appeals thirty years ago. *Rex Chainbelt v. Volpe*, 486 F.2d 757 (7th Cir. 1973); appeal after remand, *Rex Chainbelt v. Brinegar*, 511 F.2d 1215 (7th Cir. 1975). The court's decision focused on chassis cabs and stated that for such vehicles a "dual certification" was required: a partial certification by the incomplete vehicle manufacturer and a complementary partial certification by the final stage manufacturer, resulting in a fully certified vehicle. In response, the agency amended 49 CFR part 567.5, Requirements for manufacturers of vehicles manufactured in two or more stages, and part 568, Vehicles manufactured in two or more stages, to define "chassis cabs" and establish special certification requirements for chassis cab manufacturers, which are usually large vehicle manufacturers such as General Motors Corporation (GM) and Ford Motor Company (Ford).

Pursuant to these regulations, manufacturers of chassis cabs are required to place on the incomplete vehicle a certification label stating under what conditions the chassis cab has been certified. This is commonly referred to as "pass-through

certification." As long as a subsequent manufacturer meets the conditions of the certification label, that manufacturer may rely on this certification and pass it through when certifying the completed vehicle.

However, the amended regulations did not impose corresponding certification responsibilities on manufacturers of incomplete vehicles other than chassis cabs (e.g., incomplete vans, cut-away chassis, stripped chassis and chassis cowl).

49 CFR part 568 requires the manufacturers of all incomplete vehicles to provide with each incomplete vehicle an incomplete vehicle document (IVD). This document details, with varying degrees of specificity, the types of future manufacturing contemplated by the incomplete vehicle manufacturer and must provide, for each applicable safety standard, one of three statements that a subsequent manufacturer can rely on when certifying compliance of the vehicle, as finally manufactured, to some or all of all applicable Federal Motor Vehicle Safety Standards (FMVSS).

First, the IVD may state, with respect to a particular safety standard, that the vehicle, when completed, will conform to the standard if no alterations are made in identified components of the incomplete vehicle. This representation is most often made with respect to chassis cabs, since a significant portion of the occupant compartment is already complete.

Second, the IVD may provide a statement for a particular standard or set of standards of specific conditions of final manufacture under which the completed vehicle will conform to the standard. This statement is applicable in those instances in which the incomplete vehicle manufacturer has provided all or a portion of the equipment needed to comply with the standard, but subsequent manufacturing might be expected to change the vehicle such that it may not comply with the standard once finally manufactured. For example, the incomplete vehicle could be equipped with a brake system that would, in many instances, enable the vehicle to comply with the brake standard once the vehicle was complete, but that would not enable it to comply if the vehicle's weight or center of gravity were significantly altered.

Third, the IVD may identify those standards for which no representation of conformity is made because conformity with the standard is not substantially affected by the design of the incomplete vehicle. Thus, a manufacturer of a stripped chassis may be unable to make

any representations about conformity to any crashworthiness standards if the incomplete vehicle does not contain an occupant compartment. When issuing the original set of regulations regarding certification of vehicles built in two or more stages, NHTSA indicated that it believed final stage manufacturers would be able to rely on the representations made in the IVDs when certifying the completed vehicle's compliance with all applicable FMVSSs.

The distinction between chassis cabs and other forms of incomplete vehicles created by the 1977 amendment of 49 CFR part 567, Certification, was based on NHTSA's belief that incomplete vehicles other than chassis cabs may be insufficiently manufactured to justify any type of certification statement, given its legal implications, by the incomplete vehicle manufacturer. With respect to these other vehicles, NHTSA maintained its position that the incomplete vehicle manufacturer should be able to provide sufficient information in the IVD to inform the final stage manufacturer about the extent to which it could rely on manufacturing operations of the incomplete vehicle manufacturer when determining whether additional engineering resources were needed to certify compliance with all applicable standards in good faith. See 42 FR 37,814 (July 25, 1977).

The distinction between certification responsibilities of manufacturers of chassis cabs and the responsibilities of manufacturers of other types of incomplete vehicles led to a successful challenge to a NHTSA regulation in the early 1990s. In 1987, NHTSA amended FMVSS No. 204, Steering column displacement, to expand the applicability of the standard from vehicles with a gross vehicle weight rating (GVWR) of 4,000 lb to vehicles with a GVWR of up to 6,500 lb. 52 FR 44893 (November 23, 1987); denial of petitions for reconsideration: 54 FR 24344 (June 7, 1989). This amendment had the effect of making the standard applicable to some types of vehicles typically manufactured in two or more stages. The National Truck and Equipment Association (NTEA) challenged those amendments as they applied to final stage manufacturers. The Sixth Circuit concluded that the challenged rule was not practicable for final stage manufacturers that cannot "pass through" the certification of the incomplete vehicle manufacturer. *National Truck and Equipment Association v. NHTSA*, 919 F.2d 1148 (6th Cir. 1990). The court cited NHTSA's acknowledgement in the

preamble to the final rule that most final stage manufacturers are not capable of performing dynamic testing or in-house engineering analysis, as well as the fact that "pass through" certification was not available under the existing regulations unless the incomplete vehicle were a chassis cab. While the court's decision was technically limited to FMVSS No. 204, NHTSA recognized that the court's decision would likely be deemed equally applicable to other safety standards for which the cost of certification was high.¹

The distinction between certification responsibilities of manufacturers of chassis cabs and the responsibilities of manufacturers of other types of incomplete vehicles led to a successful challenge to a NHTSA regulation in the early 1990s.

II. Negotiated Rulemaking Process

In December 1995, NHTSA convened a public meeting on the subject of certification of multistage vehicles. In the **Federal Register** notice announcing the meeting, the agency sought the participants' views on the feasibility of negotiated rulemaking on the subject (60 FR 57694; November 17, 1995). At the meeting, each identified group of participants indicated willingness to participate in a negotiated rulemaking to resolve the outstanding issues regarding certification. In 1998, NHTSA initiated a process to determine whether the various parties were still interested in participating in a negotiated process.

As part of that process, NHTSA hired the Mediation Consortium as independent, neutral conveners. The Mediation Consortium interviewed various interested parties and advised NHTSA on the feasibility of conducting a negotiated rulemaking. Based upon these interviews, the Mediation Consortium tentatively determined that the issues, while both complex and contentious, were appropriate for possible resolution through negotiated rulemaking. Based upon the recommendation of the Mediation Consortium, and a desire to address the issues raised by the NTEA decision regarding the existing regulation, NHTSA published a notice of intent to convene a negotiated rulemaking committee, and sought the names of

interested participants (64 FR 27499; May 20, 1999).

The chartered Committee originally consisted of 23 individuals, many, but not all of whom remained active in the negotiations throughout the negotiated rulemaking process, as well as two facilitators. The Committee was comprised of representatives from:

(1) The incomplete vehicle manufacturer industry (GM, Ford, Motor Coach Industries (MCI), DaimlerChrysler, International Truck and Engine Corp. (International), Freightliner, and Workhorse Custom Chassis (Workhorse)),

(2) The component industry (Atwood Mobile Products (Atwood) and Bornemann Products (Bornemann)),

(3) The final stage manufacturer and alterer industry (NTEA, National Mobility Equipment Dealers Association (NMEDA), Mark III Industries (Mark III), Environmental Industries Associations (EIA), Recreation Vehicle Industry Association (RVIA), Blue Bird Body Co. (Blue Bird), National Automobile Dealers Association (NADA), and an individual representing the Ambulance Manufacturers Division and Manufacturers Council of Small School Buses, Mid-Size Bus Manufacturers Association (AMD)),

(4) The end users of the vehicle (American Automobile Association (AAA), Paralyzed Veterans of America (PVA), National Association of Fleet Administrators (NAFA), and Center for Auto Safety (CFAS)),

(5) Vehicle testing facilities (TRC Corp.), and

(6) NHTSA.²

Several other parties representing these groups were also contacted, particularly those who could represent the end user of the vehicle. The Insurance Institute for Highway Safety (IIHS) and Consumers Union declined to participate. Public Citizen initially expressed an interest in participating, but decided against doing so when it discovered that CFAS would be involved. The Teamsters Union, which represents many of the drivers of the commercial motor vehicles manufactured in two or more stages, also declined the agency's invitation to participate. While listed as a Committee member, AAA did not attend any meetings. The PVA attended only the

December 1999 public meeting, and Mark III stopped participating when the company went out of business.³

In December 1999, NHTSA held a public meeting during which it broadly discussed the substantive issues that would be the subject of, and the ground rules that would apply to, the negotiated rulemaking process. Subsequent public meetings were held in February and March 2000, and the meeting of the chartered committee commenced in May 2000. In the earlier meetings, the Committee members covered the ground rules associated with a negotiated rulemaking, discussed the history leading up to the formation of the Committee and stated their position vis-à-vis the desired outcome. The subsequent meetings addressed several issues, including the likelihood of vehicles built in two or more stages being involved in motor vehicle crashes, the potential for legal liability when subsequent manufacturers complete manufacturing operations outside of the IVD or pass-through certification, and the perceived and actual needs of end consumers to have certain features on their vehicles.

Another meeting was held in October 2000, during which all issues save two were largely resolved.⁴ First, International and Freightliner, who were not at the October 2000 meeting,⁵ expressed concerns in writing about incomplete vehicle manufacturers' taking legal responsibility for incomplete vehicles through representations made in the IVD. Since they offered no solution addressing their concerns, instead positing that there was no need to change the existing regulatory scheme, the issue was tabled until the next meeting. The other remaining issue, which addressed the possibility of excluding final stage

³ NHTSA has the authority to decide whether the participation of these three parties was critical to balance or representation of all affected interests on the Committee. The interests represented by AAA and PVA were also represented by the CFAS and NAFA. Likewise, the interests of final stage manufacturers were represented by several parties other than Mark III, including associations (NMEDA, RVIA, and NTEA) and an individual company (Blue Bird Body Company). Finally, while Mark III was actively involved in the negotiations prior to ceasing business operations, AAA and PVA played no active role in the process with PVA attending only the first, introductory meeting, and AAA attending none of the meetings. Accordingly, NHTSA has determined that the participation of these three parties was not critical to the negotiated rulemaking process.

⁴ The minutes of these meetings are in the docket.

⁵ While the October 2000 meeting had been scheduled for some time prior to it taking place, final confirmation of the meeting by the mediator occurred only a few days prior. Accordingly, some Committee members, including International and Freightliner, were unable to attend.

¹ Of particular concern to final stage vehicle manufacturers is the cost of certifying to the dynamic crash test requirements of some of the safety standards. Under these standards, NHTSA conducts compliance testing by crashing a vehicle. While NHTSA has always maintained that a manufacturer need not actually crash the vehicle in order to certify compliance, it generally has not specified alternative certification methods in the standards.

² While not a member of the Committee, Transport Canada attended several of the Committee meetings and provided valuable input. This informal participation by Transport Canada has helped both Canada and the United States develop regulations that will be closely harmonized should the proposed language be adopted by NHTSA. Indeed, the Canadian regulation is already in effect, although the proposed rule developed by the committee contains additional detail.

manufacturers from the coverage of certain safety standards in cases in which the manufacturer's production of the vehicle in question is limited, had been the most contentious issue at each of the previous meetings and largely impacted four members of the committee, NHTSA, NTEA, AMD, and RVIA. Given the limited impact on the Committee as a whole, as well as the potential for the issue to prevent any consensus on changes to parts 567 and 568, the Committee agreed to hold no more meetings unless the four interested parties were able to come to an agreement on how to address potential exemptions.

After meetings between the NTEA, AMD and NHTSA, at which the NTEA represented RVIA's interests, a final Committee meeting was held in February 2002. Because NHTSA's contract with the Mediation Consortium had expired, Glen Zuchniewicz, the Committee representative for General Motors, facilitated this final meeting. Not all members of the Committee were able to attend the final meeting, although a broad-based representation was available.

At the beginning of the meeting, two outstanding issues remained: (1) The scope of certification representations made by incomplete vehicle manufacturers, and (2) a mechanism for assuring a timely recall in the event the various manufacturers could not agree who was responsible for a given noncompliance or safety defect.⁶ At the conclusion of the meeting, there remained objections from several of the incomplete vehicle manufacturers as to the possible acceptance of legal responsibility for unanticipated manufacturing operations by subsequent manufacturers.

NHTSA agreed to draft the Committee report for circulation among those Committee members still involved in the process. The Committee agreed that no decisions reached at the meeting were final. All Committee members have had an opportunity to review and comment on the Committee report.

Committee members were given approximately ten weeks to review the draft report. Atwood, Bornemann, Blue Bird and Workhorse concurred with the report without further comment. NADA, GM, NTEA, AMD and RVIA offered extensive revisions, but generally

concurred with the report's content, while TRC, NAFA, CFAS, EIA, and MCI did not comment on the draft report. NMEDA's comments were limited to concerns about the exclusion of vehicle modifiers from the proposed generic leadtime, the potential for allocation of recall responsibility to vehicle equipment manufacturers, and the applicability of new temporary exemption procedures to dynamic test conditions. Ford, Freightliner, International and DaimlerChrysler objected to the provision that NHTSA could allocate initial recall responsibility when the various involved manufacturers could not agree which was the responsible party. International disagreed with the provisions that would allocate legal responsibility among each manufacturer in the manufacturing process, stating it could not be responsible for further manufacturing operations outside of its control. It suggested a revision to the draft regulation that would prevent subsequent stage manufacturers from relying on any incomplete vehicle manufacturer representation if the subsequent stage manufacturer modified or added originally supplied components or systems in such a manner as to affect certification or the validity of stated weight ratings.

Given the lack of consensus among the Committee members, NHTSA has decided to move forward with the publication of a SNPRM on which all Committee members are free to offer unrestricted comments. NHTSA recognizes that various Committee members compromised their initial positions as part of the negotiation process. Given the lack of consensus on all aspects of the draft regulation developed by the Committee, NHTSA believes it would be unfair to restrict comment on any portions of the proposal. Nevertheless, NHTSA believes that the draft regulation represents a significant improvement over the existing regulations governing the certification of vehicles built in two or more stages. Additionally, the agency recognizes that the negotiated rulemaking process afforded all participants a unique opportunity to fully evaluate proposed changes to the existing regulations, as well as possible alternative approaches. We believe the negotiated rulemaking process has been valuable in drafting amendments that balance the practical needs of all parties represented by the Committee. Accordingly, it has decided to propose amending the applicable regulations as drafted by the Committee.

III. Summary of the Proposal

Today's document proposes to amend five different parts of title 49 of the Code of Federal Regulations to establish a comprehensive regulatory scheme for addressing the certification issues related to vehicles built in two or more stages and, to a lesser degree, to altered vehicles.

First, the agency proposes establishing a new subpart in 49 CFR part 555, *Temporary Exemption From Motor Vehicle Safety and Bumper Standards*, that would be limited to final stage manufacturers and alterers. The new subpart would streamline the temporary exemption process by allowing a group of manufacturers to bundle their exemption petitions for a specific vehicle design, permitting a single explanation of the potential safety impact and attempts to comply. Each manufacturer seeking an exemption would be required to demonstrate financial hardship and certify that it has been unable to manufacturer a compliant vehicle.

49 CFR part 567, *Certification*, would be generally updated for all vehicles. However, 49 CFR 567.5, the section dealing with certification of vehicles built in two or more stages, would be significantly revised to allocate legal responsibility among all manufacturers of these vehicles. This approach represents a significant change because the current regulation only allocates compliance responsibility among manufacturers of chassis cabs and final stage manufacturers.

The proposed changes to 49 CFR part 568, *Vehicles Manufactured in Two or More Stages*, would allow incomplete vehicle manufacturers to incorporate design documents such as body builder guides into the IVD. These more detailed documents would not only provide greater guidance to subsequent manufacturers, but also provide more detailed design constraints than an IVD, reducing the likelihood that a subsequent stage manufacturer could successfully claim that it was unaware that a particular modification would invalidate the previous manufacturer's compliance statement.

The proposal contemplates an automatic additional year of compliance effective dates for final stage manufacturers and alterers. This additional leadtime, which would become part of 49 CFR 571.8, *Effective Date*, would apply unless NHTSA decides that such leadtime is inappropriate as part of a rulemaking amending or establishing a safety standard. In some instances, NHTSA may determine that an additional year is

⁶ The mechanism to ensure a timely recall was discussed and generally agreed upon by the Committee on the second day of the meeting. Some Committee members left the meeting early because of travel arrangements. These individuals, as well as those Committee members who did not attend the meeting, did not have an opportunity to discuss this provision.

insufficient and may provide an even longer leadtime.

Finally, 49 CFR part 573, *Defect and Non-compliance Responsibility and Reports*, would be amended to address those situations in which all parties agree that there is a noncompliance or defect, but cannot determine which manufacturing operation led to the noncompliance or defect. In such an instance, NHTSA would be able to assure that the affected vehicles are recalled while the various manufacturers sorted out legal responsibility.

IV. Discussion of Issues

A. Legal Requirements

Pursuant to the Vehicle Safety Act, NHTSA issues FMVSSs that apply to new motor vehicles that are manufactured for sale in the United States. The FMVSSs also apply, subject to certain exemptions, to new or used motor vehicles imported into the United States. The Vehicle Safety Act requires manufacturers to certify that their vehicles, at the time of manufacture, comply with all applicable safety standards. 49 U.S.C. 30112. Each manufacturer must give evidence of this certification by affixing to its vehicles a permanent label stating that the vehicles comply with all applicable safety standards. 49 U.S.C. 30115.

NHTSA verifies compliance with the safety standards by running compliance tests that are set forth within many of those safety standards. NHTSA does not verify compliance of every vehicle make and model. Rather, it selects specific vehicles to test based on various criteria including the relative popularity of the vehicle, vehicle cost, and the presence of particular safety equipment or technology. Legally, vehicle manufacturers are not required to run NHTSA's compliance tests in order to certify compliance with a safety standard. Rather, they must take whatever engineering, design and testing steps they deem necessary in order to make a good faith determination of compliance. A determination by NHTSA that a manufacturer failed to make a good faith certification in the event of a vehicle noncompliance could result in the imposition of sizeable civil penalties. However, any vehicle noncompliance that is not deemed inconsequential to motor vehicle safety must be remedied free of charge by the manufacturer, regardless of the steps taken to make a good faith certification of compliance. Thus, in terms of avoiding penalties based on a lack of good faith certification, a manufacturer is best

protected by conducting the NHTSA compliance test as its certification test, even though such testing will not relieve it of its recall responsibilities in the event of a noncompliance.

Conducting NHTSA compliance tests for certification purposes serves another, more important, function than simply avoiding the imposition of civil penalties. Given the limited number of compliance tests run by NHTSA each year, the majority of noncompliances are discovered by vehicle manufacturers rather than by NHTSA. Accordingly, the industry practice of using the NHTSA procedure for certification testing has proven to be a valuable method of detecting noncompliances both during the design stage of the vehicle and after the vehicle has been introduced in the open market, improving the overall safety of the motor vehicle fleet.

B. Costs Associated With Certification Responsibilities

Based on the discussions throughout the negotiated rulemaking process, NHTSA acknowledges that the cost of dynamic vehicle testing is a legitimate concern when relatively small numbers of similarly configured vehicles are produced by a small manufacturer, and that alternative means of compliance such as computer modeling are not appreciably more affordable for small volume manufacturing since such modeling requires validation through dynamic crash testing. Thus, in the instance of dynamic test requirements, most final stage manufacturers must rely on representations within the IVD in order to make a good faith certification that the vehicle complies with the standards. The Committee discussed the likelihood that multi-stage manufacturers face more extensive certification requirements than chassis manufacturers because a multi-stage manufacturer may produce dozens of differently configured vehicles on each chassis make in a particular year, while an incomplete vehicle manufacturer generally would have a limited number of chassis models subject to the standards that are based on vehicle performance in a dynamic test.⁷

⁷ According to RVIA, on average, conversion vehicle manufacturers carry three different chassis makes and market six different van conversion packages for each chassis make with some manufacturers reporting they market as many as 38 different packages on a particular chassis. Motorhome manufacturers typically carry from two to five chassis makes and market motorhomes with multiple lengths and floorplans for each chassis make. Moreover, many motorhome manufacturers allow the consumer to custom design their floorplan. The NTEA cites as an example FMVSS No. 201U for which there are over 1,200 vehicle configurations in the marketplace today that would be subject to its dynamic testing.

The Committee also noted that concerns over test costs are not necessarily limited to dynamic crash tests. For example, the cost of full-scale brake tests may not be practicable for most final stage manufacturers because a brake tested vehicle may not be able to be sold as a new vehicle due to the wear and tear on the vehicle. In those instances in which a small multi-stage manufacturer sells one or two vehicles that are significantly different from other configurations manufactured by the same manufacturer, it could be faced with building one vehicle to test and another to sell. Thus, it is important that incomplete vehicle manufacturers provide sufficient information in the IVD to allow the final stage manufacturer to complete manufacturing operations in a manner that allows it to rely on the certification representations provided by the previous stage manufacturers.

However, for some commonly configured vehicles, there is a possibility for consortium testing among various manufacturers that may allow for dynamic tests that can be relied upon as a basis of compliance by manufacturers who complete their manufacturing operations consistent with such testing. While it is unclear how much consortium testing will be undertaken, that approach appears to be a viable alternative to manufacturer-specific compliance testing for some standards among final-stage manufacturers producing similar vehicles, particularly where amenity features are not involved. Business and legal considerations such as concerns about competitive advantage, possible compromise of proprietary information and allocation of test costs may serve as inhibiting factors in pursuing this approach.

C. Prohibition Against Manufacturer-Oriented Exemptions

The issue of exemptions is not addressed by part 567 or 568, since that issue does not involve the allocation of certification responsibilities. The issue is, however, of critical importance to final stage manufacturers, since they will inevitably bear some certification responsibility that is likely to be costly.

The possibility of excluding final stage manufacturers from the coverage of certain safety standards in cases in which the manufacturer's production of the vehicle in question is limited was one of the two most contentious issues addressed in the negotiated rulemaking process and largely impacted four members of the Committee, NHTSA, NTEA, AMD, and RVIA. The Committee directed the aforementioned trade

associations, along with GM, Ford, and DaimlerChrysler, to develop a proposal that might be acceptable to all parties.⁸

This group suggested an approach under which the standards based upon the performance of a vehicle in a dynamic test would not apply to certain vehicles produced in two or more stages if the model vehicle in question is produced in runs of less than 2,500 units per year. NHTSA could not accept the proposal due to the limitations set forth in 49 U.S.C. 30113 (section 30113), which permits NHTSA to provide temporary exemptions from the need to comply with safety standards under certain, statutorily prescribed circumstances. Although proponents of this approach argued that "safe harbors" could be incorporated into the applicability sections of the standards in question, rather than as an exemption from the coverage of those standards, the Committee could not reach agreement on this proposal. In particular, NHTSA stated it believed that any "safe harbor" would essentially be an impermissible exemption because of the court's ruling in *Nader v. Volpe*, that NHTSA was not permitted to provide manufacturer-specific exemptions beyond the constraints set forth in 15 U.S.C 1415, the predecessor to section 30113.320 F. Supp. 266 (DDC, December 11, 1970), *aff'd* 475 F.2d 916, DC Cir., January 12, 1973).

NHTSA noted, however, that it believed most, if not all, final stage manufacturers could meet the criteria specified for granting a temporary exemption from specific safety standards based on financial hardship. To that end, the agency suggested that it was willing to explore the possibility of amending 49 CFR part 555 (part 555), the regulation establishing the circumstances under which it can consider granting a temporary exemption pursuant to section 30113, so as to ease the burden on final stage manufacturers in a legally permissible manner. While part 555 closely mirrors the requirements set forth in section 30113, NHTSA was able to identify certain sections in part 555 that could be amended or relaxed in order to

address only those vehicles manufactured by final stage manufacturers. A thorough discussion of those potential changes is provided below in section H.

D. Need To Assure Safety of Vehicles

While NHTSA understands the difficulty faced by final-stage manufacturers, it must take those measures necessary to protect the safety of the American motoring public. Everyday, the general public shares the roads with vehicles manufactured in two or more stages. Accordingly, for example, the telephone repair truck being driven through residential neighborhoods should have a braking system that meets FMVSS No. 105, *Hydraulic and electric brake systems*, or FMVSS No. 121, *Air brake systems*. In addition to being designed to protect the safety of people in other vehicles, vehicles manufactured in two or more stages should be designed to protect their own occupants. Thus, the motorhome or conversion van being used to transport a family on its summer vacation should provide an adequate level of safety.

An analysis of vehicle crash data conducted by NHTSA at the Committee's request indicates that among the light truck fleet (*e.g.*, light trucks, vans and pick-up trucks), vehicles manufactured in two or more stages produce a risk to safety. Specifically, NHTSA looked at the Fatal Analysis Reporting System (FARS) data for all light trucks manufactured from model year 1994 to 1999 involved in a fatal crash during calendar years 1994 to 1998. It determined that vehicles built in two or more stages comprised approximately 2.5% of the light truck market. It also determined that during that period, vehicles manufactured in two or more stages were represented in 5.99% of the total number of fatal crashes involving light trucks. While these data indicate that vehicles built in two or more stages make up only a small portion of the overall vehicle fleet, they appear to be more than twice as likely as their counterparts within the light truck fleet to be involved in a fatal crash. The crash data indicates that light trucks built in two or more stages that are involved in fatal crashes appear to present and encounter the same risk of injury or fatality presented and encountered by other light trucks. Generally speaking, they appear to be neither more nor less safe than their single stage counterparts. In those instances in which NHTSA has determined that a certain vehicle type cannot be designed in such a way as to reasonably meet a specific safety

standard, NHTSA can exclude that vehicle type from a particular safety standard. For example, convertibles are currently excluded from FMVSS No. 216, *Roof crush*, because a vehicle requires more upper vehicle structure than a header and A-pillar to address injuries and fatalities related to roof crush. Applying FMVSS No. 216 to these vehicles would have the effect of eliminating convertibles from the marketplace. Likewise, NHTSA can exclude vehicle types whose characteristics are such that there is not a sufficiently demonstrated safety need to regulate that type of vehicle in a particular instance. The application of most of the FMVSSs related to crashworthiness, *i.e.*, the ability to protect an occupant in the event of a crash, is restricted by vehicle weight because occupants in heavier vehicles are less likely to die or be seriously injured in the event of a crash.

Various final-stage manufacturers over the years have taken the position that drivers of certain types of vehicles typically manufactured in two or more stages have commercial driver's licenses and special training and thus are more likely to operate a vehicle in a manner that justifies the adoption of lesser standards. Assuming *arguendo* that individuals who possess a commercial driver's license and operate a vehicle as part of their employment may be better able to control a vehicle than individuals who do not, many vehicles manufactured in two or more stages are driven by individuals with no specialized training. This is particularly true of those vehicles covered by safety requirements for which NHTSA tests compliance via destructive vehicle testing. This type of testing is generally limited to requirements applicable to vehicles with a GVWR of less than 8,500 lb, although in some instances the requirements apply to vehicles with a GVWR of 10,000 lb or less. Very heavy trucks and buses are likely to be operated by professional drivers. However, because of the weight characteristics of these vehicles, they are already excluded from requirements verified through destructive compliance testing.⁹

E. Allocation of Certification Responsibility

Rulemaking cannot resolve every issue and concern faced by each industry and interest represented in the

⁸ The NTEA had previously urged that, for vehicles produced in two or more stages, the focus of regulation be shifted from certification by intermediate- and final-stage manufacturers to an approach based on consortium testing, dissemination of engineering information and the conducting of a detailed safety study of multi-stage vehicles, and that a determination be made as to whether there was a need to apply certain safety standards to vehicles manufactured in two or more stages. NTEA suggested that final stage manufacturers be relieved of certification responsibility until that time. The Committee did not embrace this proposal.

⁹ The sole arguable exception is the applicability of FMVSS No. 121; however, the data analysis used to support FMVSS No. 121 implicitly took driver skill into account since it was based on the likelihood of these heavier vehicles being involved in a crash because of inadequate brakes.

negotiated rulemaking. Of necessity, some vehicles will always be so unique that a final stage manufacturer will only be able to place minimal reliance on the IVD when certifying compliance of the completed vehicle. By the same token, manufacturer representations for some portions of the IVD may be necessarily narrow because of the types of vehicle systems involved. For example, it is unlikely that an incomplete vehicle manufacturer can make any representations vis-à-vis compliance with FMVSS No. 301 if a subsequent vehicle manufacturer reroutes, or otherwise changes the fuel system. Finally, depending on the language incorporated by chassis manufacturers in their IVDs, it may not be possible for a vehicle to be completed from a chassis without the intermediate-stage or final-stage manufacturer invalidating the certification of the incomplete vehicle manufacturer to one or more safety standards based upon the performance of a vehicle in a dynamic test.

Nevertheless, NHTSA believes the proposed rule that was developed through the negotiated rulemaking process goes a long way toward improving the clarity of the existing requirements, and in allocating responsibility among various manufacturers, thus furthering the interests of motor vehicle safety. While the current requirements of part 568 require incomplete vehicle manufacturers to provide IVDs, the legal responsibilities of the incomplete vehicle manufacturers within the IVD are not clearly allocated and provides little protection for subsequent stage manufacturers. The revised regulation proposes to establish legal responsibility among all vehicle manufacturers, providing subsequent-stage manufacturers with a level of protection vis-à-vis the manufacturing operations of previous-stage manufacturers now provided only by manufacturers of chassis cabs.

While not specifically addressed by the regulatory text, the proposed rule should also improve the lines of communication among the various stage manufacturers, particularly if, as anticipated by the Committee, incomplete vehicle manufacturers provide more detailed information in the IVD or decide to incorporate body builder or other design and engineering guidance (reference materials) into the IVD by reference to assist the intermediate- and final-stage manufacturer with compliance. This information will allow the incomplete vehicle manufacturer to communicate more thoroughly those types of future engineering and manufacturing

activities that it can reasonably foresee as affecting compliance of the systems and components incorporated into the incomplete vehicle, while limiting its liability for those subsequent, unanticipated activities not addressed by these reference materials.

The IVD cannot address or foresee every conceivable condition. To that extent, the concerns of incomplete vehicle manufacturers that they have little control over the actions of subsequent stage manufacturers are valid and are not fully resolved by this rulemaking. However, in many instances, limitations of an incomplete vehicle manufacturer's component and system compliance certification can be addressed through statements in the IVD or incorporated reference materials, which may assist subsequent manufacturers in making their own design engineering and manufacturing decisions. NHTSA expects subsequent vehicle manufacturers to rely on and act in accordance with this type of documentation in order for the incomplete vehicle manufacturer to accept legal responsibility for work completed in accordance with the instructions in the IVD. This should reduce the exposure of the incomplete vehicle manufacturers and assist intermediate and final stage manufacturers' ability to avoid the types of subsequent engineering and manufacturing actions that potentially lead to non-compliance and safety defect situations. However, it is also important that incomplete vehicle manufacturers provide vehicle upfitters with reasonable conformity envelopes that permit the completion of common and foreseeable vehicle configurations.¹⁰

Each stage manufacturer, from incomplete vehicle manufacturer to final stage manufacturer, should accept responsibility for manufacturing operations directly within its control. Accordingly, under the contemplated regulation, allocation of recall responsibility will be borne by the party with legal responsibility under the various paragraphs of § 567.5. Specific allocations of responsibility should both help to identify problems and to increase the recognition among manufacturers of how their design, engineering and manufacturing

operations will affect their responsibilities.

F. Issues Faced by Alterers of Completed Vehicles

The issues faced by vehicle alterers, *i.e.*, businesses modifying certified vehicles prior to the first sale other than for resale, are similar to those faced by final stage manufacturers with some significant differences. First, a vehicle alterer does not bear the same certification responsibilities as a final stage manufacturer. Rather than assuming certification responsibility for the entire vehicle, an alterer need only ascertain whether its vehicle alterations are likely to have compromised a vehicle's compliance with all applicable safety standards and then certify compliance only with those standards that are likely to have been so compromised. However, unlike final stage manufacturers, alterers do not have an IVD or any other vehicle manufacturer representations or assistance to rely on in making this limited certification statement. The practical effect of this lack of documentation is that vehicle alterers must often rely on the representations of equipment manufacturers when modifying vehicles.

In the case of vehicle equipment standards, the equipment will already be certified and in most instances an alterer need only install it as directed to certify compliance. However, many changes made in the alteration process do not affect features or components subject to equipment standards. For example, when replacing a vehicle's seats with new captain's chairs, the alterer may need to recertify the vehicle's compliance with FMVSS Nos. 202, *Head restraints*, 207, *Seating systems*, 208, *Occupant crash protection*, 210, *Seat belt assembly anchorages*, and 225, *Child restraint anchorage systems*. Often the equipment manufacturer will conduct certification testing for its products, even though not required to do so by law. Based on this testing, the equipment manufacturer may provide specific installation instructions that assist the alterer in making the vehicle modifications in a way that does not take the vehicle out of compliance. In recertifying the altered vehicle, the alterer can, in many instances, rely on this certification testing. However, even if an alterer relies on the equipment manufacturer's testing data, that equipment manufacturer will not be held

¹⁰Nothing in today's proposal prohibits incomplete vehicle manufacturers from developing conformity envelopes that are so narrow as to preclude the allocation of legal responsibility in the event of a noncompliance or defect. However, such a posture would likely be detrimental to the manufacturer's commercial enterprise, since its competitors may rely on body builder guides to provide a more customer-friendly product.

responsible for a recall in the event of a vehicle noncompliance.¹¹

The Committee contemplated drafting a requirement that would require equipment manufacturers to provide certification data for equipment that it manufactured. However, NHTSA stated that it could not impose such a requirement under the existing statutory scheme unless an equipment standard covered the piece of equipment.

The Committee then looked at the current requirements applicable to a vehicle alteration to determine whether it could craft a definition of the types of modifications creating certification obligations that more effectively alerted alterers to their certification responsibilities. Of particular concern were the types of vehicle modifications that potentially impose a certification responsibility. The regulation at 49 CFR 567.7 states that an alteration consists of any modification other than “the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assemblies, or minor finishing operations such as painting” or any modification that changes the vehicle’s stated weight rating. Of particular concern was the meaning of a “readily attachable component.” NADA took the lead in drafting an alternative definition that contemplated the use of special tools. However, the Committee was unable to agree on what type of tool would be considered sufficiently unique to trigger the application of a certification requirement. In the end, it was agreed that the existing definition, incomplete as it is, was as clear as any alternatives.

Nevertheless, the Committee was able to agree that some portions of the proposed regulation should be applicable to both final stage manufacturers and alterers because of the similarity of their circumstances. Thus, the proposed generic leadtime would apply to both types of manufacturers, as would the new part 555 provisions.

G. Issues Not Addressed in the Negotiated Rulemaking Process

During the negotiated rulemaking process, Congress enacted new legislation, now codified at 49 U.S.C. 30115(b), which states:

In the case of the certification label affixed by an intermediate or final stage manufacturer of a motor vehicle built in more than 1 stage, each intermediate or final stage manufacturer shall certify with respect to each applicable Federal motor vehicle safety standard—

(1) That it has complied with the specifications set forth in the compliance documentation provided by the incomplete vehicle manufacturer in accordance with regulations prescribed by the Secretary; or

(2) That it has elected to assume responsibility for compliance with that standard. If the intermediate or final stage manufacturer elects to assume responsibility for compliance with the standard covered by the documentation provided by an incomplete motor vehicle manufacturer, the intermediate or final stage manufacturer shall notify the incomplete motor vehicle manufacturer in writing within a reasonable time of affixing the certification label. A violation of this subsection shall not be subject to a civil penalty under section 30165.

Although the legislation does not require NHTSA to issue regulations, the agency initially considered issuing regulations so that the required information is submitted in a timely and consistent manner, and so that NHTSA could monitor how certification responsibilities are being allocated if it were to receive a copy of any paperwork submitted to the incomplete vehicle manufacturer. NHTSA is unaware of any notifications by final stage manufacturers that they have decided to go beyond the terms of compliance envelopes. Given NHTSA’s lack of authority to penalize final stage manufacturers who fail to provide previous stage manufacturers with such notifications, it is unlikely that the agency would ever receive sufficient numbers of notifications to justify the burden on final stage manufacturers who do comply with the law and the expenditure of agency resources. Accordingly, it has decided against pursuing rulemaking in this area.

Presently, 49 CFR 567.4(g)(1) requires that the corporate or individual name of the actual assembler of the vehicle be listed on the certification label as the vehicle manufacturer. After comments to the draft committee report were received, NHTSA was asked to consider amending that provision either to specify that the business entity accepting legal responsibility in the event of a defect or noncompliance be listed as the vehicle manufacturer or to require the names of both the vehicle assembler and the business entity accepting such legal responsibility be listed as the vehicle manufacturer on the certification label. While no changes to this effect have been made in the proposed regulatory language, NHTSA seeks comment on whether such a change would be appropriate.

H. Specifics of the Proposed Rule

1. 49 CFR Part 555

Under the negotiated proposal, 49 CFR part 555 would be amended to create a new subpart applicable to alterers and final stage manufacturers who need a temporary exemption from a portion of a safety standard (or set of safety standards) for which the agency verifies solely through dynamic testing.

NHTSA’s ability to grant even temporary exemptions to individual companies is dictated by statute. 49 U.S.C. 30113. Part 555 largely mirrors those statutory requirements. Thus, some aspects of the regulation must apply to each manufacturer seeking a temporary exemption. While the statute permits exemptions under four separate circumstances, only one of them, an exemption based on financial hardship, is applicable to the issues addressed in this rulemaking. Exemptions based on financial hardship cannot be granted to companies manufacturing more than 10,000 vehicles per year, and any exemption cannot apply to more than 2,500 vehicles per year. Additionally, each manufacturer seeking an exemption must provide a complete financial statement, and a complete description of its good faith efforts to comply with the standards for which it is seeking an exemption. A petition may not be granted for a period of more than three years, although subsequent petitions are permitted as long as all the original requirements are met. These general requirements already exist in part 555, which currently provides an exemption process for final stage manufacturers, but not for alterers.

In order to allow for more expeditious filing of petitions by final stage manufacturers and to extend the exemption to alterers, the Committee drafted a subpart B to part 555, which NHTSA is proposing to adopt. The subpart is limited to those entities that cannot certify compliance due to economic hardship. This hardship is based not only on the cost of the vehicle modifications required to certify compliance, but also on the actual cost of conducting the testing necessary to make a good faith determination of compliance.

This subpart provides some additional relief not contained in the current version of part 555. First, subpart B would allow petitions to be filed by an association (or other party) representing the interests of multiple manufacturers. Although the statutory requirements mandate that each petition would have to specify each manufacturer covered by the petition and provide information on each

¹¹ NHTSA does have the authority to require the equipment manufacturer to conduct a recall based on a safety-related defect.

manufacturer's size and good faith efforts to comply with the standard, as well as separate financial statements, the association could provide the underlying rationale for the petition. Thus, the association could explain why the requested temporary exemption would not unreasonably degrade safety. It could also discuss any factors (e.g., demand for the vehicle configuration, loss of market, difficulty in procuring goods and services necessary to conduct dynamic tests) that NHTSA should consider in deciding whether to grant the application and explain why the dynamic crash test requirements of the standard(s) in question would cause substantial economic hardship to each of the manufacturers on whose behalf the application is filed. Indicia of a good faith attempt to comply with the standards would include the extent to which the previous stage manufacturers have made either no, or only a limited, certification representation with respect to such standard is available in the incomplete vehicle document from the incomplete vehicle manufacturer or from a prior intermediate-stage manufacturer or why it cannot be followed, and the existence or lack thereof of generic or cooperative testing that would provide a basis for demonstrating compliance with the standard(s). Unlike petitions currently submitted pursuant to part 555, manufacturers would not have to commit to attempting to achieve full compliance by the expiration of the exemption. Additionally, under subpart B, the agency would commit to informing an applicant within 30 days whether the application is complete. It would attempt to grant or deny the petition within 120 days of its acknowledgement that the application is complete.

NHTSA seeks comment on the proposed changes to 49 CFR part 555.

2. 49 CFR Part 567

The proposed changes to part 567 are largely limited to § 567.5, the section specifically addressing certification of vehicles built in two or more stages. However, § 567.3 would also be amended to include many of the definitions currently in part 568 and to add terms that are currently undefined. Likewise, the examples of information listed on information labels have been updated to reflect current requirements.

The proposed changes to § 567.5 are extensive. First, the distinction between chassis cabs and other incomplete vehicles would be eliminated. Under the draft regulation, manufacturers of incomplete vehicles would place an information label on the vehicle (or ship

a label with the IVD if it cannot be placed on the vehicle) that identifies the incomplete vehicle manufacturer, month and year of manufacture, and GVWR/GAWR limitations of the incomplete vehicle and provides the vehicle identification number (VIN) of the vehicle. Likewise, intermediate stage manufacturers would be required to place an information label on the incomplete vehicle that identifies the intermediate stage manufacturer, month and year their last work was performed on the vehicle, and GVWR/GAWR limitations, if different from that provided by the incomplete vehicle manufacturer. The final stage manufacturer would place a certification label on the vehicle that either specifies whether it has stayed within the confines of the incomplete vehicle manufacturer's instructions or simply makes a statement of conformity. In addition, this section of the draft regulation assigns legal responsibility for each stage of vehicle manufacture with respect to systems and components applied on the vehicle, work performed, and accuracy of the information contained in the IVD and addendums to the IVD.¹²

NHTSA seeks comment on the proposed changes to 49 CFR part 567.

3. 49 CFR Part 568

Part 568 would be modified to acknowledge that an incomplete vehicle manufacturer may incorporate by reference body builder or other design and engineering guidance into the IVD. These guides may be substantially more comprehensive than an IVD and can provide the final stage manufacturer with greater information regarding what type of work can be performed without exceeding the certification envelopes. NHTSA anticipates that design and engineering guides, if included, would generally provide instructions on certain aspects of further manufacturing which will assist the multi-stage manufacturers to pass-through the conformity statements from the incomplete vehicle manufacturers. The incorporation of these guides by reference into the IVD should not have the effect of unreasonably limiting the circumstances in which it will be possible to pass-through the conformity statements of the incomplete vehicle manufacturer.

¹² International had suggested adding a subsection that would allocate responsibility to later-stage manufacturers for post-incomplete vehicle manufacturer modifications or additions that adversely affected compliance certified by the incomplete vehicle manufacturer in its IVD. NTEA objected to the suggestion, and it was not included.

NHTSA seeks comment on the proposed changes to 49 CFR part 568.

4. 49 CFR Part 571

Unless otherwise specified in a final rule adopting or amending a safety standard, final stage manufacturers and alterers would automatically be granted an additional year to meet the new requirements of the standard. The result of current manufacturing practices is that final stage manufacturers often are not provided with information on chassis from incomplete vehicle manufacturers necessary to certify their vehicles until shortly before and in some cases even after the effective date of the standard in question. This same problem arises when the chassis is substantively changed as the result of a model year changeover. The situation with alterers is slightly different. In that instance, the alterer already has a certified vehicle. Giving alterers an additional year allows the alterer to take a certified vehicle out of compliance, an action typically viewed with disfavor by NHTSA. However, the problems faced by final stage manufacturers are also applicable to alterers. If a vehicle manufacturer waits until the last possible moment to certify vehicles, alterers will not have the ability to do any engineering analysis to determine if the alterations affect compliance.

In the instance of phased-in requirements, the additional year would be applied at the end of the phase-in. This leadtime is appropriate because incomplete vehicle manufacturers often complete their certification testing just before start of production for a new model year. In the case of new requirements that are phased-in, the incomplete vehicle manufacturer may wait until the end of the phase-in to conduct certification testing or analysis for incomplete vehicles. This is because, for many manufacturers, the incomplete vehicle fleet is only a small proportion of its overall production.

In some instances, NHTSA may determine that more than an additional year's leadtime is needed, given the complexity or other demands of the new or amended standard. In other cases, NHTSA may decide that additional leadtime is not needed because the new or amended safety standard merely adopts requirements that are already standard industry practice. The agency could also determine that the safety problem is so significant that additional leadtime would result in an unacceptable rate of injury or death. Finally, Congress may direct NHTSA to require compliance with new requirements by a specified date. In those instances in which Congress

limits the agency's discretion to provide an additional leadtime, all manufacturers and alterers would be required to meet the compliance date set forth in the standard.

NHTSA recognizes NMEDA's concern that vehicle modifiers, *i.e.*, businesses that modify vehicles after first sale other than for resale, face the same problems as vehicle alterers. However, it is not proposing to provide modifiers with an additional year to make modifications without violating the make inoperative provisions of 49 U.S.C. 30122. Such a change would not be made in the context of amending part 571, because vehicle modifiers bear no certification responsibility. In general, NHTSA looks with disfavor on vehicle modifications made after first sale of a vehicle for purposes other than retail. We believe that those businesses engaging in operations that may invalidate compliance certification should be held responsible for recertifying the vehicle. The agency is aware of instances in which vehicle alterers have attempted to avoid certification responsibility by waiting until a customer has taken possession of a vehicle to make changes that would take the vehicle out of compliance with one or more safety standards. While a vehicle modifier that knowingly makes a piece of mandatory safety equipment inoperative may be subject to fines, it cannot be compelled to conduct a recall campaign for its work. Additionally, only new vehicles will have the new mandatory safety equipment. With the exception of vehicles modified for persons with disabilities, there is no reason to make changes to a vehicle after its first sale for purposes other than resale that are so substantial as to take the vehicle out of compliance with an applicable safety standard. Under the proposed regulation, the incentive to circumvent certification responsibilities is lessened.

For vehicles that are modified for persons with disabilities, NHTSA has already adopted a statutory scheme that accommodates the needs of modifiers addressing the disability community. If needed, 49 CFR part 595, subpart C, *Vehicle Modifications To Accommodate People With Disabilities*, can be modified to reflect the making of a substantive change to a safety standard if the agency determines that such relief is appropriate. NHTSA continues to urge NMEDA and its members to participate actively in NHTSA rulemakings so that it can identify whether changes to part 595 may be needed.

NHTSA seeks comment on the proposed changes to 49 CFR part 568.

5. 49 CFR Part 573

Under § 567.5, each manufacturer would be required to provide a previous stage manufacturer with any customer information needed for the previous stage manufacturer to conduct a recall campaign. Section 573.5 addresses those instances in which there is a determination by either the manufacturers or NHTSA that the vehicle, or its original equipment has a safety-related defect or noncompliance and the parties dispute their accountability for the recall. This may occur because the parties disagree whether the representations made by the various-stage manufacturers pursuant to § 567.5 are legitimate based on the work performed on the vehicle and the nature of the defect or non-compliance or where the parties and NHTSA cannot determine the root cause of the defect or noncompliance. In such an instance, NHTSA would be able to allocate recall responsibility to the party it believes is best able to conduct the recall. Although there should be very few instances in which there is a dispute as to which manufacturer should conduct a recall campaign, NHTSA believes it is critical that any campaign not be delayed while the various manufacturers attempt to assess liability. NHTSA's determination would be limited to recall responsibilities and would not serve to impose fault or ultimate responsibility for the economic burden on the party ordered to conduct the recall.

This proposal was the subject of vociferous objection by many of the incomplete vehicle manufacturers on the Committee. The primary concern was that NHTSA's determination as to who was in the best position to conduct the recall would be nonreviewable. These manufacturers noted that recall determinations with which a manufacturer disagrees are fully reviewable. NHTSA agrees with this assessment. As explained in the draft committee report, the determination that there was a noncompliance or safety related defect would be subject to the exact same restrictions and circumstances as they are presently. Likewise, any determination that a specific party was responsible for a noncompliance or defect would be fully reviewable. Manufacturers appear to be concerned that the proposed language would make NHTSA the "referee" in commercial disputes among multiple stage manufacturers, and would create numerous substantive and procedural difficulties that were not needed.

DaimlerChrysler offered alternative language that it believes addresses the

concerns of the Committee. It suggested that the specific allocation of legal responsibility in § 567.5 be repeated in § 573.5. Thus, § 573.5(c) would read as follows:

(1) For vehicles manufactured in two or more stages, the incomplete vehicle manufacturer shall be responsible for any noncompliance or safety-related defect in (i) components and systems it supplies on the incomplete vehicle or (ii) components and systems incorporated into the completed vehicle by an intermediate or final-stage manufacturer, if the vehicle is completed in accordance with the instructions contained in the IVD package required by Part 568.4, except for manufacturing or design defects in components and systems incorporated by the intermediate or final-stage manufacturer into the completed vehicle, and except for noncompliances or defects introduced as a result of the workmanship of the intermediate or final-stage manufacturer.

(2) For vehicles manufactured in two or more stages, any intermediate manufacturer shall be responsible for any noncompliance or safety-related defect resulting from manufacturing or design defects in components or systems incorporated into the completed vehicle by that intermediate manufacturer, or any noncompliance or safety-related defect introduced by workmanship of that intermediate manufacturer.

(3) For vehicles manufactured in two or more stages, the final-stage manufacturer shall be responsible for any noncompliance or safety-related defect resulting from manufacturing or design defects in components or systems incorporated into the completed vehicle by that final-stage manufacturer, or any noncompliance or safety-related defect introduced by the workmanship of that final-stage manufacturer.

As noted by DaimlerChrysler, this language does not provide a dispute resolution mechanism. Nor does it assure that in the event of a dispute that is not easily resolvable, a recall campaign is conducted in a timely manner. Historically, NHTSA has maintained that while any stage manufacturer may assume responsibility for a recall campaign, the final stage manufacturer is responsible for any campaign that a previous stage manufacturer has not agreed to conduct. The nonreviewability provision was suggested in response to concerns by final stage manufacturers that they would bear the brunt of recall allocation when they may be in the worst position to shoulder the costs associated with a recall for which they may not, ultimately, be responsible.

This is a difficult issue for the agency. On the one hand, we agree that final stage manufacturers often may not have the resources to conduct a recall for which it is not responsible. Even though they may be successful in a future

action to obtain reimbursement for their expenses should there be a determination that a previous stage manufacturer was responsible for the workmanship, design or components resulting in a noncompliance or safety-related defect, it may be too late for a small company if the cost of the recall places the company in a financially difficult position. On the other hand, allocating recall responsibility to a specific party in the event of a dispute as to legal responsibility allows NHTSA to achieve the result it believes is essential to its mission: getting noncompliant and defective equipment or systems repaired as soon as possible so as to reduce the likelihood of motor vehicle-related death or injury.

NHTSA has concerns that a provision on nonreviewability may ultimately be determined impermissible. In general, courts favor review of final agency actions, even when a statute states an action is not reviewable. Thus, NHTSA believes this provision would only withstand judicial review if a court determined that NHTSA's decision as to who must conduct the recall is not a final agency action under the Administrative Procedure Act, and therefore not ripe for review.

We have decided to propose revisions to 573.5 as drafted in the draft committee report because we committed to proposing a regulation that mirrored that report in the absence of committee consensus. However, given our concerns about the likelihood that the nonreviewability provision could withstand judicial scrutiny, we ask commenters to provide arguments and analysis as to which manufacturer should be deemed responsible for a recall campaign in the event that NHTSA and the various-stage vehicle manufacturers could not determine in a timely manner which party should bear responsibility for the recall.

V. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking is not significant. Accordingly, the Office of Management and Budget has not reviewed this rulemaking document under E.O. 12866, "Regulatory Planning and Review." The rulemaking action has also been determined to be nonsignificant under the Department's regulatory policies and procedures. This rule should not impose any additional costs on regulated parties or on the

American public since it merely clarifies legal responsibilities related to the certification of vehicles built in two or more stages. To the extent incomplete vehicle manufacturers accept legal responsibility for their vehicles, they may incur some additional certification costs. Likewise, they would incur additional costs in the event of a recall resulting from their statements on the information label or in the IVD. As a practical matter, most incomplete vehicle manufacturers have been willing to pay for recalls associated with work performed by the incomplete vehicle manufacturer or within the scope of their representations in the IVD even though there has been no express legal requirement that they do so.

B. Regulatory Flexibility Act

We have considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action would not have a significant economic impact on a substantial number of small businesses even though a significant number of final stage manufacturers and alterers are small businesses. This rule would not have a significant economic impact on these entities because it merely clarifies their legal responsibilities related to the certification of vehicle built in two or more stages.

C. National Environmental Policy Act

NHTSA has analyzed this proposed amendment for the purposes of the National Environmental Policy Act and determined that it would not have any significant impact on the quality of the human environment.

D. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule, if issued, would have no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. The final rule, if issued, is not intended to preempt State tort civil actions.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate

likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted for inflation with base year of 1995). The final rule, if issued, would not require the expenditure of resources above and beyond \$100 million annually.

F. Executive Order 12778 (Civil Justice Reform)

The proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This proposal contains a collection of information because it expands the number of information labels required beyond manufacturers of chassis cabs. There is no burden to the general public.

This document includes the following "collections of information," as that term is defined in 5 CFR part 1320, Controlling Paperwork Burdens on the Public:

Today's document includes a proposal for information labels similar to a certification label for incomplete vehicles that are not chassis cabs. At present, OMB has approved NHTSA's collection of labeling requirements under OMB clearance no. 2127-0512, Consolidated Labeling Requirements for Motor Vehicles (Except the Vehicle Identification Number). This clearance will expire on 11/30/2004, and is cleared for 72,959 burden hours on the public.

For the following reasons, NHTSA estimates that the new information labels would have a minimal net increase in the information collection burden on the public. There are approximately 40 incomplete motor

vehicle manufacturers that will be affected this label proposal, and the labels will be placed on approximately 556,000 vehicles per year. The label will be placed on each vehicle once. Since, in this SNPRM, NHTSA specifies the exact content of the labels, the manufacturers will spend 0 hours developing the labels. NHTSA estimates the technical burden time (time required for affixing labels) to be .0002 hours per label. NHTSA estimates that the total annual burden imposed on the public as a result of the incomplete vehicle manufacturer labels will be 112 hours (556,600 vehicles multiplied by .0002 hours per label). Canada already requires labels of the type contemplated in today's notice on incomplete vehicles manufactured for the Canadian market, and the larger incomplete vehicle manufacturers already install this label on a voluntary basis for vehicles sold in the United States.

Organizations and individuals that wish to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10235, New Executive Office Building, Washington, DC 20503; Attention Desk Officer for NHTSA.

H. Executive Order 13045

Executive Order 13045 applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rulemaking is not economically significant.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) requires NHTSA to evaluate and use existing voluntary consensus standards¹³ in its regulatory activities unless doing so would be inconsistent with applicable law (e.g., the statutory provisions regarding

NHTSA's vehicle safety authority) or otherwise impractical. In meeting that requirement, we are required to consult with voluntary, private sector, consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the Society of Automotive Engineers (SAE), and the American National Standards Institute (ANSI). If NHTSA does not use available and potentially applicable voluntary consensus standards, we are required by the Act to provide Congress, through OMB, with an explanation of the reasons for not using such standards. This rulemaking only addresses the allocation of legal responsibilities among regulated parties. As such, the issues involved here are not amenable to the development of voluntary standards.

J. Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21.) We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given under **ADDRESSES**.

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

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read comments on the Internet, take the following steps:

1. Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov>).
2. On that page, click on "simple search."
3. On the next page, type in the docket number shown at the beginning of this document. There is no need to type in the name of the agency or the year that the docket was opened. For example, if the docket number is "NHTSA-03-123545," you would type in "12345". After typing the docket number, click on "search."
4. On the next page, which contains docket summary information for the docket you selected, click on the desired

¹³ Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as "performance-based or design-specific technical specifications and related management systems practices." They pertain to "products and processes, such as size, strength, or technical performance of a product, process or material."

comments. You may download the comments.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

K. Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Today's proposal has been written with that directive in mind. We note that some of the requirements proposed today are technical in nature. As such, they may require some understanding of technical terminology. We expect those parties directly affected by today's rule, *i.e.*, vehicle manufacturers, to be familiar with such terminology.

L. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

List of Subjects in 49 CFR Parts 555, 567, 568, 571, and 573

Imports, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR chapter V as follows:

PART 555—TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY AND BUMPER STANDARDS

1. The authority citation for part 555 of title 49 would continue to read as follows:

Authority: 49 U.S.C. 30113, 32502, Pub. L. 105–277; delegation of authority at 49 CFR 1.50.

2. Part 555 would be amended by designating §§ 555.1 through 555.10 as subpart A and by adding a heading to read as follows:

Subpart A—General

3. Subpart B would be added to read as follows:

Subpart B—Altered Vehicles and Vehicles Built in Two or More Stages

Sec.

- 555.11 Application.
- 555.12 Petition for exemption.
- 555.13 Basis for petition.
- 555.14 Processing of petitions.
- 555.15 Time period for exemptions.
- 555.16 Renewal of exemptions.
- 555.17 Termination of temporary exemptions.
- 555.18 Temporary exemption labels.

Subpart B—Altered Vehicles and Vehicles Built in Two or More Stages

§ 555.11 Application.

This subpart applies to alterers and manufacturers of motor vehicles built in two or more stages to which one or more standards are applicable. No manufacturer or alterer that produces or alters more than 10,000 motor vehicles annually shall be eligible for a temporary exemption under this subpart. Any exemption granted under this subpart shall be limited, per manufacturer, to 2,500 vehicles to be sold in the United States in any 12 consecutive month period. Nothing in this subpart prohibits an alterer, intermediate, or final stage manufacturer from applying for a temporary exemption under subpart A of this part.

§ 555.12 Petition for exemption.

An alterer, intermediate or final stage manufacturer, or industry trade association representing a group of alterers, intermediate and/or final-stage manufacturers may seek, as to any vehicle configuration built in two or more stages, a temporary exemption or a renewal of a temporary exemption from the provisions of any portion of a Federal motor vehicle safety standard. Each petition for an exemption under this section must be submitted to NHTSA and must:

- (a) Be written in the English language;
- (b) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590;
- (c) State the full name and address of the applicant, the nature of its organization (*e.g.*, individual, partnership, corporation, or trade association), the name of the State or country under the laws of which it is organized, and the name of each alterer, or intermediate and/or final stage manufacturer for which the exemption is sought;
- (d) State the number, title, paragraph designation, and the text or substance of the portion(s) of the standard(s) from which the exemption is sought;
- (e) Describe by type and use each vehicle configuration (or range of

vehicle configurations) for which the exemption is sought;

(f) State the estimated number of units of each vehicle configuration to be produced annually by each of the manufacturer(s) for whom the exemption is sought;

(g) Specify any part of the information and data submitted which the petitioner requests be withheld from public disclosure in accordance with part 512 of this chapter.

§ 555.13 Basis for petition.

The petition shall:

(a) Discuss any factors (*e.g.*, demand for the vehicle configuration, loss of market, difficulty in procuring goods and services necessary to conduct dynamic tests) that the applicant desires NHTSA to consider in deciding whether to grant the application.

(b) Explain the grounds on which the applicant asserts that the application of the dynamic crash test requirements of the standard(s) in question to the vehicles covered by the application would cause substantial economic hardship to each of the manufacturers on whose behalf the application is filed, providing a complete financial statement for each manufacturer and a complete description of each manufacturer's good faith efforts to comply with the standards, including a discussion of:

(1) The extent that no Type (1) or Type (2) statement with respect to such standard is available in the incomplete vehicle document from the incomplete vehicle manufacturer or from a prior intermediate-stage manufacturer or why, if one is available, it cannot be followed, and

(2) The existence, or lack thereof, of generic or cooperative testing that would provide a basis for demonstrating compliance with the standard(s);

(c) Explain why the requested temporary exemption would not unreasonably degrade safety.

§ 555.14 Processing of petitions.

The Administrator shall notify the petitioner whether the petition is complete within 30 days of receipt. The Administrator shall attempt to approve or deny any complete petition submitted under this subpart within 120 days after the agency acknowledges that the application is complete. Upon good cause shown, the Administrator may review a petition on an expedited basis.

§ 555.15 Time period for exemptions.

Subject to § 555.16 of this subpart, each temporary exemption granted by the Administrator under this subpart shall be in effect for a period of three

years from the effective date. The Administrator shall identify each exemption by a unique number.

§ 555.16 Renewal of exemptions.

An alterer, intermediate or final-stage manufacturer or a trade association representing a group of alterers or, intermediate and/or final-stage manufacturers may apply for a renewal of a temporary exemption. Any such renewal petition shall be filed at least 60 days prior to the termination date of the existing exemption and shall include all the information required in an initial petition. If a petition for renewal of a temporary exemption that meets the requirements of this subpart has been filed not later than 60 days before the termination date of an exemption, the exemption does not terminate until the Administrator grants or denies the petition for renewal.

§ 555.17 Termination of temporary exemptions.

The Administrator may terminate or modify a temporary exemption if he determines that:

(a) The temporary exemption was granted on the basis of false, fraudulent, or misleading representations or information; or

(b) The temporary exemption is no longer consistent with the public interest and the objectives of the Act.

§ 555.18 Temporary exemption labels.

An alterer or final-stage manufacturer of a vehicle that is covered by one or more exemptions issued under this subpart shall affix a label that meets meet all the requirements of 49 CFR 555.9.

* * * * *

PART 567—CERTIFICATION

4. Part 567 would be revised to read as follows:

PART 567—CERTIFICATION

Sec.

567.1 Purpose.

567.2 Application.

567.3 Definitions.

567.4 Requirements for manufacturers of motor vehicles.

567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

567.6 Requirements for persons who alter certified vehicles.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30166, 32502, 32504, 33101–33104, 33108, and 33109; delegation of authority at 49 CFR 1.50.

§ 567.1 Purpose.

The purpose of this part is to specify the content and location of, and other

requirements for, the certification label or tag to be affixed to motor vehicles as required by section 30115 of the Motor Vehicle Safety Act (49 U.S.C. 30115) (the Vehicle Safety Act) and by sections 105(c)(1) and 606(c) of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32504 and 33109) (the Cost Savings Act), and to provide the consumer with information to assist him or her in determining which of the Federal Motor Vehicle Safety Standards (part 571 of this chapter) and Federal Theft Prevention Standards (part 541 of this chapter) are applicable to the vehicle.

§ 567.2 Application.

(a) This part applies to manufacturers and alterers of motor vehicles to which one or more standards are applicable.

(b) In the case of imported motor vehicles that do not have the label or tag required by 49 CFR 567.4, Registered Importers of vehicles admitted into the United States under 49 U.S.C. 31041–30147 and 49 U.S.C. 591 must affix a label or tag as required by 49 CFR 567.4 after the vehicle has been brought into conformity with the applicable Safety, Bumper and Theft Prevention Standards.

§ 567.3 Definitions.

All terms that are defined in the Act and the rules and standards issued under its authority are used as defined therein. The term “bumper” has the meaning assigned to it in title I of the Cost Savings Act and the rules and standards issued under its authority.

Addendum means the document described in § 568.5 (a) of this chapter.

Altered vehicle means a completed vehicle previously certified in accordance with § 567.4 or § 567.5 that has been modified other than by the use of readily attachable components, or by minor finishing operations such as painting, before the first purchase of the vehicle other than for resale, in such a manner as may affect the conformity of the vehicle with one or more Federal Motor Vehicle Safety Standard(s) or the validity of the vehicle’s stated weight ratings.

Completed vehicle means a vehicle that requires no further manufacturing operations to perform its intended function.

Final-stage manufacturer means a person who performs such manufacturing operations on an incomplete vehicle that it becomes a completed vehicle.

Incomplete trailer means a vehicle that is capable of being drawn and that consists, at a minimum, of a chassis structure and suspension system but

needs further manufacturing operations performed on it to become a completed vehicle.

Incomplete vehicle means

(1) An assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, in the state that those systems are to be part of the completed vehicle, but requires further manufacturing operations to become a completed vehicle, or

(2) An incomplete trailer.

Incomplete Vehicle Document or *IVD* means the document described in 49 CFR 568.4(a).

Incomplete vehicle manufacturer means a person who manufactures an incomplete vehicle by assembling components none of which, taken separately, constitute an incomplete vehicle.

Intermediate manufacturer means a person, other than the incomplete vehicle manufacturer or the final-stage manufacturer, who performs manufacturing operations on an incomplete vehicle.

Readily Attachable Component means non-original equipment components and/or assemblies that can be installed without special tools or expertise and are substantially similar in design, method of attachment and safety performance to similar motor vehicle equipment offered and/or validated by the motor vehicle manufacturer for the specific model or vehicle platform on which it is being installed in conformance with the equipment manufacturer’s instructions.

Vehicle Alterer means a person who modifies a completed vehicle so that it becomes an altered vehicle.

§ 567.4 Requirements for manufacturers of motor vehicles.

(a) Each manufacturer of motor vehicles (except vehicles manufactured in two or more stages) shall affix to each vehicle a label, of the type and in the manner described below, containing the statements specified in paragraph (g) of this section.

(b) The label shall be riveted or permanently affixed in such a manner that it cannot be removed without destroying or defacing it.

(c) Except for trailers and motorcycles, the label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver’s seating position, or if none of these locations is practicable, to the left side of the instrument panel. If that location is also not practicable, the label shall be affixed to the inward-facing surface of the door

next to the driver's seating position. If none of the preceding locations is practicable, notification of that fact, together with drawings or photographs showing a suggested alternate location in the same general area, shall be submitted for approval to the Administrator, National Highway Traffic Safety Administration, Washington, DC 20590. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(d) The label for trailers shall be affixed to a location on the forward half of the left side, such that it is easily readable from outside the vehicle without moving any part of the vehicle.

(e) The label for motorcycles shall be affixed to a permanent member of the vehicle as close as is practicable to the intersection of the steering post with the handle bars, in a location such that it is easily readable without moving any part of the vehicle except the steering system.

(f) The lettering on the label shall be of a color that contrasts with the background of the label.

(g) The label shall contain the following statements, in the English language, lettered in block capitals and numerals not less than three thirty-seconds of an inch high, in the order shown:

(1) Name of manufacturer: Except as provided in paragraphs (g)(1)(i), (ii) and (iii) of this section, the full corporate or individual name of the actual assembler of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. The name of the manufacturer shall be preceded by the words "Manufactured By" or "Mfd By". In the case of imported vehicles to which the label required by this section is affixed by the Registered Importer, the name of the Registered Importer shall also be placed on the label in the manner described in this paragraph, directly below the name of the final assembler.

(i) If a vehicle is assembled by a corporation that is controlled by another corporation that assumes responsibility for conformity with the standards, the name of the controlling corporation may be used.

(ii) If a vehicle is fabricated and delivered in complete but unassembled form, such that it is designed to be assembled without special machinery or tools, the fabricator of the vehicle may affix the label and name itself as the manufacturer for the purposes of this section.

(iii) If a trailer is sold by a person who is not its manufacturer, but who is engaged in the manufacture of trailers and assumes legal responsibility for all duties and liabilities imposed by the Act with respect to that trailer, the name of that person may appear on the label as the manufacturer. In such a case the name shall be preceded by the words "Responsible Manufacturer" or "Resp Mfr."

(2) Month and year of manufacture: This shall be the time during which work was completed at the place of main assembly of the vehicle. It may be spelled out, as "June 2000", or expressed in numerals, as "6/00".

(3) "Gross Vehicle Weight Rating" or "GVWR" followed by the appropriate value in pounds, which shall not be less than the sum of the unloaded vehicle weight, rated cargo load, and 150 pounds times the number of the vehicle's designated seating positions. However, for school buses the minimum occupant weight allowance shall be 120 pounds per passenger and 150 pounds for the driver.

(4) "Gross Axle Weight Rating" or "GAWR," followed by the appropriate value in pounds, for each axle, identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear). The ratings for any consecutive axles having identical gross axle weight ratings when equipped with tires having the same tire size designation may, at the option of the manufacturer, be stated as a single value, with the label indicating to which axles the ratings apply.

Examples of combined ratings:

GAWR:

(a) All axles—4080 with LT265/75R-16D tires.

(b) Front—12,000 with LT245/75R-20G tires.

First intermediate to rear—15,000 with LT215/85R-20H tires.

(i) For passenger cars, the statement: "This vehicle conforms to all applicable Federal motor vehicle safety, bumper, and theft prevention standards in effect on the date of manufacture shown above." The expression "U.S." or "U.S.A." may be inserted before the word "Federal".

(ii) In the case of multipurpose passenger vehicles (MPVs) and trucks with a GVWR of 6,000 pounds or less, the statement: "This vehicle conforms to all applicable Federal motor vehicle safety and theft prevention standards in effect on the date of manufacture shown above." The expression "U.S." or "U.S.A." may be inserted before the word "Federal".

(iii) In the case of multipurpose passenger vehicles (MPVs) and trucks

with a GVWR of over 6,000 pounds, the statement: "This vehicle conforms to all applicable Federal motor vehicle safety standards in effect on the date of manufacture shown above." The expression "U.S." or "U.S.A." may be inserted before the word "Federal".

(5) Vehicle identification number.

(6) The type classification of the vehicle as defined in § 571.3 of this chapter (e.g., truck, MPV, bus, trailer).

(h) *Multiple GVWR-GAWR ratings.*

(1) (For passenger cars only) In cases in which different tire sizes are offered as a customer option, a manufacturer may at its option list more than one set of values for GVWR and GAWR, in response to the requirements of paragraphs (g) (3) and (4) of this section. If the label shows more than one set of weight rating values, each value shall be followed by the phrase "with_tires," inserting the proper tire size designations. A manufacturer may, at its option, list one or more tire sizes where only one set of weight ratings is provided.

Example: Passenger Car.

GVWR: 4400 LB with P195/65R-15 Tires, 4800 LB with P205/75R-15 Tires.

GAWR: Front-2000 LB with P195/65R-15 Tires at 24 psi, 2200 LB with P205/75R-15 Tires at 24 psi. Rear-2400 LB with P195/65R-15 Tires at 28 psi, 2600 LB with P205/75R-15 Tires at 28 psi.

(2) (For multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles) The manufacturer may, at its option, list more than one GVWR-GAWR-tire-rim combination on the label, as long as the listing contains the tire-rim combination installed as original equipment on the vehicle by the manufacturer and conforms in content and format to the requirements for tire-rim-inflation information set forth in Standard Nos. 110, 121, 129 and 139 of this chapter (§§ 571.110, 571.121, 571.129 and 571.139).

(3) At the option of the manufacturer, additional GVWR-GAWR ratings for operation of the vehicle at reduced speeds may be listed at the bottom of the certification label following any information that is required to be listed.

(i) [Reserved]

(j) A manufacturer may, at its option, provide information concerning which tables in the document that accompanies the vehicle pursuant to § 575.6(a) of this chapter apply to the vehicle. This information may not precede or interrupt the information required by paragraph (g) of this section.

(k) In the case of passenger cars imported into the United States under 49 CFR 591.5(f) to which the label required by this section has not been affixed by the original producer or

assembler of the passenger car, a label meeting the requirements of this paragraph shall be affixed by the Registered Importer before the vehicle is imported into the United States, if the car is from a line listed in Appendix A of 49 CFR part 541. This label shall be in addition to, and not in place of, the label required by paragraphs (a) through (j), inclusive, of this section.

(1) The label shall be riveted or permanently affixed in such a manner that it cannot be removed without destroying or defacing it.

(2) The label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or, if none of these locations is practicable, to the left side of the instrument panel. If that location is also not practicable, the label shall be affixed to the inward-facing surface of the door next to the driver's seating position. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(3) The lettering on the label shall be of a color that contrasts with the background of the label.

(4) The label shall contain the following statements, in the English language, lettered in block capitals and numerals not less than three thirty-seconds of an inch high, in the order shown:

(i) Model year (if applicable) or year of manufacture and line of the vehicle, as reported by the manufacturer that produced or assembled the vehicle. "Model year" is used as defined in § 565.3(h) of this chapter. "Line" is used as defined in § 541.4 of this chapter.

(ii) Name of the importer. The full corporate or individual name of the importer of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents and the middle initial of individuals, may be used. The name of the importer shall be preceded by the words "Imported By".

(iii) The statement: "This vehicle conforms to the applicable Federal motor vehicle theft prevention standard in effect on the date of manufacture."

(1)(1) In the case of a passenger car imported into the United States under 49 CFR 591.5(f) which does not have an identification number that complies with 49 CFR 565.4 (b), (c), and (g) at the time of importation, the Registered Importer shall permanently affix a label to the vehicle in such a manner that, unless the label is riveted, it cannot be removed without being destroyed or defaced. The label shall be in addition to the label required by paragraph (a) of this section, and shall be affixed to the

vehicle in a location specified in paragraph (c) of this section.

(2) The label shall contain the following statement, in the English language, lettered in block capitals and numerals not less than three thirty-seconds of an inch high, with the location on the vehicle of the original manufacturer's identification number provided in the blank: ORIGINAL MANUFACTURER'S IDENTIFICATION NUMBER SUBSTITUTING FOR U.S. VIN IS LOCATED _____.

(m)(1) In the case of a passenger car imported into the United States under 49 CFR 591.5(f) which does not have an identification number that complies with 49 CFR 565.4 (b), (c), and (g) at the time of importation, the Registered Importer shall permanently affix a label to the vehicle in such a manner that, unless the label is riveted, it cannot be removed without being destroyed or defaced. The label shall be in addition to the label required by paragraph (a) of this section, and shall be affixed to the vehicle in a location specified in paragraph (c) of this section.

(2) The label shall contain the following statement, in the English language, lettered in block capitals and numerals not less than 4 mm high, with the location on the vehicle of the original manufacturer's identification number provided in the blank: ORIGINAL MANUFACTURER'S IDENTIFICATION NUMBER SUBSTITUTING FOR U.S. VIN IS LOCATED _____.

§ 567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(a) *Location of information labels for incomplete vehicles.* Each incomplete vehicle manufacturer or intermediate vehicle manufacturer shall permanently affix a label to each incomplete vehicle, in the location and form specified in § 567.4, and in a manner that does not obscure other labels. If the locations specified in 49 CFR 567.4(c) are not practicable, the label may be provided as part of the IVD package so that it can be permanently affixed in the acceptable locations provided for in that subsection when the vehicle is sufficiently manufactured to allow placement in accordance therewith.

(b) *Incomplete vehicle manufacturers.*

(1) Except as provided in paragraph (f) of this section and notwithstanding the certification of a final-stage manufacturer under 49 CFR 567.5(d)(2)(v), each manufacturer of an incomplete vehicle assumes legal responsibility for all duties and liabilities imposed by the Act with respect to:

(i) Components and systems it supplies on the incomplete vehicle;

(ii) To the extent that the vehicle is completed in accordance with the instructions contained in the IVD, for all components and systems incorporated into the completed vehicle by an intermediate or final-stage manufacturer, except for defects in those components or systems or defects in workmanship by the intermediate or final stage manufacturer; and

(iii) For the accuracy of the information contained in the IVD.

(2) Except as provided in paragraph (f) of this section, each incomplete vehicle manufacturer shall affix an information label to each incomplete vehicle that contains the following statements:

(i) Name of incomplete vehicle manufacturer preceded by the words "incomplete vehicle MANUFACTURED BY" or "incomplete vehicle MFD BY".

(ii) Month and year of manufacture of the incomplete vehicle. This may be spelled out, as in "JUNE 2000", or expressed in numerals, as in "6/00". No preface is required.

(iii) "Gross Vehicle Weight Rating" or "GVWR" followed by the appropriate value in kilograms and (pounds), which shall not be less than the sum of the unloaded vehicle weight, rated cargo load, and 150 pounds times the number of the vehicle's designated seating positions. However, for school buses the minimum occupant weight allowance shall be 120 pounds per passenger and 150 pounds for the driver.

(iv) "Gross Axle Weight Rating" or "GAWR", followed by the appropriate value in kilograms and (pounds) for each axle, identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear). The ratings for any consecutive axles having identical gross axle weight ratings when equipped with tires having the same tire size designation may be stated as a single value, with the label indicating to which axles the ratings apply.

(v) Vehicle Identification Number.

(c) *Intermediate vehicle manufacturers.*

(1) Except as provided in paragraphs (f) and (g) of this section and notwithstanding the certification of a final-stage manufacturer under § 567.5(d)(2)(v), each intermediate manufacturer of a vehicle manufactured in two or more stages assumes legal responsibility for all duties and liabilities imposed by the Act:

(i) With respect to defects in components, systems or workmanship supplied by the intermediate vehicle manufacturer on the incomplete vehicle (other than defects that arise as a result of the intermediate manufacturer's

reliance on any misstatements or inaccuracies in the IVD, or any prior intermediate manufacturer's Addendum, or that results from defects in components, systems, or workmanship provided by the final-stage manufacturer);

(ii) For any work done by the intermediate manufacturer on the incomplete vehicle that was not performed in accordance with the incomplete vehicle document or an Addendum of a prior intermediate manufacturer; and

(iii) For the accuracy of the information in the addendum to the incomplete vehicle document furnished by the intermediate vehicle manufacturer.

(2) Except as provided in paragraphs (f) and (g) of this section, each intermediate manufacturer of an incomplete vehicle shall affix an information label, in a manner that does not obscure the labels applied by previous stage manufacturers, to each incomplete vehicle, which contains the following statements:

(i) Name of intermediate manufacturer, preceded by the words "INTERMEDIATE MANUFACTURE BY" or "INTERMEDIATE MFR BY".

(ii) Month and year in which the intermediate manufacturer performed its last manufacturing operation on the incomplete vehicle. This may be spelled out, as "JUNE 2000", or expressed as numerals, as "6/00". No preface is required.

(iii) "Gross Vehicle Weight Rating" or "GVWR", followed by the appropriate value in kilograms and (pounds), if different from that identified by the incomplete vehicle manufacturer.

(iv) "Gross Axle Weight Rating" or "GAWR" followed by the appropriate value in kilograms and (pounds), if different from that identified by the incomplete vehicle manufacturer.

(d) *Final-stage manufacturers.*

(1) Except as provided in paragraphs (f) and (g) of this section, each final-stage manufacturer of a vehicle manufactured in two or more stages assumes legal responsibility for all duties and liabilities imposed by the Act:

(i) With respect to defects in components, systems or workmanship supplied by the final-stage manufacturer on the incomplete vehicle (other than defects that arise as a result of the final stage manufacturer's reliance on any misstatements or inaccuracies in the IVD, or any intermediate manufacturer's Addendum); and

(ii) For any work done by the final-stage manufacturer to complete the vehicle that was not performed in

accordance with instructions contained in the incomplete vehicle document or any Addendum furnished pursuant to 49 CFR part 568.

(2) Except as provided in paragraphs (f) and (g) of this section, each final-stage manufacturer shall affix a certification label to each vehicle, in a manner that does not obscure the labels applied by previous stage manufacturers, and that contains the following statements:

(i) Name of final-stage manufacturer, preceded by the words "MANUFACTURED BY" or "MFD BY".

(ii) Month and year in which final-stage manufacture is completed. This may be spelled out, as in "JUNE 2000", or expressed in numerals, as in "6/00". No preface is required.

(iii) "Gross Vehicle Weight Rating" or "GVWR" followed by the appropriate value in kilograms and (pounds), which shall not be less than the sum of the unloaded vehicle weight, rated cargo load, and 150 pounds times the number of the vehicle's designated seating positions. However, for school buses the minimum occupant weight allowance shall be 120 pounds per passenger and 150 pounds for the driver.

(iv) "GROSS AXLE WEIGHT RATING" or "GAWR", followed by the appropriate value in kilograms and (pounds) for each axle, identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear). The ratings for any consecutive axles having identical gross axle weight ratings when equipped with tires having the same tire size designation may be stated as a single value, with the label indicating to which axles the ratings apply.

Examples of combined ratings:

(a) All axles-4080 with LT265/75R-16D tires;

(b) Front-12,000 with LT245/75R-20G tires. First intermediate to rear-15,000 with LT215/85R-20H tires.

(v)(A) One of the following alternative certification statements:

(1) "This vehicle conforms to all applicable Federal Motor Vehicle Safety Standards, [and Bumper and Theft Prevention Standards, if applicable] in effect in (month, year)."

(2) "This vehicle has been completed in accordance with the prior manufacturers' instructions, where applicable. This vehicle conforms to all applicable Federal Motor Vehicle Safety Standards, [and Bumper and Theft Prevention Standards, if applicable] in effect in (month, year)."

(3) "This vehicle has been completed in accordance with the prior manufacturers' instructions, where

applicable, except for [insert FMVSS(s)]. This vehicle conforms to all applicable Federal Motor Vehicle Safety Standards, [and Bumper and Theft Standards if applicable] in effect in (month, year)."

(B) The date shown in the statement required in paragraph (d)(2)(v)(A) of this section shall not be earlier than the manufacturing date provided by the incomplete or intermediate stage manufacturer and not later than the date of completion of the final stage manufacture.

(C) Notwithstanding the certification statements in paragraph (d)(2)(v)(A) of this section, the legal responsibilities and liabilities imposed by the Act shall be allocated among the vehicle manufacturers as provided in § 567.5(b)(1), (c)(1), and (d)(1), and 49 CFR 568.4(a)(9).

(vi) Vehicle identification number.

(vii) The type classification of the vehicle as defined in 49 CFR 571.3 (e.g., truck, MPV, bus, trailer).

(e) More than one set of figures for GVWR and GAWR, and one or more tire sizes, may be listed in satisfaction of the requirements of paragraphs (d)(2)(iii) and (iv) of this section, as provided in § 567.4(h).

(f) If an incomplete vehicle manufacturer assumes legal responsibility for all duties and liabilities imposed by the Act, with respect to the vehicle as finally manufactured, the incomplete vehicle manufacturer shall ensure that a label is affixed to the final vehicle in conformity with paragraph (d) of this section, except that the name of the incomplete vehicle manufacturer shall appear instead of the name of the final-stage manufacturer after the words "MANUFACTURED BY" or "MFD BY" required by paragraph (d)(2)(i) of this section.

(g) If an intermediate manufacturer of a vehicle assumes legal responsibility for all duties and liabilities imposed on manufacturers by the Act, with respect to the vehicle as finally manufactured, the intermediate manufacturer shall ensure that a label is affixed to the final vehicle in conformity with paragraph (d) of this section, except that the name of the intermediate manufacturer shall appear instead of the name of the final-stage manufacturer after the words "MANUFACTURED BY" or "MFD BY" required by paragraph (f) of this section.

(h) Upon request of NHTSA or the previous-stage manufacturer, an intermediate or final-stage manufacturer shall provide the previous-stage manufacturer with all customer information necessary for the previous-stage manufacturer to fulfill its legal

responsibilities under 49 CFR parts 573 and 577.

§ 567.6 Requirements for persons who alter certified vehicles.

(a) With respect to the vehicle alterations it performs, a vehicle alterer:

(1) Has a duty to determine continued conformity of the altered vehicle with applicable Safety, Bumper and Theft Prevention Standards, and

(2) Assumes legal responsibility for all duties and liabilities imposed by the Act.

(b) The vehicle manufacturer's certification label and any information labels shall remain affixed to the vehicle and the alterer shall affix to the vehicle an additional label in the manner and location specified in § 567.4, in a manner that does not obscure any previously applied labels, and containing the following information:

(1) The statement: "This vehicle was altered by (individual or corporate name) in (month and year in which alterations were completed) and as altered it conforms to all applicable Federal Motor Vehicle Safety, Bumper and Theft Prevention Standards affected by the alteration and in effect in (month, year)." The second date shall be no earlier than the final manufacturing date of the certified vehicle, and no later than the date alterations were completed.

(2) If the gross vehicle weight rating or any of the gross axle weight ratings of the vehicle as altered are different from those shown on the original certification label, the modified values shall be provided in the form specified in § 567.4(g)(3) and (4).

(3) If the vehicle as altered has a different type classification from that shown on the original certification label, the type as modified shall be provided.

5-6. Part 568 would be revised to read as follows:

PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES—ALL INCOMPLETE, INTERMEDIATE AND FINAL STAGE MANUFACTURERS OF VEHICLES MANUFACTURED IN TWO OR MORE STAGES

Sec.	
568.1	Purpose and scope.
568.2	Application.
568.3	Definitions.
568.4	Requirements for incomplete vehicle manufacturers.
568.5	Requirements for intermediate manufacturers.
568.6	Requirements for final-stage manufacturers.
568.7	Requirements for manufacturers who assume legal responsibility for a vehicle.

Authority: 49 U.S.C. 30111, 30115, 30117, 30166 delegation of authority at 49 CFR 1.50.

§ 568.1 Purpose and scope.

The purpose of this part is to prescribe the method by which manufacturers of vehicles manufactured in two or more stages shall ensure conformity of those vehicles with the Federal motor vehicle safety standards ("standards") and other regulations issued under the National Traffic and Motor Vehicle Safety Act. (49 U.S.C. 30115)

§ 568.2 Application.

This part applies to incomplete vehicle manufacturers, intermediate manufacturers, and final-stage manufacturers of vehicles manufactured in two or more stages.

§ 568.3 Definitions.

All terms that are defined in the Act and the rules and standards issued under its authority are used as defined therein. The term "bumper" has the meaning assigned to it in title I of the Cost Savings Act and the rules and standards issued under its authority. The definitions contained in 49 CFR part 567 apply to this part.

§ 568.4 Requirements for incomplete vehicle manufacturers.

(a) The incomplete vehicle manufacturer shall furnish for each incomplete vehicle, at or before the time of delivery, an incomplete vehicle document or IVD that contains the following statements, in the order shown, and all other information required by this part to be included therein:

(1) Name and mailing address of the incomplete vehicle manufacturer.

(2) Month and year during which the incomplete vehicle manufacturer performed its last manufacturing operation on the incomplete vehicle.

(3) Identification of the incomplete vehicle(s) to which the document applies. The identification shall be by vehicle identification number (VIN) or groups of VINs to ascertain positively that a document applies to a particular incomplete vehicle after the document has been removed from the vehicle.

(4) Gross vehicle weight rating (GVWR) of the completed vehicle for which the incomplete vehicle is intended.

(5) Gross axle weight rating (GAWR) for each axle of the completed vehicle, listed and identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear). The ratings for any consecutive axles having identical gross axle weight ratings when equipped with tires having the same tire

size designation may, at the option of the incomplete vehicle manufacturer, be stated as a single value, with the label indicating to which axles the ratings apply.

Examples of combined ratings:

(a) All axles-4080 with LT265/75R-16D tires;

(b) Front-12,000 with LT245/75R-20G tires.

First intermediate to rear-15,000 with LT215/85R-20H tires.

(6) Listing of the vehicle types as defined in 49 CFR 571.3 (e.g., truck, MPV, bus, trailer) into which the incomplete vehicle may appropriately be manufactured.

(7) Listing, by number, of each standard, in effect at the time of manufacture of the incomplete vehicle, that applies to any of the vehicle types listed in paragraph (a)(6) of this section, followed in each case by one of the following three types of statement, as applicable:

(i) Type 1—A statement that the vehicle when completed will conform to the standard if no alterations are made in identified components of the incomplete vehicle.

Example: 104—This vehicle when completed will conform to FMVSS No. 104, Windshield Wiping and Washing Systems, if no alterations are made in the windshield wiper components.

(ii) Type 2—A statement of specific conditions of final manufacture under which the manufacturer specifies that the completed vehicle will conform to the standard.

Example: 121—This vehicle when completed will conform to FMVSS No. 121, Air Brake Systems, if it does not exceed any of the gross axle weight ratings, if the center of gravity at GVWR is not higher than nine feet above the ground, and if no alterations are made in any brake system component.

(iii) Type 3—A statement that conformity with the standard cannot be determined based upon the components supplied on the incomplete vehicle, and that the incomplete vehicle manufacturer makes no representation as to conformity with the standard.

(8) Each document shall contain a table of contents or chart summarizing all the standards applicable to the vehicle pursuant to 49 CFR 568.4(a)(7).

(9) A certification that the statements contained in the incomplete vehicle document are accurate as of the date of manufacture of the incomplete vehicle and can be used and relied on by any intermediate and/or final-stage manufacturer as a basis for certification.

(b) To the extent the IVD expressly incorporates by reference body builder

or other design and engineering guidance (Reference Material), the incomplete vehicle manufacturer shall make such Reference Material readily available to subsequent manufacturers. Reference Materials incorporated by reference in the IVD shall be deemed to be part of the IVD.

(c) The IVD shall be attached to the incomplete vehicle in such a manner that it will not be inadvertently detached, or alternatively, it may be sent directly to a final-stage manufacturer, intermediate manufacturer or purchaser for purposes other than resale to whom the incomplete vehicle is delivered. The Reference Material in paragraph (b) of this section need not be attached to each vehicle.

§ 568.5 Requirements for intermediate manufacturers.

Each intermediate manufacturer of an incomplete vehicle shall furnish to the final stage manufacturer the document required by 49 CFR 568.4 in the manner specified in that section. If any of the changes in the vehicle made by the intermediate manufacturer affect the validity of the statements in the IVD, it shall furnish an addendum to the IVD that contains its name and mailing address and an indication of all changes that should be made in the IVD to reflect changes that it made to the vehicle. The addendum shall contain a certification by the intermediate manufacturer that the statements contained in the addendum are accurate as of the date of manufacture by the intermediate manufacturer and can be used and relied on by any subsequent intermediate manufacturer(s) and the final-stage manufacturer as a basis for certification.

§ 568.6 Requirements for final-stage manufacturers.

Each final-stage manufacturer shall complete the vehicle in such a manner that it conforms to the applicable standards in effect on the date of manufacture of the incomplete vehicle, the date of final completion, or a date between those two dates. This requirement shall, however, be superseded by any conflicting provisions of a standard that applies by its terms to vehicles manufactured in two or more stages.

§ 568.7 Requirements for manufacturers who assume legal responsibility for a vehicle.

(a) If an incomplete vehicle manufacturer assumes legal responsibility for all duties and liabilities imposed on manufacturers by the National Traffic and Motor Vehicle Safety Act (49 U.S.C. chapter 301)

(hereafter referred to as the Act), with respect to a vehicle as finally manufactured, the requirements of §§ 568.4, 568.5 and 568.6(b) do not apply to that vehicle. In such a case, the incomplete vehicle manufacturer shall ensure that a label is affixed to the final vehicle in conformity with 49 CFR 567.5(f).

(b) If an intermediate manufacturer of a vehicle assumes legal responsibility for all duties and liabilities imposed on manufacturers by the Act, with respect to the vehicle as finally manufactured, §§ 568.5 and 568.6(b) do not apply to that vehicle. In such a case, the manufacturer assuming responsibility shall ensure that a label is affixed to the final vehicle in conformity with 49 CFR 567.5(g). The assumption of responsibility by an intermediate manufacturer does not, however, change the requirements for incomplete vehicle manufacturers in § 568.4.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

7. The authority citation for part 571 of title 49 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30166 delegation of authority at 49 CFR 1.50.

8. Section 571.8 would be revised to read as follows:

§ 571.8 Effective date.

(a) *Firefighting vehicles.* Notwithstanding the effective date provisions of the motor vehicle safety standards in this part, the effective date of any standard or amendment of a standard issued after September 1, 1971, to which firefighting vehicles must conform shall be, with respect to such vehicles, either 2 years after the date on which such standard or amendment is published in the rules and regulations section of the **Federal Register**, or the effective date specified in the notice, whichever is later, except as such standard or amendment may otherwise specifically provide with respect to firefighting vehicles.

(b) *Vehicles built in two or more stages and altered vehicles.* Unless Congress directs or the agency expressly determines that provisions of this paragraph shall not apply, the date for manufacturer certification of compliance with any standard or amendment to a standard that is published in the rules and regulations section of the **Federal Register** on or after [date to be determined in final rule] shall be, insofar as its application to intermediate and final-stage manufacturers and alterers, one year

after the last applicable date for manufacturer certification of compliance provided in the standard. Nothing in this provision shall be construed as prohibiting earlier compliance with the standard or precluding NHTSA from allowing or extending a compliance effective date for intermediate and final-stage manufacturers and alterers by more than one year.

PART 573—DEFECT AND NONCOMPLIANCE RESPONSIBILITY AND REPORTS

9. The authority citation for part 573 of title 49 would continue to read as follows:

Authority: 49 U.S.C. 30102–103, 30112, 30117–121, 30166–167; delegation of authority at 49 CFR 1.50.

10. Section 573.5 would be revised to read as follows:

§ 573.5 Defect and noncompliance responsibility.

(a) Each manufacturer of a motor vehicle shall be responsible for any safety-related defect or any noncompliance determined to exist in the vehicle or in any item of original equipment.

(b) Each manufacturer of an item of replacement equipment shall be responsible for any safety-related defect or any noncompliance determined to exist in the equipment.

(c) In the event of a safety-related defect or noncompliance in a motor vehicle or item of original equipment in a motor vehicle manufactured in two or more stages, should the manufacturers or NHTSA be unable to determine or agree which manufacturer is responsible for the safety-related defect or noncompliance, NHTSA shall determine which manufacturer is in the best position to conduct a notification and remedy campaign, pursuant to 49 CFR part 577. Such determination shall be nonreviewable.

Nothing in this section shall otherwise waive or alter any rights of a manufacturer to challenge the existence of a safety-related defect or noncompliance. Nor shall NHTSA's determination constitute a determination of actual fault by the party conducting the notification and remedy campaign.

Issued: June 16, 2004.

Stephen R. Kratzke,
Associate Administrator for Rulemaking.
[FR Doc. 04–14564 Filed 6–25–04; 8:45 am]

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Notices

Federal Register

Vol. 69, No. 123

Monday, June 28, 2004

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

Food Safety and Inspection Service

[Docket No. 04-010N]

Notice of Request for a Revision of a Currently Approved Information Collection (Marking, Labeling, and Packaging)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, this notice announces the Food Safety and Inspection Service's (FSIS) intention to request a revision to a currently approved information collection regarding Marking, Labeling, and Packaging.

DATES: Comments on this notice must be received on or before August 27, 2004.

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

- Mail, including floppy disks or CD-ROM's, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex, Washington, DC 20250.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions at that site for submitting comments.

All submissions received must include the Agency name and docket number 04-010N.

All comments submitted in response to this notice, as well as research and background information used by FSIS in developing this document, will be available for public inspection in the

FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The comments also will be posted on the Agency's Web site at <http://www.fsis.usda.gov/OPPDE/rdad/FRDockets.htm>.

FOR FURTHER INFORMATION CONTACT: John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 300 12th Street, SW., Room 112, Washington, DC 20250-3700, (202) 720-0345.

SUPPLEMENTARY INFORMATION:

Title: Marking, Labeling, and Packaging.

OMB Number: 0583-0092.

Expiration Date of Approval: 9/30/2004.

Type of Request: Revision of a currently approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS is requesting a revision to the information collection addressing paperwork and recordkeeping requirements regarding marking, labeling, and packaging because of an anticipated decrease of information collection burden hours due to a decrease in the submission of new labels. To ensure that meat, poultry, and egg products are accurately labeled, FSIS approves meat, poultry, and egg products labeling. Meat, poultry, and egg products establishments and plants must develop product labels (9 CFR 317.4, 381.132 & 590.411) in accordance with FSIS regulations. Each establishment must maintain a copy of all labeling used, along with all records of product formulation and processing procedures.

Approved labeling to which minor changes are made, such as holiday season designs, addition or deletion of coupons, UPC production codes, or recipe suggestions; newly assigned or revised establishment numbers; changes in the arrangement or language of

directions for opening containers or serving the product; or the substitution of abbreviations for words or vice versa, do not need an additional FSIS approval (§§ 317.5 & 381.133).

FSIS requires establishments to have a written guaranty that packaging materials are safe for intended use within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act, as amended (§§ 317.24 & 381.144).

To control the manufacture of marking devices bearing official marks, FSIS requires official meat and poultry establishments and the manufacturers of such marking devices to submit a form to the Agency. The establishment completes the first part of the form requesting that certain brands or other devices be manufactured. The manufacturer of the brands then provides its business name and address, and serial numbers of brands and devices. Such certification is necessary to help prevent the manufacture and use of counterfeit marks of inspection (§§ 312.1 & 381.96).

Poultry establishments producing meat using advanced meat/bone separation machinery and recovery systems must have adequate controls in place, including the maintenance of proper recordkeeping, to ensure that such product complies with the Agency's definition and criteria for "meat" (§§ 381.172 & 381.173).

Estimate of Burden: The public reporting burden for this collection of information is estimated to average .03 hours per response.

Respondents: Official establishments and plants; foreign establishments; device manufacturer.

Estimated Number of Respondents: 16,720.

Estimated Number of Responses per Respondent: 202.

Estimated Total Annual Burden on Respondents: 114,558. Copies of this information collection assessment can be obtained from John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 300 12th Street, SW., Room 112, Washington, DC 20250-3700, (202) 720-5627, (202) 720-0345.

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

of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both John O'Connell, Paperwork Reduction Act Coordinator, at the address provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

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

The Regulations.gov Web site is the central online rulemaking portal of the United States government. It is being offered as a public service to increase participation in the Federal government's regulatory activities. FSIS participates in Regulations.gov and will accept comments on documents published on the site. The site allows visitors to search by keyword or Department or Agency for rulemakings that allow for public comment. Each entry provides a quick link to a comment form so that visitors can type in their comments and submit them to FSIS. The Web site is located at <http://www.regulations.gov>.

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

The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

Done at Washington, DC, on June 23, 2004.

Barbara J. Masters,

Acting Administrator.

[FR Doc. 04-14582 Filed 6-25-04; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Forest Service

Northwest Sacramento Provincial Advisory Committee (SAC PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Northwest Sacramento Provincial Advisory Committee (PAC) will meet on July 29, 2004, at Redding, California. The purpose of the meeting is to discuss issues relating to implementing the Northwest Forest Plan.

DATES: The meeting will be held on July 29, 2004.

LOCATION: The meeting will be held in the Trinity Conference Room at the USDA Service Center at 3644 Avtech Parkway, Redding, CA.

FOR FURTHER INFORMATION CONTACT: Julie Nelson, Committee Coordinator, USDA, Shasta-Trinity National Forest, 3644 Avtech Parkway, Redding, CA, 96002 (530) 226-2429; or by e-mail: jknelson@fs.fed.us.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Opportunity will be provided for public input and individuals will have the opportunity to address the Committee at that time.

Dated: June 18, 2004.

J. Sharon Heywood,

Forest Supervisor.

[FR Doc. 04-14565 Filed 6-25-04; 8:45 am]

BILLING CODE 3410-FK-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Subcommittees of Each Advisory Committee in the Western Region

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference call of the subcommittees of each Advisory Committee in the Western Region

(Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas and Washington) will convene at 1 p.m. (PDT) and adjourn at 2:30 p.m., Friday, June 25, 2004. The purpose of the conference call is to discuss regional civil rights issues and update information. This conference call is available to the public through the following call-in number: 1-800-659-8292, access code number 24372798. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls not initiated using the provided call-in number or over wireless lines and the Commission will not refund any incurred charges. Callers will incur no charge for calls using the call-in number over land-line connections. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and access code.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting Thomas Pilla of the Western Regional Office, (213) 894-3437, by 3 p.m. on Thursday, June 24, 2004.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 14, 2004.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 04-14589 Filed 6-25-04; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-813]

Final Results of Antidumping Duty Changed Circumstances Review: Canned Pineapple Fruit From Thailand

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

ACTION: Notice of Final Results of Antidumping Duty Changed Circumstances Review.

SUMMARY: The Department of Commerce (the Department) has determined that Tipco Foods (Thailand) Public Co., Ltd. (Tipco Foods) is the successor-in-interest to The Thai Pineapple Public Co., Ltd (TIPCO) and, as such, is entitled to TIPCO's cash deposit rate with respect to entries of subject merchandise.

EFFECTIVE DATE: June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Kristina Boughton or Charles Riggle at (202) 482-8173 or (202) 482-0650, respectively; AD/CVD Enforcement Office 5, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 26, 2004, Tipco Foods requested that the Department initiate a changed circumstances review to confirm that Tipco Foods is the successor-in-interest to TIPCO for purposes of determining antidumping duty liabilities. This name change is relevant to the ongoing 2002-2003 administrative review of the antidumping duty order on canned pineapple fruit (CPF) from Thailand because the Department has issued a preliminary determination to revoke the order with respect to this company. See Notice of Preliminary Results and Preliminary Determination To Revoke Order in Part: Canned Pineapple Fruit From Thailand, 69 FR 18524 (April 8, 2004).

On June 1, 2004, the Department published the Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Canned Pineapple Fruit from Thailand (69 FR 30878) (Preliminary Results). Interested parties were given an opportunity to comment on the preliminary results, and we received no comments. Therefore, the final results do not differ from the preliminary results of review.

Scope of the Review

The product covered by this order is CPF, defined as pineapple processed and/or prepared into various product forms, including rings, pieces, chunks, tidbits, and crushed pineapple, that is packed and cooked in metal cans with either pineapple juice or sugar syrup added. CPF is currently classifiable under subheadings 2008.20.0010 and 2008.20.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS 2008.20.0010 covers CPF packed in a sugar-based syrup; HTSUS 2008.20.0090 covers CPF packed without added sugar (*i.e.*, juice-packed). Although these HTSUS subheadings are provided for convenience and for customs purposes, the written description of the scope is dispositive.

Final Results of Changed Circumstances Review

We find that Tipco Foods is the successor-in-interest to TIPCO and, as

such, is entitled to TIPCO's cash deposit rate with respect to entries of subject merchandise. For a complete discussion of the basis of this decision, see the Preliminary Results. Because we received no comments, we have adopted the same position in these final results.

Effective as of the date of these final results, we will instruct U.S. Customs and Border Protection to assign Tipco Foods the zero percent antidumping duty cash deposit rate applicable to TIPCO. The cash deposit determination from this changed circumstances review will apply to all shipments of the subject merchandise 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 deposit rate shall remain in effect until publication of the final results of the eighth administrative review of CPF from Thailand.

Notification

This notice serves as a final reminder to parties to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(5). Failure to timely notify the Department in writing of the return/destruction of APO material is a sanctionable violation. We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(I)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 19 CFR 351.221(c)(3).

Dated: June 21, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04-14621 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration]

[A-570-831]

Fresh Garlic from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review for Linyi Sanshan Import & Export Trading Co., Ltd.

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

SUMMARY: On May 3, 2004, the Department of Commerce published the

preliminary results of the new shipper reviews of the antidumping duty order on fresh garlic from the People's Republic of China covering six producers/exporters of subject merchandise. The period of review is November 1, 2002, through April 30, 2003. This notice pertains solely to the final results of review for Linyi Sanshan Import & Export Trading Co., Ltd. The notice of final results of review applicable to the other five producers/exporters is due July 26, 2004.

We gave interested parties an opportunity to comment on the preliminary results of the new shipper reviews but received no comments with respect to Linyi Sanshan. Therefore, these final results of review have not changed from that presented in the preliminary results of review, in which we applied total adverse facts available. The final dumping margin for Linyi Sanshan is listed in the "Final Results of New Shipper Review" section below.

EFFECTIVE DATE: June 28, 2004.

FOR FURTHER INFORMATION CONTACT:

Brian Ellman or Minoo Hatten, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 4203, Washington, DC 20230; telephone (202) 482-4852 or (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products subject to the antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay.

The scope of this order does not include the following: (a) garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non-fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed.

The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0010, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9700 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are

provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive. In order to be excluded from the antidumping duty order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non-fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to U.S. Customs and Border Protection (CBP) to that effect.

Background

The Department of Commerce (the Department) is conducting this review of Linyi Sanshan Import & Export Trading Co., Ltd. (Linyi Sanshan) in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act). On May 3, 2004, the Department published the preliminary results of the new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) with respect to Linyi Sanshan. See *Fresh Garlic from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Reviews*, 69 FR 24123 (*Preliminary Results*). We invited parties to comment on the *Preliminary Results* but received no comments with respect to Linyi Sanshan. Therefore, we have determined that no changes to the preliminary results are warranted for these final results.

Separate Rates

In the *Preliminary Results* we determined that Linyi Sanshan did not qualify for a separate rate and is deemed to be covered by the PRC-wide rate. See *Preliminary Results*, 69 FR 24125. We have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsideration of this determination.

The PRC-Wide Rate and Use of Facts Otherwise Available

The information Linyi Sanshan submitted for this new shipper review could not be verified because the company chose not to participate in the verification. Linyi Sanshan's decision not to participate in the verification prevented the Department from checking the accuracy of the information that it submitted; therefore, the Department considers Linyi Sanshan to have hindered the calculation of an accurate dumping margin and impeded the proceeding. Accordingly, as adverse facts available pursuant to sections 776(a)(2)(C) and (D)

and 776(b) of the Act and reflecting the determination that Linyi Sanshan is not eligible for a separate rate, we have assigned the PRC-wide rate of 376.67 percent to Linyi Sanshan. For detailed information on the Department's corroboration of this rate see the *Preliminary Results* at 24125.

We have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsideration of this determination.

Final Results of New Shipper Review

We find that a dumping margin of 376.67 percent exists for the period November 1, 2002, through April 30, 2003, for shipments of fresh garlic from the PRC grown and exported by Linyi Sanshan Import & Export Trading Co., Ltd., as part of the PRC entity.

Assessment Rates and Cash-Deposit Requirements

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. We will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

The following cash-deposit requirements will be effective upon publication of these final results of new shipper review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by Linyi Sanshan Import & Export Trading Co., Ltd., the cash-deposit rate will be the PRC-countrywide rate, which is 376.67 percent; (2) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash-deposit rate will be the PRC-countrywide rate which is 376.67 percent; and (3) for all non-PRC exporters of subject merchandise, the cash-deposit rate will be the rate applicable to the PRC exporter which supplied that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification to Interested Parties

Bonding is no longer permitted to fulfill security requirements for shipments from Linyi Sanshan of fresh garlic from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this notice in the **Federal Register**.

This notice serves as a final reminder to importers covered by this

determination of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing the final results of this new shipper review in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214(i)(1).

Dated: June 22, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04-14619 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-820]

Certain Hot-Rolled Carbon Steel Flat Products From India: Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On December 23, 2003, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products (HRS) From India. The review covers HRS exported to the United States by Essar Steel Co., Ltd. (Essar) during the period May 3, 2001, through November 30, 2002. Based on our analysis of the comments received, we have made changes in the margin calculation. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Kevin Williams or Howard Smith, AD/CVD Enforcement, Office IV, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230;

telephone: (202) 482-2371 or (202) 482-5193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 23, 2003, the Department published in the **Federal Register** the preliminary results of this administrative review of the antidumping duty order on HRS from India. See *Certain Hot-Rolled Carbon Steel Flat Products From India: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review*, 68 FR 74209 (December 23, 2003).

In response to the Department's invitation to comment on the preliminary results of this review, we received written comments on January 22 and 23, 2004, from petitioners¹ and the respondent. On January 29, 2004, we received rebuttal comments from petitioners and the respondent. The Department received a request for a public hearing from Nucor which was later withdrawn; therefore no public hearing was held. On April 27, 2004, the Department extended the deadline for the final results until June 20, 2004. See *Certain Hot-Rolled Carbon Steel Flat Products From India: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review*, 69 FR 22761 (April 27, 2004).

The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

The products covered by the antidumping duty order are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of the order.

Specifically included within the scope of the order are vacuum degassed, fully stabilized (commonly referred to as

interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium

All products that meet the physical and chemical description provided above are within the scope of the order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of the order:

Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).

Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.

Ball bearing steels, as defined in the HTSUS.

Tool steels, as defined in the HTSUS. Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.

ASTM specifications A710 and A736.

USS abrasion-resistant steels (USS AR 400, USS AR 500).

All products (proprietary or otherwise) based on an alloy ASTM

specification (sample specifications: ASTM A506, A507).

Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to the order is currently classifiable in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by the order, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to review is dispositive.

Period of Review

The period of review (POR) is May 3, 2001, through November 30, 2002.

Analysis of Comments Received

All issues raised in the case briefs submitted by Essar and petitioners are contained in the *Issues and Decision Memorandum* from Jeffery A. May, Deputy Assistant Secretary, to James J. Jochum, Assistant Secretary for Import Administration (*Issues and Decision Memorandum*). The *Issues and Decision Memorandum* is dated concurrently with this notice and hereby adopted by this notice. A list of the issues which the parties have raised is attached to this notice as an appendix. Parties can find a complete discussion of all issues

¹ Petitioners in this case are United States Steel Corporation and Nucor Corporation.

raised in this administrative review, and the corresponding recommendations, in the *Issues and Decision Memorandum* which is on file in the Central Records Unit, room B-099 of the main Department of Commerce building. In addition, a complete version of the *Issues and Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we made the following changes in the comparison and margin calculation programs.

1. We increased Essar's cost of manufacturing by the amount of power costs deferred during the POR.
2. We increased Essar's export price by the amount of the countervailing duty imposed to offset the export subsidy found in the companion final results of the countervailing duty review of HRS. *See Final Results of Countervailing Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from India* 69 FR 26549 (May 13, 2004).
3. We corrected ministerial errors related to the major input rule and commission offset.

Final Results of Review

Exporter/manufacturer	Margin (percent)
Essar Steel Co., Ltd	0.00

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be zero; (2) for previously investigated or reviewed companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the "all

others" rate of 38.72 percent, which is the "all others" rate established in the LTFV investigation.² *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From India* 66 FR 60194 (December 3, 2001). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Assessment

The Department will determine, and CBP will assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results. The Department will issue assessment instructions directly to CBP within 15 days of publication of these final results of review. The Department will direct CBP to assess the resulting assessment rate against the entered customs values of the subject merchandise on each of the importer's entries during the review period.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties or countervailing duties occurred and the subsequent increase in antidumping duties by the full amount of the antidumping and/or countervailing duties reimbursed.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations

² The "all others" cash deposit rate, applied by U.S. Customs and Border Protection (CBP), is reduced to account for the export subsidy rate found in the countervailing duty investigation. The adjusted "all others" rate is 23.87 percent.

and terms of an APO is a violation which is subject to sanction.

We are issuing the review results and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 21, 2004.

James J. Jochum,
Assistant Secretary for Import Administration.

Appendix—Issues in Decision Memorandum

Comment 1: Whether the Department Should Base Essar's Dumping Margin on Total Adverse Facts Available.

Comment 2: Whether the Adverse Inferences Made With Respect to Essar in the Preliminary Results of Review are Sufficiently Adverse.

Comment 3: Whether Essar Under-Reported its Interest Expense.

Comment 4: Whether the Department Should Increase Essar's U.S. Price by the Amount of Duty Drawback Claimed.

Comment 5: Whether Essar Under-Reported its Electricity Expense.

Comment 6: Ministerial Errors.

[FR Doc. 04-14620 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-001]

Sorbitol from France: Final Results of Expedited Sunset Review of Antidumping Duty Order

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

ACTION: Notice of Final Results of the Second Expedited Sunset Review of Antidumping Duty Order on Sorbitol from France.

SUMMARY: On February 2, 2004, the Department of Commerce ("the Department") published the notice of initiation of the second sunset review of the antidumping duty order on sorbitol from France (69 FR 4921) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of the notice of intent to participate and adequate substantive comments filed on behalf of domestic interested parties and inadequate response from respondent interested parties, we determined to conduct an expedited (120-day) sunset review. As a result of this review, we find that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: June 28, 2004.

FOR FURTHER INFORMATION CONTACT:

Hilary E. Sadler, Esq., Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Room 2837, Washington, DC, 20230; telephone: (202) 482-4340.

SUPPLEMENTARY INFORMATION:**Background**

On February 2, 2004, the Department published the notice of initiation of the second sunset review of the antidumping duty order on sorbitol from France pursuant to section 751(c) of the Act.¹ The Department received the Notice of Intent to Participate on behalf of SPI Polyols, Inc. ("SPI"), Archer Daniels Midland Company ("ADM"), and Roquette America ("RA"), the domestic interested parties, within the deadline specified in section 351.218(d)(1)(I) of the *Department's Regulations* ("Sunset Regulations"). ADM and SPI claimed interested party status under section 771(9)(C) of the Act, as domestic producers of sorbitol. RA claimed interested party status as a domestic producer and as an importer of the subject merchandise. We received a complete substantive responses from all domestic interested parties within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i).

We received a substantive response from one respondent interested party, Amylum France SAS ("Amylum"), in this proceeding. Amylum's response accounted for less than 50 percent of the exports of sorbitol from France to the United States.² As a result, pursuant to section 751(c)(5)(A) of the Act and 19 CFR 351.218(e)(2)(i), the Department conducted an expedited (120-day) sunset review of this finding.

Scope of Review

The products covered in this order are shipments of crystalline sorbitol ("sorbitol"), a polyol produced by the hydrogenation of sugars (glucose), used in the production of sugarless gum, candy, groceries, and pharmaceuticals. The above-described sorbitol is classified under HTS subheading 2905.44.00. The HTS subheadings are provided for convenience and for customs purposes. The written description remains dispositive.

¹ *Initiation of Five-Year (Sunset) Reviews*, 69 FR 4921 (February 2, 2004).

² Memorandum to Ronald K. Lorentzen, *Sunset Review of Sorbitol from France: Adequacy of Respondent Interested Party Response to the Notice of Initiation* (March 16, 2004).

Analysis of Comments Received

All issues raised in this case are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, dated June 15, 2004, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the finding were to be revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in room B-099 of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading "June 2004." The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty finding on sorbitol from France would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/Exporters/Producers	Weighted-Average Margin Percent
Roquette Freres	2.9
All Others	2.9

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 22, 2004.

James J. Jochum,
Assistant Secretary for Import Administration.

[FR Doc. 04-14618 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE**National Institute of Standards and Technology****Judges Panel of the Malcolm Baldrige National Quality Award**

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet Thursday, July 29, 2004. The Judges Panel is composed of nine members prominent in the field of quality management and appointed by the Secretary of Commerce. The purpose of this meeting is to review the stage 1 process, consideration for moving applicants forward, review of stage 1 data and selection of applicants for consensus, provide guidance for the Examiners on scoring, summary of feedback to Judges from the 2003 Team Leaders' calls, new Judge mentoring process, evaluation process flowchart enhancements, site visit planning improvements, pre-site visit conference call with Team Leaders, November meeting process, and summary of Improvement Day. The applications under review contain trade secrets and proprietary commercial information submitted to the Government in confidence. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Anyone wishing to attend this meeting must register 48 hours in advance in order to be admitted. Please submit your name, time of arrival, e-mail address and phone number to Virginia Davis no later than Monday, July 26, 2004, and she will provide you with instructions for admittance. Ms. Davis' e-mail address is virginia.davis@nist.gov and her phone number is 301/975-2361.

DATES: The meeting will convene July 29, 2004 at 9 a.m. and adjourn at 4:30 p.m. on July 29, 2004. It is estimated that the closed portion of the meeting will last from 9 a.m. until 1 p.m. and the open portion of the meeting will last from 1 p.m. until 4:30 p.m.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Building 222, Red Training Room, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg,

Maryland 20899, telephone number (301) 975-2361.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 7, 2004, that the meeting of the Judges Panel will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by Section 5(c) of the Government in the Sunshine Act, Public Law 94-409. The meeting, which involves examination of Award applicant data from U.S. companies and a discussion of this data as compared to the Award criteria in order to recommend Award recipients, may be closed to the public in accordance with Section 552b(c)(4) of Title 5, United States Code, because the meetings are likely to disclose trade secrets and commercial or financial information obtained from a person which is privileged or confidential.

Dated: June 18, 2004.

Hratch G. Semerjian,

Acting Director.

[FR Doc. 04-14614 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Weights and Measures Annual Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Announcement of public meeting of the 89th Annual Meeting of the National Conference on Weights and Measures.

SUMMARY: Notice is hereby given that the annual meeting of the National Conference on Weights and Measures will be held July 11 through July 15, 2004, at the Hilton Pittsburgh & Towers Hotel, Pittsburgh, PA. This meeting is open to the public. Meeting registration and hotel information can be found on the NCWM Web site (<http://www.ncwm.net>).

The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the states, counties, and cities of the United States, and private sector representatives. The annual meeting of the Conference brings together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations to discuss subjects that related to the field of weights and

measures technology and administration. Pursuant to (15 U.S.C. 272(b)(6)), the National Institute of Standards and Technology supports the National Conference on Weights and Measures in order to promote uniformity among the States in the complexity of laws, regulations, methods, and testing equipment that comprises regulatory control by the states of commercial weighing and measuring.

DATES: July 11-15, 2004.

ADDRESSES: Conference will be held at Hilton Pittsburgh & Towers Hotel, 600 Commonwealth Place, Gateway Center, Pittsburgh, PA. Written comments may be submitted to the Chief, NIST Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899-2600, or via e-mail at own@nist.gov.

FOR FURTHER INFORMATION CONTACT:

Henry V. Oppermann, Chief, NIST, Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899-2600. Telephone (301) 975-4004, or e-mail: own@nist.gov.

SUPPLEMENTARY INFORMATION: The National Conference on Weights and Measures (NCWM) has the following topics scheduled for discussion and vote at the Annual Meeting in July. The NCWM Committees may modify their recommendations at the meeting or remove items from voting status based upon comments that are received prior to and during the NCWM Annual Meeting. Additional items will be discussed at the meeting, but are not scheduled for a vote this year. Please see NCWM Publication 16, which is available on the NIST Web site (<http://www.nist.gov/own>) and the NCWM Web site (<http://www.ncwm.net>) for additional information. The following provides a brief description of the voting items. The NCWM Specifications and Tolerances Committee addresses possible changes or additions to NIST Handbook 44, "Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices." The items address commercial weighing and measuring devices that may be used in commercial measurement applications, that is, devices that are normally used to buy from or sell to the general public or used for determining the quantity of product sold among businesses. Issues on the agenda of the NCWM Laws and Regulations Committee relate to NIST Handbook 130, "Uniform Laws and Regulations in the area of legal metrology and engine fuel quality," and

NIST Handbook 133, "Checking the Net Contents of Packaged Goods."

NCWM Specifications and Tolerances Committee

General Code

Item 310-1: This issue addresses the acceptable methods of marking the manufacturer's name, device model number, serial numbers, and other required markings on electronic instruments. The acceptable methods under consideration are permanent markings on the exterior of the device or displaying the information on the display screen of the monitor for a measuring instrument.

Scales Code

Item 320-1: This issue addresses the conditions under which manual weight entries will be permitted when using commercial scales.

Item 320-3: Clarify that the words "Section Capacity" may be abbreviated when marked on scales for which the marking of the section capacity is required. Acceptable abbreviations for "section capacity" are specified.

Item 320-4: Add a statement that weight carts that have mass values accurate within one-third of the tolerance to be applied to the scale under test may be used in the test of the scale.

Item 320-5: The proposal is to clarify that the discrimination test conducted on scales that automatically indicate the applied loads may be tested near zero and near the maximum test load.

Item 320-6: Clarify the requirement that the minimum number of scale divisions for a Class III hopper scale used to weigh grain is 2000 scale divisions.

Belt-Conveyor Scales Code

Item 321-1: Modify the range of indicated flow rates for a belt conveyor scale to be from 20% to 100% rather than from 35% to 98% to align the requirement with International Organization of Legal Metrology (OIML) Recommendation 50 for belt-conveyor scales.

Item 321-2: Modify the test requirements for belt-conveyor scales to require that they be tested over the range of flow rates at which it may be used, rather than at only one flow rate near its used capacity.

Item 321-3: Modify the statement of how zero stability of a belt-conveyor scale is expressed and establish a tolerance for the stability of zero on a belt-conveyor scale.

Item 321-4: Clarify the limits for the required uniformity of the weight (*i.e.*,

the consistency of the weight) of the belt on a belt-conveyor scale.

Item 321-5: Modify (reduce) the tolerance for the temperature effect on the zero-load indication to be consistent with the latest version of International Organization of Legal Metrology Recommendation 50 for belt-conveyor scales.

Item 321-6: Modify a requirement for the users of belt-conveyor scales that the weighing section of a belt-conveyor scale, and any guards associated with the scale, have adequate clearances to prevent accidental interference with the weighing operation.

Item 321-7: Add a requirement for the users of belt-conveyor scales stating that any material that has been weighed shall not be returned to the weighing area and weighed again to prevent the re-circulation of previously weighed material.

Automatic Weighing Systems Code—Tentative Code

Item 324-1: The Automatic Weighing Systems Code has been a tentative code since 1996. The code applies to scales that are weigh-labelers (both static and dynamic weighing) and automatic checkweighers. The proposal is to change the status of the Automatic Weighing Systems Code to a permanent code.

Liquid-Measuring Devices Code

Item 330-1: To facilitate the reinspection of a meter that has been adjusted, add a requirement for devices that have multiple measuring elements, typically for those measuring elements in retail motor fuel dispensers, to have a way to clearly indicate which of the measuring elements was adjusted. One of several acceptable methods may be used.

Item 330-2: Modify and clarify the acceptable locations for placing the required identification information on retail motor-fuel devices.

Item 330-5: Modify the definition of a retail device to clarify which devices are classified as retail devices rather than as wholesale devices, since some requirements are different for retail and wholesale devices.

Vehicle-Tank Meters Code

Item 331-1: A number of states or local weights and measures jurisdictions permit the use of temperature compensation on vehicle-tank meters used to deliver refined petroleum products (e.g., gasoline, fuel oil, and diesel fuel). Currently, the Vehicle-Tank Meter (VTM) Code does not have any requirements for these metering systems. The proposal is to add a series

of requirements to apply to these systems when meters are equipped with temperature compensation capability. The requirements include specifications for the metering system, instructions for testing these systems, tolerances for the systems, and requirements for the users of these systems. These proposed changes would apply to temperature compensating systems when they are present on VTMs and are consistent with the requirements for temperature compensation in other device codes in Handbook 44. The requirements do not mandate the use of temperature compensation on VTMs.

LPG and Anhydrous Ammonia Liquid-Measuring Devices Code

Item 332-1: Modify the requirement for users of liquefied petroleum meters to clearly indicate that a vapor-return line may be used on trucks and metering systems for wholesale terminal deliveries of liquefied petroleum.

Multiple Dimension Measuring Devices Code—Tentative Code

Item 358-1: These systems are used to determine the weight, dimensions, or volumes of objects for the purpose of calculating freight, storage, or postal charges. To clarify the requirements that must be met by the manufacturers and the users of these devices, the current single table is being divided into two tables. One table contains the requirements applicable to manufacturers and the second contains the requirements applicable to users of the devices.

Item 358-2: Modify how the dimensions are expressed for dimensions above the maximum dimensions that can be measured by the devices.

Item 358-3: Clarify the type of device considered to have two or more measuring elements and define the measurement field for these devices.

Item 358-4: Add guidance regarding the types of objects that may be used to test multiple dimension measuring devices. The accuracy required for the test objects is also specified.

Item 358-5: Clarify the language for how the tolerance for the devices is stated.

Item 358-6: Clarify the parameters for alternating and direct current power supplies over which the devices are required to perform correctly and within tolerance.

Item 358-7: The Multiple Dimension Measuring Devices Code has been a tentative code since 1996. The proposal is to change the status of the Code to a permanent code.

NCWM Laws and Regulations Committee

Item 236-1: Amend the Uniform National Type Evaluation Regulation to recognize the current practice to perform type evaluation of main elements of commercial weighing and measuring devices separately and allow these evaluated main elements to be connected (“mixed and matched”) with other main elements that have been evaluated and found to meet the applicable requirements.

Item 237-2: Amend the uniform “Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation” to include automatic transmission fluid, gear oil, and lubricating oil, and add relevant labeling requirements to this uniform (model) regulation.

Item 237-3: Amend the uniform “Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation” to include requirements for biodiesel products entering the marketplace.

Dated: June 18, 2004.

Hratch G. Semerjian,

Acting Director.

[FR Doc. 04-14615 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-03-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061804D]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability and request for comment.

SUMMARY: NMFS has received an application from the Bonneville Power Administration (BPA) for a direct take permit pursuant to the Endangered Species Act of 1973, as amended (ESA). The permit would authorize take of ESA-listed anadromous fish species associated with monitoring of salmon and steelhead in Nason Creek, a tributary of the Wenatchee River in Washington. The duration of the proposed Permit is 5 years. This notice serves to notify the public of the receipt of the application and to give the public an opportunity to review and comment on the document. All comments received will become part of the public record and will be available for review pursuant to the ESA.

DATES: Written comments from interested parties on the Permit application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 pm Pacific daylight time on July 28, 2004.

ADDRESSES: Written comments on the application should be sent to Kristine Petersen, Salmon Recovery Division, F/NWR1, 525 NE Oregon Street, Suite 510, Portland, OR 97232 or faxed to (503) 872-2737. Comments on this draft EA may be submitted by e-mail. The mailbox address for providing e-mail comments is Nason.nwr@noaa.gov. Include in the subject line the following document identifier: "Nason Creek application". Federal e-rulemaking portal: <http://www.regulations.gov>. The documents are also available on the Internet at www.nwr.noaa.gov/1sustfsh/10permits/. Requests for copies of the permit application should be directed to the Salmon Recovery Division, F/NWR1, 525 NE Oregon Street, Suite 510, Portland, OR 97232. Comments received will also be available for public inspection, by appointment, during normal business hours by calling (503) 230-5409.

FOR FURTHER INFORMATION CONTACT: Kristine Petersen, Portland, OR (ph: (503)230-5409, fax: (503)872-2737, e-mail: kristine.petersen@noaa.gov).

SUPPLEMENTARY INFORMATION: This notice is relevant to the following species and evolutionarily significant units (ESUs):

Steelhead (*Oncorhynchus mykiss*): endangered, naturally produced and artificially propagated Upper Columbia River (UCR).

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, UCR spring-run.

Background

Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species for scientific purposes or to enhance the propagation or survival of the species under section 10(a)(1)(A) of the ESA. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Application Received

On May 20, 2004, the BPA submitted an application to NMFS for an ESA section 10(a)(1)(A) permit for the take of

ESA-listed anadromous fish species associated with monitoring of salmon and steelhead in Nason Creek, a tributary of the Wenatchee River in Washington. The monitoring will enable collection of data to estimate natural and hatchery-origin production and productivity and other life history parameters, as well as to help evaluate the effects of supplementation programs in the Wenatchee River Basin.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a)(1)(A) of the ESA. If it is determined that the requirements are met, a permit will be issued to the BPA for the monitoring actions in Nason Creek. NMFS will publish a record of its final action in the **Federal Register**.

Dated: June 22, 2004.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04-14624 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062104B]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held on July 12-15, 2004.

ADDRESSES: These meetings will be held at the Omni Houston Hotel, 4 Riverway, Houston, TX; telephone: 713-871-8181.

Council address: Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228-2815.

SUPPLEMENTARY INFORMATION:

Council

July 14, 2004

9 a.m.—Convene.

9:15 a.m. – 11:30 a.m.—Receive public testimony on the Reef Fish Amendment 23 (Vermilion Snapper Rebuilding Plan) and Applications for Exempted Fishing Permits (if any).

1 p.m. – 2:15 p.m.—Receive a presentation on the National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) Amendment 2.

2:15 p.m. – 2:45 p.m.—Receive the Shrimp Management Committee report.

2:45 p.m. – 3:30 p.m.—Receive the Joint Reef Fish/Mackerel Management Committee report.

3:30 p.m. – 4:15 p.m.—Receive the Mackerel Management Committee Report.

4:15 p.m. – 5:30 p.m.—(Closed Session) - Receive the report of the Joint Personnel/Administrative Policy Committee.

July 15, 2004

8:30 a.m. – 10:30 a.m.—Receive the Reef Fish Management Committee Report.

10:30 a.m. – 11 a.m.—Receive the report of the Joint Personnel/Administrative Policy Committee.

11 a.m. – 11:15 a.m.—Receive the South Atlantic Fishery Management Council (SAFMC) Liaison report.

11:15 a.m. – 11:30 a.m.—Receive Enforcement Reports.

11:30 a.m. – 11:45 a.m.—Receive the NMFS Regional Administrator's Report.

11:45 a.m. – 12:15 p.m.—Receive Director's Reports.

12:15 p.m. – 12:30 p.m.—Other Business

Committees

July 12, 2004

1 p.m. – 3:30 p.m.—Convene the Shrimp Management Committee to review the public hearing draft of Shrimp Amendment 13 that includes alternatives for setting maximum sustainable yield (MSY), optimum yield (OY), overfishing, overfished definitions for shrimp, and also includes alternatives for evaluating shrimp trawl bycatch. The committee will also receive presentations by NOAA Enforcement on a case study of illegal shrimp trawling in the Gulf and by NMFS on the status of Gulf shrimp stocks.

3:30 p.m. – 5:30 p.m.—Convene the Joint Reef fish/Mackerel Management Committee to review both the public hearing draft of Reef Fish Amendment 24 and Mackerel Amendment 15 that proposes creating a limited access system for both of these fisheries. The joint committee will also review public comments on a Scoping Document for an Amendment for the Extension of the

Charter Vessel/Headboat Permit Moratorium. Finally, the joint committee will discuss problems with implementation of the current moratorium and possible actions.

July 13, 2004

8:30 a.m. to 11:30 a.m.—Convene the Joint Personnel/Administrative Policy Committee in a session closed to the public to revise the Council's Statement of Practices and Procedures (SOPPs) and the Administrative Handbook of Policies and Procedures which regulates personnel.

1 p.m. – 2:30 p.m.—Convene the Mackerel Management Committee to review the Options Paper for Mackerel Amendment 16 and review actions of the Joint South Atlantic/Gulf Council Mackerel Management Committee meeting that was held in June. The committee will receive a presentation on the National Mercury Working Group Report.

2:30 p.m. – 5:30 p.m.—Convene the Reef Fish Management Committee to review public comments and recommend final action on the Final Reef Fish Amendment 23 (vermillion snapper rebuilding plan) that contains alternatives for arresting overfishing of that stock by commercial and recreational fishermen. The committee will also review and revise the Draft Scoping Document for the Red Snapper Individual Fishing Quota (IFQ) System that will be presented at hearings in August. The committee will also receive a report on the status of grouper for 2004 and may take action accordingly.

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, 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 Magnuson-Stevens Act, 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 untimely completion of discussion relevant to other 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 Trish Kennedy at the Council (see ADDRESSES) by July 2, 2004.

Dated: June 22, 2004.

Alan D. Risenhoover,

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

[FR Doc. E4-1413 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062204B]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 3-day Council meeting on July 13-15, 2004, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, July 13, 2004 beginning at 9 a.m. and on Wednesday and Thursday, July 14 and 15, beginning at 8:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207)775-2311.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Tuesday, July 13, 2004

Following introductions, the Council will further discuss improvements to the Council process and alternative approaches to management problems. The Herring Committee, its Plan Development Team and Advisory Panel is then scheduled to report on recommendations for herring fishery specifications for the 2005 fishing year. The Council is scheduled to approve the specifications at this meeting. The day will conclude with possible

reconsideration of the approach adopted to establish limited access qualification criteria now under consideration for inclusion Amendment 1 to the Herring Fishery Management Plan (FMP). The element to be discussed relates only to the proposed criteria that requires vessels to document historical landings from one or more specific management areas.

Wednesday, July 14, 2004

During the Wednesday morning session Council will review issues identified for inclusion in Framework Adjustment 40B to the Northeast Multispecies FMP. It also will receive a report from its Scientific and Statistical Committee (SSC) Chairman with SSC advice how to use stock assessment advice in light of changing assessments and retrospective patterns in fishing mortality and biomass estimates. The afternoon period will include an open public comment period during which the audience may address issues that are relevant to Council business but not listed on the meeting agenda. A report by the Stellwagen Bank National Marine Sanctuary Superintendent will follow and include an update on the sanctuary's management plan review process which is currently underway. The Northeast Fisheries Science Center will provide a update new developments related to its bottom trawl surveys.

Thursday, July 15, 2004

The Habitat/Marine Protected Area Committee will summarize and review comments received during the formal scoping period for Essential Fish Habitat Omnibus Amendment 2. Following this discussion the Council will consider approving goals and objectives for the amendment based on the committee's recommendations. Reports on recent activities will be provided by the Council Chairman and Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the U.S. Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. The last item on the agenda will be a presentation of the advisory report from the 39th Northeast Regional Stock Assessment Workshop (SAW). The briefing will include information on the status of sea scallops and black bass and a discussion of the new SAW stock assessment model. Any other outstanding business will be addressed at the end of the day.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: June 23, 2004.

Alan D. Risenhoover,

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

[FR Doc. E4-1429 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061804A]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring Advisory Panel and Oversight Committee along with the Atlantic States Marine Fisheries Commission (ASMFC) Herring Advisory Panel and Section in July, 2004. Recommendations from these committees will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will held on Monday, July 12, 2004; the Council and ASMFC advisory panels will meet jointly from 9:30 a.m. until 1:30 p.m. and a joint meeting of the Herring Committee and the ASMFC Herring Section will meet from 3 p.m. until 6:30 p.m.

ADDRESSES: The meeting will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775-2311.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: When the Herring Advisory Panels meet from 9:30 a.m. to 1:30 p.m., they will review Herring Plan Development Team (PDT) and ASMFC Technical Committee (TC) analyses of TAC options and other elements of herring fishery specifications for 2005; provide advisory panel recommendation regarding final selection of 2005 specifications. They will also discuss data issues regarding limited access qualification criteria proposed in Amendment 1; develop advisory panel recommendation and discuss other elements of Amendment 1.

When the Herring Oversight Committee and ASMFC Section meet from 3 p.m. to 6:30 p.m., they will review Herring PDT/TC analyses of TAC options and other elements of herring fishery specifications for 2005; review advisory panel recommendations; develop Committee/Section recommendations regarding final selection of 2005 specifications for Council consideration. They will also discuss data issues regarding limited access qualification criteria proposed in Amendment 1; review advisory panel recommendations; develop committee recommendation for Council consideration and discuss other elements of Amendment 1.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: June 23, 2004.

Alan D. Risenhoover,

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

[FR Doc. E4-1430 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-22-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh

June 22, 2004.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.cbp.gov>. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for the recrediting of unused carryforward, swing, and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 69 FR 4926, published on February 2, 2004). Also see 68 FR 59915, published on October 20, 2003.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 22, 2004.

Commissioner,
Bureau of Customs and Border Protection,
Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 14, 2003, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or

manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 2004 and extends through December 31, 2004.

Effective on June 28, 2004, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
237	412,571 dozen.
334	347,327 dozen.
335	482,716 dozen.
336/636	819,469 dozen.
338/339	3,030,502 dozen.
340/640	6,290,063 dozen.
341	4,541,005 dozen.
342/642	905,604 dozen.
347/348	4,541,618 dozen.
351/651	1,432,036 dozen.
352/652	20,344,261 dozen.
363	49,306,807 numbers.
369-S ²	3,294,902 kilograms.
634	1,051,536 dozen.
635	676,904 dozen.
638/639	3,222,691 dozen.
641	1,313,465 dozen.
645/646	738,625 dozen.
647/648	3,277,718 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 2003.

² Category 369-S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 04-14511 Filed 6-25-04; 8:45 am]
BILLING CODE 3510-DR-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in Cambodia

June 22, 2004.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

EFFECTIVE DATE: June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the

Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.cbp.gov>. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 69 FR 4926, published on February 2, 2004). Also see 68 FR 68597, published on December 9, 2003.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 22, 2004.

Commissioner,
Bureau of Customs and Border Protection, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 4, 2003, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Cambodia and exported during the twelve-month period which began on January 1, 2004 and extends through December 31, 2004.

Effective on June 28, 2004, you are directed to adjust the limits for the following categories, as provided for in the agreement between the Governments of the United States and Cambodia:

Category	Adjusted twelve-month limit ¹
331/631	2,483 dozen pairs.
334/634	273,233 dozen.
335/635	104,382 dozen.
338/339	4,295,705 dozen.
340/640	1,274,624 dozen.
345	132,240 dozen.
347/348/647/648	4,590,367 dozen.
352/652	1,030,009 dozen.
435	25,791 dozen.
438	123,914 dozen.
445/446	151,451 dozen.
638/639	1,577,767 dozen.

Category	Adjusted twelve-month limit ¹
645/646	401,104 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 2003.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 04-14513 Filed 6-25-04; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Secretary's Defense Advisory Board (DAB) for Employer Support of the Guard and Reserve (ESGR); Change in Location

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense published an announcement of a meeting of the Secretary's Defense Advisory Board (DAB) for Employer Support of the Guard and Reserve on June 3, 2004 (69 FR 31370). This notice announces a change in location for the first day of the meeting as follows: Day 2: June 26, 2004—Hilton Hotel, 2399 Jefferson Davis Hwy, Arlington, VA 22202; P.O.C: Tanya, 703-418-6800.

All other information remains unchanged.

Dated: June 23, 2004.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer,

[FR Doc. 04-14645 Filed 6-23-04; 3:37 pm]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of Committee: Board of Visitors, United States Military Academy.

Date: Saturday, July 17, 2004.

Place of Meeting: Superintendent's Conference Room, Taylor Hall, Building 600, 2nd floor, West Point, NY 10928.

Start Time of Meeting: Approximately 9 a.m.

For Further Information Contact:

Lieutenant Colonel Edward C. Clark, United States Military Academy, West Point, NY 10996-5000, (845) 938-4200.

Supplementary Information: Proposed Agenda: Summer Meeting of the Board of Visitors. Review of the Academic, Military and Physical Programs at the USMA. All proceedings are open.

Brenda S. Bowen,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 04-14551 Filed 6-25-04; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive License of a U.S. Government-Owned Patent

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209 and 37 CFR 404.7(a)(1)(i), announcement is made of the intent to grant an exclusive, royalty-bearing, revocable license within the geographic area of the United States of America and its territories and possessions to U.S. Patent No. 6,058,763, issued May 9, 2000 entitled "Apparatus and Method for Automated Biomonitoring of Water Quality;" U.S. Patent No. 6,393,899 issued May 28, 2002, entitled "An Apparatus and Method for Automated Biomonitoring of Water Quality;" and U.S. Patent Application S.N. 10/774,639, filed February 3, 2004 and claiming the benefit of S.N. 60/444,202, filed February 3, 2003, entitled "Apparatus and Method for Portable Automated Biomonitoring of Water Quality" to Intelligent Automation Corporation with its principal place of business at 13029 Danielson St., Suite 200, Poway, CA 92064.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

SUPPLEMENTARY INFORMATION: Anyone wishing to object to the grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate, U.S. Army Medical Research and Materiel Command, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702-5012.

Brenda S. Bowen,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 04-14552 Filed 6-25-04; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Ala Wai Canal Project, Hawaii

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice; correction.

SUMMARY: The notice published in the **Federal Register** of June 14, 2004 (69 FR 32996) contained an incorrect contact telephone number for Mr. Derek Chow.

FOR FURTHER INFORMATION CONTACT: Mr. Derek Chow, (808) 438-7009.

Correction

In the **Federal Register** of June 14, 2004, in FR Doc. 04-13269, on page 32996, in the third column, correct Mr. Chow's telephone number in the **FOR FURTHER INFORMATION CONTACT** caption to read: 808-438-7009.

Brenda S. Bowen,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 04-14550 Filed 6-25-04; 8:45 am]

BILLING CODE 3710-NN-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Grant an Exclusive License to Sediment Control Systems, Inc.

AGENCY: Department of the Army, U.S. Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: In accordance with 37 CFR 404.7(a)(1)(i), announcement is made of a prospective exclusive license of the U.S. patent 6,584,709 which is more fully described in **SUPPLEMENTARY INFORMATION** section

DATES: Written objections must be filed not later than July 13, 2004.

ADDRESSES: Send written objections to: United States Army Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, 7701 Telegraph Road, Kingman Building, Alexandria, VA 22315-3860.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon Borland, ATTN: CEERD-ZA-TT; (703) 428-9112, FAX (703) 428-6275; e-mail: Sharon.L.Borland@usace.army.mil.

SUPPLEMENTARY INFORMATION: Patent No. 6,584,709 entitled "Device for Removing Sludge from the Bottom of a Lagoon", inventors C. James Martel, Jr. and Dennis J. Lambert, issued July 1, 2003. The United States of America as represented by the Secretary of the Army intends to grant an exclusive license in the manufacture, use, and sale of the patented technology in the territories and possessions of the U.S.A., to Sediment Control Systems, Inc., 454 Shaker Blvd, Enfield, NH 03748. Pursuant to 37 CFR 404.7(b)(1)(I), any interested party may file a written objection to this prospective exclusive license agreement.

Richard L. Frenette,

Counsel.

[FR Doc. 04-14549 Filed 6-25-04; 8:45 am]

BILLING CODE 3710-92-M

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Tuesday, July 13, 2004. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Delaware River Basin Commission in West Trenton, New Jersey.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: An update on the Water Resources Plan for the Delaware River Basin ("Basin Plan") and the Watershed Summit scheduled for September 13-15; a proposed resolution for the minutes to finalize and produce copies of the Basin Plan for the Watershed Summit; a summary and discussion of feedback from commissioners and the Water Quality Advisory Committee on the Lower Delaware Water Quality

Monitoring Report and on a staff recommendation that the Lower Delaware be designated a Special Protection Water; a discussion regarding the role of project review in connection with an upgrade of an undocketed point source discharge to Special Protection Waters; a discussion regarding preliminary feedback and alternatives to a draft rule to require waste minimization plans for point and non-point dischargers; report and recommendations of the Data Quality Subcommittee of the Toxics Advisory Committee; and an update on letters to be sent to dischargers to require additional monitoring in accordance with DRBC Resolution No. 2003-27.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *TXU Pedricktown Cogeneration Co., L.P. D-92-37* 2. An application for the renewal of a ground water withdrawal project to continue withdrawal of 24.55 million gallons per 30 days (mg/30 days) to supply the applicant's cogeneration facility from existing Wells Nos. PW-1, PW-2 and PW-3 in the Potomac-Raritan-Magothy Formation in the Oldmans Creek Watershed. The project is located in Oldmans Township, Salem County, New Jersey.

2. *Pennsylvania American Water Company D-99-30 CP* 2. An application for approval of a ground water withdrawal project to supply up to 5.83 mg/30 days of water to the applicant's Glen Alsace public water supply distribution system from replacement Well GL-2A in the Brunswick Formation, and to retain the existing withdrawal from all wells at 50 mg/30 days. Proposed replacement Well No. GL-2A will replace former Well No. GL-2 and is planned to be used as a regular source to the Glen Alsace distribution system. The project also includes two existing interconnections from the Reading Area Water Authority (45 mg/30 days) and the Mount Penn Water Authority (6 mg/30 days). The project is located in the Antietam Creek Watershed in Exeter Township, Berks County, Pennsylvania.

3. *Evesham Municipal Utilities Authority D-2000-29 CP*. An application to modify the discharge of the applicant's Elmwood sewage treatment plant (STP) to allow for rerouting of up to 0.3 million gallons per day (mgd) of treated effluent for irrigation of the Evesham Township Indian Spring Golf Course, located approximately one-half mile southwest of the STP off Marlton Pike and Elmwood Road in Evesham Township,

Burlington County, New Jersey. The project withdrawal will replace the 0.2 mgd of water currently utilized from an on-site well in the New Jersey Critical Area of the PRM aquifer. The STP will continue to discharge an average monthly flow of 1.67 mgd to Southwest Branch Rancocas Creek during periods of peak usage.

4. *Town of Bovina D-2002-18 CP*. An application to construct a subsurface septic treatment system to process up to 0.025 mgd from the Hamlet of Bovina Center in the Town of Bovina, Delaware County, New York, which is adjacent to the Little Delaware River upstream from the Cannonsville Reservoir in the West Branch Delaware River Watershed. The hamlet is currently served by individual septic systems, many of which are failing. Following detention and treatment in large septic tanks, wastewater will be distributed to an absorption field for final treatment and disposal; therefore, no discharge to surface water is proposed.

5. *Village of Fleischmanns D-2002-33 CP*. An application to construct a 0.146 mgd Sewage Treatment Plant (STP) to replace on-lot septic systems and to provide tertiary level treatment to the predominantly residential area of the Village of Fleischmanns in the Town of Middletown, Delaware County, New York. The plant will be constructed off Main Street between Grocholl and Town Roads, within the village, which it will exclusively serve. Following chemically enhanced sequencing batch reactor processing, STP effluent will be filtered, disinfected, and discharged to Bush Kill upstream from Pepacton Reservoir in the drainage area of the Delaware River Basin Commission Special Protection Waters.

6. *Borough of East Greenville D-2004-3 CP*. An application for approval of a ground water withdrawal project to supply up to 10.368 mg/30 days of water to the applicant's public water distribution system from existing Well No. 1 in the Brunswick Formation and up to 350,000 gallons per day from an intake on Perkiomen Creek, and to limit the withdrawal from all sources to 10.5 mg/30 days. The project well is located in the Perkiomen-Macoby Creek Watershed in Upper Hanover Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Delaware Valley Fish Company D-2004-8* 1. An application for a ground water withdrawal project to increase withdrawal from 2.8 mg/30 days to 5.7 mg/30 days of water to supply the applicant's fish holding tanks from existing Well No. DV-1 in the Stockton Formation. The project is located in the

Stony Creek Watershed in Norristown Borough, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Vineland Kosher Poultry Company, Inc. D-2004-9*. An application for approval of a ground water withdrawal project to supply up to 7.2 mg/30 days of water to the applicant's poultry processing facility from new Well No. 4 in the Kirkwood-Cohansey Formation, and to retain the existing withdrawal from all wells of 7.2 mg/30 days. The project well is located in the Maurice River watershed in the City of Vineland, Cumberland County, New Jersey.

9. *Riverton Borough D-2004-14 CP*. An application to revise Docket D-89-92 CP to reflect the recent construction of a sequencing batch reactor system needed to replace the trickling filter process at the Riverton Sewage Treatment Plant, which is located at the intersection of Third Street and Martha's Lane in Riverton Borough, Burlington County, New Jersey. The project modification continues to provide secondary treatment and effluent equalization, plus ultraviolet light disinfection prior to submerged discharge to Pompeston Creek at its confluence with the Delaware River in Water Quality Zone 2. The wastewater treatment capacity has remained at 0.22 mgd and the plant will continue to serve only Riverton Borough.

10. *Tidewater Utilities, Inc. D-2004-24 CP* 1. An application for approval of a ground water withdrawal project to supply up to 18.5055 mg/30 days of water to the applicant's public supply distribution system from Wells Nos. C01, C02, RG01, RG02, GG02 and GG03 in the Cheswold Formation, and to limit the existing withdrawal from all wells to 18.5055 mg/30 days. The project is located in the Saint Jones River Watershed in the Towns of Camden and Wyoming and the City of Dover, all in Kent County, Delaware.

The Commission's 1:30 p.m. business meeting also may include resolutions for the minutes to finalize and produce copies of the Basin Plan; initiate notice and comment rulemaking processes to amend the Water Quality Regulations, Water Code and Comprehensive Plan by (1) authorizing the Commission to require waste minimization plans for certain pollutants and classes of dischargers and (2) to designate the section of the main stem Delaware River known as the "Lower Delaware" as a Special Protection Water. These actions will depend upon the outcome of discussion during the morning conference session. In addition, the meeting will include: adoption of the Minutes of the June 2, 2004 business

meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; and a report by the Commission's general counsel.

Draft dockets scheduled for public hearing on July 13, 2004 are posted on the Commission's web site, <http://www.drbc.net>, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Please contact William Muszynski at 609-883-9500 ext. 221 with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission secretary directly at 609-883-9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission may accommodate your needs.

Dated: June 22, 2004.

Pamela M. Bush,

Commission Secretary.

[FR Doc. 04-14554 Filed 6-25-04; 8:45 am]

BILLING CODE 6360-01-0

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Technology and Media Services for Individuals With Disabilities—Technology Implementation Center; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2004

Catalog of Federal Domestic Assistance (CFDA) Number: 84.327M.

Dates:

Applications Available: June 28, 2004.

Deadline for Transmittal of

Applications: July 30, 2004.

Deadline for Intergovernmental

Review: September 28, 2004.

Eligible Applicants: State educational agencies (SEAs), local educational agencies (LEAs), institutions of higher education (IHEs), other public agencies, nonprofit private organizations, outlying areas, freely associated States, Indian tribes or tribal organizations, and for-profit organizations.

Estimated Available Funds:

\$1,000,000.

Maximum Award: We will reject any application that proposes a budget exceeding \$1,000,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and

Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

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 the Technology and Media Services for Individuals With Disabilities—Technology Implementation Center competition is to: (1) Improve results for children with disabilities by promoting the development, demonstration, and use of technology; (2) support educational media activities designed to be of educational value to children with disabilities; (3) provide support for some captioning, and video description; and (4) provide cultural experiences through appropriate nonprofit organizations.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from allowable activities specified in the statute (*see* sections 661(e)(2) and 687 of the Individuals with Disabilities Education Act, as amended (IDEA)).

Absolute Priority: For FY 2004 this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Technology and Media Services for Individuals with Disabilities—Technology Implementation Center.

Background: The IDEA and the No Child Left Behind Act of 2001 (NCLB) emphasized the importance of linking research and practice to improving educational results for children with disabilities. In more than 20 years of supporting special education technology research, the Office of Special Education Programs (OSEP) has tested practices that indicate that appropriate technology, embedded in strong education practice, holds significant promise for helping students with disabilities achieve at higher levels. These practices have varying degrees of research validation. Some are backed by significant research support and might appropriately undergo the high level of scientific review offered by the What Works Clearinghouse. Other practices have some research support and classroom success, and should be considered promising but not yet validated.

Introducing technology as a tool is not enough, however, the infusion of technology into instructional practices requires systematic, sustained training and classroom support. Building

capacity is at the heart of an effective system. To support such a system means providing States and local school districts with sufficient information and support to provide an underpinning for large-scale implementation efforts. Such activities can play a pivotal role in building the capacity States and local districts need to support school-wide change.

Priority: This priority will support a cooperative agreement for a center (Center) to support SEAs and LEAs in implementing and evaluating selected practices that integrate technology into sound teaching so children with disabilities will have access to the general education curriculum and will achieve to high educational standards.

The Center's activities in selecting practices and in assisting SEAs and LEAs in implementing practices must include, but are not limited to, the following:

(a) Selecting existing evidence-based and promising practices that integrate technology into teaching and learning appropriate for students with disabilities. These may include validated practices with high levels of research support, but also may include promising practices with incomplete research support as long as the latter clearly are identified as needing more validation. Applicants are encouraged to focus on practices selected from the What Works Clearinghouse, the National Study of the Effectiveness of Educational Technology required by NCLB, and rigorous research syntheses. The Center, however, also may conduct research syntheses and meta-analyses in areas that are not being addressed by other projects, or supplement available research evidence with additional evidence related to students with disabilities.

(b) Developing implementation strategies to support SEAs and LEAs in implementing practices that integrate technology into sound teaching for students with disabilities. The implementation strategies must provide for the continued implementation of the practices after Federal support ends.

(c) Identifying and recruiting SEAs and LEAs to implement the practices. In selecting sites, the Center must consider such elements as cultural and linguistic diversity, family income, urban and rural settings, regional geographic location, and cost effectiveness.

(d) Providing professional development and technical assistance aligned with current national, State, and local policies to motivate and build capacity of administrative leaders, decisionmakers, and teachers to implement practices that integrate

technology into sound teaching for students with disabilities. These activities must include both regular and special education partnerships and must make use, when appropriate, of administrative supports and both internal and external resources.

(e) Assisting SEAs and LEAs in evaluating the selected practices, the outcomes of the professional development and technical assistance provided, and the effect on student academic outcomes.

(f) Creating partnerships with relevant programs and organizations to assist with scale up and sustainability efforts.

(g) Preparing and disseminating information and products for specific audiences, as appropriate, such as parents, administrators, teachers, related services personnel, researchers, and individuals with disabilities.

The project funded under this priority also must:

(a) Meet with the OSEP project officer and other appropriate staff in Washington, DC, within the first two months of the project to clarify project activities and develop a strategic plan.

(b) Communicate, collaborate, and form partnerships as appropriate, with such entities as: technical assistance providers at the national, regional, and local levels; centers that are part of the Special Education Technical Assistance and Dissemination Network, such as the National Center on Educational Outcomes, the Center on Student Progress Monitoring, and the National Dissemination Center; the National Institute on Disability and Rehabilitation Research (NIDRR); the Institute of Education Sciences' What Works Clearinghouse; and the National and Regional Parent Technical Assistance Centers. In particular, the project shall build and maintain approaches for communication and collaboration with research and demonstration projects that are addressing issues related to the focus of this priority.

(c) Establish, maintain, and meet at least annually with an advisory committee consisting of representatives of SEAs and LEAs, individuals with disabilities, parents, educators, professional organizations and advocacy groups, researchers, persons conversant with literature on change theory and sustainability, and other appropriate groups to review and advise on the Center's plans, products, and activities.

(d) Budget for a two-day Project Directors' meeting in Washington, DC during each year of the project.

(e) In addition to the two-day Project Directors' meeting listed in paragraph (d), budget for two additional trips

annually to Washington, DC, (1) to attend the Technical Assistance and Dissemination Project Directors' meeting and (2) to attend the Technology Project Directors' meeting.

(f) If a project maintains a Web site, it must include relevant information and documents in an accessible form.

Fourth and Fifth Years of Project: In deciding whether to continue this project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a) for continuation awards.

The Secretary will also consider the following:

(a) The recommendation of a review team consisting of experts selected by the Secretary. The team will conduct its review in Washington, DC during the last half of the project's second year. A project must budget for the travel associated with this one-day intensive review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The degree to which the project is making a positive contribution—and its strategies are demonstrating the potential for disseminating significant knowledge to SEAs and LEAs—to using technology to improve student outcomes.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. However, section 661(e)(2) of the IDEA makes the public comment requirements of the Administrative Procedure Act inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1487.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: \$1,000,000.

Maximum Award: We will reject any application that proposes a budget exceeding \$1,000,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and

Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

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:* SEAs, LEAs, IHEs, other public agencies, nonprofit private organizations, outlying areas, freely associated States, Indian tribes or tribal organizations, and for-profit organizations.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

3. *Other: General Requirements—*(a) A project funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of the IDEA).

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the projects (see section 661(f)(1)(A) of the IDEA).

IV. Application and Submission Information

1. *Address To Request Application Package:* Education Publications Center (ED Pubs), 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: 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 84.327M.

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 persons listed in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this 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. You must limit Part III

to the equivalent of no more than 50 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 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, the references, the letters of support, or the appendix. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: June 28, 2004.
Deadline for Transmittal of Applications: July 30, 2004.

The dates and times for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this competition. The application package also specifies the hours of operation of the e-Application Web site.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: September 28, 2004.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Instructions and requirements for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this competition.

Application Procedures:

Note: Some of the procedures in these instructions for transmitting applications

differ from those in EDGAR (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications: We are continuing to expand our pilot project for electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. The Special Education—Technology and Media Services for Individuals with Disabilities Program—Technology Implementation Center competition—CFDA Number 84.327M is one of the competitions included in the pilot project. If you are an applicant under the Special Education—Technology and Media Services for Individuals with Disabilities Program—Technology Implementation Center competition—CFDA Number 84.327M, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-Application). If you use e-Application, you will be entering data online while completing your application. You may not e-mail an electronic copy of a grant application to us. If you participate in this voluntary pilot project by submitting an application electronically, the data you enter online will be saved into a database. We request your participation in e-Application. We shall continue to evaluate its success and solicit suggestions for its improvement.

If you participate in e-Application, please note the following:

- Your participation is voluntary.
- When you enter the e-Application system, you will find information about its hours of operation. We strongly recommend that you do not wait until the application deadline date to initiate an e-Application package.
- You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
- You may submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- Your e-Application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the Application for Federal Education Assistance (ED 424) to the Application Control Center after following these steps:

1. Print ED 424 from e-Application.
2. The institution's Authorizing Representative must sign this form.
3. Place the PR/Award number in the upper right hand corner of the hard copy signature page of the ED 424.
4. Fax the signed ED 424 to the Application Control Center at (202) 245-6272.

- We may request that you give us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of System Unavailability: If you elect to participate in the e-Application pilot for the Special Education—Technology and Media Services for Individuals with Disabilities Program—Technology Implementation Center competition—CFDA Number 84.327M and you are prevented from submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

1. You are a registered user of e-Application, and you have initiated an e-Application for this competition; and

2. (a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

- (b) The e-Application system is unavailable for any period of time during the last hour of operation (that is, for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time) on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-GRANTS help desk at 1-888-336-8930.

You may access the electronic grant application for the Special Education—Technology and Media Services for

Individuals with Disabilities Program—Technology Implementation Center competition—CFDA Number 84.327M at: <http://e-grants.ed.gov>.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are listed in 34 CFR 75.210 of EDGAR. The specific selection criteria to be used for this competition are 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.

4. *Performance Measures:* Under the Government Performance and Results Act (GPRA), the Department is currently developing measures that will yield information on various aspects of the quality of the Technology and Media Services to Improve Services and Results for Children with Disabilities program (e.g., the extent to which projects are of high quality, are relevant to the needs of children with disabilities, and contribute to improving results for children with disabilities). Data on these measures will be collected from the projects funded under this notice.

Grantees will also be required to report information on their projects' performance in annual reports to the Department (EDGAR, 34 CFR 75.590).

We will notify grantees of the performance measures once they are developed.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Jane Hauser, U.S. Department of Education, 400 Maryland Avenue, SW., room 4092, Potomac Center Plaza, Washington, DC 20202-2550. Telephone: (202) 245-7373.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request by contacting the following office: The Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Washington, DC 20202-2550. Telephone: (202) 205-8207.

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: 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: www.gpoaccess.gov/nara/index.html.

Dated: June 24, 2004.

Troy R. Justesen,

Acting Deputy Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 04-14660 Filed 6-25-04; 8:45 am]

BILLING CODE 4000-01-P

ELECTION ASSISTANCE COMMISSION

Charter of the U.S. Election Assistance Commission Technical Guidelines Development Committee

Establishment: In accordance with the requirements of section 221 of the Help America Vote Act of 2002 (Pub. L. 107-252), hereinafter referred to as the Act,

the Election Assistance Commission (the "Commission") hereby establishes the Technical Guidelines Development Committee (the "Committee"), pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Objectives and Duties: Pursuant to 42 U.S.C. 15361(b)(1), the Committee will act in the public interest to assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

Members and Chairperson:

Membership: shall be composed of:

1. The Director of the National Institute of Standards and Technology (NIST) who shall serve as its chair.

2. A group of 14 other individuals appointed jointly by the Commission and the Director of NIST, consisting of the following:

A. An equal number of each of the following:

Members of the Standards Board, Members of the Board of Advisors, Members of the Architectural and Transportation Barrier, and Compliance Board (Access Board).

B. A representative of the American National Standards Institute.

C. A representative of the IEEE.

D. Two representatives of the NASED selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

E. Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

Administrative Provisions:

1. The Committee shall report to the Executive Director of the Commission.

2. Selected staff within NIST's Information Technology Laboratory will provide staff support for the Committee.

3. The Committee shall meet at least three times per year, quarterly. The Chair of the EAC shall call the first meeting of the Committee. Thereafter, the Chair of the EAC or the Chair of the TGDC may call a meeting of the Committee.

4. Members of the Committee shall not be compensated for their services, but will, upon request, be allowed travel and per diem expenses in accordance with 5 U.S.C. 5701 *et seq.*, while attending meetings of the Committee or subcommittees thereof, or while otherwise performing duties at the request of the Chair, while away from their homes or regular places of business.

5. The Committee shall function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

6. The annual cost of operating the Committee is estimated at \$2.8 million, including all direct and indirect

expenses. It is estimated that six FTE will be required to support the TGDC.

7. The Committee shall not act in the absence of a quorum, which shall consist of a simple majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee, except that, if the number of members on the Committee is even, half will suffice.

8. The EAC will create any subcommittees of the TGDC that may be necessary to accomplish the TGDC's function. In addition, the EAC will establish such operating procedures as required to support the TGDC, consistent with the Federal Advisory Committee Act, as amended.

Duration: While the duration of the Committee is continuing, the Charter shall be renewed every two years from the date of filing.

Charter Filing Date: This Charter was filed on the 23 day of June, 2004.

Paul S. DeGregorio,

Commissioner, U.S. Election Assistance Commission.

[FR Doc. 04-14642 Filed 6-25-04; 8:45 am]

BILLING CODE 6820-01-M

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation; Proposed Subsequent Arrangement

AGENCY: Department of Energy.

ACTION: Subsequent arrangement.

SUMMARY: This notice has been issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed "subsequent arrangement" under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States and the European Atomic Energy Community (EURATOM) and the Agreement for Cooperation Between the United States and Japan Concerning Peaceful Uses of Nuclear Energy.

This subsequent arrangement concerns the retransfer of 594.94 grams of U.S.-origin uranium (2.26 grams U-235) and 7.04 grams plutonium from Studsvik Research Center, Nykoping, Sweden, to the Japan Atomic Energy Research Institute (JAERI). The nuclear material being retransferred is contained in segments of reactor fuel rods cut out at the Studsvik Hot Cell Laboratory for analysis of the burn up rates by JAERI. The analysis will support the Studsvik development of a database of information regarding how uranium

oxide and mixed-oxide (MOX) react at high burn-up rates.

These material segments will undergo post-irradiation examination at JAERI, which will take ownership of the material when the transport leaves Studsvik. Upon completion of the analysis, the material will be handled as waste and stored in Japan.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement is not inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Kurt Siemon,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 04-14684 Filed 6-25-04; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho National Engineering and Environmental Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EMSSAB), Idaho National Engineering and Environmental Laboratory. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, July 20, 2004, 8 a.m.–6 p.m. Wednesday, July 21, 2004, 8 a.m.–5 p.m.

Opportunities for public participation will be held Tuesday, July 20, from 12:15 to 12:30 and 5:30 to 5:45 p.m. and on Wednesday, July 21, from 11:45 a.m. to 12 noon and 3:55 to 4:10 p.m. Additional time may be made available for public comment during the presentations.

These times are subject to change as the meeting progresses, depending on the extent of comment offered. Please check with the meeting facilitator to confirm these times.

ADDRESSES: Ameritel Inn, 645 Lindsay Boulevard, Idaho Falls, ID 83402.

FOR FURTHER INFORMATION CONTACT: Ms. Peggy Hinman, INEEL CAB Administrator, North Wind, Inc., P.O. Box 51174, Idaho Falls, ID 83405, Phone

(208) 557-7885, or visit the Board's Internet home page at <http://www.ida.net/users/cab>.

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.

The Tentative Agenda Objectives include:

- To provide additional information to the new CAB members in support of providing an overall orientation, including:

- An overview of environmental regulation
- An overview of the types of wastes managed at the INEEL
- An overview of the historical contamination at INEEL and how it is being addressed

- To receive a status report on the Environmental Management Program at the INEEL.

- To receive a status report on the progress on the procurement process for new site contractors.

- To receive presentations related to the End States for the INEEL, including:

- An overview of the 1995 Comprehensive Facilities and Land Use Plan
- A status report on the Risk-Based End States Vision Document for the INEEL

- To discuss and develop a possible recommendation addressing End States for the INEEL.

- To receive a presentation on the status of efforts and plans for Pit 4, the final report on the Glovebox Excavator Method project, and the treatment of volatile organic compounds.

- To receive a presentation and to discuss a possible recommendation addressing the Engineering Evaluation and Cost Analysis for the CPP-603 Basins.

- To discuss future opportunities for public involvement in site cleanup decision-making.

Tentative Agenda for Tuesday, July 20

8 a.m. Welcome and Introductions.

8:45 a.m. Welcome to New Members.

9 a.m. Member and Committee Reports.

9:15 a.m. Break.

9:30 a.m. Environmental Management (EM) Program Status and Emerging Issues of Potential Interest to the INEEL CAB (TRA Catch Tank, Tank Farm Capping, Closure Plan for Tank 180, WIR Legal Situation, D&D at INTEC, Foster Wheeler Project).

10:50 a.m. Break.

11:05 a.m. Orientation to the Idaho National Engineering and Environmental (INEEL) Laboratory.
 12:15 p.m. Public Participation.
 12:30 p.m. Lunch.
 1:30 p.m. Annual Work Plan.
 1:55 p.m. Orientation to the INEEL (continued).
 2:50 p.m. Break.
 3:05 p.m. Orientation to the INEEL (continued).
 4:15 p.m. Break.
 5 p.m. End States for the INEEL.
 5:30 p.m. Public Participation
 5:45 p.m. Letter Regarding CAB Support Services
 6 p.m. Adjourn.

Tentative Agenda for Wednesday, July 21

8 a.m. End States for the INEEL (continued).
 9 a.m. Break.
 9:15 a.m. End States for the INEEL (continued).
 10:15 a.m. Break.
 10:30 a.m. End States for the INEEL (continued).
 11 a.m. Engineering Evaluation and Cost Analysis for CPP-603 Basins.
 11:30 a.m. Member and Committee Reports.
 11:45 a.m. Public Participation.
 12 noon Lunch.
 1 p.m. Procurement Process.
 1:30 p.m. Pit 4/Glovebox Excavator Method Project/Volatile Organic Compound Treatment.
 2:15 p.m. Break.
 2:30 p.m. End States for the INEEL (continued).
 3 p.m. Engineering Evaluation and Cost Analysis for CPP-603 Basins (continued).
 3:40 p.m. Break.
 3:55 p.m. Public Participation.
 4:10 p.m. Board Work.
 5 p.m. Adjourn.

Public Participation: This meeting is open to the public. Written statements may be filed with the Board facilitator either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact the Board Chair at the address or telephone number listed above. Request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Richard Provencher, Assistant Manager for Environmental Management, Idaho Operations Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Every individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays. Minutes will also be available by writing to Ms. Peggy Hinman, INEEL CAB Administrator, at the address and phone number listed above.

Issued in Washington, DC on June 21, 2004.

Carol A. Matthews,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 04-14612 Filed 6-25-04; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, July 28, 2004, 1 p.m.–8:30 p.m.

ADDRESSES: Cities of Gold Hotel, Pojoaque, NM.

FOR FURTHER INFORMATION CONTACT: Menice Manzanares, Northern New Mexico Citizens' Advisory Board, 1660 Old Pecos Trail, Suite B, Santa Fe, NM 87505. Phone (505) 995-0393; fax (505) 989-1752 or e-mail: mmanzanares@doeal.gov.

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

Wednesday, July 28, 2004

1 p.m.—Call to Order by Ted Taylor, DDFO; Establishment of a Quorum; Welcome and Introductions by Chair; Approval of Agenda; Approval of Minutes of May 22, 2005.
 1:15 p.m.—Public Comment.
 1:30 p.m.—Consideration and Action of Proposed Bylaws Amendment No.

5, as per Section XII, page 13, of the NNM CAB Bylaws. (Tabled from 3-31-04). Consideration and Action of Proposed Bylaws Amendment No. 6.

2 p.m.—Board Business.

A. Recruitment/Membership Update
 B. Report from Chair, "Opportunities for Improvement" from Retreat
 C. Report from DOE, Ted Taylor, DDFO
 D. Report from Executive Director, Menice Manzanares
 E. New Business

2:30 p.m.—Break.

2:45 p.m.—Reports.

A. Executive Committee—Chair
 B. Environmental Monitoring, Surveillance and Remediation Committee, Tim DeLong
 C. Waste Management Committee
 • Introduction of recommendation 2004-3
 • Introduction of recommendation 2004-4
 D. Community Involvement Committee, Abad Sandoval
 E. Ad Hoc Committee on Bylaws, Jim Brannon
 F. Ad Hoc Committee on Constituency Seats
 G. Comments from Ex-Officio Members

5 p.m.—Dinner Break.

6 p.m.—Public Comment.

6:15 p.m.—Consideration and Action on Recommendation 2004-3, "EEG, DOE And CAB Value".

6:30 p.m.—Presentation on NMED Consent Order.

7:15 p.m.—Break.

7:30 p.m.—Discussion on NMED Consent Order.

8 p.m.—Comments from Board Members and Recap of Meeting.

8:30 p.m.—Adjourn.

This agenda is subject to change at least one day in advance of the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Manzanares at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision 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. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments at the beginning of the meeting.

Minutes: Minutes of this meeting will be available for public review and

copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 1660 Old Pecos Trail, Suite B, Santa Fe, NM. Hours of operation for the Public Reading Room are 9 a.m.-4 p.m. on Monday through Friday. Minutes will also be made available by writing or calling Menice Manzanaras at the Board's office address or telephone number listed above. Minutes and other Board documents are on the Internet at: <http://www.nnmcab.org>.

Issued in Washington, DC on June 18, 2004.

Carol A. Matthews,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 04-14613 Filed 6-25-04; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Science; High Energy Physics Advisory Panel

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the High Energy Physics Advisory Panel (HEPAP). Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, September 23, 2004; 8:30 a.m. to 6 p.m. and Friday, September 24, 2004; 8:30 a.m. to 12 p.m.

ADDRESSES: Hilton Washington Embassy Row, 2015 Massachusetts Avenue, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Bruce Strauss, Executive Secretary; High Energy Physics Advisory Panel; U.S. Department of Energy; SC-20/ Germantown Building, 1000 Independence Avenue, SW., Washington, DC 20585-1290; Telephone: 301-903-3705.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda: Agenda will include discussions of the following:

Thursday, September 23, 2004, and Friday, September 24, 2004

- Discussion of Department of Energy High Energy Physics Programs

- Discussion of National Science Foundation Elementary Particle Physics Program

- Reports on and Discussions of Topics of General Interest in High Energy Physics

- Public Comment (10-minute rule)

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Panel, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Bruce Strauss, 301-903-3705 or Bruce.Strauss@science.doe.gov (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for public review and copying within 90 days at the Freedom of Information Public Reading Room; Room 1E-190; Forrestal Building; 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Carol A. Matthews,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 04-14611 Filed 6-25-04; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-264-001]

ANR Pipeline Company; Notice of Compliance Tariff Filing

June 18, 2004.

Take notice that on June 15, 2004, ANR Pipeline Company (ANR), tendered for filing its compliance tariff filing.

ANR's filing requests that the Commission approve a revision to the General Terms and Conditions of its FERC Gas Tariff. The revision is filed in compliance with the Commission's May 26, 2004, order requiring ANR to modify its language to include clarifications to the procedure for reserving capacity for expansion projects. ANR requests that the Commission grant such approval effective June 1, 2004.

Any person desiring to protest said filing should file a protest with the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

Magalie R. Salas,

Secretary.

[FR Doc. E4-1423 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-33-001]

El Paso Natural Gas Company; Notice of Compliance Filing

June 18, 2004.

Take notice that on June 15, 2004, El Paso Natural Gas Company (EPNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1-A, the following tariff sheets to its FERC Gas Tariff, with an effective date of July 1, 2004:

Eleventh Revised Sheet No. 29
Second Revised Sheet No. 219E
First Revised Sheet No. 219F
Original Sheet Nos. 219J-219L

EPNG states that the tariff sheets implement the pro forma tariff sheets approved by the Commission providing for bounce-at-the-California border transactions that were included as part of the settlement filed in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and

Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1425 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-332-000]

Guardian Pipeline, L.L.C.; Notice of Tariff Filing

June 18, 2004.

Take notice that on June 15, 2004, Guardian Pipeline, L.L.C. (Guardian) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Original Sheet No. 142A; and Original Sheet No. 142B, proposed to be effective July 15, 2004.

Guardian states that the proposed changes would provide a mechanism for the allocation of capacity that becomes available as a result of changed operational conditions on the Guardian Pipeline, including changes resulting from modified pressure obligations at various delivery points on the Guardian Pipeline. Guardian states that such changes can result in an increase in the operating capacity of the Guardian Pipeline. Guardian's further notes that its tariff does not currently have a mechanism to address, on a nondiscriminatory basis, additional capacity that becomes available due to a Shipper's agreement to modify the delivery pressure to which it is otherwise entitled.

Any person desiring to be heard or to protest said filing should file a motion

to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1427 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-274-001]

Kern River Gas Transmission Company; Notice of Compliance Filing

June 18, 2004.

Take notice that on June 14, 2004, Kern River Gas Transmission Company (Kern River) submitted Schedule H-3(2) to accompany its rate change filing of April 30, 2004, in the captioned proceeding. Kern River states that it submits this schedule to comply with the Commission's order in this proceeding dated May 28, 2004.

Kern River states that copies of this filing have been served on all parties to this proceeding in accordance with the Commission's regulations.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section

154.210 of the Commission's Regulations. 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 proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1424 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL04-110-000]

New York Independent System Operator, Inc.; Notice of Filing

June 18, 2004.

Take notice that on June 18, 2003, the New York Independent System Operator, Inc., (NYISO) filed an emergency request for waivers of several tariff provisions and for expedited Commission action. The requested waivers would support the NYISO's ability to cancel a transmission Congestion Contract Reconfiguration Auction currently scheduled for June 23, 2004.

NYISO states that it has electronically served a copy of this filing on the official representative of each of its customers, on each participant in its stakeholder committees, on the New York State Public Service Commission, and on the electric utility regulatory agencies of New Jersey and Pennsylvania.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary (FERRIS) link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: June 21, 2004.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1419 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP04-361-000]

Steuben Gas Storage Company; Notice of Request Under Blanket Authorization

June 18, 2004.

Take notice that on June 14, 2004, Steuben Gas Storage Company (Steuben), 535 Boylston Street, 12th Floor, Boston, MA 02116, filed in Docket No. CP04-361-000, a request pursuant to its blanket certificate issued July 28, 1995 under Docket Nos. CP95-119-000 and CP95-119-001, for authority under Section 157.214 of the Commission's Regulations (18 CFR 157.214) to increase the natural gas volume and the maximum stabilized reservoir pressure at the Adrian gas storage field, located in Steuben County, New York.

Any questions regarding this application should be directed to David A.T. Donohue, President, Steuben Gas Storage Company, 535 Boylston Street, 12th Floor, Boston, Massachusetts 02116, at (617) 536-0202.

This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or call toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659. Protests, comments and interventions may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages interveners to file electronically.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1418 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-333-000]

Trunkline Gas Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

June 18, 2004.

Take notice that on June 15, 2004, Trunkline Gas Company, LLC (Trunkline) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the revised tariff sheets listed in Appendix A attached to the filing, to become effective July 15, 2004.

Trunkline states that this filing is being made to remove outdated provisions, update certain provisions

and make minor modifications and corrections to Trunkline's tariff.

Trunkline further states that copies of this filing are being served on all affected customers and applicable State regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1416 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00-107-006]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

June 18, 2004.

Take notice that on June 15, 2004, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing.

Williston Basin states that it inadvertently omitted Pro forma Tariff Sheet Nos. 16, 16A, 17 and 20, from Volume II of its June 14, 2004 compliance filing. Williston Basin further states that the current filing is

being made simply to incorporate the previously omitted tariff sheets.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1422 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-331-000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

June 18, 2004.

Take notice that on June 10, 2004, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the revised tariff sheets listed on Appendix A to the filing, proposed to become effective July 10, 2004.

Williston Basin states that the proposed tariff sheets reflect the cancellation of Rate Schedule ST-1, Small Customer Firm Transportation Service, and Rate Schedule STN-1, Small Customer No-Notice Firm Transportation Service. No service has been provided to any customer eligible for the small customer service since 1997 and Williston Basin states that it does not expect to provide any service under these rate schedules in the future.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1426 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02-851-015, et al.]

Southern Company Services, Inc., et al.; Electric Rate and Corporate Filings

June 17, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Southern Company Services, Inc.

[Docket No. ER02-851-015]

Take notice that on June 14, 2004, Southern Company Services, Inc., on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively Southern Companies), submitted for filing with the Commission a response to a Commission deficiency letter issued May 12, 2004 in Docket No. ER02-851-010.

Comment Date: July 6, 2004.

2. Virginia Electric and Power Company

[Docket No. ER04-921-000]

Take notice that on June 8, 2004, Virginia Electric and Power Company (Dominion) tendered for filing First Revised Agreement No. 376 under its FERC Electric Tariff Second Revised Volume No. 5, a Network Integration Transmission Service Agreement and Network Operating Agreement between Virginia Electric and Power Company and the North Carolina Electric Membership Corporation (NCEMC). Dominion requests an effective date of June 9, 2004.

Dominion states that copies of the filing were served upon the NCEMC, the North Carolina Utilities Commission and the Virginia State Corporation Commission.

Comment Date: June 29, 2004.

3. Florida Power & Light Company

[Docket No. ER04-926-000]

Take notice that on June 15, 2004, Florida Power & Light Company (FPL) submitted for filing with the Commission a modification to Rate Schedule No. 102, the Contract for Interchange Service between Florida Power & Light Company and Seminole Electric Cooperative, Inc.

FPL states that a copy of this filing has been served on Seminole Electric Cooperative, Inc.

Comment Date: July 7, 2004.

4. Florida Power & Light Company

[Docket No. ER04-927-000]

Take notice that on June 15, 2004, Florida Power & Light Company (FPL) submitted for filing a modification to the Calusa/Charlotte delivery point in the Service Agreement for Network Integration Transmission Service between FPL and Seminole Electric Cooperation, Inc., and a Notice of Cancellation of Rate Schedule No. 194 and Supplement No. 1 to Rate Schedule 194. FPL requests an effective date of March 19, 2004.

FPL states that a copy of this filing has been served on Seminole Electric Cooperative, Inc. and Lee County Electric Cooperative, Inc.

Comment Date: July 6, 2004.

5. American Electric Power Services Corporation

[Docket No. ER04-929-000]

Take notice that on June 15, 2004, American Electric Power Services Corporation (AEPSC) tendered for filing pursuant to section 35.15 of the Commissions regulations, 18 CFR

section 35.15, a Notice of Termination of a Compliance Interconnection and Operation Agreement between Indiana Michigan Power Company and South Shore Power, LLC designated as Third Revised Service Agreement No. 521 under American Electric Power's Open Access Transmission Tariff. AEPSC requests an effective date of June 15, 2004.

AEPSC states that a copy of the filing was served upon South Shore Power, LLC and the Indiana Utility Regulatory Commission and Michigan Public Service Commission.

Comment Date: July 6, 2004.

6. ISO New England Inc

[Docket No. ER04-930-000]

Take notice that on June 15, 2004, ISO New England Inc. (ISO) tendered for filing under section 205 of the Federal Power Act changes to its Capital Funding Tariff. The ISO requests that the changes to the Capital Funding Tariff be allowed to go into effect on July 15, 2004.

Comment Date: July 6, 2004.

7. Bangor Hydro-Electric Company

[Docket No. ER00-980-009]

Take notice that on June 15, 2004, Bangor-Hydro Electric Company (Bangor Hydro) submitted an informational filing showing the implementation of Bangor Hydro's open access transmission tariff formula rate for the charges that became effective on June 1, 2004, pursuant to section 2.11 of the Settlement Agreement filed on November 1, 2000, in Docket No. ER00-980-000, and accepted and modified by the Commission on February 26, 2001.

Bangor Hydro states that copies of this filing were sent to Bangor Hydro's open access transmission tariff customers, the Commission Trial Staff, the Maine Public Utilities Commission, and the Maine Public Advocate.

Comment Date: July 6, 2004.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the

applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502-8222 or TTY, (202) 502-8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E4-1414 Filed 6-25-04; 8:45 a.m.]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00-1053-011, et al.]

Maine Public Service Company, et al.; Electric Rate and Corporate Filings

June 18, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Maine Public Service Company

[Docket No. ER00-1053-011]

Take notice that on June 15, 2004, Maine Public Service Company (MPS) pursuant to section 2.3 of the Settlement Agreement filed on February 11, 2004, in Docket No. ER00-1053-010, and accepted by the Commission on April 1, 2004, submitted an informational filing setting forth the changed open access transmission tariff charges effective June 1, 2004, together with back-up materials.

MPS states that copies of this filing were served on the parties to the Settlement Agreement in Docket No. ER00-1053-000, the Commission Trial Staff, the Maine Public Utilities Commission, the Maine Public Advocate, and current MPS open access transmission tariff customers.

Comment Date: July 6, 2004.

2. Union Electric Company

[Docket No. ER04-931-000]

Take notice that on June 16, Union Electric Company, d/b/a AmerenUE, (Union) tendered for filing an unexecuted Contract between United

States of America, represented by the Secretary of Energy, acting by and through the Administrator, Southwestern Power Administration and Union Electric Company, d/b/a AmerenUE (the parties). Union states that the purpose of the Contract is to permit the parties to maintain the existing interconnection between their systems for the transfer of power between their respective systems.

Union states that copies of the Application have been served on the Missouri Public Service Commission.

Comment Date: July 7, 2004.

3. Michigan Electric Transmission Company, LLC

[Docket Nos. ER04-933-000 and ER01-2375-007]

Take notice that on June 15, 2004, Michigan Electric Transmission Company, LLC (METC) submitted executed and revised Generator Interconnection and Operating Agreement (GIOA) with Covert Generating Company, LLC (Covert) intended to resolve the issues still pending in Docket No. ER01-2375. METC requests an effective date of July 1, 2004.

METC states that copies of this filing have been served upon Covert, the Midwest ISO and all parties on the official service list in Docket No. ER01-2375.

Comment Date: July 6, 2004.

4. ISO New England Inc.

[Docket No. ES04-39-000]

Take notice that on June 15, 2004, ISO New England Inc. tendered for filing an application under section 204 of the Federal Power Act, 16 U.S.C. 824c, for an order authorizing the issuance of promissory notes in the total amount of \$39,000,000.

ISO New England Inc., states that copies of said filing have been served electronically upon the New England Power Pool Participants.

Comment Date: July 19, 2004.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on

or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502-8222 or TTY, (202) 502-8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1415 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request for Extension of Time To Commence and Complete Project Construction and Soliciting Comments

June 18, 2004.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Request for Extension of Time.
- b. *Project No.:* 11509-014.
- c. *Date Filed:* April 12, 2004.
- d. *Applicant:* City of Albany, Oregon.
- e. *Name of Project:* City of Albany Hydroelectric Project.

f. *Location:* The project is located on the Albany-Santiam Canal system in Linn County, Oregon.

g. *Pursuant to:* Public Law 107-376, H.R. 5436.

h. *Applicant Contact:* Peter Harr, P.E., City of Albany, City Hall, 333 Broadalbin SW, P.O. Box 490, Albany, OR 97321-0144, (541) 917-7500.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Lynn R. Miles, Sr. at (202) 502-8763.

j. *Deadline for filing comments and or motions:* July 23, 2004.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, protests and interventions may be filed electronically via the

Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link. Please include the project number (P-11509-014) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The licensee requests a two-year extension of time from the existing amended deadline of October 23, 2004 to October 23, 2006, to commence project construction of the City of Albany Hydroelectric Project. If granted, this would be the licensee's second two-year extension of the three authorized by Public Law No. 107-376, H.R. 5436.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE, Room 2A, Washington DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free (866) 208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,
Secretary.

[FR Doc. E4-1420 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protest

June 18, 2004.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application:* Subsequent minor license.
- b. *Project No.:* 632-009.
- c. *Date filed:* February 13, 2004.
- d. *Applicant:* Monroe City.
- e. *Name of Project:* Lower Monroe Hydroelectric Project.

f. *Location:* On Monroe Creek, 2 miles east of Monroe City, Sevier County, Utah. The project affects about 1.36 acres of federal lands within the Fishlake National Forest.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* R. Craig Mathie, Mayor, Monroe City, 10 North Main, Monroe, Utah 84754, (435) 527-4621; John Spendlove, Jones & DeMille Engineering, 1535 South 100 West, Richfield, Utah 84701, (435) 896-8266.

i. *FERC Contact:* Gaylord W. Hoisington, (202) 502-6032, or e-mail at: gaylord.hoisington@ferc.gov.

j. *Cooperating agencies:* We are asking federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item k below.

k. *Deadline for filing comments and requests for cooperating agency status:* August 24, 2004.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

l. This application has been accepted, but is not ready for environmental analysis at this time.

m. *The proposed run-of-river project consists of:* (1) A 10-foot-high, 13-foot-long concrete overflow-type diversion structure with an adjustable slide gate; (2) a concrete intake structure with a trash rack and a 21-inch-diameter, 100-foot-long cast iron pipeline; (3) a 8,400-foot-long, 16-inch-diameter to 20-inch diameter welded steel and ductile iron pipe penstock; (4) a 15-foot-wide, 26-foot-long reinforced concrete and concrete block power house containing a Pelton Wheel turbine with a 250-kilwatt generator and controls; (5) a 250-foot-long transmission line; and (6) appurtenant facilities.

n. A copy of the application is available for review at the Commission

in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Magalie R. Salas,

Secretary.

[FR Doc. E4-1421 Filed 6-25-04; 8:45 a.m.]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD04-9-000]

Billing Procedures for Annual Charges for the Costs of Other Federal Agencies for Administering Part I of the Federal Power Act; Notice of Technical Conference

June 18, 2004.

1. In an order issued on June 18, 2004, the Commission acted on matters remanded to it by the court in *City of Tacoma, WA, et al. v. FERC*, 331 F.3d 106 (D.C. Cir. 2003). The court concluded that the Commission is required to determine the reasonableness of costs incurred by other Federal agencies (OFAs) related to the participation of those agencies in the Commission's proceedings under Federal Power Act (FPA) Part I¹ when those agencies seek to include such costs in the administrative annual charges licensees must pay to reimburse the United States for the cost of administering Part I.² The court also remanded to the Commission issues regarding the eligibility of specific types of OFA costs for reimbursement, and issues regarding the availability of refunds for certain charges.

2. The June 18 order determined which OFA costs are eligible to be included in administrative annual charges. It also established procedures for Commission review of future OFA cost submittals and those currently under appeal. Finally, it introduced a new form for such cost submittals and announced that a technical conference would be held for the purpose of finalizing the proposed form, so that it can be used in the Commission's consideration of OFA cost submittals on appeal and prospectively. The form was attached to the order and is posted on the Commission's Web site.³

3. The Commission will hold a technical conference on the new form for submittal of OFA Part I-related costs. The purpose of the conference will be for OFAs and licensees to obtain any needed clarification regarding the format and content requirements of the form, and to make any

¹ 16 U.S.C. 794-823b.

² The OFAs are the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, and the U.S. Fish and Wildlife Service (all in the Department of the Interior); the Corps of Engineers (in the Department of the Army); the U.S. Forest Service (in the Department of Agriculture); and the National Oceanic and Atmospheric Administration (in the Department of Commerce).

³ <http://www.ferc.gov/>.

recommendations for improvement of the form in that regard. The conference will not consider any issues pertaining to requests for rehearing of the June 18 Order.

4. The Conference will be held on July 1, 2004, in Hearing Room 6 at the Commission's headquarters at 888 First Street, NE., Washington, DC. The conference will begin at 9 a.m. (e.s.t). An agenda may be viewed on the Commission's website by June 25, 2004.

5. The technical conference will also be transcribed. Those interested in obtaining a copy of the transcript immediately for a fee should contact the Ace-Federal Reporters, Inc., at 202-347-3700, or 1-800-336-6646. Two weeks after the post-forum meeting, the transcript will be available for free on the Commission's e-library system. Anyone without access to the Commission's website or who has questions about the technical conference should contact Anton Porter at 202-502-8728, e-mail at anton.porter@ferc.gov.

Magalie R. Salas,

Secretary.

[FR Doc. E4-1417 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD04-6-000]

Notice of Availability of Staff's Responses to Comments on the Consequence Assessment Methods for Incidents Involving Releases From Liquefied Natural Gas Carriers

June 18, 2004.

The Federal Energy Regulatory Commission's staff researched and reviewed methodologies for modeling liquefied natural gas spills on water. The final report entitled Consequence Assessment Methods for Incidents Involving Releases from Liquefied Natural Gas Carriers was made available to the public on May 14, 2004, with comments due by May 28. The staff's responses to the comments are now available in PDF format from the Commission's Web site (<http://www.ferc.gov/industries/gas/indus-act.asp>).

Magalie R. Salas,

Secretary.

[FR Doc. E4-1428 Filed 6-25-04; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[ORD-2004-0009, FRL-7778-7]

Agency Information Collection Activities: Proposed Collection; Comment Request: Inventory of Environmental Public Health Bio Monitoring Programs and Health Surveillance Databases for the Mid Atlantic Region, EPA ICR Number 2146.01

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request for a new approved collection. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 27, 2004.

ADDRESSES: Submit your comments, referencing docket ID number ORD-2004-0009, to EPA online using EDOCKET (our preferred method), by e-mail to oei.docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Office of Environmental Information Docket, Mail Code 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Marsha Marsh, U.S. EPA /ORD/Mid Atlantic Integrated Assessment Offices (MAIA), Research Triangle Park, NC 27722, Mail Code E 343-03; telephone number: 919-541-2542; fax number: 919-541-7588; e-mail address: marsh.marsha@epa.gov; or Patricia Bradley, Director, U.S. EPA/ORD/Mid Atlantic Integrated Assessment Office (MAIA), Environmental Science Center, 701 Mapes Road, Ft Meade, MD 20755-5053; telephone: 410-305-2744; e-mail address: bradley.patricia@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number ORD-2004-0009, which is available for public viewing at the Office of Environmental Information 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 Reading Room is (202) 566-1744, and the telephone number for Environmental Information Docket is (202) 566-1752. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 *FR* 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

Affected entities: Entities potentially affected by this action are a broad brush of State/Federal/ environmental groups, private environmental/health agencies, academic partners/institutions and research bodies, both private and public. This is inclusive of but not limited to specialities in the areas of ecology, genetics, chemistry, geology, hydrology, economics, sociology, psychology, political science, statistics, information, GIS, and health science, public health, medical and veterinary science, pharmacology, toxicology.

Title: Inventory Of Environmental Public Health Bio monitoring Programs And Health Surveillance Databases For The Mid Atlantic Region.

Abstract: The overarching theme/ rationale of the project is to improve the linkages between human health and

environmental conditions in the Mid Atlantic Region.

The U.S. Environmental Protection Agency is working with Federal/State/local and academic partners to produce an online interactive, spatial inventory of public health bio monitoring databases within environmental programs and health surveillance databases for the Mid Atlantic region. Data identified by the inventory will contribute to the Mid Atlantic Integrated Assessment (MAIA) experimental research and monitoring effort that links human health and environmental condition and will build upon the success of the MAIA regional scale geographic assessment of ecological condition. The efforts will combine many scientific disciplines including ecology, chemistry, geology, hydrology, economics, sociology, psychology, political science, statistics, informatics, GIS, and health science (e.g., public health, medical and veterinary science, pharmacology, toxicology, etc) in an effort to study the effects of the changed environment upon humans. Data is to be collected by the individual interview (either in person or by phone calls) on an unpaid voluntary basis. The data in the inventory will be available electronically and on the Internet for use by a variety of resource managers, regulators, the scientific community and the informed public. The data will allow the user to identify the location, purpose, agency/institution participation, parameter characteristics (type, frequency, format) and data disposition for each inventoried program. The inventory will contain information on program design, program administration, and specific meta-data on parameters that are monitored on environmental health. It will not include any personal information or any confidential 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.

The EPA would like to solicit comments to: (i) 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; (ii) enhance the quality, utility, and clarity of the information to be collected; and (iii) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection

techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The number of respondents will average some 75–85 respondents from multiple sources inclusive of public/private/State/Federal and independent groups for issues of broad national interest within public health and environmental bio-monitoring areas. It is estimated to average 1 hour per respondent for completion of the survey tool, which is voluntary. Frequency of this burden is only once until the surveillance program is reorganized or altered. The total cost of the start-up, capital, O & M should average approximately \$2,000.00. The survey tools are administered individually to each respondent, thus there are no postage costs incurred or other related expenses for the respondents within the survey sample to be pooled. Burden means the total time, effort, or financial resources expended by person 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; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: June 7, 2004.

Steve Hedtke,

Acting Director, National Health Environmental Effects Research Laboratory.

[FR Doc. 04–14607 Filed 6–25–04; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Economic Impact Policy

This notice is to inform the public that the Export-Import Bank has received an application to finance the export of up to \$200 million of equipment and other goods and services to a buyer in Egypt. The U.S. exports will enable the Egyptian company to produce anhydrous ammonia from natural gas. The Egyptian company will have a production capacity of 2,000

metric tons of ammonia per day, with initial production to commence in the latter part of 2007. It is envisioned this new production will be consumed primarily in Jordan and India. Interested parties may submit comments on this transaction by e-mail to economic.impact@exim.gov or by mail to 811 Vermont Avenue, NW., Room 1238, Washington, DC 20571, within 14 days of the date this notice appears in the **Federal Register**.

Helene S. Walsh,

Director, Policy Oversight and Review.

[FR Doc. 04–14617 Filed 6–25–04; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL ELECTION COMMISSION

[Notice 2004–10]

Filing Dates for the North Carolina Special Election in the 1st Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: North Carolina has scheduled a special general election on July 20, 2004, to fill the U.S. House of Representatives seat in the First Congressional District vacated by Representative Frank W. Ballance, Jr.

Committees participating in the North Carolina Special General Election are required to file pre- and post-election reports.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin R. Salley, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates participating in the North Carolina Special General Election shall file a 12-day Pre-General Report on July 8, 2004; and a 30-day Post-General Report on August 19, 2004. (See chart below for the closing date for each report).

Unauthorized Committees (PACs and Party Committees)

Political committees filing on a quarterly basis in 2004 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the North Carolina Special General Election by the close of books for the applicable report(s). (See chart below for the closing date for each report).

Committees filing monthly that support candidates in the North Carolina Special General Election should continue to file according to the monthly reporting schedule.

Disclosure of Electioneering Communications (Individuals and Other Unregistered Organizations)

As required by the Bipartisan Campaign Reform Act of 2002, the

Federal Election Commission promulgated new electioneering communications rules governing television and radio communications that refer to a clearly identified federal candidate and are distributed within 60 days prior to a special general election. 11 CFR 100.29. The statute and regulations require, among other things, that individuals and other groups not registered with the FEC who make

electioneering communications costing more than \$10,000 in the aggregate in a calendar year disclose that activity to the Commission within 24 hours of the distribution of the communication. See 11 CFR 104.20.

The 60-day electioneering communications period in connection with the North Carolina Special General runs from May 21, 2004 through July 20, 2004.

CALENDAR OF REPORTING DATES FOR NORTH CAROLINA SPECIAL ELECTION COMMITTEES INVOLVED IN THE SPECIAL GENERAL (07/20/04) MUST FILE

Report	Close of books ¹	Reg./cert. & overnight mailing date ²	Filing date
July Quarterly		—waived—	
Pre-General	06/30/04	³ 07/05/04	07/08/04
Post-General	08/09/04	08/19/04	08/19/04

¹ The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

² Reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" means an overnight service with an on-line tracking system. Reports filed by any other means must be received by the Commission by the filing date.

³ Notice that the registered, certified and overnight mailing date falls on a weekend or federal holiday. The report should be postmarked before that date.

Dated: June 21, 2004.

Michael E. Toner,
Commissioner, Federal Election Commission.
 [FR Doc. 04-14385 Filed 6-25-04; 8:45 am]
BILLING CODE 6715-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 13, 2004.

A. Federal Reserve Bank of Dallas
 (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Frank Henslee Miller*, Paris, Texas; to acquire voting shares of Cooper Lake Financial Corporation, Cooper, Texas,

and thereby indirectly acquire voting shares of First National Bank, Cooper, Texas, and The Delta Bank, Cooper, Texas.

Board of Governors of the Federal Reserve System, June 23, 2004.

Robert deV. Frierson,
Deputy Secretary of the Board.
 [FR Doc. 04-14622 Filed 6-25-04; 8:45 am]
BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in

writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 22, 2004.

A. Federal Reserve Bank of Atlanta
 (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *Southwest Florida Community Bancorp, Inc.*, Fort Myers, Florida; to acquire at least 80 percent of the voting shares of Community Bank of Cape Coral, Cape Coral, Florida (in organization).

Board of Governors of the Federal Reserve System, June 22, 2004.

Robert deV. Frierson,
Deputy Secretary of the Board.
 [FR Doc. 04-14506 Filed 6-25-04; 8:45 am]
BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM**Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 23, 2004.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. *Northeast Bancorp*, Auburn, Maine; to become a bank holding company by acquiring 100 percent of the voting shares of Northeast Bank, FSB, Auburn, Maine.

B. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Pioneer Bancshares, Inc.*, Ponca, Oklahoma; to acquire 9.99 percent of the voting shares of Brazos Valley Bank, N.A., College Station, Texas (in organization).

Board of Governors of the Federal Reserve System, June 23, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04-14623 Filed 6-25-04; 8:45 am]

BILLING CODE 6210-01-S

GENERAL SERVICES ADMINISTRATION**Transportation Management Policy: Request for Comments on Discontinuing the Use of Standard Form (SF) 1113, Public Voucher for Transportation Charges and, and SF 1113-A (Memorandum Copy)**

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: The General Services Administration (GSA) is proposing to discontinue use of the Standard Form (SF) 1113, Public Voucher for Transportation Charges, and its memorandum copy, SF 1113-A, in the current paper format. As the Federal Government continues to align its long-standing business practices to reflect the best and most successful business practices used commercially, conversion to electronic commerce has become most significant. Accordingly, an approved electronic version of SF 1113 and SF 1113-A will be acceptable. Based on comments received, GSA also will determine the feasibility of allowing transportation service providers to use their individual invoices for the electronic billing of transportation charges.

The General Services Administration is interested in all comments, especially from Government paying, finance, and disbursing offices, that specify the minimum information that must be included in any billing document submitted for payment.

DATES: Send your written comments by August 27, 2004.

ADDRESSES: Send your written comments to Ted J. Bembenek, Jr., Office of Governmentwide Policy (MTL), General Services Administration, 1800 F Street, NW., Room 1221-B, Washington, DC 20405. Send e-mail comments to: ted.bembenek@gsa.gov.

FOR FURTHER INFORMATION CONTACT: Ted J. Bembenek, Jr., Director, Transportation Management Policy Division, Office of Governmentwide Policy, GSA, at (202) 208-7629, or Internet e-mail at ted.bembenek@gsa.gov.

SUPPLEMENTARY INFORMATION:**A. Background**

In lieu of other voucher forms, SF 1113 and SF 1113-A were first prescribed in 1943 by the General Accounting Office (GAO) to improve and standardize carrier freight billing procedures. The advantages and disadvantages of allowing carriers to use their own billing forms, in lieu of SF 1113 and SF 1113-A, were considered in the 1969 Joint Agency Transportation Study (JATS). Responses from most of the carriers and Government agencies queried in that study indicated a preference for using SF 1113 and SF 1113-A over individual carrier invoices. The agencies maintained that use of Government forms expedited the processing and paying of carrier bills, and the carriers indicated they were having no problems using these forms. The General Services Administration (GSA now prescribes use of SF 1113 and its memorandum copy, SF 1113-A), in part 102-117 of the Federal Management Regulation (FMR) (41 CFR part 102-117).

During the time that SF 1113 and SF 1113-A have been in use, there have been many management improvements in how the Government conducts its transportation business. Much of this effort is linked to the implementation of electronic Government as a critical tool to standardize and streamline processes related to transportation, as well as its other business lines. GSA is of the opinion that the Government's interests will not be compromised through electronic payment requests.

B. Request for Comments

The General Services Administration (GSA) is seeking additional information. Transportation service providers and other interested parties are urged to participate by returning comments. Federal agencies' finance, paying, and disbursing offices are asked to identify the information that is required regardless of what payment instrument is submitted. Official address, contact, and due date for submitting comments are stated above.

Dated: June 22, 2004.

Ted J. Bembenek, Jr.,

Director, Transportation Management Policy Division.

[FR Doc. 04-14601 Filed 6-25-04; 8:45 am]

BILLING CODE 6820-14-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the Secretary**

[Docket No. 2004S-0270]

Notice Announcing Publication of Report to Congress Entitled "Plan for the Transfer of Responsibility for Medicare Appeals" and Soliciting Comments**ACTION:** Notice.**SUMMARY:** This notice announces the publication of a Report to Congress entitled "Plan for the Transfer of Responsibility for Medicare Appeals", and solicits public comments.**DATES:** Comments need to be submitted by July 28, 2004.**ADDRESSES:** You may submit comments, identifying them as having reference to Docket No. 2004S-0270, in any of the following ways:

- By E-mail: please include the above-cited docket number in the subject line of your message, and send the comments to fdadockets@oc.fda.gov.

(Note: The Food and Drug Administration (FDA) is currently providing a repository for comments on documents issued by the Office of the Secretary).

- Through the U.S. Postal Service: send written comments to:

Food and Drug Administration, Division of Dockets Management, 5630 Fishers Lane, Room 1061, Rockville MD 20852-20201.

Please allow sufficient time for mailed comments to be received timely in the event of delivery delays. Because of staff and resource limitations, we cannot accept faxed comments. All comments received will be electronically posted without change to: <http://www.fda.gov/dockets/comments>, including any personal information provided. Paper copies may be viewed at the Division of Dockets Management at the above-cited address.

FOR FURTHER INFORMATION CONTACT:

Catherine Tyrell, ASAM/HHS; telephone (202) 690-7431.

SUPPLEMENTARY INFORMATION:**I. Background**

On December 8, 2003, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub.L. 108-173) was enacted. Section 931 of the MMA requires transfer of responsibility for the Medicare appeals function from the Social Security Administration (SSA) to the Department of Health and Human Services (HHS) not earlier than July 1, 2005 and not later than October 1, 2005.

Also pursuant to section 931 of the MMA, the Commissioner of SSA and the Secretary of HHS were required to develop and transmit to the Congress and the Comptroller General of the United States a plan for the transfer of responsibility for this function, not later than April 1, 2004. Under section 931 of the MMA, the plan was required to address: the workload of the administrative law judges (ALJs), cost projections and financing, a timetable for the transition, the feasibility of giving certain decisions of the Departmental Appeals Board (DAB) precedential authority, access to ALJs, independence of ALJs, geographic distribution of ALJs, hiring of ALJs and support staff, appropriateness of establishing performance standards for ALJs, arrangements for shared resources with SSA, and training of ALJs. Consistent with this requirement, on March 25, 2004, the Secretary of HHS and the Commissioner of SSA submitted a Report to Congress entitled "Plan for the Transfer of Responsibility for Medicare Appeals."

II. Provisions of the Notice

The report is published on the HHS Web site and can be viewed at www.hhs.gov/medicare/appealsrpt.pdf. We are soliciting comments from the public on how we might implement any and all aspects of the plan for the transition, as described in the report, and we are particularly interested in comments and ideas on how to best serve the public once responsibility for the Medicare appeals function is transferred to HHS in 2005. Please see the **ADDRESSES** section of this Notice for information about how to submit comments.

Dated: June 24, 2004.

Ann C. Agnew,*Executive Secretary to the Department.*

[FR Doc. 04-14680 Filed 6-25-04; 8:45 am]

BILLING CODE 4150-03-P**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Agency for Healthcare Research and Quality****Notice of Meeting**

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency

for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications for Practice-Based Research Networks (PBRN) Awards are to be reviewed and discussed at this meeting. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited status.

SEP Meeting on: Practice-Based Networks Awards (PBRN).*Date:* July 22-23, 2004. Open July 22, from 8-8:15 a.m., and closed for the remainder of the meeting.)*Place:* John M. Eisenberg Building, AHRQ Conference Center, 540 Gaither Road, Rockville, Maryland 20850.*Contact Person:* Anyone wishing to obtain a roster of members, agenda or minutes of the nonconfidential portions of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Room 2038, Rockville, Maryland 20850, telephone (301) 427-1554.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: June 21, 2004.

Carolyn M. Clancy,*Director.*

[FR Doc. 04-14643 Filed 6-25-04; 8:45 am]

BILLING CODE 4160-90-M**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families****Proposed Information Collection Activity; Comment Request; Proposed Projects**

Title: Guidance for the Tribal Temporary Assistance for Needy Families (TANF) Program.

OMB No.: 0970-0157.

Description: 42 U.S.C. 612 (section 412 of the Social Security Act) requires each Indian tribe that elects to administer and operate a TANF program

to submit a Tribal TANF plan. The Tribal plan is a mandatory statement submitted to the Secretary by the Indian tribe, which consists of an outline of how the Indian tribe's TANF program

will be administered and operated. It is used by the Secretary to determine whether the plan is approvable and to determine that the Indian tribe is eligible to receive a TANF assistance

grant. It is also made available to the public.

Respondents: Indian tribes applying to operate a TANF program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Guidance for the Tribal Temporary Assistance for Needy Families (TANF) Program	20	1	54	1080
<i>Estimated Total Annual Burden Hours</i> .....	.....	.....	.....	1080

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 requests 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: June 21, 2004.
Robert Sargis,
Reports Clearance Officer.
 [FR Doc. 04-14533 Filed 6-25-04; 8:45 am]
BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Projects

Title: Annual Report on Progress—University Centers for Excellence in Developmental Disabilities.

OMB No.: 0980-0162.

Description: In accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000, University Centers (UCEDDs) are required to collect data to measure progress achieved in one or more areas of emphasis (child care, education and early intervention, employment, health, housing, recreation, transportation, quality assurance) through advocacy, capacity building, and systemic change activities. The Annual Report must indicate progress in terms of measures of improvement, consumer satisfaction, and collaboration across the State Developmental Disabilities Network.

Respondents: University Centers for Excellence in Developmental Disabilities.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Annual Report on Progress—University Centers	61	1	80	4,880
<i>Estimated Total Annual Burden Hours</i> .....	.....	.....	.....	4,880

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families in 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 requests 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: June 21, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04-14534 Filed 6-25-04; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

State Health Fraud Task Force Grants; Availability of Funds for Fiscal Year 2004: Request for Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of grant funds for State Health Fraud Task Force Grant Program support. Grant funds will be used to assist law enforcement agencies in identifying and prosecuting perpetrators of health fraud; obtain and disseminate information on the use of fraudulent drugs and therapies; disseminate information on approved drugs and therapies; and provide health fraud information obtained by the State Health Fraud Task Force to State health agencies, community based organizations, and FDA staff. Approximately \$300,000 will be available for this program in fiscal year 2004. FDA anticipates making approximately 20 awards, not to exceed \$15,000 in direct costs only per award per year. Support of these grants will be for up to 3 years. The number of grants awarded will depend on the quality of the applications received and the availability of Federal funds to support the grant. These grants are not intended to fund food, medical device, or drug inspections.

DATES: The application receipt date is August 12, 2004.

ADDRESSES: Application kits are available from, and completed applications should be mailed, hand-carried, or commercially delivered to Cynthia M. Polit, Division of Contracts and Grants Management (HFA-531), Food and Drug Administration, 5630 Fishers Lane, rm. 2142, Rockville, MD 20852, 301-827-7180, e-mail: cpolit@oc.fda.gov. Application forms

PHS-5161-1 (7/00) are available via the Internet at <http://www.psc.gov/forms>. Do not send the application to the Center for Scientific Review, National Institutes of Health (NIH). An application not received by FDA in time for orderly processing will be returned to the applicant without consideration. FDA cannot receive an application electronically.

FOR FURTHER INFORMATION CONTACT:

Regarding the administrative and financial management aspects of this notice: Cynthia M. Polit (see **ADDRESSES**).

Regarding the programmatic aspects of this notice: Stephen Toigo, Division of Federal-State Relations (HFC-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-6906, e-mail: dfsr@ora.fda.gov. Internet site: http://www.fda.gov/ora/fed_state/default.htm.

SUPPLEMENTARY INFORMATION:

I. Introduction

FDA will support projects covered by this notice under sections 1702 through 1706 of title XVII of the Public Health Service Act (42 U.S.C. 300u-1 through 300u-5). FDA's project program is described in the Catalog of Federal Domestic Assistance, No. 93.447, and applicants are limited to States that have an existing State Health Fraud Task Force or States that are in the process of developing a task force.

Only one award will be made per State. A fiscal agent, who will be responsible for the administrative responsibilities for grant funds to conduct their activities, must be identified on the application. A program director, also known as the State Health Fraud Task Force Chair, must be identified as being responsible for submission of the application, and a complete listing of all State Health Fraud Task Force members and their credentials must be included in the application.

II. Background

The mission of the State Health Fraud Task Force is as follows: (1) To assist health professionals and persons with serious illnesses and to educate them about the dangers and magnitude of health fraud; (2) to assist law enforcement agencies in identifying and prosecuting perpetrators of health fraud; (3) to obtain and disseminate information on the fraudulent drugs and therapies being used and the consequences of their use; (4) to disseminate information on approved drugs and therapies; and (5) to provide

health fraud information obtained by the State Health Fraud Task Force to State health agencies, community based organizations, and FDA staff.

III. Project Goals, Definitions, and Examples

State Health Fraud Task Force grants will be awarded only for direct costs incurred to accomplish the mission of the State Health Fraud Task Force Program in educating and combating health fraud.

Examples of direct costs may include the following items: (1) Conferences/workshops sponsored by the task force, (2) development of public service announcements/campaigns, (3) health fraud brochures, and (4) travel expenses for face-to-face State Health Fraud Task Force meetings. Grant funds may be used to cover the cost of the program director, or task force chair, to attend one non-FDA sponsored health fraud related meeting and one FDA-sponsored National Health Fraud Task Force Steering Committee meeting per year. Grant funds may not be used to purchase meals in conjunction with any activities sponsored by the State Health Fraud Task Force or for any Federal employee to travel to any task force meeting or to participate in any task force activity. FDA region/district representatives may be invited to be liaisons or advisors of the State Health Fraud Task Force but each task force should develop its own guidelines for work, consensus decision making, size and format.

The Division of Federal-State Relations will provide meeting guidelines and organization documents as requested. State Health Fraud Task Force grants will be awarded for up to 3 years based on availability of funds and satisfactory performance. The budgets for all years of requested support must be fully justified in the original application.

IV. Reporting Requirements

Semi-annual progress reports as well as a final program progress report are required. The grantee must submit a progress report and two copies to FDA's grants management officer in the middle of each budget period and also within 90 days after the end of each budget period. The final progress report, due 90 days after the end of the project period, must provide full written documentation of the project, copies of any results (as described in the grant application), and an analysis and evaluation of the results of the project.

An annual financial status report (FSR) is due 90 days after the end of each budget period. The final FSR is

due 90 days after the end of the project period.

Program monitoring of recipients will be conducted on an ongoing basis and written reports will be reviewed and evaluated at least semi-annually by the project officer. Project monitoring may also be in the form of telephone conversations between the project officer/grants management specialist and the principal investigator and/or a site visit with appropriate officials of the recipient organization. The results of these monitoring activities will be recorded in the official file and may be available to the recipient upon request.

V. Mechanism of Support

A. Award Instrument

Support for this program will be in the form of a grant. These grants will be subject to all policies and requirements that govern the project grant programs of FDA, including the provisions of 42 CFR part 52, 45 CFR parts 74 and 92, and the Public Health Service (PHS) Grants Policy Statement. The regulations issued under Executive Order 12372 also apply to this program and are implemented through Department of Health and Human Services (HHS) regulations at 45 CFR part 100. Executive Order 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's single point of contact (SPOC) as early as possible to alert the SPOC to the prospective application(s) and to receive any necessary instructions on the State's review process. A current listing of SPOCs is included in the application kit. The SPOC should send any State review process recommendations to the FDA administrative contact (see **ADDRESSES**). The due date for the State process recommendations is no later than 60 days after the deadline date for the receipt of applications. FDA does not guarantee that we will accommodate or explain SPOC comments that are received after the 60-day cutoff.

B. Eligibility

This grant program is only available to one State Health Fraud Task Force per State (see **SUPPLEMENTARY INFORMATION**). This program is primarily intended for previously established Health Fraud Task Forces. However, consideration will be given to newly formed task forces that meet the requirements of this request for applications (RFA).

C. Length of Support

It is anticipated that FDA will fund these grants at a level requested but not exceeding \$15,000 total direct costs only for the first year. An additional 2 years of support up to approximately \$15,000 total direct costs only each year will be available, depending upon the following factors: (1) Performance during the preceding year, (2) compliance with regulatory requirements of the award, and (3) availability of Federal funds.

D. Funding Plan

The number of grants funded will depend on the quality of the applications received, their relevance to the FDA mission, priorities, and the availability of funds.

VI. Review Procedure and Criteria

All applications submitted in response to this RFA will first be reviewed by grants management and program staffs for responsiveness. Responsiveness is defined as submission of a complete application with original signatures on or before the required submission date as listed earlier in this document. If an application is found to be nonresponsive, it will be returned to the applicant without further consideration. An application will be considered nonresponsive if any of the following circumstances are not met: (1) If it is received after the specified receipt date; (2) if the total dollar amount requested from FDA exceeds \$15,000 per year; (3) if all required original signatures are not on the face, assurance, or certification pages of the application; (4) if there is no original signature copy; (5) if it is illegible; (6) if the material presented is insufficient to permit an adequate review; (7) if the application demonstrates an inadequate understanding of the intent of the RFA.

Responsive applications will be reviewed and evaluated for scientific and technical merit by an ad hoc panel of experts in the subject field of the specific application. Applications will be considered for funding on the basis of their overall technical merit as determined through the review process. Other award criteria will include availability of funds and overall program balance. Funding decisions will be made by the Commissioner of Food and Drugs or his designee.

Applicants are strongly encouraged to contact FDA to resolve any questions regarding criteria prior to the submission of their applications. All questions of a technical or programmatic nature must be directed to the Office of Regulatory Affairs

program staff (see **ADDRESSES**) and all questions of an administrative or financial nature must be directed to the grants management staff (see **ADDRESSES**).

Applications will be given an overall score and judged based on all of the following criteria: (1) The content/subject matter and how current and appropriate it is for FDA's mission; (2) the educational outreach plan and how thorough, reasonable, and appropriate it is for accomplishing the mission of the program; (3) the experience, training, and competence of the program director and task force members as described in the application; (4) the reasonableness of the proposed budget given the plan for achieving the objective of the mission of the State Health Fraud Task Force Program; (5) a plan for self-sustaining the task force program in the event that Federal funding were to become unavailable in the future; (6) a brief history of the existing State Health Fraud Task Force and its accomplishments, not to exceed two typewritten pages; (7) a description of the structure of the existing State Health Fraud Task Force including such items as nonprofit organizational status, membership guidelines, or other relevant information to demonstrate the task force as a recognizable structured entity.

VII. Submission Requirements

The original and two copies of the completed grant application Form PHS-5161-1 (revised 07/00) for State and local governments should be delivered to the Grants Management Office (see **ADDRESSES**). The application receipt date is 45 days after date of publication in the **Federal Register**, for the first year, and that anniversary date for each subsequent year this program is in effect. No supplemental material or addenda will be accepted after the receipt date.

VIII. Method of Application

A. Submission Instructions

Applications will be accepted during working hours, 8 a.m. to 4:30 p.m., Monday through Friday, on or before the established receipt date. Applications will be considered received on time if sent or mailed on or before the receipt date as evidenced by a legible U.S. Postal Service dated postmark or a legible date receipt from a commercial carrier, unless they arrive too late for orderly processing. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications not received on time will not be considered for review and will be

returned to the applicant. Applicants should note that the U.S. Postal Service does not uniformly provide dated postmarks. Before relying on this method, applicants should check with their local post office.

Do not send applications to the Center for Scientific Research, NIH. Any application sent to NIH that is then forwarded to FDA and not received in time for orderly processing will be deemed unresponsive and returned to the applicant. FDA is unable to receive applications via the Internet.

The outside of the mailing package and item 2 of the application face page should be labeled "Response to RFA-FDA-ORA-04-2." You must submit only one application, an original and two copies, per package.

B. Format for Application

When using Form PHS 5161-1 (rev 07/00), all instructions for the enclosed Standard Form 424 (SF424) should be followed using the nonconstruction application pages. A properly formatted sample application for grants can be accessed on the Internet at http://www.fda.gov/ora/fed_state/Innovative_Grants.html.

The face page of the application should indicate "Response to RFA-FDA-ORA-04-2." The outside of the mailing package should also be labeled "Response to State Health Fraud Task Force Grant Program."

Data included in the application, if restricted with the legend specified later in this document, may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4)) and FDA's implementing regulations (21 CFR 20.61).

Information collection requirements requested on PHS Form 5161-1 were approved and issued under Office of Management and Budget Circular A-102.

IX. Dun and Bradstreet Number (DUNS) Requirement

Beginning October 1, 2003, applicants will be required to have a DUNS number to apply for a grant or cooperative agreement from the Federal

government. The DUNS number is a 9-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, call 1-866-705-5711. Be certain that you identify yourself as a Federal grant applicant when you contact Dun and Bradstreet.

X. Legend

Unless disclosure is required by FOIA as amended (5 U.S.C. 552), as determined by the freedom of information officials of HHS or by a court, data contained in the portions of an application which have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted and/or proprietary information shall not be used or disclosed except for evaluation purposes.

Dated: June 22, 2004.

Jeffery Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04-14593 Filed 6-25-04; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection Comment Request: In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104-13), the Health Resources and Services Administration (HRSA) will publish periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans, call the HRSA Reports Clearance Officer on (301) 443-1129.

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

Proposed Project: Charitable Facility Compliance Alternative (amended), Final Rule (OMB No. 0915-0256)—Extension

The Hill-Burton uncompensated services regulations contain information collection requirements in 42 CFR Part 124 which are needed in order to grant certifications to eligible facilities. The charitable facility compliance alternative contains specific reporting requirements. 42 CFR 124.516(d) requires certain information for initial full or provisional certification of nonprofit facilities under the charitable facility compliance alternative. Information for certification of facilities under the charitable facility compliance alternative is needed by the Health Resources and Services Administration to verify that the facilities meet the requirements of the compliance alternative. Information collected for certification consists primarily of: Audited financial statements; philanthropic documentation specifically related to the provision of discounted health services; a description of the discounted or charity care program; documentation confirming the facility's commitment to provide all services to all patients or those patients with incomes up to three times the poverty level for nursing homes and twice the poverty level for all other facilities at no charge or at a discount; and, charging and collection policy and procedures.

The burden estimate for this project is as follows:

Application	Number of respondents	Number of responses per respondent	Total responses	Hours per response	Total burden hours
Application for Compliance Alternative (42 CFR 124.516(d))	5	1	5	6	30
Certifications in Years 2 and 3	5	2	10	.5	5
Total	5	.....	15	.....	35

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14-33 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Written comments should be received with 60 days of this notice.

Dated: June 21, 2004.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 04-14594 Filed 6-25-04; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[CGD08-04-023]

Notice of Public Hearing on Simmesport Railroad Bridge Across the Atchafalaya River, Mile 4.4 at Simmesport, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of public hearing; request for comments.

SUMMARY: The Coast Guard will hold a public hearing to receive comments concerning the alteration of the Simmesport Railroad Bridge at Simmesport, Louisiana. The hearing will allow interested persons to present comments and information about the bridge being an unreasonable obstruction.

DATES: The hearing will be held on July 20, 2004, commencing at 1 p.m. Comments must be received by July 12, 2004. Requests to speak must be received in the Office of Bridge Administration at the address given under **ADDRESSES** by July 12, 2004.

ADDRESSES: The hearing will be held in the Council Chambers, Government Building, 222 St. Louis Street, Baton Rouge, Louisiana 70802.

Written comments may be submitted to, and will be available for examination between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays at the office of the Commander Eighth Coast Guard District (obr), Bridge Administration Branch, 1222 Spruce Street, St. Louis, MO 63103-2832.

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

SUPPLEMENTARY INFORMATION:

Background

Complaints have been received alleging that the bridge is unreasonably obstructive to navigation. Information

available to the Coast Guard indicates numerous bridge allusions have occurred between 1991 and 2003. The navigation opening of the bridge is 131 feet and causes significant delays to commercial water traffic during periods of high water mariners avoid transiting the Simmesport Railroad Bridge and take the Port Allen Route to Morgan City, Louisiana, thereby adding 137 miles or one day to their trip. Based on the comments received at the public hearing, the bridge may be found to be unreasonably obstructive to navigation. Such a finding may require relocating and increasing the horizontal clearance of the railroad bridge to meet the needs of navigation.

Procedural

Please submit all comments in an unbound format, no larger than 8 x 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

Any person, who wishes, may appear and be heard at this public hearing. Individuals and representatives of organizations that wish to present testimony at the hearing may submit a request to this office at the address listed under **ADDRESSES** clearly indicating name and organization represented. Requests to speak should be received no later than July 12, 2004, in order to ensure proper scheduling for the hearing. Depending on the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitation of time allocated will be announced at the beginning of the hearing. Written statements and other exhibits may be submitted in lieu of, or in addition to, oral statements made at the hearing, and may be submitted to this office at the address listed under **ADDRESSES** unit July 12, 2004, for inclusion in the public hearing transcript. Transcripts of the hearing will be made available for purchase upon request.

Information on Services for Individuals With Disabilities

For information about facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Commander, Eighth Coast Guard District (obr). Please request these services by contacting this office at the phone number under **FOR FURTHER INFORMATION CONTACT** or in writing at the address listed under **ADDRESSES**. Any requests for an oral or sign language interpreter must be received by July 12, 2004.

Authority: 33 U.S.C. 513; Department of Homeland Security Delegation No. 0170.1

Dated: June 14, 2004.

R.F. Duncan,

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

[FR Doc. 04-14626 Filed 6-23-04; 3:18 pm]

BILLING CODE 4910-15-M

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Conclusion of Paperless Drawback Prototype

AGENCY: Customs and Border Protection, Homeland Security.

ACTION: General notice.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP) will be concluding its Paperless Drawback Prototype. The prototype, which tests the feasibility of filing paperless drawback claims using the Automated Broker Interface of CBP's Automated Commercial System, was announced in a **Federal Register** document published on September 27, 2002. In that document, CBP announced its intent to run the prototype for approximately one year and evaluate the test program at the end of that period. Based on its evaluation, CBP has determined that processing of paperless drawback claims cannot be successfully accomplished under current automated systems and the Paperless Drawback Prototype should not be continued for that reason.

DATES: The Paperless Drawback Prototype will conclude on June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Sherri Lee Hoffman, Entry and Drawback Management Branch, Telephone: (202) 927-0300, E-mail: sherri.hoffman@dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

In a document published in the **Federal Register** (67 FR 61197) on September 27, 2002, CBP announced its plan to conduct a prototype to test the feasibility of filing paperless drawback claims using the Automated Broker Interface of CBP's Automated Commercial System. The test program was scheduled to run for approximately one year, with a final evaluation to take place at the end of that period.

In a subsequent announcement in the **Federal Register** (68 FR 18994), dated

April 17, 2003, CBP reopened the prototype's application period to encourage greater participation in the test program. As a result, commencement of the prototype was delayed until June 18, 2003.

Based on its evaluation of the Paperless Drawback Prototype, CBP has concluded that processing of paperless drawback claims cannot be successfully accomplished under current automated systems. In this regard, it is noted that certain types of drawback claims cannot be processed without the filing of paper documentation (*i.e.*, drawback claims involving NAFTA merchandise, merchandise processing fees, harbor maintenance fees, single entry bonds, *etc.*). Although CBP notified approved participants in writing that drawback claims requiring paper documentation would not be accepted for purposes of the Paperless Drawback Prototype, many such claims were nonetheless submitted to CBP under the auspices of the test program. In these instances, CBP was able to redirect the submissions as paper drawback claims. It is anticipated, however, that an expansion of the Paperless Drawback Prototype would make this problem difficult to contain and would result in unnecessary delays in the processing of drawback claims.

For this reason, CBP is of the view that the Paperless Drawback Prototype should be discontinued. CBP will conclude the Paperless Drawback Prototype effective upon the date of publication of this document in the **Federal Register**.

Dated: June 22, 2004.

William S. Heffelfinger III,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. 04-14560 Filed 6-25-04; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4903-N-42]

Notice of Submission of Proposed Information Collection to OMB; Record of Employee Interview

AGENCY: Office of the Chief Information Officer.

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.

HUD is requesting approval to modify the information collected to fulfill its obligation to administer and enforce Federal labor standards provisions, especially to monitor contractor compliance and to act upon allegations of labor standards violations.

DATES: Comments Due Date: July 28, 2004.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2501-0009) 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; telephone (202) 708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins 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 U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a survey instrument to obtain information from faith based and community organizations on their likelihood and success at applying for various funding programs. 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: Record of Employee Interview.

OMB Approval Number: 2501-0009.

Form Numbers: HUD-11.

Description of the Need for the Information and its Proposed Use: HUD is requesting approval to modify the information collected to fulfill its obligation to administer and enforce Federal labor standards provisions, especially to monitor contractor compliance and to act upon allegations of labor standards violations.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
<i>Reporting Burden</i>	20,000	1		0.5		10,000

Total Estimated Burden Hours: 10,000.

Status: Revision of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 22, 2004.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 04-14641 Filed 6-25-04; 8:45 am]

BILLING CODE 4210-72-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by July 28, 2004.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: David L. Coletti, Dix Hills, NY, PRT-087994.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Gerry A. Scheidhauer, Jr., Bowie, MD, PRT-088297.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Thomas J. Merkley, St. Peter, MN, PRT-088780.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Gerald H. Beier, Winona, MN, PRT-089001.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Marine Mammals

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The applications were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: Patrick H. Aucoin, Spring, TX, PRT-088467.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

Applicant: Joel A. Johnson, Marquette, MI, PRT-088474.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort Sea polar bear population in Canada for personal use.

Applicant: Berry L. Bridges, Pleasanton, TX, PRT-088778.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort Sea polar bear population in Canada for personal use.

Applicant: Bruce M. Golberg, White Sulphur Springs, MT, PRT-088995.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Southern Beaufort Sea polar bear population in Canada for personal use.

Applicant: Armen Avedissian, Burbank, CA, PRT-088999.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

Dated: June 18, 2004.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 04-14595 Filed 6-25-04; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by July 28, 2004.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: Merle S. Barnaby, Caledonia, MI, PRT-086640.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Ray M. Hagio, Hilo, HI, PRT-088292.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Bruce M. Shioji, Hilo, HI, PRT-088291.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Billy W. Moore, Fulton, MO, PRT-088294.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Gregg K. Hobbs, Westminster, CO, PRT-088299.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Marine Mammals

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered marine mammals and/or marine mammals. The applications were submitted to satisfy requirements of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) and/or the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing endangered species (50 CFR part 17) and/or marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: Steven S. Bruggeman, PRT-088309.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Norwegian Bay polar bear population in Canada for personal use.

Dated: June 11, 2004.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 04-14597 Filed 6-25-04; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits for marine mammals.

SUMMARY: The following permits were issued.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on the dates below, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein.

MARINE MAMMALS

Permit No.	Applicant	Receipt of application Federal Register notice	Permit issuance date
085071	Robert J. Raniolo	69 FR 21858; April 22, 2004	June 7, 2004.
085099	John J.J. Rybinski	69 FR 21858; April 22, 2004	June 14, 2004.
085280	Dennis F. Gaines	69 FR 21857; April 22, 2004	June 14, 2004.
085484	Keith A. Dewitt	69 FR 21857; April 22, 2004	June 7, 2004.
085491	Jimmie L. Benton, Jr.	69 FR 21857; April 22, 2004	June 14, 2004.
085492	Jimmie L. Benton, Jr.	69 FR 21857; April 22, 2004	June 14, 2004.

Dated: June 18, 2004.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 04-14596 Filed 6-25-04; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits for marine mammals.

SUMMARY: The following permits were issued.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on the dates below, as authorized by the provisions of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531 *et seq.*), and/or the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein. For each permit for an endangered species, the Service found that (1) the application was filed in good faith, (2) the granted permit would not operate to

the disadvantage of the endangered species, and (3) the granted permit

would be consistent with the purposes and policy set forth in section 2 of the

Endangered Species Act of 1973, as amended.

MARINE MAMMALS

Permit No.	Applicant	Receipt of application Federal Register notice	Permit issuance date
084795	John A. McNeill	69 FR 17440; April 2, 2004	June 4, 2004.
085296	Dale S. Jacobs	69 FR 21857; April 22, 2004	June 4, 2004.
085545	John L. Wathen	69 FR 21857; April 22, 2004	June 2, 2004.

Dated: June 11, 2004.
Monica Farris,
Senior Permit Biologist, Branch of Permits, Division of Management Authority.
 [FR Doc. 04-14598 Filed 6-25-04; 8:45 am]
BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Cherokee Nation Sale and Consumption of Alcoholic Beverages

AGENCY: Bureau of Indian Affairs, Interior.
ACTION: Notice.

SUMMARY: This notice publishes the Cherokee Nation Liquor Control Legislative Act. The Act regulates and controls the possession, sale and consumption of liquor on the Cherokee Nation. The land is located on trust land and this Act allows for the possession and sale of alcoholic beverages on the Cherokee Nation and will increase the ability of the tribal government to control the Nation's liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

EFFECTIVE DATE: This Act is effective on June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Karen Ketcher, Eastern Oklahoma Regional Office, Division of Tribal Government, P.O. Box 8002, Muskogee, Oklahoma 74402-8002; Telephone (918) 781-4685; or Ralph Gonzales, Office of Tribal Services, 1951 Constitution Avenue, NW., MS-320-SIB, Washington, DC 20240; Telephone (202) 513-7629.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Pub. L. 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Cherokee Nation

adopted its Legislative Act 9-04 on March 15, 2004. The purpose of this Act is to govern the sale, possession and distribution of alcohol on the Cherokee Nation.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs.

I certify that this Liquor Ordinance, a Legislative Act of the Cherokee Nation, was duly adopted by the Cherokee Nation Tribal Council on March 15, 2004.

David W. Anderson,
Assistant Secretary—Indian Affairs.

The Cherokee Nation Liquor Control Legislative Act 9-04 reads as follows:

An Act
 Legislative Act 9-04

A Legislative Act Amending Legislative Act #41-03 "The Cherokee Nation Limited Mixed Beverage Sales Act", Relating to Cherokee Nation Enterprises, Inc. and Adding New Language in Section 8: Sales of Liquor and Declaring an Emergency

Be It Enacted By the Cherokee Nation:

Section 1. Title and Codification

This Act shall be known as "The Cherokee Nation Limited Mixed Beverage Sales Act" and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Authority

This legislation is enacted in compliance with the Act of August 15, 1953, 67 Stat. 586, codified at 18 U.S.C. Section 1161, and by the authority of the Cherokee Nation Tribal Council under Article V, Section 7 of the Constitution of the Cherokee Nation.

Section 3. Purpose

This Act authorizes the Board of Directors of Cherokee Nation Enterprises, Inc. (CNE), a wholly owned tribally chartered corporation, to establish retail liquor sales at designated locations within its hotel, restaurant and/or casino operations located on trust land. The purpose of this Act is to regulate and control the possession and

sale of liquor by CNE as a licensee. This enactment will increase the ability of the Cherokee Nation to control the sale, distribution and possession of liquor at limited and designated areas on tribal trust land occupied by CNE.

Section 4. Application of 18 U.S.C. 1161

Federal law requires that any authorization for the sale of liquor or other alcoholic beverages must be in conformity with the laws of the State and approved by an ordinance (law) duly adopted by the tribe having jurisdiction over such area of Indian country. All acts and transactions under this law of the Cherokee Nation shall be in conformity with federal law and with the laws of the State of Oklahoma as applicable.

Section 5. Effective Date

This Act shall be effective on certification by the Secretary of the Interior and its publication in the **Federal Register**.

Section 6. Definitions

As used in this Act, the following words shall have the following meanings unless the context clearly requires otherwise:

(a) "Alcohol" means the substance known as ethyl alcohol, hydrated oxide of ethyl, ethanol, or spirits of wine, from whatever source or by whatever process produced.

(b) "Alcoholic Beverage" is synonymous with the term "liquor" as defined in this Chapter.

(c) "Board of Directors" means the Board of Directors of Cherokee Nation Enterprises, Inc.

(d) "Liquor" includes mixed beverages and all fermented, spirituous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, and every liquid or solid or semisolid or other substance, patented or not, containing distilled or rectified spirits, potable alcohol, beer, wine, brandy, whiskey, rum, gin, aromatic bitters, and all drinks or drinkable liquids and all preparations or

mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contains more than one half of one percent of alcohol.

(e) "Sale" or "Sell" includes exchange, barter and traffic; and also includes the selling or supplying or distribution, by any means whatsoever, of liquor.

(f) "Tax Commission" this term refers to the Cherokee Nation Tax Commission.

(g) "Trust Land" means those lands which are held in trust by the United States for the Cherokee Nation and not for any individual Indian.

Section 7. Powers of Enforcement

Section 1. The Tax Commission. In furtherance of this Act, the Tax Commission shall have the power:

(a) To issue licenses and publish and enforce rules and regulations adopted by the Tax Commission governing the sale, consumption and possession of alcoholic beverages and to establish procedure for conducting hearings related to licensing.

(b) To take all necessary steps to enforce this Act including the collection of fees, taxes and damages related thereto.

Section 8. Sales of Liquor

Section 1. The Tax Commission is authorized to issue liquor licenses to CNE. Sales of liquor and alcoholic beverages shall only be made by CNE pursuant to a license issued by the Tax Commission. CNE shall designate to the Tax Commission each location where alcoholic beverages are proposed to be sold and a separate license shall be issued to CNE by the Tax Commission for each such location; provided that licenses shall only be issued for locations within the Nation's hotel, restaurant or casino operations on trust land. The license issued by the Tax Commission shall be in addition to any license required under applicable state law.

Section 2. Sale for Personal Consumption. All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage is prohibited. Any person who is not licensed pursuant to this Act who purchases an alcoholic beverage and sells it, whether in the original container or not, shall be guilty of a crime and up to one (1) year imprisonment and/or \$500.00 fine if convicted.

Section 9. Taxes

Section 1. Excise Tax. In lieu of any otherwise applicable tribal sales tax on

the retail sale of liquor for alcoholic beverages, there shall be an excise tax in the amount of two percent (2%) of the retail sales price. These revenues shall be used to promote mental health and related issues associated with substance abuse and shall be reserved for expenditure as provided for in the annual budget by the Cherokee Nation Health Service. The Board of Directors shall be entitled to make recommendation as to how these revenues are expended.

Section 10. Rules, Regulations, and Enforcement

Section 1. Any person who shall sell or offer for sale, distribution or transportation in any manner, liquor in violation of this Act, or who shall operate or shall have liquor for sale in his possession without a license, shall be guilty of a violation of this Act subjecting him or her to prosecution for a crime and up to one (1) year imprisonment and/or \$500.00 fine if convicted.

Section 2. Any person who buys liquor from any person other than a properly licensed facility shall be guilty of a violation of this Act subjecting him or her to prosecution for a crime and up to one (1) year imprisonment and/or \$500.00 fine if convicted.

Section 3. No person under the age of 21 years shall consume, acquire or have in his possession any liquor or alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his premises or any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of a violation of this Act subjecting him or her to prosecution for a crime and up to one (1) year imprisonment and/or \$500.00 fine if convicted.

Section 4. Any person who shall sell or provide any liquor to any person under the age of 21 years shall be guilty of a violation of this Act subjecting him or her to prosecution for a crime and up to one (1) year imprisonment and/or \$500.00 fine if convicted.

Section 5. Any person who transfers in any manner an identification of age to a person under the age of 21 years for the purpose of permitting such person to obtain liquor shall be in violation of this Act subjecting him or her to prosecution for a crime and up to one (1) year imprisonment and/or \$500.00 fine if convicted.

Section 6. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age

of 21 years shall be guilty of violating this Act subjecting him or her to prosecution for a crime and up to one (1) year imprisonment and/or \$500.00 fine if convicted.

Section 7. When requested by the provider of liquor, any person shall be required to present official documentation of the bearer's age, signature and photograph. Official documentation includes one of the following:

(1) Driver's license or identification card issued by any state department of motor vehicles;

(2) United States Active Duty Military;

(3) Passport.

Section 8. Liquor which is possessed, including for sale, contrary to the terms of this Act is declared to be contraband. Any tribal law enforcement officer who is authorized to enforce this section shall seize all contraband and preserve it in accordance with the provisions established for the preservation of impounded property.

Section 9. Upon being found in violation of the Act, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Cherokee Nation.

Section 11. Severability and Effective Date

Section 1. If any provision or application of this Act is determined by review to be invalid, such determination shall not be held to render ineffectual the remaining portions of this Act or to render such provisions inapplicable to other persons or circumstances.

Enacted by the Council of the Cherokee Nation on the 15th day of March 2004.

Joe Grayson, Jr.,

President, Council of the Cherokee Nation.

Attest:

Bill John Baker,

Secretary, Council of the Cherokee Nation.

Approved and signed by the Principal Chief this 22nd day of March 2004.

Chad Smith,

Principal Chief, Cherokee Nation.

Attest:

Callie Catcher,

Secretary/Treasurer, Cherokee Nation.

Yeas and Nays as Recorded:

Audra Smoke-Connor	YEA
Bill John Baker	YEA
Joe Crittenden	ABSENT
Jackie Bob Martin	YEA
Phyllis Yargee	YEA
David W. Thornton, Sr.	YEA
Don Garvin	YEA
Linda Hughes-O'Leary	ABSENT
Melvina Shotpouch	NAY
Meredith A. Frailey	YEA
John F. Keener	NAY

Cara Cowan YEA
 Buel Anglen YEA
 William G. Johnson YEA
 Charles "Chuck" Hoskin YEA

[FR Doc. 04-14558 Filed 6-25-04; 8:45 am]

BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

National Park Service

Quarry Visitor Center, Environmental Impact Statement, Dinosaur National Monument, CO and UT

AGENCY: National Park Service, Department of the Interior

ACTION: Notice of Intent to prepare an environmental impact statement for the Quarry Visitor Center, Dinosaur National Monument.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332©, the National Park Service (NPS) is preparing an environmental impact statement (EIS) for the Quarry Visitor Center for Dinosaur National Monument. This effort will analyze the impacts of a broad range of design alternatives to stabilize, rehabilitate, or replace the historic Quarry Visitor Center at Dinosaur National Monument. Constructed in 1956-57, the Quarry Visitor Center protects and provides visitor access and interpretation of "the greatest quarry of Jurassic dinosaurs in the world." The building has been designated a National Historic Landmark for its relationship to the National Park Service "Mission 66" program and as an outstanding example of Mission 66 "Park Service Modern" architectural design.

The building has experienced problems with foundation movements since its construction. The building suffers extensive structural distress due to differential movements between foundations elements that bear on moisture sensitive expansive clay strata. Attempts to stabilize the building have been ongoing for 40 years with major projects undertaken in 1967 and during the 1980s. Despite these efforts, the building continues to deteriorate and present safety concerns and costly ongoing maintenance issues. A historic structures report (HSR) was prepared in 2003 to evaluate the visitor center's existing condition and assess potential treatments to stabilize the building.

This proposed project will analyze a broad range of design alternatives, including the treatments proposed in the HSR, for the stabilization, rehabilitation, reconstruction, or replacement of the Quarry Visitor Center. This project will also

recommend actions to correct numerous safety hazards, provide continued safe access for employees and visitors, accommodate special needs for accessibility, and if feasible, maintain the integrity of the National Historic Landmark.

This project poses the possibility of significant adverse impacts on the Quarry Visitor Center. The probability of significant adverse impacts on a national historic landmark and possible significant adverse impact on currently undiscovered buried fossil resources requires the preparation of an environmental impact statement and an extensive public involvement process throughout the project.

The park superintendent will initiate consultation with congressional delegations and state and local agencies on the environmental impact statement. Consultation with these agencies will continue throughout the planning and design process.

Public involvement in the planning process will include newsletters that inform the public of the project and provide opportunities for input; press releases in the local media; open houses to present and solicit input on the design alternatives; a public review draft of the design document and environmental impact statement and public meetings to provide additional opportunities to comment on the design alternatives and the analysis of their environmental impacts. A public forum for comment on the full range of design alternatives will be provided throughout the course of the EIS process. Public involvement is essential for the development of creative and sustainable design alternatives for the Quarry Visitor Center. The director, Intermountain Region, National Park Service will approve the environmental impact statement.

A briefing statement has been prepared that summarizes the specific elements of the design project and the EIS. Copies of that information may be obtained from: Superintendent, Chas Cartwright, Dinosaur National Monument, 4545 E. Highway 40, Dinosaur, CO 81610-9724.

DATES: The Park Service will accept comments from the public through July 28, 2004.

ADDRESSES: Information will be available for public review and comment in the office of the Superintendent, Chas Cartwright, Dinosaur National Monument, 4545 E. Highway 40, Dinosaur, CO 81610-9724, (970) 374-3001 or e-mail: dino_superintendent@nps.gov.

FOR FURTHER INFORMATION CONTACT: Superintendent Chas Cartwright at 970-374-3001 or e-mail: dino_superintendent@nps.gov.

SUPPLEMENTARY INFORMATION: You may mail comments to: Superintendent's Office, Dinosaur National Monument, 4545 E. Highway 40, Dinosaur, CO 81610-9724. You may also hand-deliver comments to the Superintendent's Office, Dinosaur National Monument, Dinosaur, CO. (Attn: Quarry Visitor Center Environmental Impact Statement). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. If you wish us to withhold your address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: April 29, 2004.

Michael D. Snyder,

Deputy Director, Intermountain Region, National Park Service.

[FR Doc. 04-14546 Filed 6-25-04; 8:45 am]

BILLING CODE 4312-CR-P

DEPARTMENT OF THE INTERIOR

National Park Service

National Capital Memorial Advisory Commission; Notice of Public Meeting

AGENCY: Department of the Interior, National Park Service, National Capital Memorial Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a meeting of the National Capital Memorial Advisory Commission (the Commission) will be held on Thursday, July 29, 2004, at 1:30 p.m., at the National Building Museum, Room 312, 5th and F Streets, NW., Washington, DC.

The purpose of the meeting will be to discuss currently authorized and proposed memorials in the District of Columbia and its environs. In addition to discussing general matters and conducting routine business, the Commission will review the status of legislative proposals introduced in the 108th Congress to establish memorials in the District of Columbia and its environs, as follows:

Action Items

- (1) Site Selection Study, Victims of communism Memorial.
- (2) Legislation currently under consideration by the 108th Congress.

Informational Items

- (1) Status reports on Congressional actions taken on bills previously reviewed by the Commission.

Other Business

- (1) General matters and routine business.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact Ms. Nancy Young, Secretary to the Commission, at (202) 619-7097.

DATES: July 29, 2004, at 1:30 p.m.

ADDRESSES: Room 312, National Building Museum, 5th and F Streets, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Young, Secretary to the Commission, 202-619-7097.

SUPPLEMENTARY INFORMATION: The Commission was established by Pub. L. 99-652, the Commemorative Works Act (40 U.S.C. Chapter 89 *et seq.*), to advise the Secretary of the Interior (the Secretary) and the Administrator, General Services Administration, (the Administrator) on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters as it may deem appropriate concerning commemorative works.

The Commission examines each memorial proposal for conformance to the Commemorative Works Act, and makes recommendations to the Secretary and the Administrator and to Members and Committees of Congress. The Commission also serves as a source of information for persons seeking to establish memorials in Washington, DC, and its environs.

The members of the Commission are as follows:

Director, National Park Service
Chairman, National Capital Planning Commission
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Mayor of the District of Columbia
Administrator, General Services Administration

Secretary of Defense

Dated: May 14, 2004.

Terry R. Carlstrom,

Regional Director, National Capital Region.

[FR Doc. 04-14547 Filed 6-25-04; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF THE INTERIOR**Bureau of Reclamation****Central Valley Project Improvement Act, Criteria for Developing Refuge Water Management Plans**

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The "Criteria for Developing Refuge Water Management Plans" (Refuge Criteria) are now available for public comment. The Refuge Criteria provides a common methodology, or standard, for efficient use of water by Federal Wildlife Refuges, State wildlife management areas and resource conservation Districts that receive water under provisions of the Central Valley Project Improvement Act (CVPIA). They document the process and format by which Refuge Water Management Plans should be prepared and submitted to Reclamation as part of the Refuge/District Water Supply Contracts and Memorandum of Agreements. The Refuge Criteria refers to Refuges, Wildlife Areas and Resource Conservation Districts as Refuges. Those Refuges that entered into water supply contracts with Reclamation, as a result of the CVPIA and subsequent Department of the Interior administrative review processes, are required to prepare Refuge Water Management Plans using the Refuge Criteria.

DATES: All public comments must be received by July 28, 2004.

ADDRESSES: Please mail comments to Leslie Barbre, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, 916-978-5232 (TDD 978-5608), or e-mail at lbarbre@mp.usbr.gov.

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Ms. Barbre at the e-mail address or telephone number above.

SUPPLEMENTARY INFORMATION: In response to the Central Valley Project Improvement Act of 1992 and a 1995 Department of the Interior administrative review process, the Interagency Coordinated Program for Wetland and Water Use Planning (ICP)

was formed. The ICP was comprised of representatives from the Bureau of Reclamation, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the Grassland Water District/Grassland Resource Conservation District. The ICP developed the 1998 Task Force Report, which outlines past, present, and future wetland planning and management issues and a methodology for Refuge Criteria. To continue the work of the now disbanded ICP, an Interagency Refuge Water Management Team (IRWMT) was formed to continue working on wetland issues such as water delivery, including additional work on wetland Refuge Criteria. The IRWMT is comprised of representatives from the Bureau of Reclamation, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the Grassland Water District/Grassland Resource Conservation District. The IRWMT used the 1998 Task Force Report and Reclamation's 1999 Conservation and Efficiency Criteria as the foundation for developing the water management planning requirements or criteria included in these Refuge Criteria. The Refuge Criteria will also incorporate comments, ideas, and suggestions from Refuge/District managers, biologists, water conservation specialists, engineers, the CALFED Bay-Delta Program, and other Central Valley stakeholders.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety. Public comments for the Refuge Criteria are now being accepted.

Dated: June 21, 2004.

Donna E. Tegelman,

Regional Resources Manager, Mid-Pacific Region.

[FR Doc. 04-14529 Filed 6-25-04; 8:45 am]

BILLING CODE 4310-MN-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 303-TA-23, 731-TA-566-570, and 731-TA-641 (Final) (Reconsideration) (Third Remand)]

Ferrosilicon From Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela

AGENCY: International Trade Commission.

ACTION: Notice of remand proceedings.

SUMMARY: The United States International Trade Commission (Commission) hereby gives notice of the court-ordered remand of its reconsideration proceedings pertaining to countervailing duty investigation No. 303-TA-23 (Final) concerning ferrosilicon from Venezuela, and antidumping investigations Nos. 731-TA-566-570 and 731-TA-641 (Final) concerning ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela.

DATES: *Effective Date:* June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Christopher J. Cassise, Office of Investigations, telephone 202-708-5408, or Marc A. Bernstein, Office of General Counsel, telephone 202-205-3087, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background

In August 1999 the Commission made negative determinations upon reconsideration in its antidumping and countervailing duty investigations concerning ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela. Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela, Inv. Nos. 303-TA-23, 731-TA-566-570, 731-TA-641 (Final) (Reconsideration), USITC Pub. 3218 (Aug. 1999). The Commission's determinations were appealed to the U.S. Court of International Trade (CIT). On February 21, 2002, the CIT remanded the matter to the Commission for further proceedings. *Elkem Metals Co. v. United States*, 193 F. Supp. 2d 1314 (Ct. Int'l Trade 2002). On remand, the Commission conducted further proceedings. In September 2002 it

reached negative determinations on remand. Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela, Inv. Nos. 303-TA-23, 731-TA-566-570, and 731-TA-631 (Final) (Reconsideration) (Remand), USITC Pub. 3531 (Sept. 2002). On June 18, 2003, the CIT issued an opinion concerning the Commission's determinations on remand which affirmed the Commission in part and remanded in part for further proceedings. *Elkem Metals Co. v. United States*, 276 F. Supp. 2d 1296 (Ct. Int'l Trade 2003). In September 2003 the Commission reached negative determinations in the second remand proceeding. Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela, Inv. Nos. 303-TA-23, 731-TA-566-570, and 731-TA-631 (Final) (Reconsideration) (Second Remand), USITC Pub. 3627 (Sept. 2003). On May 12, 2004, the CIT issued an opinion concerning the Commission's determinations on second remand which remanded the matter for further proceedings. *Elkem Metals Co. v. United States*, slip op. 04-49 (Ct. Int'l Trade May 12, 2004) ("2004 Elkem Slip Op.").

Written Submissions

The Commission is not reopening the record in the third remand proceeding for submission of new factual information. Pursuant to the prior decisions of the CIT, its determination will be based on best information available. See 2004 Elkem Slip Op. at 12-15.

The Commission will, however, permit the parties to file written submissions limited to the following issues:

(1) An identification and discussion of any information in the record pertinent to the inquiry concerning the "true market price" of ferrosilicon that the CIT directs the Commission to conduct. See Elkem 2004 Slip Op. at 18.

(2) An identification and discussion of any probative information in the record concerning quarterly fluctuations during the original period of investigation in U.S. demand and apparent consumption.

(3) An identification and discussion of any information in the record pertinent to the inquiry concerning specific contract language, dates, and provisions that the CIT directs the Commission to conduct. See 2004 Elkem Slip Op. at 21.

(4) A discussion of the information in the record concerning similarities and differences between prices charged by domestic ferrosilicon producers American Alloys, Elkem, and SKW, on the one hand, and other domestic ferrosilicon producers, on the other hand, during the portion of the original period of investigation subsequent to July 1, 1991.

(5) An identification and discussion of any probative information in the record concerning the inquiry concerning "baseline" prices that the CIT contemplates the Commission will conduct. See 2004 Elkem Slip Op. at 32.

This submission must be filed with the Commission no later than 14 days after publication of this notice in the **Federal Register**, shall not contain any new factual information, and shall not exceed 25 pages of textual material, double-spaced and single-sided, on stationery measuring 8½ x 11 inches.

The Commission has filed with the CIT a motion for reconsideration of portions of its May 12, 2004 slip opinion. It has also filed a motion to stay the CIT's order requiring a report of remand results pending disposition of the reconsideration motion. Should the CIT grant either of these motions before the due date for the submissions described above, the Commission will extend the deadline for filing of these submissions. Should the reconsideration motion be granted, the Commission may, if appropriate, modify the issues that may be discussed in these submissions.

All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain business proprietary information (BPI) must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (Nov. 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Parties are also advised to consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207) for provisions of general applicability concerning written submissions to the Commission.

Participation in the Proceedings

Only those persons who were parties to the previous reconsideration proceedings (*i.e.*, persons listed on the Commission Secretary's service list)

may participate as parties in the third remand proceedings.

Authority: This action is taken under the authority of title VII of the Tariff Act of 1930 as amended.

Issued: June 22, 2004.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-14556 Filed 6-25-04; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-493]

Certain Zero-Mercury-Added Alkaline Batteries, Parts Thereof, and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation as to One Respondent on the Basis of a Settlement Agreement and Consent Order; Issuance of Consent Order

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") (Order No. 134) terminating the above-captioned investigation as to respondent Dorcy International, Inc. ("Dorcy") on the basis of settlement agreement and a consent order.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3090. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 2, 2003, based on a complaint filed by Energizer Holdings, Inc. and Eveready Battery Company, Inc., both of St. Louis, Missouri. 68 FR. 32771 (June 2, 2003). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain zero-mercury-added alkaline batteries, parts thereof, and products containing same by reason of infringement of claims 1-12 of U.S. Patent No. 5,464,709 ("the '709 patent"). The complaint and notice of investigation named 26 respondents, including respondent Dorcy, and were later amended to include an additional firm as a respondent. The investigation was terminated as to claims 8-12 of the '709 patent. Prior to the issuance of the subject ID, several other respondents had been terminated from the investigation for various reasons.

On May 20, 2004, complainants and respondent Dorcy filed a joint motion pursuant to Commission rules 210.21(b) and (c) to terminate the investigation as to Dorcy on the basis of a settlement agreement and a consent order. The Commission investigative attorney supported the motion. On June 2, 2004, the ALJ issued the subject ID terminating the investigation as to Dorcy on the basis of settlement agreement and a consent order. No petitions for review of the ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Issued: June 22, 2004.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-14557 Filed 6-25-04; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; ETA-5130 Benefit Appeals Report

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce

paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before August 27, 2004.

ADDRESSES: Send comments to Jack Bright, Office of Workforce Security, Employment and Training Administration, U.S. Department of Labor, Room S-4516, 200 Constitution Avenue, NW., Washington, DC 20210, telephone number (202) 693-3214 (this is not a toll-free number) or by e-mail: bright.jack@dol.gov.

FOR FURTHER INFORMATION CONTACT: Jack Bright, Office of Workforce Security, Employment and Training Administration, U.S. Department of Labor, Room S-4516, 200 Constitution Avenue, NW., Washington, DC 20210, telephone number (202) 693-3214 (this is not a toll-free number) or by e-mail: bright.jack@dol.gov.

SUPPLEMENTARY INFORMATION: I. Background: The ETA-5130, Benefit Appeals Report, contains information on the number of unemployment insurance appeals and the resultant decisions classified by program, appeals level, cases filed and disposed of (workflow), and decisions by level, appellant, and issue. The data on this report are used by the Department of Labor to monitor the benefit appeals process in the State Workforce Agencies (SWAs) and to develop any needed plans for remedial action. The data are also needed for workload forecasts and to determine administrative funding. If this information were not available, developing problems might not be discovered early enough to allow for timely solutions and avoidance of time consuming and costly corrective action.

II. Desired Focus of Comments: Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the ETA-5130 Benefit Appeals Report. Comments are requested to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

- Evaluate the accuracy of the estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above in the addressee section of this notice.

III. Current Actions

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Benefit Appeals Report.

OMB Number: 1205-0172.

Agency Number: ETA-5130.

Recordkeeping: 3-year record retention.

Affected Public: State governments.

Cite/Reference/Form/etc.: Social Security Act, Section 303(a)(6).

Total Respondents: 53.

Frequency: Monthly.

Total Responses: 636.

Average Time per Response: 1 hour.

Estimated Total Burden Hours: 636 hours.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintaining): \$0.

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

Dated: June 17, 2004.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. 04-14587 Filed 6-25-04; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 04-077]

Aerospace Safety Advisory Panel Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Thursday, July 29, 2004, 1 p.m. to 3 p.m. eastern time.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW., Room 9H40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Mark D. Erminger, Aerospace Safety Advisory Panel Executive Director, Code Q-1, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-0914.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel will hold its Quarterly Meeting. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The major subjects covered will be: Space Shuttle Program, International Space Station Program, and Cross-Program Areas. The Aerospace Safety Advisory Panel is composed of nine members and one ex-officio member.

The meeting will be open to the public up to the seating capacity of the room (40).

Seating will be on a first-come basis. Please contact Ms. Susan Burch on (202) 358-0914 or via e-mail at Susan.Burch@nasa.gov at least 24 hours in advance to reserve a seat. Visitors will be requested to sign a visitor's register and asked to comply with NASA security requirements, including the presentation of a valid picture ID before receiving an access badge. Foreign Nationals attending this meeting will also be required to provide advance copies of their passports, green cards, or visas. Photographs will only be permitted during the first 10 minutes of the meeting. During the first 30 minutes of the meeting, members of the public may make a 5-minute verbal presentation to the Panel on the subject of safety in NASA. To do so, please contact Ms. Susan Burch on (202) 358-0914 at least 24 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments

should be limited to the subject of safety in NASA.

R. Andrew Falcon,

Advisory Committee Management Officer.

[FR Doc. 04-14523 Filed 6-25-04; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Daniel Schneider, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606-8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of title 5, United States Code.

1. *Date:* July 7, 2004.

Time: 9 a.m. to 5 p.m.

Room: 426.

Program: This meeting will review applications for The Teaching of U.S. History through EDSITEment in EDSITEMENT, submitted to the

Division of Education Programs at the June 21, 2004, deadline.

2. *Date:* July 12, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for Studies of Science and Medicine in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

3. *Date:* July 13, 2004.
Time: 8:30 a.m. to 5:30 p.m.
Room: 420.

Program: This meeting will review applications for History, submitted to the Office of Challenge Grants at the May 1, 2004, deadline.

4. *Date:* July 13, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for Art History and Archaeology in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

5. *Date:* July 13, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 527.

Program: This meeting will review applications for Art History and Architecture in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

6. *Date:* July 14, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for Historical Studies in Faculty Research Awards, submitted to the Division of Research Programs at the May 1, 2004, deadline.

7. *Date:* July 15, 2004.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.

Program: This meeting will review applications for Research Initiatives, submitted to the Office of Challenge Grants at the May 1, 2004, deadline.

8. *Date:* July 15, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for European History I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

9. *Date:* July 15, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 527.

Program: This meeting will review applications for European History II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

10. *Date:* July 16, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for Asian Studies in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

11. *Date:* July 19, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for Anthropology and Archaeology in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

12. *Date:* July 19, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: M-07.

Program: This meeting will review applications for Literary Studies in Faculty Research Awards, submitted to the Division of Research Programs at the May 1, 2004, deadline.

13. *Date:* July 20, 2004.
Time: 9 a.m. to 5:30 p.m.
Room: 415.

Program: This meeting will review applications for Art & Anthropology, submitted to the Office of Challenge Grants at the May 1, 2004, deadline.

14. *Date:* July 20, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for British Literature I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

15. *Date:* July 20, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: M-07.

Program: This meeting will review applications for British Literature II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

16. *Date:* July 21, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for Latin American Studies I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

17. *Date:* July 21, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: M-07.

Program: This meeting will review applications for Religious Studies II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

18. *Date:* July 22, 2004.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.

Program: This meeting will review applications for Colleges & Universities, submitted to the Office of Challenge Grants at the May 1, 2004, deadline.

19. *Date:* July 22, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for American History I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

20. *Date:* July 22, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: M-07.

Program: This meeting will review applications for American History II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

21. *Date:* July 23, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for American Studies II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

22. *Date:* July 26, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: M-07.

Program: This meeting will review applications for Anthropology in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

23. *Date:* July 26, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for Germanic and Slavic Studies in Fellowships, submitted to the Division of Research Programs at the May 1, 2004 deadline.

24. *Date:* July 27, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: 315.

Program: This meeting will review applications for American Literature I in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

25. *Date:* July 27, 2004.
Time: 8:30 a.m. to 5 p.m.
Room: M-07.

Program: This meeting will review applications for American Literature II in Fellowships, submitted to the Division of Research Programs at the May 1, 2004, deadline.

Daniel Schneider,
Advisory Committee Management Officer.
[FR Doc. 04-14517 Filed 6-25-04; 8:45 am]
BILLING CODE 7536-01-P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Forms 366, 366A, and 366B, "Licensee Event Report."

3. *The form number if applicable:* NRC Forms 366, 366A, and 366B.

4. *How often the collection is required:* On occasion, as defined reactor events are reportable on occurrence.

5. *Who will be required or asked to report:* Holders of operating licenses for commercial nuclear power plants.

6. *An estimate of the number of annual responses:* 400.

7. *The estimated number of annual respondents:* 104.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 20,000 (Reporting: 20,000 Hours ÷ 400 responses = 50 hrs per response).

9. *An indication of whether Section 3507(d), Public Law 104-13 applies:* N/A.

10. *Abstract:* With NRC Forms 366, 366A, and 366B, the NRC collects reports of the types of reactor events and problems that are believed to be significant and useful to the NRC in its efforts to identify and resolve threats to public safety. They are designed to provide the information necessary for engineering studies of operational anomalies and trends and patterns analysis of operational occurrences. The same information can be used for other analytic procedures that will aid in identifying accident precursors.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One

White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by July 28, 2004. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. OMB Desk Officer, Office of Information and Regulatory Affairs (3150-0104), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 22nd day of June, 2004.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 04-14559 Filed 6-25-04; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF MANAGEMENT AND BUDGET

Final Report of the Small Business Paperwork Relief Task Force

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice.

Authority: The Small Business Paperwork Relief Act (44 U.S.C. 3520).

SUMMARY: The Office of Management is publishing the Final Report of the Small Business Paperwork Relief Task Force. The Small Business Paperwork Relief Task Force recommends options regarding the improvement of the electronic dissemination of information collected under Federal requirements and identifies a plan to develop an interactive Government-wide Internet program to identify applicable collections and facilitate compliance. A Draft Report was released for public comment May 5, 2003 and the response to comments is included in Appendix 7 of the Final Report.

The Final Report of the Small Business Paperwork Relief Task Force is posted on OMB's Web site, <http://www.whitehouse.gov/omb/inforeg/>

[sbpr2004.pdf](#), and on the Small Business Administration's Web site for business laws, <http://www.businesslaw.gov>.

FOR FURTHER INFORMATION CONTACT: Jack Koller, Office of E-Government and Information Technology, Office of Management and Budget, e-mail: jkoller@omb.eop.gov, Telephone: (202) 395-4599.

SUPPLEMENTARY INFORMATION: Under the SBPRA (44 U.S.C. 3520) Congress directed the Director of OMB to convene a Task Force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information (44 U.S.C. 3520, Pub. L. 107-198). More specifically, this Task Force is charged with examining five tasks designed to reduce the information collection burden placed by government on small businesses. These tasks are as follows:

1. Examine the feasibility and desirability of requiring the consolidation of information collection requirements within and across Federal agencies and programs, and identify ways of doing so.

2. Examine the feasibility and benefits to small businesses of having OMB publish a list of data collections organized in a manner by which they can more easily identify requirements with which they are expected to comply.

3. Examine the savings and develop recommendations for implementing electronic submissions of information to the Federal government with immediate feedback to the submitter.

4. Make recommendations to improve the electronic dissemination of information collected under Federal requirements.

5. Recommend a plan to develop an interactive Government-wide Internet program to identify applicable collections and facilitate compliance.

While carrying out its work, the Task Force is to consider opportunities for the coordination of Federal and State reporting requirements, and coordination among individuals who have been designated as the small business "point of contact" for their agencies.

This report, which addresses the final two issues, is required no later than two years after enactment, or June 28, 2004. Both reports must be submitted to the Director of OMB, the Small Business and Agriculture Regulatory Enforcement Ombudsman, and the Senate Committees on Governmental Affairs and Small Business and

Entrepreneurship, and the House Committees on Government Reform and Small Business.

The Director of OMB appointed Dr. John D. Graham, Administrator of the Office of Information and Regulatory Affairs, and Ms. Karen S. Evans, Administrator for E-Government and Information Technology, to co-chair the Task Force.

The Act specifies the following agencies to be represented on the SBPRA Task Force: Department of Labor (including the Bureau of Labor Statistics, and the Occupational Safety and Health Administration); Environmental Protection Agency; Department of Transportation; Office of Advocacy of the Small Business Administration; Internal Revenue Service; Department of Health and Human Services (including the Centers for Medicare and Medicaid Services); Department of Agriculture; Department of Interior; the General Services Administration; and two other participants to be selected by the Director of OMB (who are the Department of Commerce and additional representatives from the Small Business Administration).

The Small Business Paperwork Relief Task Force solicited public comments on the Draft Report from May 5, 2003 to June 4, 2003. All comments received by OMB were considered and resulted in modifications to the final report. A summary of the public comments with responses of the Task Force is attached in Appendix 7 of the Final Report.

John D. Graham,

Administrator, Office of Information and Regulatory Affairs.

Karen S. Evans,

Administrator, E-Government and Information Technology.

[FR Doc. 04-14658 Filed 6-25-04; 8:45 am]

BILLING CODE 3110-01-P

OFFICE OF MANAGEMENT AND BUDGET

Compliance Assistance Resources and Points of Contact Available to Small Businesses

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice.

Authority: The Small Business Paperwork Relief Act (44 U.S.C. 3520).

SUMMARY: In accordance with the Small Business Paperwork Relief Act of 2002, the Office of Management and Budget (OMB) is publishing a “list of the

compliance assistance resources available to small businesses” and a list of the points of contacts in agencies “to act as a liaison between the agency and small business concerns” with respect to the collection of information and the control of paperwork.

FOR FURTHER INFORMATION CONTACT:

Keith B. Belton, Office of Information and Regulatory Affairs, Office of Management and Budget, E-mail: kbelton@omb.eop.gov, Telephone: (202) 395-4815. Inquiries may be submitted by facsimile to (202) 395-7285.

SUPPLEMENTARY INFORMATION:

A. Background

The Small Business Paperwork Relief Act of 2002 (Pub. L. 107-198) requires OMB to “publish in the **Federal Register** and make available on the Internet (in consultation with the Small Business Administration) “a list of the compliance assistance resources available to small businesses” (44 U.S.C. 3504(c)(6)). In addition, under another provision of this Act, “each agency shall, with respect to the collection of information and the control of paperwork, establish 1 point of contact in the agency to act as a liaison between the agency and small business concerns” (44 U.S.C. 3506(I)(1)).

Working in cooperation with the Small Business and Agriculture Enforcement Ombudsman (SBA Ombudsman) in the Small Business Administration, OMB has, with the active assistance and support of the SBA Ombudsman, assembled a list of the compliance assistance resources available to small businesses. Because it may be helpful to the public to have the list of agency contacts together with the list of compliance assistance resources, OMB is publishing these lists together. These lists are also available today on OMB’s Web site at <http://www.whitehouse.gov/omb/infocoll/html>. The SBA Ombudsman has created a link to this information on the SBA Ombudsman’s Web site at <http://www.sba.gov/ombudsman>.

B. Legislative Initiatives

The publication of these lists is part of a more comprehensive effort to assist small businesses. The context for this initiative began several years ago with enactment of the “Small Business Regulatory Enforcement Fairness Act of 1996” (Pub. L. 104-121, Title II) (SBREFA). Among other provisions, SBREFA calls on agencies to “publish one or more guides to assist small entities in complying” with certain regulations (Section 212), and “to answer inquiries by small entities

concerning information on, and advice about, compliance” with regulatory statutes (Section 213). In other words, Federal regulatory agencies are to develop small entity compliance guides and to answer inquiries, and provide advice, about regulatory compliance issues.

In addition, SBREFA created within the Small Business Administration the office of the “Small Business and Agriculture Enforcement Ombudsman” (Section 222). The SBA Ombudsman’s responsibilities involve working “with each agency with regulatory authority over small businesses to ensure that small business concerns [involving the agency’s implementation and enforcement of those regulatory authorities] are provided with a means to comment on the enforcement activity” conducted by each agency. In other words, the SBA Ombudsman is to monitor, and report annually to Congress, on the enforcement practices of Federal regulatory agencies.

SBREFA was followed by the Small Business Paperwork Relief Act of 2002 (Pub. L. 107-198) (SBPRA). As described above, this law requires OMB to publish “a list of the compliance assistance resources available to small business.” OMB is also publishing the points of contacts in agencies who are “to act as a liaison between the agency and small business concerns” with respect to the collection of information and the control of paperwork.

In addition, this statute directed the Director of OMB to convene and have a representative chair a Task Force “to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information” (44 U.S.C. 3520). The Small Business Paperwork Relief Task Force has been developing recommendations to improve and more closely link the existing assistance resources through the use of information technology. More specifically, the Small Business Paperwork Relief Task Force is charged with examining five ways to reduce the information collection burden placed by government on small business concerns. They are:

1. Examine the feasibility and desirability of requiring the consolidation of information collection requirements within and across Federal agencies and programs, and identify ways of doing so.
2. Examine the feasibility and benefits to small businesses of having OMB publish a list of data collections organized in a manner by which they can more easily identify requirements

with which they are expected to comply.

3. Examine the savings and develop recommendations for implementing electronic submissions of information to the Federal government with immediate feedback to the submitter.

4. Make recommendations to improve the electronic dissemination of information collected under Federal requirements.

5. Recommend a plan to develop an interactive Government-wide Internet program to identify applicable collections and facilitate compliance.

SBPRA requires OMB to publish a report on the first three topics by June 28, 2003. This report can be found on the OMB Web site at <http://www.whitehouse.gov/omb/inforeg/infocoll.html>. On May 5, 2004, OMB published in the **Federal Register** its Draft Report of the Small Business Paperwork Relief Task Force. As required, this draft report discussed the final two topics listed above. The final Report of the Small Business Paperwork Relief Task Force is available on OMB's Web site at <http://www.whitehouse.gov/omb/inforeg/infocoll.html>.

SBREFA and SBPRA are closely related. SBREFA focuses on helping small businesses understand how to comply with Federal regulations. SBPRA focuses on helping small businesses understand how to comply with Federal collections of information—that is, filling out forms, reporting information, and keeping certain records. These two types of requirements are related because, as the Task Force report noted, agencies generally collect information, or require those regulated to keep records, as part of regulatory provisions. The information-related provisions are designed to help the agency ensure compliance with the rule.

The close functional linkage between compliance with Federal regulations and with Federal reporting and recordkeeping requirements suggests it is important to coordinate these legislative initiatives designed to assist small businesses. It is also the reason that the development, in particular, of the list of compliance assistance resources available to small businesses should be viewed in the context of the recommendations being developed by the Small Business Paperwork Relief Task Force. The list of compliance assistance resources describes what is now available at the Federal agencies. The Task Force has developed recommendations to improve and more closely link the existing assistance

resources through the use of information technology.

Donald R. Arbuckle,

Deputy Administrator, Office of Information and Regulatory Affairs.

Compliance Assistance Summaries and Points of Contact

Agriculture

Food Safety Inspection Service (FSIS)

FSIS offers compliance assistance to small meat, poultry, and egg product plants. The FSIS publishes supporting documentation and guidance materials for federally inspected establishments to use in designing and implementing sanitation standard operating procedures and hazard analysis and critical control point (HACCP) food safety systems. FSIS provides technical guidance on many subjects of regulation, including requirements for plant sanitation, the use of food ingredients and food irradiation sources, and the control of pathogens. Also, to help meet the challenges our Nation has faced since September 11, 2001, FSIS has published security guidelines for food producing establishments. Many FSIS publications are available in languages besides English. Web addresses for these publications are:

- Sanitation Compliance Guide: <http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/SanitationCover.htm>.
- Hazard Analysis and Critical Control Point (HACCP) Systems and Pathogen Reduction: http://www.fsis.usda.gov/Science/Hazard_Analysis_&_Pathogen_Reduction/index.asp.
- Draft of FSIS Microbiological Hazard Identification Guide for Meat And Poultry Components of Products Produced by Very Small Plants: <http://www.fsis.usda.gov/OA/haccp/hidguide.htm>.
- Advice on Controlling Listeria Monocytogenes in Small and Very Small Meat and Poultry Plants: <http://www.fsis.usda.gov/OPPDE/Nis/Outreach/Listeria.htm>.
- **Federal Register** Publications and Supporting Documents: <http://www.fsis.usda.gov/OPPDE/rdad/publications.htm>.
- FSIS Security Guidelines for Food Processors and Distributors: http://www.fsis.usda.gov/Food_Security_&_Emergency_Preparedness/Security_Guidelines/index.asp.

Besides its publications, FSIS offers a telephone service, FSIS HACCP Hotline (1-800-233-3935), to help establishments solve problems arising from HACCP plan development and implementation. Assistance on general matters involving meat, poultry, and egg

products is available from the FSIS Technical Service Center (402-221-7400; Fax: 402-221-7438; e-mail Tech.Center@fsis.usda.gov).

FSIS also operates an extensive small establishment outreach program, featuring FSIS-sponsored workshops and programs, educational material development and distribution, HACCP and food-safety training and training sessions for FSIS consumer safety officers (http://www.fsis.usda.gov/Science/small_very_small_plant_outreach/index.asp). FSIS consumer safety officers are a highly qualified corps of individuals with the special mission of helping small establishments resolve problems arising in their implementation of HACCP systems. FSIS operates a special food safety outreach program for Native American communities; it includes training for operators of small meat plants.

Through the FSIS network of State cooperators, seminars and training classes on HACCP and food safety are held around the country for operators of food producing establishments. The Outreach Program also distributes multi-media training materials in CD-ROM and video as well as printed formats.

Another useful information source on regulatory compliance is an e-mail service by the FSIS Washington office and directly accessible on the FSIS Web site. This service, FSIS Regulations (Regulations@fsis.usda.gov) gives information on laws, regulations, and policies governing FSIS inspection programs and affecting establishments regulated by FSIS.

Animal and Plant Health Inspection Service (APHIS)

APHIS has made compliance assistance resources available to small business entities in several formats. All work extremely well in that APHIS has not received complaints or negative comments regarding insufficient information or difficulty gaining access. The listing of resources we submitted included four Web addresses:

- www.aphis.usda.gov/lpa/pubs—At this site, small entities will find publications and other materials to help explain APHIS programs such as press releases, frequently asked question, publications, industry alerts, technical reports and stakeholder announcements.
- www.aphis.usda.gov/lpa/video—This Web page provides access to videos about several APHIS programs. With proper equipment, the videos can be viewed from a computer. There is also contact information to obtain copies.
- *On-Site Evaluations/Assistance*—For on-site assistance, the telephone

number for each Regional Office is listed to request inspections, assistance, etc.

- www.aphis.usda.gov/ies—This is the Web site of the SBREFA Contact. It contains program information and contact information. Comments, complaints, and/or suggestions can be sent by on line mail service to IES@aphis.usda.gov.

- **Toll Free Telephone**—Comments, complaints, and/or suggestions can be made without charge by calling 1-866-5Call IES.

Grain Inspection, Packers and Stockyards Administration (GIPSA)

Publications—Regulation, Rules, Technical and Administrative, Directives, Annual Reports: The Grain Inspection, Packers and Stockyards Administration posts current FGIS directives on the GIPSA Web site at: <http://www.usda.gov/gipsa/pubs/pubs.htm> or <http://www.usda.gov/gipsa/reference-library/directives.htm>. The publications are in PDF format, so they may be printed directly from the Web.

Seminars, classes—Technical Training (e.g., Grain Inspection): GIPSA's Technical Services Division (TSD) provides extensive training throughout the official inspection system to ensure uniform, accurate results are provided at all locations. TSD also offers customized industry education services to facilitate the commercial marketing of grain. Topics include the visual grading of any grain, rice, bean, pea, or lentil and objective, non-visual quality tests such as protein, oil, and mycotoxins. Contact Larry McDonald for more information at: larry.h.mcdonald@usda.gov.

Telephone service—information about GIPSA: Responding to customers' needs is GIPSA's main priority. GIPSA designed its programs to concentrate on customers' needs. If customers have comments on GIPSA Customer Service Standards or want information on any GIPSA programs, contact: USDA, GIPSA, STOP 3601, 1400 Independence Avenue, SW., Washington, DC 20250-3601 or telephone: (202) 720-0219.

CD ROM's/Videos/E-Learning Courses—Technical Information (e.g., Procedures for Inspection Grain): GIPSA offers various educational materials created for the U.S. grain industry. They include multimedia CD's and several brochures/handouts. Single copies of CDs are available free by mail and the brochures/handouts are available in PDF format for online viewing and/or download. All materials are public domain and may be freely duplicated and distributed in their original form. Contact Roger Friedrich for more

information at:

Roger.L.Friedrich@usda.gov or send a request to: request.gipsa@usda.gov.

Online/e-mail service—Wide range of information about GIPSA and its programs: Information regarding GIPSA's programs and services can be found in the GIPSA Strategic Plan and on the Agency's Web site at: <http://www.usda.gov/gipsa>.

Onsite Evaluations/Assistance—Process Verification Program for Grain Handlers: GIPSA is considering proposing a new process verification program to meet the market's rapidly evolving needs. In this program, GIPSA would apply internationally recognized quality management standards to verify the quality process used rather than testing actual grain itself. The process verification designation verifies the process, not the final product. The process verification program would give industry participants independent verification of their quality processes and standards, and a way to capture values not easily identified by traditional inspection and testing. For more information, contact John Sharpe at: John.R.Sharpe@usda.gov or telephone: (202) 720-0228.

Food and Nutrition Service (FNS)

The Food and Nutrition Service administers family feeding programs such as the School Lunch and Breakfast Programs, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the Farmers' Market Nutrition Program (FMNP) and the Food Stamp Program (FSP). The Agency administers most of these programs through State agencies and, therefore, has very little direct interaction with small businesses. However, a few of our programs (or parts of them) do relate to small business in some way. This summary pertains only to those parts of FNS.

Small Business Compliance Assistance for Retailers in the Food Stamp Program. FNS is continuing to carry out its compliance assistance efforts to retailers in the Food Stamp Program. Staff have attended conferences, presented workshops and held face-to-face meetings with retailers to provide technical assistance and listen to their concerns. With regards to new initiatives, FNS has created a bi-annual publication (mailer) that is sent to all retailers that participate in the Program. The mailer provides updates on current policy and any changes to Program rules and offers tips for retailers on best practices. Secondly, FNS will begin using a simplified application for new retailers in Fall 2004. The simplified application is an

improvement over the current application because we have eliminated unnecessary and duplicative questions, the questions are easier to understand and it takes less time for a storeowner to complete the form. You can find more information about our work with retailers and publications we offer on the FNS Web site at www.fns.usda.gov/fsp/retailers/. The Food Stamp regulations that relate to retailers can be found in the Code of Federal Regulations at 7 CFR parts 278 and 279 (a link to an electronic version is also available on the general FSP Web site referenced above).

Small Business Compliance Assistance for Farmers' Markets/Retailers in the WIC/FNMP Programs. Under the Child Nutrition Act provisions for the WIC and FMNP Programs, State agencies are responsible for the authorization, training, monitoring, and corrective action of small businesses such as retailers, farmers, and farmers' markets. FNS has issued regulations establishing guidelines and parameters for State agency administration of these activities. Although some uniformity is imposed by these regulations, there are also considerable areas of State discretion, so that many of the rules will not be the same from one State to the next. For example, State agencies must accept applications from retailers for WIC authorization at least once every three years, but may do so much more frequently, and each State has its own application form. For another example, States are required to allow only certain types and amounts of food to be transacted for WIC food instruments, but the precise brand, package size, and maximum allowed price will vary from State to State. The FNS Web site (<http://fns.usda.gov/wic>) includes the WIC/FMNP regulations (7 CFR Parts 246 and 248) and also a list of the WIC and FMNP State agency addresses, telephone numbers, and Web sites.

Agricultural Marketing Service (AMS)

The Agricultural Marketing Service (AMS) has a number of compliance assistance programs to help small entities to comply with program regulations. They range from publications to seminars to e-mail assistance to CD-ROMs and videos. The issues they discuss include information on the Perishable Agricultural Commodities Act, marketing orders, the National Organic Program, grading programs, and science & technology programs, among others. All this assistance and contact information can be accessed by clicking the appropriate

program's link on the AMS Web site <http://www.ams.usda.gov>.

Rural Utilities Service (RUS)

The Rural Utilities Service (RUS) is a financing agency, not a regulating authority. RUS does not have enforcement policies. Its policy on minimum compliance requirements as a condition for financing is to work with the individual applicant/borrower to ensure compliance. RUS does not impose penalties or engage in enforcement activities. Assistance with its programs can be obtained at our Web site at <http://www.usda.gov/rus/>. This site contains information on all of our programs and complete contact information by subject matter and geographic location. If needed, a RUS field representative can come to your location to provide assistance.

Department of Agriculture Single Point of Contact: Jacquelyn Chandler, Office of Budget and Program Analysis, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Rm. 147-E, Washington, DC 20250, Telephone: 202-720-1516, E-mail: jyc@obpa.usda.gov.

Commerce

The Department of Commerce understands a vibrant small business sector is critical to creating new jobs in a dynamic and growing economy, so it is mindful of its responsibilities under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The Commerce Department provides substantial regulatory enforcement compliance assistance through a variety of media.

Within the Commerce Department, two agencies regulate the activities of small businesses. The National Oceanic and Atmospheric Administration (NOAA) regulate small businesses under several natural resource protection statutes that NOAA enforces, including the Marine Mammal Protection Act, the Endangered Species Act, and the Magnuson-Stevens Fishery Conservation and Management Act. The Bureau of Industry and Security (BIS), formerly the Bureau of Export Administration (BXA), regulates small businesses under the Export Administration Regulations, which set the criteria for authorizing exports of dual-use items—commercial items with potential military or weapons proliferation applications.

NOAA has a comprehensive program providing regulatory compliance guidance and assistance to small entities, which comprise much of NOAA's regulated community. It has long been NOAA's practice to answer

inquiries by small entities, when appropriate, in the interest of administering statutes and regulations. NOAA answers tens of thousands of inquiries from small entities annually. Inquiries are received via telephone, mail and electronic mail; during public hearings, town hall meetings and workshops held by NOAA throughout the year; and in day-to-day interactions small entities have with NOAA. NOAA distributes compliance guides to all those to whom a rule will apply and to others who have expressed interest. It makes them available at sites where affected parties are likely to see them. The guides may take different forms to best serve the needs of the parties affected by a particular rule.

- NOAA Toll-Free Enforcement Hotline: 1-800-853-1964.
- NOAA Office for Law Enforcement: <http://www.nmfs.noaa.gov/ole/index.html>.
- NOAA Law Enforcement Contacts: <http://www.nmfs.noaa.gov/ole/contacts.html>.

NOAA program offices often prepare "plain English" summaries of new regulations and distribute them by fax to the regulated communities and the press. For complex regulations, question/answer sheets of the most frequently asked questions are often published in the fishery trade journals that are most often read by the affected fishermen. Information about NOAA's regulations and compliance guidance is often posted on NOAA Web pages and on electronic bulletin boards.

Additionally, small entities may contact specific program offices responsible for the regulations at issue. Program offices hold informational workshops to explain new regulations and answer questions from the industry concerning compliance. Fishermen, who make up much of the regulated community, often speak with NOAA's individual fishery plan coordinators for guidance in response to specific factual situations described by the fishermen. In permitted fisheries, letters explaining regulatory changes, and providing the name of a person to contact for additional information and guidance, may be sent to each permit holder. NMFS also has public affairs positions in its regional offices that specialize in community outreach.

BIS similarly provides exporters a wide range of compliance assistance. These include compliance guides in the forms of instructional brochures, fact sheets and guidance posted on the BIS Web site. BIS also educates small businesses through seminars, meetings, workshops and, when requested, one-on-one counseling.

- BIS Web site: <http://www.bxa.doc.gov/index.htm>.
- BIS Export Enforcement Hotline: 1-800-424-2980.
- Office of Export Enforcement Intelligence: (202) 482-1208.
- Exporter Counseling Division: (202) 482-4811.

The Office of Antiboycott Compliance (OAC) within BIS advises small businesses on compliance with the antiboycott regulations through its telephone advice line. Callers can seek compliance advice before engaging in transactions. The OAC also offers counseling to small businesses to assist them in solving their boycott problems legally. Antiboycott Advice Line: (202) 482-2381.

Patent & Trademark Office

U.S. Patent and Trademark Office (USPTO) Office of Procurement awards and administers a wide variety of contracts and simplified purchases for the acquisition of goods and services required throughout the agency. Our site includes helpful links such as current USPTO contracts, upcoming opportunities, office staff listing, helpful information for small businesses, information on our new Performance Based Organization (PBO) procedures and other related topics.

The USPTO Office of Procurement continually strives to remain on the leading edge of procurement reform and current technology. It is our goal to identify and utilize new innovative techniques to develop a partnership with industry.

A major goal at the United States Patent & Trademark Office, Office of Procurement is to promote and give consideration to small business concerns. Requirements over the micro purchase amount of \$2,500 are identified early in the acquisition process to allow for consideration for small, small disadvantaged, woman-owned and minority-owned businesses. <http://www.uspto.gov/web/offices/ac/comp/proc/ipa/ipamain.htm>.

The Office of Procurement continues to promote Electronic Commerce (EC) and utilize innovative technologies to streamline procurement processes. Our EC effort, known as the Internet-Based Purchasing Application (IPA), has been in use for over a year now. The IPA continues to grow and is a successful tool in conducting simplified acquisitions over the Internet.

For more information please contact: Susan K. Brown, Records Officer (PRA Clearance Desk), U.S. Patent and Trademark Office, Office of the Chief Information Officer, Suite 310, 2231 Crystal Drive, Washington, DC 20231,

Telephone: (703) 308-7400, E-Mail: susan.brown@uspto.gov.

Muriel A. Brown, Small Business Liaison, U.S. Patent and Trademark Office Office of Procurement, Box 6, Washington, DC 20231, Telephone: (703) 305-8370, E-mail: Muriel.brown@uspto.gov.

Department of Commerce Single Point of Contact: Tom Pyke, Office of the Chief Information Officer, U.S. Department of Commerce, 14th St. & Constitution Ave., NW., Washington, DC 20230. Telephone (202) 482-4797.

Defense

It is the Department of Defense (DOD) policy that a fair proportion of DOD total purchases, contracts, subcontracts, and other agreements for property and services be placed with small business concerns, service-disabled veteran-owned small business concerns, qualified historically underutilized business zone (HUBZone) small business concerns, small disadvantaged business concerns, women-owned small business concerns, and Historically Black Colleges and Universities and minority institutions.

The Director of the Office of Small and Disadvantaged Business Utilization (SADBU) is the principal proponent within the Office of the Secretary of Defense for executing national and DOD policy as mandated by the Congress and the President. The Director acts as ombudsman and coordinator with the functional activity concerned in responding to complaints and resolving problems encountered by small business firms performing under DOD contracts.

The Washington Headquarters Services, Directorate for Information Operations and Reports (WHSDIOR), serves as the central repository for statistical information for the Department of Defense. General procurement data, including subcontract information, is located on the WHSDIOR Web site at <http://www.dior.whs.mil/peidhome/peidhome.htm>. Specifically, SADBU utilizes the standard tabulation (ST) 28 report, titled "Contract Awards by FSC and Purchasing Office," as a key document to assist small business concerns in identifying contracting activities with contracting potential. The ST 28 matches the dollar obligations and contract actions under each specific Federal Supply Class or Service Codes and details the contracting activities that made awards by name, city, and State. The ST 28 can be found at <http://www.dior.whs.mil/peidhome/procstat/procstat.htm>.

The Defense Logistics Agency, on behalf of the Secretary of Defense,

administers the DOD Procurement Technical Assistance Program (PTAP). PTAP Centers are a local resource that can provide assistance to business firms in marketing products and services to the Federal, State and local governments. A list of PTAP Centers can be found at <http://www.dla.mil/db/procurem.htm>.

The DOD Regional Councils for Small Business Education and Advocacy are a nationwide network of small business specialists organized to promote the National Small Business Programs of the United States. Council objectives include promoting the exchange of ideas and experiences, and general information among small business specialists and the contracting community; developing closer relationships and better communication among Government entities and the small business community; and staying abreast of statutes, policies, regulations, directives, trends, and technology affecting the Small Business Program. There are eight Regional Councils sponsored by the DOD Office of Small and Disadvantaged Business Utilization (SADBU) governed by individual by-laws. Further information can be found at <http://www.acq.osd.mil/sadbu/programs/regional/index.htm>.

Information on DOD's initiatives and programs is available on SADBU's Web site <http://www.acq.osd.mil/sadbu/index.htm>. Contact information and links to DOD Component SADBU Offices can be found at <http://www.acq.osd.mil/sadbu/links/sadbu.htm>.

Department of Defense Single Point of Contact: Robert L. Cushing, Jr., Department of Defense, Washington Headquarters Services, Executive Services and Communications Directorate, 1225 South Clark Street, Suite 504, Arlington, VA 22202-4326. Telephone: (703) 604-6269. E-mail: robert.cushing@whs.mil.

Education

- Online information centers on grants and contracts, financial aid, education research and statistics, education policy (including legislation, regulations and guidance), and education programs: www.ed.gov.

- Online subscriptions to Department of Education newsletters: www.ed.gov.

- Department of Education programs and initiatives: 1-800-USA-LEARN (1-800-872-5327).

- Student aid: 1-800-4FED-AID (1-800-433-3243).

- Matters affecting small businesses: U.S. Department of Education, Office of Small and Disadvantaged Business Utilization, 400 Maryland Ave., SW.,

Washington, DC 20202; Telephone: (202) 708-9820.

- Student loan issues: www.ombudsman.ed.gov, U.S. Department of Education, FSA Ombudsman, 830 First St., NE, 4th Floor, Washington, DC 20202-5144; Telephone: 1-877-557-2575; Fax: (202) 275-0549.

Education Department Single Point of Contact: John Tressler, U.S. Department of Education, Office of the Chief Information Officer, 400 Maryland Ave. SW., Washington, DC 20202. Telephone: (202) 245-6589. E-mail: John.Tressler@ed.gov.

Energy

The Office of Small & Disadvantaged Business Utilization (OSDBU) and the Office of the Ombudsman handle small business compliance at the U.S. Department of Energy (DOE). And, each site facility and DOE contractor has a small business manager dedicated to small business compliance. (<http://smallbusiness.doe.gov>).

The OSDBU oversees small business programs department-wide, setting policies and procedures to ensure small business compliance in DOE contract awards. The OSDBU also maintains a Web site with a clearinghouse of small business information, as well as small business policies and regulations and information on resources available to small businesses both at DOE and at other agencies/departments. The OSDBU has an extensive outreach/marketing program, including advertising in various publications and participation in various small business conferences.

DOE maintains a number of partnerships with many Federal agencies such as the Small Business Administration and the Office of Federal Contract Compliance to promote small business compliance. The OSDBU has a "Small Business Council" composed of representatives of major trade associations, small and minority business chambers, women and veteran groups to ensure information/feedback to/from the small business community relative to small business compliance.

The Office of the Ombudsman provides small business access to an impartial review of their issues in dealing with the DOE and its contractors. The Office gives small business guidance and referral services to the correct entity within DOE and serves as a voice for the small business within DOE.

Department of Energy Single Point of Contact: Theresa Speake, Director, Office of Small & Disadvantaged Business Utilization, U.S. Department of

Energy, 1000 Independence Ave., SW., Washington, DC 20585. Telephone: (202) 586-8383. E-mail: Theresa.Speake@hq.doe.gov.

Health and Human Services

Located in HHS's Office of the Secretary, the Department's Office of Small and Disadvantaged Business Utilization (OSDBU) fosters the use of small and disadvantaged businesses as Federal contractors. To accomplish this task, the OSDBU develops and implements outreach programs aimed at heightening the awareness of small business community to the contracting opportunities available across the Department.

Outreach efforts include activities such as sponsoring small business fairs and procurement conferences as well as participating in trade group seminars, conventions, and other forums, which promote the utilization of small and disadvantaged businesses as contractors. The OSDBU Web page, www.HHS.gov/osdbu, presents important resources to aid contractors in doing business with the Department. OSDBU's Director is Ms. Debbie Ridgeley. Ms. Ridgeley may be contacted by telephone at (202) 690-7300, or by E-mail at: Debbie.ridgely@hhs.gov.

Food and Drug Association (FDA)

FDA provides a wealth of written and electronic information to assist small business compliance with FDA regulatory requirements. FDA has published hundreds of guidelines to assist regulated industry, including small business, in complying with the laws and regulations that FDA administers. These guidelines cover virtually all areas that FDA regulates, from new drug and medical device premarket review, to product import and export issues, to issues that relate to the manufacture of foods, drugs, devices, and biological products.

FDA has also published and made widely available guidelines that the agency has developed for its own enforcement and compliance staff. These guidelines describe the general standards for compliance action and set forth the procedures to be followed in conducting investigational and enforcement activities. Essentially all of these written materials are available through FDA's many Web sites. FDA has also prepared "plain language" versions of some of the more technical documents to assist small businesses and others in understanding FDA's expectations.

FDA has created a number of small business and industry assistance "homepages" on its Web sites that bring

together an array of useful regulatory and compliance information. For example, the Center for Devices and Radiological Health has created a "Device Advice" Web page, a self-service interactive site for obtaining information about medical devices. The human pharmaceutical program has created a comparable Web page, "A Small Business Assistance".

FDA's Small Business Representatives (SBR's) are a significant resource for the small business community. Each of FDA's five regional offices is assigned an SBR to provide small business educational outreach and training.

FDA regional offices represent another significant informational resource for the small business community. The regional offices answer thousands of questions, conduct scores of training programs, and organize many "grassroots" meeting to educate the regulated industry, especially small businesses, about emerging regulatory topics of interest.

In addition, FDA's public affairs specialists (PAS's), who are assigned to many of the agency's field offices, are able to respond to questions about FDA's programs, policies, and procedures.

Finally, FDA has appointed ombudsmen in the Office of the Commissioner, the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Center for Veterinary Medicine, and the Center for Devices and Radiological Health. These officials not only provide compliance assistance, but also help regulated companies explore available options in resolving disputes with the agency.

Technical guides. FDA has issued hundreds of guides to assist manufacturers in meeting premarket approval and other regulatory requirements. Among these guidelines a number of guidelines expressly directed to the concerns and needs of small businesses.

Inspectional guides. FDA has made publicly available the agency's manuals and written procedures governing the conduct of inspectional and investigational activities

Policy guides. FDA has issued many guidelines to help regulated industry understand the laws, policies, and regulations that FDA administers. Many of these documents are issued in "plain language" versions to assist small businesses and others in understanding FDA's expectations.

All of the above-cited guidance materials may be accessed through the following Web sites:

- Center for Drug Evaluation and Research Guidance Documents: <http://www.fda.gov/cder/guidance/index.htm>.

- Center for Devices and Radiological Health Guidance Documents for Industry: <http://www.fda.gov/cdrh/guidance.html>.

- Center for Food Safety and Applied Nutrition Food and Cosmetic Guidance Documents: <http://www.cfsan.fda.gov/~dms/guidance.html>.

- Office of Regulatory Affairs Inspection References: http://www.fda.gov/ora/inspect_ref/default.htm.

Web Assistance. The following small business and industry-assistance homepages also bring together an array of useful regulatory and compliance information:

- Center for Drug Evaluation and Research (CDER) Small Business Assistance: <http://www.fda.gov/cder/about/smallbiz/default.htm>—This site provides a listing of various programs, laws, regulations, and organizations that pertain to the drug development and approval process. This site is specifically geared to small businesses; however, general information relating to both small and large businesses is also available here (*i.e.*, guidance documents, CDER calendar, etc. * * *)

- Information on Devices: <http://www.fda.gov/cdrh/devadvice/>—This is an interactive, self-service site. It contains information on "How to Market Your Device" as well as an overview of the regulations, guidance documents, consumer information, and more.

- Veterinary Products: <http://www.fda.gov/cvm/faqs/faqs.html>—This site answers "Frequently Asked Questions" about veterinary products. It includes links to sites that provide information and requirements for topics such as "New Animal Drug Approval" and "Marketing a Pet Food Product," as well as others.

- Center for Biologic Evaluation and Research (CBER): <http://www.fda.gov/CBER/manufacture.htm>—This Web site from the Center for Biologic Evaluation and Research explains the manufacturer's assistance program, which provides assistance and training to companies, both large and small, regarding CBER policies and procedures. This site also contains links to other sites that may be of values to the small business owner.

- Office of Regulatory Affairs Information on Small Business: http://www.fda.gov/ora/fed_state/small_business/default.htm.

- Office of Regulatory Affairs Small Business Guide to FDA: http://www.fda.gov/ora/fed_state/

Small Business/sb_guide/default.htm. This site is from the FDA's Office of Regulatory Affairs. It offers links to a number of useful sites such as "What to do when marketing a new product," "recalling a product," "undergoing an FDA inspection," etc. * * * It also provides an introduction to the **Federal Register**, information on obtaining FDA documents, frequently call numbers, and much more information.

- Center for Food Safety and Applied Nutrition Guide to Starting a Food Business: <http://www.cfsan.fda.gov/~comm/foodbiz.html>—Advice on "Starting a Food Business" which may be of interest for the (potential) small business owner. This site provides links to Federal and State regulatory agencies, import & export information, as well as several other helpful sites.

Small Business and Industry Assistance Offices. Each major FDA component has its own industry assistance office. Staff in these offices provide program-specific information and compliance assistance, through the contact points indicated below:

CDER Small Business Assistance Drug Information Branch. Telephone (301) 827-4573, ordib@cdcr.fda.gov.

CBER Division of Manufacturers Assistance and Training. Telephone (301) 827-2000, or matt@cber.fda.gov.

CDRH Division of Small Manufacturers, International and Consumer Assistance. Telephone: 1-800-638-2041, or dsma@cdrh.fda.gov.

CVM communications staff. Telephone: (301) 827-3806, or jkla@cvm.fda.gov.

CFSAN industry activities staff. Telephone: (301) 436-1730, or giguina@cfsan.fda.gov.

The Small Business Representatives identified below in each of FDA's five regional offices provide small businesses with personalized educational outreach and compliance assistance:

Northeast Region (CT, MA, ME, NH, NY, RI, VT): Marilyn Corretto, 158-15 Liberty Avenue, Jamaica, NY 11433-1034. Telephone: (718) 662-5618. Fax: (718) 662-5434. E-mail: orangersbr@ora.fda.gov.

Central Region (DC, DE, IL, IN, KY, MD, MI, MN, ND, NJ, OH, PA, SD, VA, WI, WV): Marie T. Falcone, U.S. Customhouse, 2nd and Chestnut Sts., Room 900, Philadelphia, PA 19106. Telephone: (215) 597-2120 ext. 4003. Fax: (215) 597-5798. E-mail: mfalcone@ora.fda.gov.

Southeast Region (AL, FL, GA, LA, MS, NC, PR, SC, TN, VI): Food and Drug Administration, 60 Eighth St., NE., Atlanta, GA 30309. Telephone: (404) 253-1217. Fax: (404) 253-1207. E-mail: orasesbr@ora.fda.gov.

Southwest Region (AR, CO, IA, KS, MO, NE, NM, OK, TX, UT, WY): David Arvelo, 40 N. Central Expy., Suite 900, Dallas, TX 75204. Telephone: (214) 253-4952. Assistant: Sue Thomason, telephone: (214) 253-4951. Fax: (214) 253-4970. E-mail: oraswrsbr@ora.fda.gov.

Pacific Region (AK, AZ, CA, HI, ID, MT, NV, OR, WA): Marcia Madrigal, Oakland Federal Building, 1301 Clay Street, Suite 1180-N, Oakland, CA 94612-5217. Telephone: (510) 637-3980. Fax: (510) 637-3977. E-mail: mmadriga@ora.fda.gov.

Ombudsman. FDA's Ombudsman Offices provide compliance assistance and assistance in informal dispute resolution. There are also ombudsmen offices in most of the program offices. Contacts are as follows:

Office of the Commissioner: Laurie Lenkel, Office of the Ombudsman, Food and Drug Administration, 5600 Fishers Lane, Room 4B-44, HF-7, Rockville, MD 2085. Telephone: (301) 827-3390. Fax: (301) 480-8039. E-mail: ombuds@oc.fda.gov.

Center for Biologics Evaluation and Research: Sherry Lard Whiteford, CBER Ombudsman (HFM-4), Center for Biologics Evaluation and Research, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852-1448. Telephone: (301) 827-0379. E-mail: lard@cber.fda.gov.

Center for Drug Evaluation and Research: CDER Ombudsman (HFD-1) 5600 Fishers Lane, Room 9-74, Rockville, MD 20857. Telephone: (301) 594-5443 or (301) 827-4312. E-mail: ombudsman@cdcr.fda.gov.

Center for Devices and Radiological Health: Les Weinstein, CDRH Ombudsman, Office of the Center Director, Center for Devices and Radiological Health, U.S. Food and Drug Administration, 9200 Corporate Blvd. (HFZ-5), Rockville, MD 20850. Telephone: (301) 827-7991. Fax: (301) 827-2565. E-mail: ombudsman@cdrh.fda.gov.

Center for Veterinary Medicine: Marcia K. Larkins, D.V.M., FDA Center for Veterinary Medicine, Ombudsman, 7519 Standish Place HFV-7, Rockville, MD 20855. Telephone: (301) 827-4535. Fax: (301) 827-3957. E-Mail: mlarkins@cvm.fda.gov.

Center for Medicare and Medicaid Services (CMS)

Small Business Office. CMS has a full time Small and Disadvantaged Business Utilization Specialist (SDBUS) located in its Acquisition and Grants Group. The SDBUS is the Agency's focal point for ensuring that all reasonable action is taken to increase awards to small, small

disadvantaged, HUBZones, and women-owned businesses. This Office maintains company profiles and capability statements for all types of services. Inquiries should be directed to Sharon McKinney, on (410) 786-5162, or e-mail may be sent to: smckinney@cms.hhs.gov.

Grant Opportunities. While CMS's Program Offices are concerned with the scientific, technical and programmatic topics, the Acquisition and Grants Group/Research Contracts and Grants Division is primarily charged with the business management and policy aspects of CMS's discretionary grant and cooperative agreement activities.

Currently, CMS conducts a myriad of R&D programs including (but not limited to) the following: Real Choice Systems Change Grants, Medicaid Infrastructure Grants, State Health Insurance Assistance Program, Historically Black Colleges and Universities, and Hispanic Health Initiatives. For additional information, please contact Judy Norris on (410) 786-5130 or e-mail to: jnorris1@cms.hhs.gov.

Regulatory Burden. The CMS liaison with the Small Business Administration's Office of the National Ombudsman is the Office of Strategic Operations and Regulatory Affairs (OSORA).

OSORA is the Agency's focal point for assessing and reducing the burden of Federal paperwork on small businesses in accordance with the Small Business Paperwork Relief Act of 2002 (SBPRA).

OSORA is responsible for responding to small entity concerns on regulatory burden, coordinating the development of department-wide non-retaliation policy with the Department of Health and Human Services, and participating in Regulatory Enforcement Fairness hearings and meetings when issues relate to the CMS mission.

OSORA has established the following resources as contacts for small businesses experiencing problems pertaining to the regulatory burden aspect of doing business: Phone: (410) 786-1002. E-mail: sbaombudsman@cms.hhs.gov.

Web site. In addition, CMS provides on its all-purpose Web site www.cms.hhs.gov extensive amounts of information about the agency's programs, organized in terms of the kind of health-service provider affected, e.g., hospitals, nursing homes home health agencies, or durable medical equipment suppliers. This information is not currently differentiated in terms of the size of these providers' business entities, but CMS is planning to take steps in the near future to earmark the

information in terms of its applicability to small businesses.

National Institutes of Health (NIH)

The NIH Small Business Office (SBO) serves as an advocate for small business through various program activities and outreach efforts. These efforts are intended to maximize prime and subcontract acquisition opportunities at the NIH for small businesses owned by the disadvantaged, women, veterans, service-disabled veterans, and Historically Underutilized Business Zone (HUBZone) concerns. Inquires should be sent to Diana Mukitarian, Chief, (301) 496-9639, sbmail@od.nih.gov.

The Small Business Program is located in the NIH's Office of Acquisition Management and Policy, whose URL is: <http://oa.od.nih.gov/oamp/index.html>. Among other things, the Small Business Program at the NIH is responsible for:

- Developing and maintaining acquisition review procedures and guidelines for requests for contracts, subcontracting plans and operations as contract activities. Such reviews result in recommendations to contracting officers regarding the method of acquisition to be pursued and the acceptability of proposed subcontracting plans and prime contractors' small business programs;
- Conducting surveillance of contract, simplified acquisition and satellite small business program activity, and conducting studies of specific problem areas to ensure effective small business program performance and compliance with applicable laws and regulations;
- Ensuring the development and presentation of management data to provide continuing visibility of program activity and to evaluate program accomplishments against agency socio-economic goals;
- Representing the NIH at Federal, State, local government and congressional small business conferences and fairs. Serving as a guest and expert speaker at various Federal, State, local government and Congressional small business conferences and fairs;
- Serving as a liaison between the NIH program and contract staff and the contractor community;
- Delivering industry assistance by maintaining a program designed to locate capable small, disadvantaged, woman, veteran, service-disabled and HUBZone-owned small business concerns for current and future acquisitions;
- Representing the NIH to industry by interfacing with CEOs and other

principals of private companies, to include small and large firms, as well as nonprofits and universities;

- Responding to inquiries and requests for advice from small, disadvantaged, woman, veteran, service-disabled and HUBZone-owned businesses; and assisting small business in their marketing and business development efforts and activities.

Health Resources and Services Administration

The Health Resources and Services Administration (HRSA) exists primarily to expand access to health care for medically underserved individuals and families across the nation through community-based networks of primary and preventive health care services. HRSA has become known as "The 'Access' Agency" for its services to Americans who lack health insurance; 62 million Americans in rural communities; 78 million racial and ethnic minorities; over 800,000 Americans with HIV/AIDS; and about 80,000 U.S. residents awaiting organ transplants.

HRSA Contracting Office and Small Business Representative. The HRSA contracting office, the Contracts Operations Branch, is currently part of the Division of Grants and Procurement Management. The current Small Business Representative, Ms. Debora Pitts, is available to assist small businesses in navigating the field of HRSA acquisitions. Ms. Pitts may be contacted at (301) 443-3789.

Key Contact Persons in HRSA Contracts. HRSA "HCA" (Head of Contracting Activities) is Dr. Albert F. Marra, who may be reached at (301) 443-1433. The HRSA Chief of the Contracts Operations Branch is Mr. Steve Zangwill, who may be contacted at (301) 443-5097. Mr. Zangwill is assisted by Mr. Frank Murphy, who leads the negotiated contract team, at (301) 443-5165, and Ms. Bonnie Garcia, who heads the simplified acquisitions team at (301) 443-5116. The main office number is (301) 443-1433.

All contracting opportunities at HRSA are announced publicly via the World Wide Web using the government's new FedBizOpps program at the following Web site: www.fedbizopps.gov.

Contractors and vendors are urged to visit that site, as well as the larger HRSA Web site at www.hrsa.gov to keep abreast of contracting needs as well as programmatic changes and developments. Another vehicle open to interested potential contractors is to study the grants funding opportunities available to various agencies and organizations. These grants

opportunities, which are also announced via the Web, the **Federal Register**, FedBizOpps, and through "The HRSA Preview," give further indications of potential acquisitions needs. The HRSA Preview may be obtained through the HRSA web site or by calling 1-877-HRSA-123. Contractors may also find fertile opportunities for sub-contracting with HRSA grantees.

Department of Health and Human Services Single Point of Contact: Debbie Ridgely, Director, Office of Small and Disadvantaged Business Utilization, Room 360-G Humphrey Building, Washington, DC 20201. Telephone: (202) 260-0040. E-mail: SB.PRA@HHS.gov.

Homeland Security

Office of Small and Disadvantaged Business Utilization (OSDBU). The Department of Homeland Security's (DHS) Office of Small Business and Disadvantaged Business Utilization (OSDBU) assists, counsels, and advises small businesses of all types (small businesses, small disadvantaged business, women-owned small businesses, veteran owned small businesses, service disabled veteran owned small businesses, and small businesses located in historically underutilized business zones) on procedures for contracting with DHS. The point of contact for this small business program is Kevin Boshears; he may be reached at (202) 772-9792 and kevin.boshears@dhs.gov.

Office of the Private Sector. The Office of the Private Sector has an e-mail address where small business inquiries could be made, namely private.sector@dhs.gov. The Office will, pursuant to the Homeland Security Act, have the capability to advise the Secretary regarding the impact on the private sector, including small business, of proposed regulations concerning homeland security. For now, an individual and phone number that can be used as an entry point to the Office would be Ms. Elizabeth Callaway at (202) 282-8484 and elizabeth.callaway@dhs.gov.

Department of Homeland Security Single Point of Contact: Ms. Elizabeth Callaway, U.S. Department of Homeland Security, Attn: Private Sector Office, Washington, DC 20528. Telephone: (202) 282-8484. E-mail: Elizabeth.callaway@dhs.gov.

Bureau of Citizenship & Immigration Services (INS)

The paperwork requirement imposed by the Bureau of Citizenship and Immigration Services is the Form I-9.

Completion of this one-page form by employers helps to insure a legal workforce within the United States and does not present a significant burden for businesses. The Bureau has instituted electronic filing of some applications and provides application status on line. These improvements have been a boost to many businesses, providing a speedy mechanism for filling critical positions with foreign experts or semi-skilled workers with temporary and permanent foreign workers. Many employers make use of the Bureau's petitions and applications for approval to hire alien temporary workers.

Live voice assistance, Employer Hotline (800) 357-2099 is available for employers and Live voice assistance for general questions (800) 357-5283. Information for e-filing can be found at www.bcis.gov. Employer Assistance Resources can be found at www.bcis.gov under the title "Information for Employers", Office of Business Liaison. Requests for speakers and questions can be faxed to (202) 305-2523.

DHS Point of Contact for Small Business Compliance Assistance: Felicia A. Colvin, Supervisory Information Specialist, Office of Business Liaison, Bureau of Citizenship and Immigration Services. Telephone: (202) 305-2461.

Bureau of Customs and Border Protection (CBP)

The newly formed Bureau of Customs and Border Protection (CBP) has been working under the trade concept of "informed compliance" since the passage of the Customs Modernization Act (1993). This law mandated CBP to develop a proactive strategy to advise importers of their responsibilities under the law. To fulfill this mandate, CBP has implemented several measures for providing guidance on laws governing international trade for all importers and exporters, including small businesses. Small businesses can avail themselves of this information using the following means: CBP Web Site (downloadable); local and national trade meetings/seminars; weekly publications of the Customs Bulletin; binding rulings program; other informed compliance brochures and pamphlets; and direct contact with CBP personnel.

There are over 300 ports of entry where we enforce numerous laws for CBP and other government agencies while serving as America's frontline for border security. As the agency's primary responsibility, CBP has twin goals of improving security and facilitating legitimate trade and travel, which are not mutually exclusive. In its role to facilitate trade, CBP has always provided compliance assistance to the

trade community about the laws and regulations that apply to importing and exporting. Customs officers at the ports of entry, the Strategic Trade Centers, field operations offices and at Headquarters daily receive and respond to requests for information from the public.

- CBP Web site: <http://www.cbp.gov/xp/cgov/toolbox/ports/>.

The CBP Web site lists all ports of entry with their addresses and telephone numbers. CBP has incorporated a Customer Service Center that responds to inquiries via a toll free number (1-877-Customs). The Office of Trade Relations (OTR) is designated as the point of contact within CBP for small businesses and may be reached at (202) 927-1440 or via e-mail at traderelations@dhs.gov. This office was revamped in 2002 to ensure effective, extensive communication between CBP and all facets of the trade community. Any small entity seeking general information about importing procedures or wanting to comment on their interaction with CBP may contact OTR for assistance.

Contact Information. Customs and Border Protection, Office of Trade Relations, 1300 Pennsylvania Avenue NW., Room 4.2A, Washington, DC 20229. Telephone: (202) 927-1440. Fax: (202) 927-1696. E-mail: traderelations@dhs.gov.

Coast Guard

The Coast Guard encourages small entities to participate in the development of Coast Guard regulations. Our Web site offers help in understanding and complying with those regulations. Use the following links to access help in these areas:

- Small Entity Regulatory Assistance: <http://www.uscg.mil/hq/g-m/regs/sbrefa.html>.
- Marine Safety, Security and Environmental Protection regulations: <http://www.uscg.mil/hq/g-m/regs/reghome.html>.
- Boating Safety regulations: <http://www.uscgboating.org/>.

The Coast Guard proudly maintains the following policy: If you question or lodge a complaint regarding a Coast Guard policy or action, to us or to anyone else, or if you seek outside help in dealing with a Coast Guard policy or action, the Coast Guard will not retaliate against you in any fashion. The Coast Guard wants you to be able to comment, question, or lodge a complaint about our policies or actions without fear that we will retaliate or try to discourage future questions or complaints. If you think the Coast Guard has broken this promise, we will investigate, take appropriate

action, and make sure that mistakes are not repeated. You may comment, ask questions, or file a complaint about Coast Guard policies or actions by contacting your local Coast Guard office, or you can also contact the Small Business Administration Office of the National Ombudsman at 888-REG-FAIR (734-3247), fax: (202) 481-5719, e-mail: ombudsman@sba.gov.

Small businesses generally are independently owned and operated and are not dominant in their field. If you need help determining whether or not your business qualifies as a "small business", contact the SBA's Office of the National Ombudsman using the information given in the preceding paragraph.

Coast Guard single point of contact: Steve Venckus, Chief, Office of Regulations and Administrative Law (G-LRA), 2100 2d Street, SW., (Room 1417), Washington, DC 20593-0001. Phone: (202) 267-1534. Fax: (202) 267-6234. E-mail: svenckus@comdt.uscg.mil.

Housing and Urban Development

The Office of Small and Disadvantaged Business Utilization OSDBU has many tools available for small businesses. Through the establishment of the Information Technology (IT) training HUD has provided a learning tool for small businesses to understand all aspects of HUD's IT opportunities. Introducing this training program has enabled HUD to form partnerships with small businesses and identify qualified companies to seek IT opportunities within the agency.

HUD sponsors Marketing and Outreach business fairs and focuses both on direct HUD contracting opportunities and contracting opportunities created by HUD assisted projects including Community Development Block Grant recipients and Public Housing authorities. HUD outreach sessions include HUD program offices and prime contractors who offer sub-contracting opportunities to small, small disadvantaged and women-owned businesses. HUD has attended approximately 50 outreach conferences including procurement fairs, trade shows, marketplace presentations throughout the country with a strong emphasis on the utilization of small businesses.

HUD's contracting home page is linked to the OSDBU home page in HUD's Web site. The contracting home page contains notices of HUD procurement opportunities and allows interested parties to download a file containing solicitations. A special OSDBU page contains Small Business

tips, the Forecast of Contracting Opportunities, a Small Business Resource Guide and notification of outreach activities.

HUD also has the HUD Procurement System (HPS), an integrated commercial and customized software program that automates procurement operations department-wide. This system includes a rapid query of contracting information that enables all companies to submit bids or proposals for upcoming contracting opportunities and the identification of HUBZones for participation in contracting and subcontracting opportunities. Additionally, it provides HUD with a system to monitor and evaluate its actual achievements in regard to participation of small businesses in HUD activities.

HUD sponsors Marketing and Outreach business fairs and focuses both on direct HUD contracting opportunities and indirect contracting opportunities created by HUD assisted projects including, Community Development Block Grant recipients and public housing authorities. During these events, program offices and prime contractors who offer sub-contracting opportunities to small, small disadvantaged and women owned businesses are urged to attend. Last year, HUD attended approximately 50 outreach conferences including procurement fairs, trade shows and marketplace presentations throughout the country. The OSDBU Business Utilization Development Specials (BUDS), have regular one-on-one meetings with small businesses. The Director holds "Thursday Open House" sessions for all small, small disadvantaged and Women Owned Small Businesses (WOSBs). These meetings give small businesses the opportunity to meet personally with the Director and the specialized BUDS advocate within the OSDBU. The aforementioned efforts are in addition to the daily counseling and one-on-one meetings held with these businesses at the HUD headquarters and field offices.

The OSDBU has increased its staff to include a Contract Specialist, an Information Technology Specialist, a Small Business Policy Specialist and a Research Analyst. HUD has implemented innovative projects and tools utilizing the latest technologies that have and will continue to have a positive effect on the participation of WOSBs in departmental contracting activities. There are IT outreach sessions held regularly with IT small businesses to inform them of new procurement opportunities at HUD.

New Methodologies that challenge conventional procedures include the

establishment of subcontracting policies that have resulted in an increase in contract dollars to small businesses. The HUD Procurement System (HPS) effectively tracks all contracting and subcontracting dollars awarded to small businesses. HUD has established a subcontracting goal of up to 40% of the total value of each contract and subsequent extensions, modifications and options. Contractors that are unable to meet the established goal must provide the rationale for the proposed level of subcontracting. In accordance with the Federal Acquisition Regulation (FAR) at Part 19.702 and HUD's own Federal acquisition regulation (HUDAR) at 2452.219-70, solicitations exceeding \$500,000 that include HUDAR provision 2452.219-70, shall provide the maximum practicable subcontracting opportunities to small, small disadvantaged and women-owned businesses. Prior to award, each contract shall be evaluated on specific subcontracting goals and commitments to small businesses. These pioneering subcontracting policies also include subcontracting plans for General Services Administration schedule buys. There is a concentrated effort to conduct outreach with small businesses across the nation.

HUD OSDBU continuously performs at a level of professional excellence to serve our customers. HUD consistently formulates and implements written policies supporting small businesses and includes references to small businesses in standard operating procedures. HUD has designated a senior executive as the Director of the OSDBU who is responsible for implementing small business policy initiatives. Furthermore, HUD maintains an effective system to provide acknowledgement of procurement personnel that utilize 8(a) small businesses. HUD places a high priority on direct communications and outreach efforts; we utilize newsletters, facilitate trade show and marketplace presentations and conduct business assistance and training seminars. HUD is one of the most innovative governmental agencies and is constantly retrofitting its employment with the latest technologies to enhance service to small businesses. HUD constantly employs proactive strategies to increase opportunities for these businesses to serve as prime contractors and subcontractors. HUD has achieved phenomenal success in requiring prime contractors to establish measurable programs to increase subcontracting opportunities.

Publications:

- Small Business Resource Guide: www.hud.gov:80/offices/osdbu/resource/guide.cfm.

- Small Business Tips: www.hud.gov:80/offices/osdbu/tips.cfm.

- Forecast of Contracting Opportunities: www.hud.gov/offices/cpo/4cast.cfm.

Seminars and Classes:

- Outreach Calendar/Small Business Training: www.hud.gov/groups/smallbusiness.cfm.

Web based compliance:

- Brent Pick is HUD's Webmaster and updates all contract compliance issues on the Web. (303) 672-5281 ext. 1821 Brent_Pick@hud.gov.

Telephone Service:

- (202) 708-1428, Office of Small and Disadvantaged Business Utilization HUD Headquarters, Room 3130.

Future Activities:

- CD-Roms/Video.
- Online/E-mail Service.

On-Site Evaluation/Assistance:

- Office of Small and Disadvantaged Business Utilization, A. Jo Baylor, Director: HUD—Headquarters 451 7th Street, SW., Room 3130, Washington, DC 20410; E-mail: a.jo_baylor@hud.gov.

Housing and Urban Development
Single Point of Contact: A. Jo Baylor,
Director, Office of Small and
Disadvantaged Business Utilization,
HUD Headquarters 451 7th Street, SW.,
Room 3130, Washington, DC 20410.
Telephone: (202) 708-1428. E-mail:
a.jo_baylor@hud.gov.

Interior

Bureau of Land Management

Submit Permits and Reports
Electronically: [https://
www.wispermits.org/](https://www.wispermits.org/).

How to File a Mining Claim: [http://
www.blm.gov/nhp/pubs/brochures/
minerals/index.htm#Q3](http://www.blm.gov/nhp/pubs/brochures/minerals/index.htm#Q3).

Minerals Management Service.

- "Dear Payor" Letters, Notices to Lessees, Small Refiner Program: [http://
www.mrm.mms.gov/RIKweb/Small
Refiners.htm](http://www.mrm.mms.gov/RIKweb/SmallRefiners.htm).

Electronic Payment Information:
[http://www.mrm.mms.gov/
ReportingServices/PDFDocs/fedwire.
pdf](http://www.mrm.mms.gov/ReportingServices/PDFDocs/fedwire.pdf).

Regulations governing collecting, accounting for and distributing revenues associated with mineral production from leased Federal and Indian lands: [http://www.mrm.mms.gov/Laws_R_D/
FRNotices/FRHome.htm](http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRHome.htm).

Regulations governing leasing and operations on the Federal offshore: [http://www.mms.gov/offshore/
Regulations.htm](http://www.mms.gov/offshore/Regulations.htm).

Workshops to explain more complex regulations: Available at various locations around the country.

Training on how to report royalty revenue and related information: Available at various locations around the country.

Bureau of Reclamation

Statute, regulations, Reclamation Reform Act (RRA) Fact Sheets, RRA forms & instructions, and Status of Irrigation Districts List: <http://www.usbr.gov/rra/>.

Explanations of the most common Reclamation Reform Act questions and issues in plain English: www.usbr.gov/rra and at the Reclamation District offices in all irrigation districts.

Fish and Wildlife Service

General Compliance Guidance: <http://pdm.fws.gov/sba/sbindex.html>.

Compliance Guidance for Wildlife Import and Export License Holders: <http://www.le.fws.gov/PublicBulletin.htm>.

Non-Retaliation Policy: <http://policy.fws.gov/do142.html>.

Outreach Presentations for the Import/Export Community: <http://www.le.fws.gov/inspectors.htm>.

Courses on Conservation, Grantwriting, Conservation Partnerships, Developing and Working with Friends Groups, and Other Topics: <http://training.fws.gov/>.

Assistance for Importers and Exporters, Taxidermists, Guides and Outfitters: <http://www.le.fws.gov/inspectors.htm>.

FWS Publications Online: <http://library.fws.gov/pubs3.html>.

Office of Surface Mining

Applicant Violator System: <http://www.avs.osmre.gov/>.

Small Operator Assistance Program: <http://www.osm.gov/soap.htm>.

Copies of OSM Forms: <http://www.osm.gov/forms.htm>.

Policies and Guidance: <http://www.osm.gov/policy.htm>.

Department of the Interior Single Point of Contact: John Strylowski, U.S. Department of the Interior, MS 7229 MIB, Washington, DC 20240. Telephone: (202) 208-3071. Fax: (202) 219-2100. E-Mail: john_strylowski@ios.doi.gov.

Justice

Office of Small and Disadvantaged Business Utilization (OSDBU). The Office of Small and Disadvantaged Business Utilization (OSDBU) strives to improve and increase the Department's performance in utilizing small, small disadvantage, small woman-owned and

veteran-owned businesses as contractors and subcontractors. Our various bureaus spend approximately two billion dollars a year in the private sector. Currently, more than 42 percent of those dollars go to small businesses, with 10 to 15 percent going to minority-owned firms and 3 to 5 percent going to woman-owned companies.

The OSDBU Director and the Deputy Attorney General are committed to encouraging and assisting well-qualified and skillful small, minority, and woman-owned businesses seeking contracts with the Department of Justice. The acquisition function in the Justice Department has been assigned to each of our bureaus' contracting staffs, most of which are located in the metropolitan Washington, DC area. We have prepared several avenues to assist small and disadvantaged businesses in getting better acquainted with the requirements and procurement practices of the bureaus.

Information on DOJ's initiatives and activities is available on the DOJ Small Business Web site: <http://www.usdoj.gov/jmd/osdbu>. This site links to the Small Business home page, which provides extensive small business assistance information including registration for the monthly vendors outreach sessions which provides the opportunity for one-on-one meetings with small business specialist and contracting officers.

Seminars/Conferences/Outreach Sessions: <http://www.usdoj.gov/jmd/osdbu/index.html>.

OSDBU Contact: Ramona Johnson-Glover, Acting Director, OSDBU, 1331 Penn Ave. NW., National Place Bld., Suite 1010, Washington, DC 20530. Telephone: (202) 616-0521 or 1-800-345-3712. Fax: (202) 616-1717. E-Mail: Ramona.M.JohnsonGlover@USDOJ.gov.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Publications of benefit or interest to ATF industry members and the general public (*i.e.*, firearms and explosives regulations, newsletters, rulings, press releases, statistics and State & local training courses, Federal law and regulations, State laws and published ordinances, and **Federal Register** notices.)

- Theft/losses of explosives materials: 1-888-ATF-2662.
- Toll free for reports of gun related crimes and after hours theft/losses: 1-800-ATF-GUNS.
- Toll free for theft/losses of firearms: 1-800-800-3855.
- ATF Firearms and Explosives Compliance Web Site: www.atf.gov.

The ATF provides various publications to our industry members as well as the general public. Some of the publications available either on ATF Web site or in hard copy, include manuals which provide ATF's regulatory requirements in a plain language format; informational brochures to help raise awareness of possible criminal activity (*i.e.*, Reporting theft of Explosives and Firearms, Arson incidents); and industry newsletters for all businesses regulated by ATF. Publications, brochures and forms are produced in quantities of 115,000 each for firearms and 12,000 for explosives, for distribution to the licensees, permittees, and to trade and research organizations and the press.

ATF hosts/participates in national, international, as well as regional/local conferences and meetings. In addition, ATF personnel are often invited by associations to attend their national conferences to give presentations on topics of interest to association members, and/or set up an exhibit booth. The ATF exhibit booth provides yet another venue through which industry members that attend these meetings, may ask questions or concerns regarding ATF policy or regulations.

ATF personnel have also been asked by industry associations as well as regulatory associations/agencies to participate on various panels. Recent topics on which the ATF has provided our expertise include but are not limited to, Safe Explosives Act, Shot Show University, Annual Importers Conference.

There are a number of application forms and reports required by ATF, some of which are now available on ATF's Web site www.atf.gov.

ATF Contact: Mary Jo Hughes, Chief, FEA Services Division, Office of Firearms, Explosives and Arson, Bureau of Alcohol, Tobacco, Firearms and Explosives, 650 Massachusetts Avenue, NW., Washington, DC 20226. Telephone: (202) 927-8045. Fax: (202) 927-7488.

Civil Rights Division (CRT)

CRT—Disability Rights Section (DRS). Information:

- Home Page: www.usdoj.gov/crt/ada/adahom1.htm.
- Business Page: <http://www.usdoj.gov/crt/ada/business.htm>.

The home page provides information about the toll-free ADA Information Line, the Department's ADA enforcement activities, the ADA technical assistance program, certification of State and local building

codes, proposed changes in ADA regulations and requirements, and the ADA mediation program. The home page also provides direct access to ADA regulations and technical assistance materials, Freedom of Information Act materials, links to the Department's press releases, and links to the other Federal agencies' Internet home pages that contain ADA information. ADA. The Web site received over one million visitors during FY 2003.

ADA Guide for Small Business: <http://www.usdoj.gov/crt/ada/smbusgd.pdf>.

ADA Information Line. DRS operates a toll-free ADA Information Line to provide information to the public about the requirements of the ADA and to distribute technical assistance publications to the public. Automated service is available 24 hours a day, seven days a week. During business hours, members of the public can consult with Department staff for assistance in applying ADA requirements to their own specific situation. The ADA Information Line numbers are (800) 514-0301 (voice); (800) 514-0383 (TTY). During FY 2003, the Information Line received 120,000 calls.

ADA Fax on Demand. The ADA Information Line Fax Delivery Service allows the public to obtain free ADA information by fax 24 hours a day, seven days a week. By calling the ADA Information Line, callers can select from among 32 different ADA technical assistance publications and receive the information, usually within minutes, directly on their fax machines or computer fax/modems. ADA Information Line: 800-514-0301 (voice); 800-514-0383 (TTY).

ADA publications. DRS produces a range of technical assistance documents, including an ADA Guide for Small Businesses that has been published jointly with the Small Business Administration. ADA. During FY 2003, the Department developed 41 new technical assistance materials, including five publications on specific topics of interest to businesses that can be printed and distributed directly from the Web addressing the issues of service animals, restriping parking lots, refueling assistance at gas pumps, communicating with people who are deaf or hard of hearing in hospital settings, and communicating with people who are deaf or hard of hearing in hotels, motels, and other places of transient lodging.

ADA training. DRS provides ADA training at meetings nationwide; and conducts outreach to broad and targeted audiences that have included mayors, local Chambers of Commerce, and

millions of businesses. Requests for speakers and training should be placed through the ADA Information Line: 800-514-0301 (voice); 800-514-0383 (TTY). During 2003, the Department fulfilled 60 training, speaking, and exhibit engagements.

ADA Mediation Program. The Department's ADA Mediation Program facilitates compliance by entities, including small businesses, using a voluntary alternative dispute resolution approach. Carried out through a partnership between the Federal government and the private sector, more than 450 professional mediators are available nationwide to mediate ADA cases. In FY 2003, 188 complaints with businesses were resolved successfully through the ADA Mediation Program. To date in FY 2004, the Department has referred an additional 144 cases to the mediation program.

CRT—Office of Special Counsel for Unfair Immigration Related Employment Practices (OSC). OSC's Internet site has helpful information specifically designed for businesses as well as workers. The site describes the legal obligations of employers to comply with the anti-discrimination provision of the Immigration and Nationality Act (INA) and provides other information to assist compliance (such as brochures, booklets, frequently asked questions, and legal references). In FY 2003, the OSC Web site had more than 386,000 new and recurring page visitors. The site is at <http://www.usdoj.gov/crt/osc>. In April, OSC published a newsletter, "OSC Update," which provides an update of OSC's outreach and enforcement activities, and highlights OSC's informal resolution program.

OSC Employer Hotline. OSC has a national toll-free telephone line solely for the use of employers who wish to consult with OSC staff members about their compliance concerns. The telephone line is staffed by OSC attorneys and Equal Opportunity Specialists who promptly address employers' questions, providing immediate guidance. OSC staff often advise employers on how to avoid discrimination in the workplace, minimizing any future liability. Voice: 1-800-255-8155; TDD: 1-800-362-2735.

OSC Job Applicant or Employee Hotline. Based on information received from individuals calling this line, and OSC's prompt investigation of these cases, OSC often is able to bring early, efficient, cost-effective resolutions to employment disputes that might otherwise result in the filing of charges, the accumulation of potential back pay awards, or litigation expenses. These

early interventions minimize the impact of statutory enforcement on small businesses. Voice: 1-800-255-7688 or (202) 616-5525; TDD: 1-800-237-2515. The OSC processed over 18,580 calls to its employer and employee hotlines in FY 2003.

OSC Training Materials. OSC also provides employers, where necessary, with training materials for their staff, including booklets, posters and educational videotapes, on how to ensure that they do not engage in discriminatory behavior. The employer hotline number is distributed with all of OSC's outreach materials for employers. Voice: 1-800-255-8155; TDD: 1-800-362-2735; E-mail Address: oscrt@usdoj.gov Download Brochures and Booklets: <http://www.usdoj.gov/crt/osc/htm/outreach.htm> Based on FY 2003 levels, the OSC expects to disseminate over 100,000 copies of its brochures and booklets free of charge during FY 2004.

Compliance Assistance Education. OSC takes part in numerous employer training sessions throughout the country, providing employers guidance on how they can comply with the antidiscrimination provisions of the immigration laws. OSC attorneys also conduct outreach seminars across the country that are organized by OSC grantees and specifically designed to address issues of concern to employers. OSC routinely provides compliance assistance training and other guidance to employers that OSC determined committed unlawful discrimination to ensure that such violations do not recur. Voice: 1-800-255-8155; TDD: 1-800-362-2735; E-mail Address: oscrt@usdoj.gov. In FY 2003, OSC officials conducted 83 such presentations.

OSC Grants. In addition to the direct outreach activities of its own staff, OSC provides grants to employer associations (such as chambers of commerce) and other entities to allow those organizations to conduct further compliance assistance among their members and constituents. In FY 2003, OSC's grantees presented information about INA compliance at hundreds of events that were attended by thousands of employers and workers and distributed thousands of copies of OSC's brochures and booklets. There are 11 OSC grantees operating across the country in FY 2004. Grants totaled almost \$675,000. Press Statement: <http://www.usdoj.gov/crt/osc/press/30814grantees.pdf>.

OSC Assistance to SBA's Small Business Development Centers. To improve its outreach and service to the small business community, OSC

contacted the SBA's Office of Small Business Development Centers (OSBDC) and the Association of Small Business Development Centers (ASBDC) and offered to provide training and information materials, assistance with training events, and technical guidance to the SBDC networks across the county. There are more than 1,000 SBDC centers and subcenters that provide low-cost counseling and training to small businesses. The SBDCs are generally receptive to providing INA compliance information to their small business clients, and OSC expects to cultivate this partnership in 2004 and future years. OSC will soon roll out a small business resource page on its Web site.

OSC address and phone numbers: Office of Special Counsel for Immigration Related Unfair Employment Practices, Civil Rights Division Department of Justice, Post Office Box 27728, Washington, DC 20038-7728. Telephone: 202-616-5594.

OSC Employer Hotline: Voice: 1-800-255-8155. TDD: 1-800-362-2735.

Civil Rights Division, General Point of Contact: David K. Flynn, Chief, Appellate Section, P.O. Box 66078, Washington, DC 20035-6078. Telephone: 202-514-2195. Fax: 202-524-8490. Please note that Mr. Flynn is not assigned either to the Disability Rights Section (DRS) or to the Office of Special Counsel (OSC). General small business inquiries for information or for assistance concerning compliance with matters within the areas of responsibility of DRS or OSC should be directed to the addresses and phone numbers in the respective sections.

Drug Enforcement Administration

DEA's Office of Diversion Control (OD) is the internal office that has oversight over and works with small businesses. As such, OD and Diversion field personnel continuously review ways in which the DEA can ensure small businesses have access to SBREFA material as well as improve upon current outreach initiatives.

OD Web Site. The Office of Diversion Control's Web site (<http://www.DEAdiversion.usdoj.gov>) contains information specifically relating to DEA's Diversion Program. Between January 1 and October 31, 2003, DEA's entire Diversion Control Program Web site was visited 1,047,968 (an average of 4,463 visits per day). Below are some of the Web pages that were visited and the number of times they were viewed

Publications. DEA provides various publications to its registrant population as well as the general public. Some of the publications available either on Diversion's Web site or in a hard copy,

include registrant manuals which provide DEA's regulatory requirements in a plain language format; the SBREFA Advisory Notice; informational brochures to help raise awareness of possible criminal activity (*i.e.*, a Pharmacist's Guide to Prescription Fraud, Recognizing the Drug Abuser, Drug Addiction in Healthcare Professionals, and Stimulant Abuse by School Age Children); industry newsletters; press releases; and program reports. www.DEAdiversion.usdoj.gov/pubs/index.html.

For those small businesses that do not have access to the Internet, the DEA provides contact telephone numbers for Diversion Headquarters and field personnel as well as the SBA Ombudsman in the back of hard bound copies of the registrant manuals.

Requests for information or reports should be mailed to: Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Small Business Regulatory Fairness Advisory: www.DEAdiversion.usdoj.gov/pubs/fair_adviz.htm. This notice advises DEA registrants to contact DEA Field Offices if they have any questions regarding DEA's regulations and policies. If they are a small business, they may contact the SBA's Office of the Ombudsman to comment on DEA's enforcement actions. This Advisory is also included in all revised and new manuals.

Seminars/Classes:

- Chemical training for importers/exporters: www.DEAdiversion.usdoj.gov/mtgs/dea_mtgs.html.
- Pharmaceutical Training Seminars for importers/exporters and manufacturers: www.DEAdiversion.usdoj.gov/mtgs/dea_mtgs.html, www.DEAdiversion.usdoj.gov/quotas/index.html.

Web-Based Compliance:

- A wide variety of online forms: http://www.DEAdiversion.usdoj.gov/online_forms.htm.

Onsite Evaluation/ Assistance:

- List of local field offices: www.DEAdiversion.usdoj.gov/offices_n_dirs/index.html.

Meetings/Conferences. DEA hosts national as well as regional/local conferences and meetings. In addition, Diversion personnel are often invited by associations to attend their national conferences to give presentations on topics of interest to association members, and/or set up an exhibit booth. www.DEAdiversion.usdoj.gov/mtgs/dea_mtgs.html.

Toll Free Telephone Numbers. Contact information for Diversion

Control Program personnel located at DEA Headquarters and local field offices may be viewed at the following Web address: http://www.deadiversion.usdoj.gov/offices_n_dirs/index.html.

Summary of DOJ Contact Information

DRS address and phone number: Disability Rights Section, Civil Rights Division, and P.O. Box 66738, Washington, DC 20035-6738. Telephone: (202) 307-0663. Fax: (202) 307-1198.

ADA Information Line. 800-514-0301 (voice). 800-514-0383 (TTY)

Drug Enforcement Administration Contact (for regulatory and enforcement matters: Patricia Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. Telephone: (202) 307-7297. Fax: (202) 307-8570.

Justice Department contacts for Department-wide matters (such as the Ombudsman's Reports to Congress) and other issues of general agency concern: Kevin R. Jones, Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, Main Building, Room 7238, 950 Pennsylvania Avenue, NW., Washington, DC 20530. Telephone: (202) 514-4604. Fax: (202) 514-9112. E-mail: Kevin.r.jones@usdoj.gov.

Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Main Building, Room 7236, 950 Pennsylvania Avenue, NW., Washington, DC 20530. Telephone: (202) 514-8059. Fax: (202) 514-9112. E-mail: robert.hinchman@usdoj.gov.

Justice Department contact for general public affairs inquiries: Mark Corallo, Director, Office of Public Affairs, Main Building, Room 1248, 950 Pennsylvania Avenue, NW., Washington, DC 20530. Telephone: (202) 514-2007. Fax: (202) 513-5331. E-mail: Mark.Corallo@usdoj.gov.

Justice Department contact for small and disadvantaged business utilization: Ramona Johnson-Glover, Acting Director, OSDBU, 1331 Penn Ave. NW., National Place Bld., Suite 1010, Washington, DC 20530. Telephone: (202) 616-0521. Fax: (202) 616-1717. E-mail: Ramona.M.JohnsonGlover@USDOJ.gov.

Justice Department single point of contact. Brenda Dyer, Policy and Planning Staff, Justice Management Division, Patrick Henry Building, Room 1600, Washington, DC 20530. Telephone (202) 616-1167. Fax: (202) 514-1590. E-mail: brenda.e.dyer@usdoj.gov.

Labor

The U.S. Department of Labor (DOL) recognizes its obligation to respond to the ever-increasing complexities of employment laws and the difficulties businesses face in understanding them. Secretary of Labor Elaine L. Chao launched the Compliance Assistance Initiative to help America's employers and employees better understand how to comply with the federal employment laws and regulations it administers. DOL believes compliance assistance is the most effective way to protect the wages, health benefits, retirement security, safety, and health of America's workforce by preventing employment law violations.

DOL has developed the following tools and resources to ensure that employers and workers have access to clear and accurate information and assistance—when and where they need it, and in the format that suits them best.

Department of Labor Web Site. The most widely used compliance assistance tool is the DOL Web site, which features centralized compliance assistance information at www.dol.gov/compliance. The public can use this site to access a wide range of information and resources about DOL's rules and regulations any time, day or night. These Web pages are gateways to DOL agencies' compliance assistance information.

elaws Advisors. The elaws Advisors (Employment Laws Assistance for Workers and Small Businesses) are interactive e-tools that provide information on DOL's Federal employment laws. Available at www.dol.gov/elaws, each elaws Advisor mimics the interaction an individual would have with a DOL employment law expert by generating answers based on the user's responses to a set of questions. The FirstStep Employment Law Advisor—one of the newest elaws Advisors—helps employers simply and quickly determine which of DOL's major employment laws apply to their business or organization and provides easy-to-access information about how to comply with each law's requirements.

Toll-Free Help Line. The DOL toll-free help line is 1-866-4-USA-DOL (1-866-487-2365); (TTY: 1-877-889-5627). DOL's Toll-Free Help Line provides timely and accurate responses to customer inquiries, and fulfills print and publication requests. The Help Line offers live operator assistance in English and Spanish, with additional service in more than 140 languages.

Employment Law Guide. The Employment Law Guide, which describes DOL's major statutes and

regulations in plain language, targets employers needing introductory information to develop wage, benefit, safety and health, and nondiscrimination policies for their businesses. It is available for free in print and online, in both English and Spanish. A complimentary copy can be obtained by calling 1-866-4-USA-DOL or by visiting www.dol.gov/asp/programs/guide.htm.

E-Mail Response Service. DOL's coordinated e-mail response service allows employers and employees to ask questions about employment and regulatory issues electronically. By choosing from a list of topics or internal DOL agencies under the "Contact Us" section of the DOL Web site (www.dol.gov), users are ensured that their question will go to the appropriate office and that they will receive an answer in a timely manner.

Compliance Assistance Information Inventory. More than 300 publications are included in this comprehensive list of DOL compliance assistance resources. This database of publications can be accessed from www.dol.gov/compliance. (To be available in May, 2004.)

SBREFA Toll-Free Help Line. Under the Small Business Regulatory Enforcement Fairness Act of 1996, small businesses may contact DOL's Office of Small Business Programs (OSBP) directly with their inquiries or complaints about regulatory fairness by calling 1-888-9-SBREFA (1-888-972-7332).

Wage and Hour Issues. The Employment Standards Administration, Wage & Hour Division (WHD) enforces the minimum wage, overtime, and child labor provisions of the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), employment standards and worker protections provided in several non-immigrant worker programs of the Immigration and Nationality Act, and the prevailing wage requirements of the Davis-Bacon Act (DBA), the Service Contract Act (SCA) and related statutes.

WHD delivers compliance assistance through its Web site, interactive elaws Advisors (FLSA, FMLA), toll-free phone service, e-mail, printed materials, workshops and presentations.

- WHD on the Web: www.wagehour.dol.gov.
- WHD Contact Information: www.dol.gov/esa/contacts/whd/america2.htm.

- Telephone Number: 1-866-4USWAGE (1-866-487-9243).

Federal Contract Compliance. The Employment Standards Administration,

Office of Federal Contract Compliance Programs (OFCCP) administers three equal employment opportunity programs that apply to Federal contractors and subcontractors: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212. These laws prohibit Federal contractors and subcontractors from discriminating in employment decisions on the basis of race, color, religion, sex, national origin, disability, or protected veteran status. These laws also require Federal contractors and subcontractors to take affirmative action to ensure equal employment opportunity. OFCCP also shares responsibility with the U.S. Equal Employment Opportunity Commission (EEOC) in enforcing Title I of the Americans with Disabilities Act.

OFCCP delivers compliance assistance through its Web site, interactive elaws Advisors, e-mail, toll-free telephone service, workshops and seminars.

- OFCCP on the Web: www.dol.gov/esa/ofccp.
- OFCCP Contact Information: <http://www.dol.gov/esa/contacts/ofccp/ofccpkeyp.htm>.
- Telephone Number: 1-202-693-0101.

Retirement and Health Benefits. The Employee Benefits Security Administration (EBSA) assists employers and employee benefit plan practitioners in understanding and complying with the requirements of the Employee Retirement Income Security Act (ERISA) as it applies to administering retirement and health benefit plans. EBSA promotes voluntary compliance through its Voluntary Fiduciary Correction Program and Delinquent Filer Voluntary Compliance Program and through strategic alliances with professional organizations and federal, state and local governments. EBSA provides compliance assistance through its Web site, publications, interactive elaws Advisors, toll-free telephone service as well as responding to electronic inquiries, sponsoring seminars, and actively conducting outreach nationwide.

- EBSA on the Web: <http://www.dol.gov/ebsa/>.
- EBSA Contact Information for Electronic Inquiries: www.askebsa.dol.gov.
- Telephone Number: 1-866-444-3272.

Occupational Safety and Health

The Occupational Safety and Health Administration (OSHA) works to save

lives, prevent injuries and protect the health and safety of America's workers. Nearly every worker in the U.S. comes under OSHA's jurisdiction as defined by the Occupational Safety and Health Act of 1970 (exceptions include miners, transportation workers, many public employees, and the self-employed).

OSHA delivers compliance assistance through its Web site, printed compliance guides, toll-free telephone service, e-mail, and online electronic assistance tools such as eTools and Safety and Health Topics pages. Free workplace consultations are available in every state to small businesses that need assistance in establishing safety and health programs and identifying and correcting workplace hazards. A network of OSHA Compliance Assistance Specialists in local offices provides tailored information and training to employers and employees. OSHA has a number of cooperative programs that help recognize and build on successful practices in occupational safety and health, including the Alliance Program, Safety and Health Achievement Recognition Program (SHARP), Strategic Partnership Program, and Voluntary Protection Programs (VPP).

- OSHA on the Web: www.osha.gov.
- Telephone: 1-800-321-OSHA (1-800-321-6742).
- OSHA Contact Information: www.osha.gov/html/oshdir.html.

Mine Safety and Health

The Mine Safety and Health Administration (MSHA) works to protect the health and safety of workers in America's mines by working cooperatively with industry, labor, and other federal and state agencies. MSHA's responsibilities are outlined in the Federal Mine Safety and Health Act of 1977, commonly called the Mine Act, which applies to all mining and mineral processing operations in the U.S. regardless of size, number of employees or method of extraction.

MSHA delivers compliance assistance to mine operators and workers through its Web site and by direct contact of agency enforcement, technical support, and education and training field personnel. MSHA established its Small Mine Office to address the safety and health needs of small mines specifically and to enable small mines to comply with safety and health laws as readily as medium-or large-sized mines. The Small Mine Office focuses exclusively on compliance assistance and conducts no enforcement activities.

- MSHA on the Web: www.msha.gov.

- MSHA Contact Information: www.msha.gov/contactmsha/contactmsha.htm.
- Telephone Number: 1-202-693-9400.

Veterans' Employment and Training

The Veterans' Employment and Training Service (VETS) helps veterans, Reservists and National Guard members effectively prepare for and secure employment, and protects their employment rights. VETS provides employment services and training assistance to eligible veterans, including homeless veterans, through grants to States, local governments and non-profit organizations. VETS also administers the Uniformed Services Employment and Reemployment Rights Act (USERRA) and provides information about veterans' rights under the Veterans Employment Opportunities Act (VEOA) and the Federal Contractor Program, which requires Federal contractors and subcontractors to take affirmative action to hire and promote qualified veterans including special disabled veterans.

VETS delivers compliance assistance through its Web site, printed materials, e-mail, and interactive online elaws Advisors.

- VETS on the Web: www.dol.gov/vets.
- VETS Contact Information: www.dol.gov/vets/aboutvets/contacts/main.htm.
- Telephone Number: 1-202-693-4700.

Labor-Management Standards

The Employment Standards Administration, Office of Labor-Management Standards (OLMS) administers and enforces most of the Labor-Management Reporting and Disclosure Act (LMRDA) of 1959. OLMS also administers provisions of the Civil Service Reform Act of 1978 and the Foreign Service Act of 1980 relating to standards of conduct for Federal employee unions. OLMS also administers employee protection provisions in the Federal mass transit law. OLMS now administers Executive Order 13201 in conjunction with the Office of Federal Contract Compliance Programs. EO 13201 requires Federal contractors to post notices informing their employees of certain rights related to union membership and payment of union dues or fees.

OLMS delivers compliance assistance through its Web site, publications, e-mail, workshops and other group presentations. An OLMS Web site—www.union-reports.dol.gov—lets users view and print union annual financial

reports. It features a powerful data search system that can produce lists tailored to users' needs. OLMS recently expanded the site to let users view and print reports by employers and labor relations consultants.

- OLMS on the Web: www.olms.dol.gov.
 - OLMS Contact Information: www.dol.gov/esa/contacts/olms/lmskeyp.htm.
 - Telephone: 1-202-693-0123 (union member rights); 1-202-693-0126 (transit employee protections).
- Department of Labor Single Point of Contact: Under the Small Business Paperwork Relief Act of 2002, the Department of Labor has established a single point of contact in the agency to act as a liaison between the agency and small business concerns: Barbara Bingham, Director, Office of Compliance Assistance Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., Rm. S2312, Washington, DC 20210. Telephone: (202) 693-5080.

State

- Compliance Assistance Resources: www.state.gov/m/a/sdbu.
 - Compliance assistance: <http://www.state.gov/m/a/sdbu/c9124.htm>.
- The Office of Small and Disadvantaged Business Utilization (OSDBU) Web page links to a number of Federal agencies: www.osdbu.gov.
- Publications: A Guide to Doing Business with State Department. Forecast of Contract Opportunities and others are available electronically on the Web page.
 - Workshops: State/OSDBU presents a number of workshops throughout the year as part of its outreach efforts. These workshops include "in reach" to our State Department customers and cover topics related to the Small Business Program. State/OSDBU staff members are often invited to participate on workshops or panels hosted by small business trade associations, Chambers of Commerce or other groups representing the interests of small business.
 - Training Sessions: We sponsor training sessions for State Department employees. Examples: Small Business Program training module at Foreign Service Institute's GSO Course. Participation in regional GSO Conferences hosted by State's Office of Logistics Management. (e.g., New Delhi, India and Gaborone, Botswana in 2002). Also participate in State Department events designed for private industry such as Bureau of Overseas Buildings Operation's Industry Day. State hosts an annual Prime Contractor training session. The morning is a refresher for

large primes on regulations and reporting requirements governing subcontracting. The afternoon session is for networking between large primes and "hot prospect" small businesses.

- **Small Business Fairs:** State/OSDBU hosts an annual Small Business Fair, which features "common usage" items typically purchased using the government credit card or GSA schedule. In November 2002, we hosted a Veteran-owned Small Business Conference. We are also co-hosts of quarterly Information Technology Expositions, for which the Bureau of Information Resource Management takes the lead. We co-sponsor with other Federal OSDBUs an annual conference each April, at Show Place Arena in Upper Marlboro, Maryland. This year's event, held on April 23rd, attracted over 1500 participants from all over the country. State/OSDBU also supports Small Business Fairs hosted by other Federal agencies, by small business trade associations, or by members of Congress. During FY 2002 to date, we have participated in over 30 such events.

State Department Single Point of Contact: Gregory K.O. Davis, Telephone: (202) 312-9607. Regulatory Coordinator Fax: (202) 312-9603. A/RPS/DIR, 1800 G Street, NW., Suite 2400, SA-22, Washington, DC 20522-2201. Internet: <http://www.state.gov/m/a/dir/> and <http://foia.state.gov/famdir/fam/fam.asp>.

Transportation

Web-based Compliance: Office of Small & Disadvantaged Business Utilization, <http://osdbuweb.dot.gov>.

Drug and Alcohol Policy and Compliance: www.dot.gov/ost/dapc.

Telephone: Small Business Customer Service Center, 1-800-532-1169.

Office of Drug Enforcement and Program Compliance (DEPC): 1-800-225-3784 (fax on demand service).

Seminars/Classes: Transportation Marketplace Conferences, <http://osdbuweb.dot.gov>.

Breath Alcohol Technician Training and Screening, Test Technician Training Manuals: Transportation Safety Institute, Telephone (405) 949-0036, x323. Marti Bludworth, DTI-100, 4400 Will Rogers Parkway, Suite 205, Oklahoma City, OK 73108.

Online/e-mail Service News by E-mail: <http://osdbuweb.dot.gov>.

Central Docket Management System: <http://dms.dot.gov>.

Office of Aviation Analysis: <http://ostpxweb.dot.gov/aviation/index.html>.

Drug and Alcohol Policy and Compliance Program Guidance Material:

www.dot.gov/ost/dapc/prog_guidance.html.

Online purchases and payments: www.Diy.dot.gov.

Publications: The Transportation Link Newsletter; Marketing Information Package, Fax on Demand Catalog. Telephone 1-800-532-1169. <http://osdbuweb.dot.gov>.

Federal Highway Administration

Web-based Compliance: www.fhwa.dot.gov.

Publications: Citizens Guide to Transportation Decisionmaking; National Dialogue on Operations; An Overview of Transportation and Environmental Justice; Transportation Conformity, A Basic Guide for State and Local Officials, Revised 2000; A Guide to Metropolitan Planning Under ISTEA, How the Pieces Fit Together; Federal Size Regulations for Commercial Motor Vehicles; and Bridge Formula Weights (all the above are available at the Web site).

Federal Aviation Administration

Web-based Compliance: www.faa.gov/avr/arm/sbrefa.htm.

E-mail Service: 9-AWA-SBREFA@faa.gov.

Telephone Service: 1-888-551-1594 or 1-800-255-1111 (Safety Hotline).

On-site Assistance: Charlene Brown, 800 Independence Ave., SW., Room 808, Washington, DC 20591.

Bureau of Transportation Statistics

Web-based Compliance: www.bts.gov/mcs/desc.html; <http://www.fmcsa.dot.gov/factsfigs/dashome.htm> (See Table of Contents Financial and Operating Statistics); and <http://www.bts.gov/oai/sources> (Office of Airline Information).

E-mail Service: answers@bts.gov.

Telephone Service: 1-800-853-1351 (General Information), and 1-202-366-4888 (public data from air carrier reports).

Publications: Worksheet for Calculating Carrier Classification (Motor Carriers of Passengers); Worksheet for Calculating Carrier Classification (Motor Carriers of Property); Information Sheet for Form QFR and many others available through the Web site.

On-site Assistance: Bureau of Transportation Statistics, 400 7th Street, SW., Room 3103, Washington, DC, L'Enfant Plaza Metrorail Station (7th and D Street exit).

Reports Reference Facility (public data from air carrier reports): 400 7th Street, SW., Room 4201, Washington, DC.

Federal Railroad Administration

Web-based Compliance: www.fra.dot.gov.

Telephone Service: (202) 493-6395 (Office of Policy & Program Development).

Federal Transit Administration

Web-based Compliance: www.fta.dot.gov.

Telephone Service: 1-800-527-8279 (National Transit Resource Center).

Publications: www.fta.dot.gov/library.

Federal Motor Carrier Safety Administration

Web-based Compliance:

www.fmcsa.dot.gov and www.1-888-dot-saft.com.

Telephone Service: 1-800-832-5660 (Information Line), 1-800-368-7328 (Consumer complaint hotline), (202) 366-9805 (Licensing Information), (202) 385-2423 (Insurance Information).

National Highway Traffic Safety Administration

Web-based compliance: www.nhtsa.dot.gov.

Telephone Service: 1-800-DASH-2-DOT (1-800-327-4236).

Publications: <http://www.nhtsa.dot.gov/people/outreach/media/catalog/Index.cfm> (Online publications library).

Maritime Administration

Web-based Compliance: www.marad.dot.gov.

Telephone Service: (202) 366-4610 (Cargo Preference Program), (202) 366-8888 (Intermodal Development), (202) 366-8887 (Environmental Activities), (202) 366-1931 (Maritech Program), (202) 366-5744 (Maritime Loan Guarantee), (202) 366-1931 (National Maritime Resource and Education Center), (202) 366-4610 (Ocean Freight Differential), (202) 366-2324 (Operating Differential Subsidy), (202) 366-2625 (Ship Operation Cooperative Program), (202) 366-2400 (War Risk Insurance Program), and (202) 366-5821 (Vessel Transfer Program).

Publications: www.marad.dot.gov/publications (online library).

Research and Special Programs Administration

Web-based Compliance: www.rspa.dot.gov; <http://hazmat.dot.gov>; and <http://ops.dot.gov>.

Telephone Service: (202) 366-4595 (Office of Pipeline Safety), 1-800-HMR-4922 or (202) 366-4488 (Hazardous Materials Information Center), (202) 366-4900 (Office of Hazardous Materials Initiatives and Training), (202) 366-4484 (Hazardous Materials Incident Reports).

Fax Service: 1-800-467-4922
(Hazardous Materials fax on demand)
and 202-366-4566 (Office of Pipeline
Safety fax).

E-mail Service: Grants@rspa.dot.gov,
Infocntr@rspa.dot.gov,
Register@rspa.dot.gov,
Training@rspa.dot.gov,
Welisten@rspa.dot.gov.

Seminars/Courses: Transportation
Safety Institute (Compliance Inspection
Comprehensive Operator Qualification,
OPS); Risk Management Conference/
Public Meeting Proceedings (Hazmat
and OPS) www.tsi.dot.gov.

Publications: Pipeline Risk
Management Newsletter, Oil Pollution
Act Newsletter, and Hazmat Safety
Alerts.

Department of Transportation Single
Point of Contact: Steven B. Lott,
Manager, Strategic Integration, IT
Program Management, U.S. Department
of Transportation, 400 Seventh Street,
SW., Washington, DC 20590. Telephone:
(202) 366-1314. Fax: (202) 366-7373.
[http://cio.ost.dot.gov/contact/
index.html](http://cio.ost.dot.gov/contact/index.html).

Treasury

Office of Small Business
Development. Our Office of Small
Business Development ([http://
www.treas.gov/sba](http://www.treas.gov/sba)) has a robust small
business program to ensure both small
business prime and subcontracting
opportunities. The following examples,
initiatives, and partnerships
demonstrate Treasury's commitment:
Outreach Efforts:

- Maintain a vigorous small business
procurement Web site ([http://
www.treas.gov/sba](http://www.treas.gov/sba)).
- Treasury's annual forecast of
contract opportunities and small
business subcontracting opportunities
directory are posted on the small
business Web site, and we make hard
copies available upon request and at all
of the small business outreach events
we attend.
- Our highly successful Treasury
Monthly Vendor Outreach Session
program allows small businesses to
meet with Treasury bureau small
business specialists. We also include
special guests representing other
Federal agencies or prime contractors to
discuss procurement opportunities on a
pre-arranged 15-minute basis in one
central location. Our schedule is
published a year in advance to allow
small business to plan their marketing
efforts.
- Treasury's outreach efforts also
include two Treasury IT Program
Manager Vendor Outreach Session
events each year (this event is modeled

after our Monthly Vendor Outreach
Session).

- In Treasury's capacity as Chair of
the OSDBU Directors Interagency
Council outreach committee, we have
taken the lead on the government-wide
Annual OSDBU Directors Procurement
Conference held in April of each year.
This event is also posted on our Web
site.

- We have also focused our efforts in
targeted outreach on a nationwide basis,
such as trade fair participation, seminar
presentations, panel program
discussions on specific topics, and one-
on-one counseling.

- The OSBD has built a solid
relationship with a variety of small
business trade associations. On April
12, 2000, Treasury entered into an
historic Memorandum of Understanding
with 17 small, minority, and women-
owned small business trade associations
to increase the ability of small minority
and women-owned small businesses to
compete for Treasury procurements in
industries reflecting under-
representation while maintaining
participation in industries with
successful utilization.

- A list of the Top 25 Treasury
purchases is published, listed by
industry classification over a five year
period to provide an opportunity for
"targeted outreach".

- Treasury implemented a mentor-
protégé pilot program. We are the only
agency in which protégés may be small
businesses of all types—SB, SDB,
WOSB, HUBZSB, SDVOSB, and VOSB.

Internal Revenue Service

I. Compliance Assistance Resources
(Paperwork Relief Act Report).

The IRS Compliance Assistance
Resources are those that help taxpayers
comply with the Federal tax law. We are
making every effort to inform, assist and
educate taxpayers.

II. Points of Contact for IRS.

Single point of contact for
Compliance Assistance Resources IRS
Web site: [http://www.irs.gov/businesses/
index.html](http://www.irs.gov/businesses/index.html).

Single point of contact for Paperwork
Relief Act of 2002. Michael Chesman
Director Office of Taxpayer Burden
Reduction. Phone: (202) 283-7673. E-
mail: Michael.R.Chesman@irs.gov.

Compliance Assistance Program Description

a. The Small Business/Self-Employed
(SB/SE) operating division is structured
to best serve taxpayers whose needs are
more complex than wage and
investment taxpayers. This division
serves about 40 million small
businesses, including 33 million self-

employed and 7 million corporations
and partnerships with assets of \$10
million or less. While many face the
same tax issues as large corporations,
they often do not have tax professionals
on staff. Tax compliance issues often
stem from a lack of understanding of tax
law requirements, inadequate
accounting practices and resources and
cash flow problems.

The approximately 33 million self-
employed and supplemental income
earners are similar to wage and
investment taxpayers, but their tax
issues are often more complex. They
have substantially higher incomes and
file twice the number of forms and
schedules, requiring more time to
prepare taxes, a greater reliance on paid
tax preparers and more IRS expertise.

i. Headquarters
Taxpayer Education and
Communication's (TEC) mission is to
support and accomplish the goals of the
Strategic Plan. We increase filing,
reporting, and paying compliance by
providing small business and self-
employed individuals with top quality
pre-filing services. TEC's activities align
with compliance goals and approaches
set by other parts of the organization.

The field and headquarters staffs
support compliance-focused pre-filing
activities through direct dealings with
small businesses and self-employed
individuals and through third party
relationships with key internal and
external stakeholders. TEC works to
develop and maintain partnerships with
key stakeholders. The relationships are
leveraged to assist in the delivery of
targeted messages to specific audiences
on specific compliance issues resulting
in communications that reach a much
larger taxpayer population.

TEC focuses on burden reduction
initiatives and promotes electronic
filing and payment options to SB/SE
taxpayers. The services TEC provides
assist in promoting compliance among
small businesses and self-employed
taxpayers through non-enforcement
methods and help taxpayers understand
their tax obligations in a manner that
leads to voluntary compliance.

○ Partnership Outreach designs,
develops and delivers educational
products and services focused on
customer needs, and leverage
partnerships with major stakeholders
through negotiated agreements to assist
in the delivery of these products and
services. The primary focus is on
proactively identifying emerging trends,
common errors, and common areas of
non-compliance, and developing
products, services and programs to
address these issues and encourage
compliance.

○ Business Marketing Services plans and execute the promotion and distribution of all traditional SB/SE products and services to TEC employees, key stakeholders, and targeted taxpayer audiences in order to satisfy external customer needs and internal organizational objectives. Business Marketing Services is also focused on developing strategies for increasing usage of electronic products and implementing them effectively for not only the small business community but also the more uniquely emerging self-employed taxpayer segment.

○ The Office of Taxpayer Burden Reduction provides direction and leadership for burden reduction efforts by focusing on six major areas:

■ Informing and educating customers about their tax responsibilities.

■ Simplifying forms, publications and communications.

■ Streamlining internal policies, processes and procedures (including audit plans).

■ Promoting less burdensome rulings, regulations and law.

■ Assisting in the development of a burden reduction measurement methodology.

■ Partnering with internal and external stakeholders to more effectively and efficiently identify and address burden reduction initiatives.

○ Field Organization

A geographically dispersed field staff provides top quality compliance focused pre-filing service to small business and self-employed individuals directly and through third party relationships with key internal and external stakeholders. These services assist small business and self-employed taxpayers by helping them to understand their tax obligations in a manner which leads to filing, payment, and reporting compliance.

IRS Area Distribution Centers (ADCs) serve as distribution points for tax products. Tax products can be ordered free of charge from the ADCs at 1-800-829-2437.

b. IRS provides live telephone assistance through Customer Account Service.

■ Tax Assistance—1-800-829-1040.

■ Forms, Form Instructions and Publications—1-800-829-3676.

■ Small Business and Specialty Taxes—1-800-829-4933.

■ Compliance Assistance Products—1-800-829-2765.

■ Tax Refund Hotline—1-800-829-1954.

■ Recorded Tax Information (Tele-Tax) 24 hour service—1-800-829-4477.

■ Assistance for the Hearing Impaired—1-800-829-4059.

■ To suggest improvements to IRS Procedures—1-888-912-1227.

■ Taxpayer Advocate Service Hotline—1-877-777-4778.

c. Taxpayers who need more information than is provided by Customer Account Service may go to the Help Web site at <http://www.irs.gov/help/index.html>.

d. Finding addresses to file Internal Revenue Service tax forms has just become easier for taxpayers and tax practitioners. On August 22, 2003, the IRS launched a "Where to File" Web site on the Internet. With only a few keystrokes, taxpayers and practitioners now have access to the proper mailing address to ensure that business returns are received and processed in a timely manner. See the Where to File—Business Forms and Filing Addresses at <http://www.irs.gov/file/article/0,,id=111453,00.html>.

e. Web sites/Internet

■ <http://www.irs.gov>—IRS Web site.

■ <http://www.irs.gov/smallbiz>—IRS Small Business Web site.

■ <http://www.irs.gov/smallbiz>—The SB/SE Internet site has had 12,200,283 visits from January 2002 to February 2004.

■ <http://www.irs.gov/newsroom/index.html>—News.

■ <http://www.irs.gov/taxpros/content/0,,id=103728,00.html>—Plain Language Regulations.

■ Tax Centers on Partners' Web site—IRS has developed a number of partnerships by establishing a Tax Center Web site on the partner's sites. Tax Centers have a comprehensive set of links customized to the partners needs and organized by topic to various parts of [irs.gov](http://www.irs.gov). For example see: Tax Center Web site—<http://www.sba.gov/bi/irstaxcenter.doc>.

f. Training/Workshops/Seminars

■ Practitioner Institutes. Practitioner Institutes serve as part of an overall practitioner education curriculum, which includes Tax Talk Today, the Nationwide Tax Forum, local liaison meetings, etc. They provide a much-needed venue for delivering the IRS message to approximately 25,000 direct participants, which prepare countless tax returns for the public each year. The Tax Practitioner Institutes have been ongoing for as many as 60 years in some parts of the country. Over the years the institutes have evolved into forums that deal with a large variety of income tax issues of interest to the entire tax practitioner community.

■ Small Business Tax Workshop Student/Instructor Materials IRS has adopted three models for small business tax workshops our partners can offer as

a client service to help the smallest and newest businesses:

○ Partner organizations organize, market and staff live workshops using IRS materials or their own. IRS just released Spanish language versions of the Student Workbook and the Instructor Guide.

○ Partnership organizations link to IRS' on-line small business workshop products and market them to their members. An online Spanish language version of the classroom materials is nearly complete.

○ Partner organizations distribute Pub. 3700, A Virtual Small Business workshop CD-ROM (September 2003) and Pub. 3693, Introduction to Federal Taxes for Small Business—Self Employed: Getting Your Business Off to a Successful Start CD-ROM (Sept 2001) to their members and/or let them know how to order it. Pub. 3700 has Spanish and Mandarin closed captions.

■ Online Small Business Tax Workshops. IRS has an interactive online Small Business Tax Workshop that includes all of the materials used in the classroom workshops taught by IRS partner organizations. There are also streaming video workshops in the Online Classroom at <http://www.irs.gov/smallbiz>.

■ Tax Talk Today. Tax Talk Today is a monthly program about current tax issues and policies sponsored in part by the IRS. It provides unbiased insight and information about current tax and business issues critical to tax professionals. All of the programs feature a panel discussion, Questions and Answers from viewers, current tax news stories, and tax teasers. The format allows viewers to ask questions via e-mail, fax or telephone. Web site: <http://www.taxtalktoday.tv/>.

■ Interactive Video Conference Television (IVT) IRS produces and directs live Interactive Video Television (IVT) instructional and informational training via IRS Satellite that reaches 135 IRS offices nationwide. IRS welcomes external stakeholder participation in IVTs. Last June representatives from the U.S. Chamber of Commerce and Government Affairs for the National Association of Convenience Stores participated in the "What's In It For Me" IVT.

g. Products Developed Specifically for Small Business. The role of the SB/SE TEC division is to address compliance through education and marketing to our Small Business and Self-Employed taxpayers. We develop educational products and services focused on customer needs to provide top quality pre-filing services to help taxpayers and stakeholders understand and comply

with the tax laws. Products can be ordered online or by calling 1-800-829-3676. Web site: <http://www.irs.gov/businesses/small/article/0,,id=101169,00.html>.

h. Forums

■ Payroll/Practitioner Forums

The Payroll/Practitioner Forums are an extension of the bi-monthly National Public Liaison (NPL) meetings. The Forums provide an opportunity for the subject matter experts (SMEs) and payroll/practitioner representatives to "work through" the issues raised from suggested topics on the agenda.

■ Small Business Forums. Small

Business Forums are held with external small business groups and associations. The primary focus of these meetings is to provide an avenue for an open exchange of information with external stakeholders. The forums also give them an opportunity to share feedback concerns on behalf of their small business members. Monthly schedule: <http://www.irs.gov/businesses/small/article/0,,id=106266,00.html>.

■ IRS Nationwide Tax Forums. One of the Service's largest and most effective outreach programs to the tax professional community is the IRS Nationwide Tax Forums. During July, August, and September, the IRS will present six tax forums nationwide, which will include seminars, a trade show, and an awards banquet. These forums are designed to help tax professionals obtain valuable information to improve their business. Web site: <http://www.irs.gov/taxpros/article/0,,id=97192,00.html>.

i. Tax Assistance Centers are your one-stop resource for face-to-face tax help. These sites provide assistance in the preparation of returns as well as resolution of less complex accounts and compliance issues for taxpayers that require face-to-face assistance. The site location and hours of operation are available at Web site: <http://www.irs.gov/localcontacts/index.html>.

IRS also offers free income tax assistance for low income, disabled, elderly and non-English speaking taxpayers through the Volunteer Income Tax Assistance program (VITA) and Tax Counseling for the Elderly program (TCE). A free tax preparation site can be located by calling Customer Account Services at 1-800-829-1040.

j. Non-retaliation Policy. The IRS has a zero tolerance policy for retaliation and has had a written non-retaliation policy in place since 1998. On July 22, 1999, President Clinton signed into law the landmark "IRS Restructuring and Reform Act (RRA) of 1998." The IRS has taken a number of steps to prevent retaliation and has put policies in place

to deal with it effectively, should it occur. Section 1203 of RRA'98 provides for the mandatory termination of IRS employees under various specific instances of misconduct and provides a number of key taxpayer safeguards. This serves as a strong deterrent to any employee who might consider taking retaliatory action. Web site: <http://www.irs.gov/businesses/small/index.html>.

k. TAS—Overall and Systemic Advocacy. Taxpayer Advocate Service (TAS) is an independent organization that helps taxpayers resolve problems with the IRS and recommend changes that will prevent tax problems.

The Taxpayer Advocate Service Office of Systemic Advocacy provides oversight and direction for identifying, and analyzing systemic, procedural and operations problems. This office announced on March 13, 2003 the development of a new internet-based program for submitting systemic problems and suggestions to improve tax administration. On November 24, 2003, TAS launched a new Web-based application, part of the Systemic Advocacy Management System (SAMS), to streamline the process of submitting issues that affect multiple taxpayers.

Office of Systemic Advocacy Web site: <http://www.irs.gov/advocate/index.html>.

Web-Based Application: <http://www.irs.gov/advocate/article/0,,id=117703,00.html>.

IV. Fiscal 2004 Compliance Assistance Resources

EFTPS Express Enrollment Web site—Offers some taxpayers new, quicker access to an electronic payment system. The EFTPS Express Enrollment Web site can be found at <http://www.irs.gov/businesses/small/article/0,,id=120110,00.html>.

Penalty Rebate for Enrolling in EFTPS Web site—Allows paper coupon users who were assessed a Form 941 deposit penalty the opportunity to receive a one-time penalty refund. The Penalty Rebate for Enrolling in EFTPS Web site can be found at <http://www.irs.gov/businesses/small/article/0,,id=120305,00.html>.

Reporting Agents (RAF) Web site—Assists employers in making required tax deposits and tax information filings to the Federal Government and to State and local governments. The Reporting Agents (RAF) Web site can be found at <http://www.irs.gov/businesses/small/article/0,,id=108689,00.html>.

Bartering Web site—Bartering occurs when goods or services are exchanged without exchanging money. Bartering revenue was estimated at 7.78 billion in 2001. The Internet has provided a

medium for new growth in the bartering exchange industry. There were only \$682 million dollars reported to the Service on Form 1099B's for 2001. IRS has:

- Mailed notices to over 600 bartering exchanges nationwide.
- Established partnerships with the International Reciprocal Trade Associations to develop outreach efforts to inform their members of filing requirements.

- Updated Web sites to include information on filing requirements for bartering exchanges.

Information Reporting Requirements for Bartering Exchange can be found at <http://www.irs.gov/businesses/small/article/0,,id=118385,00.html>.

Demand Reduction—The Demand Reduction Program seeks to lower the number of calls generated during the filing season by identifying high volume topics through the analysis of frequently asked questions and current emerging issues. In this pilot, IRS is testing whether targeted outreach/educational products and outreach initiatives focused on high-volume, topic-specific issues will reduce the number of calls generated in these areas. To date, the demand reduction program has identified 13 topics as being of sufficient national impact to generate headliner articles. In addition, this program has also generated a reference guide identifying the specific types and filing requirements for the various corporate returns and related schedules. This guide is slated for both "internal use", by our assistants and "external use" by practitioners to reduce the number of "What form do I use?" questions in the "Partnership and Corporation" category.

Issue Resolution Tracking System (IRTS)—The IRS is proactive in responding to stakeholder concerns through the use of the Issue Resolution Tracking System. This Web-based data base assists IRS in monitoring the resolution of issues identified by stakeholders such as small businesses, trade associations, government agencies and government institutions, and payroll and practitioner groups. In addition to responding to issues we will be able to detect stakeholder identified issues and track trends both locally and nationally.

Global Diversity Group (GDG)—Global Diversity Group (GDG) is a consulting firm that provides access to much needed information designed to assist minority entrepreneurs and women business owners with the growth of their companies. A GDG Business Exchange "Tour for Success" annual event is held in various locations

throughout the country and provides exhibitors, workshops and interaction between corporations, professionals, entrepreneurs, educators as well as government organizations. IRS established a partnership with GDG that focuses on IRS' interaction with the small business community. IRS participated in GDG Business Exchange 2003 "Tour for Success" that covered 10 cities and over 4000 participants. GDG is currently preparing to launch their revised Web site that will include a comprehensive "Tax Center" linking visitors to important small business information on the IRS Web site.

V. New in FY 2004

Small Business Products

- Publication 4143 and Publication 4143A, Learning the Art of Doing Business, a curriculum for cosmetology students and instructor guide, teaches the Federal tax responsibilities specific to cosmetology.

- Publication 4161, The Art of Doing Business, Brochure.

- Publication 4297, Industry Issue Resolution Program, Brochure, covers what types of issues are appropriate for the program how to submit an issue to the IRS.

- Publication 4261, Do You Have a Foreign Bank Account? Addresses tax compliance for those taxpayers who have a foreign bank account.

Small Business Products Printed in Spanish

- Publication 1518, IRS Tax Calendar.

- Publication 3995, Recognizing Illegal Tax Schemes.

- Publication 4035, Home Based Business Tax Avoidance Schemes.

- Publications 1066 and 1066B, Small Business Tax Workshop: Student Workbook and Supplemental Guide.

- Publication 3992, Consumer Tax Video, Reporting Tip Income on TRAC.

VI. Summary

IRS assists the small business community by providing small business and self-employed individuals with top quality services. The services IRS provides assist in promoting compliance among small businesses and self-employed taxpayers through non-enforcement methods and help taxpayers understand their tax obligations in a manner that leads to voluntary compliance.

IRS maintains a "customer first" focus through routinely soliciting information concerning the needs and characteristics of its small business customers and implementing programs based on the information received.

Additionally, IRS partners with other Federal agencies, financial institutions, tax preparers, community groups, trade

associations, State and local authorities and others to provide tax information and education services to small business customers.

Treasury Single Point of Contact: Jackie Barber, Acting Director, Office of Small Business Development, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Mail Code: 1450 G St, Washington, DC 20220. Telephone: (202) 622-8213. Fax: (202) 622-4963. E-mail: jackie.barber@do.treas.gov.

Veterans Affairs

Consistent with SBREFA, compliance assistance is funneled through the two Web sites above to register complaints or ask for assistance. Most other VA offices will ensure that appropriate certifications are published in VA regulations that they do not affect small business entities. Small businesses can comment on VA regulations during the informal rulemaking process, after they are published as proposed rules in the **Federal Register**.

- Office of Small and Disadvantaged Business Utilization: <http://www.va.gov/osdbu>.

- Center for Veterans Enterprise: <http://www.vetbiz.gov>.

Veterans Affairs Single Point of Contact: Ramsey Alexander, Jr., Senior Procurement Analyst, OSDBU (00SB), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Telephone: 202-565-8133. Toll Free: 800-949-8156. E-mail: ramsey.alexander@mail.va.gov.

Agency for International Development

U.S. Agency for International Development (USAID) Single Point of Contact: Marilyn S. Marton, Director, Office of Small & Disadvantaged, Business Utilization (OSDBU), U.S. Agency for International Development, 1300 Pennsylvania Avenue, NW., Washington, DC 20523-7800. Telephone: (202) 712-1500. Fax: (202) 216-3056. E-Mail: mmarton@usaid.gov.

Appraisal Subcommittee of Federal Financial Institutions Examination Council

Appraisal Subcommittee Single Point of Contact: Ben Henson, Appraisal Subcommittee of FFIEC, 2000 K St NW., Suite 310, Washington, DC 20006. Telephone: (202) 872-7520. Fax: (202) 872-7501. E-mail: ben@asc.gov.

Committee for Purchase of the Blind/ Severely Disabled

Committee for Purchase for the Blind and Severely Disabled Single Point of Contact: Patrick Rowe, Deputy Executive Director, Committee for

Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259. Phone: (703) 603-7740. Fax: (703) 603-0655. E-Mail: prowe@jwod.gov.

Commodity Futures Trading Commission

The Commodity Exchange Act (CEA) establishes a regulatory scheme for the commodity futures and options industry that generally depends on industry self-regulation with federal oversight by the Commodity Futures Trading Commission (CFTC). The National Futures Association (NFA) and other self-regulatory organizations (SROs) conduct routine compliance reviews in the futures industry. The NFA is responsible for most of the compliance reviews of retail sales practices in the industry and in this regard, it has a program for the voluntary review of promotional materials. NFA's Internet website includes a "Contact NFA" section providing telephone numbers for its general Information Center and specific compliance contact personnel (www.nfa.futures.org/contact/indexContact.asp), as well as various published compliance information (www.nfa.futures.org/compliance/publications.asp).

The CFTC provides compliance guidance to small businesses through several methods. The CFTC's Internet Web site includes a "Law & Regulation" section (www.cftc.gov/cftc/cftclawreg.htm) providing general information concerning the requirements of the CEA, CFTC Orders, and staff exemptive, no-action and interpretive letters. This section links to a "Compliance" page (www.cftc.gov/tm/tmcompliance.htm) that contains guidance to assist firms and individuals who conduct commodity futures and options business with customers in complying with the CEA provisions and CFTC Regulations applicable to their activities. Informal guidance also is available through the "Publications" section of the CFTC Web site (www.cftc.gov/cftc/cftcreports.htm), which contains "CFTC Backgrounders" and other brochures providing information of use to small businesses.

Staff members in the CFTC's various divisions offer informal assistance and guidance in response to telephone inquiries and e-mail messages submitted through the CFTC Web site (homepage: <http://www.cftc.gov/>). These include:

- The Division of Clearing and Intermediary Oversight ((202) 418-5430)—inquiries concerning rules governing protection of customer funds, trading and sales practice issues,

registration and disclosure issues, and financial requirements.

- The Division of Market Oversight ((202) 418-5260)—Inquiries concerning market and product design, market surveillance, position reporting, and trade practice issues.

- The Office of General Counsel ((202) 418-5120)—assigns an “Attorney of the Day” to answer telephone inquiries about the CEA and CFTC Regulations.

- The Division of Enforcement—provides notice to small businesses about their right to comment on CFTC actions pursuant to the Small Business Regulatory and Enforcement Fairness Act (SBREFA) whenever it makes a request to provide information voluntarily or pursuant to subpoena or the inspection provisions of the CEA. The CFTC and its staff are committed to ensuring that small businesses are provided a non-retaliatory environment in which to exercise their right to comment.

The CFTC has a small business liaison located in the Office of External Affairs. When the agency receives inquiries related to small business, such as communications from the office of the National Ombudsman, they are forwarded to the liaison. The liaison also works with the Ombudsman to provide information and resolve any issues or complaints received by the Ombudsman’s office.

Commodity Futures Trading Commission Single Point of Contact: Gabrielle A. Sudik, Attorney, Office of General Counsel, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5171. E-mail: gsudik@cftc.gov.

Consumer Product Safety Commission

CPSC information can be found at <http://www.cpsc.gov/businfo/businfo.html>, or by calling 1-800-638-CPSC.

- CPSC offers publications, Web based compliance and on-line/e-mail service, including, but not limited to A Small Business Guide to the U.S. CPSC <http://www.cpsc.gov/businfo/smbusgde.html>.

Consumer Product Safety Commission Single Point of Contact: Thomas W. Murr, Jr., Deputy Executive Director, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814. Telephone: (301) 504-7907. E-mail: tmurr@cpsc.gov.

Corporation for National and Community Service

Corporation for National and Community Service Single Point of Contact: Bill Hudson, Corporation for

National and Community Service, Office of the General Council Rm. 8200, 1201 NY Ave. NW., Washington DC 20525, Telephone: (202) 606-5000 ext. 265. Fax: (202) 565-2796. E-mail: whudson@cns.gov.

Environmental Protection Agency

EPA currently has over 100 initiatives, activities, and services directed at small business needs. EPA efforts include a toll-free hotline; newsletters; Web sites; e-mail listserv; information alerts on emerging regulatory issues; industry sector specific guides directed at providing information on specific industry processes, Federal regulatory requirements, compliance history and pollution prevention information; expert systems; voluntary programs; and training programs.

EPA’s Small Business Ombudsman (SBO) provides a “gateway” and dedicated support for small businesses to reach EPA compliance assistance resources offered by EPA, the States, and other sources. The SBO answers technical and regulatory questions on a toll-free hotline, provides more than 350 free EPA publications, develops compliance assistance tools, and gives direct access to regulatory assistance on a comprehensive Web site. It publishes the SBO newsletter twice a year to report important EPA activities and give timely alerts to small businesses and interested service providers on EPA actions. The SBO acts as the focal point and provides multi-level support and coordination for an extensive national network of small business assistance programs, and works with small businesses, service providers, and state and regional officials to address small business needs.

The Small Business Gateway is a Web site that links to EPA’s assistance programs for small business. <http://www.epa.gov/smallbusiness/>.

EPA also partners with industry representatives and others on sector-specific Compliance Assistance Centers. The centers support the agriculture, automotive recycling, automotive service and repair, chemical manufacturing, construction, local government issues, metal finishing, paints and coatings, printed-wiring-board manufacturing, printing, transportation, and border compliance sectors by providing tools such as checklists, plain language guides, and technical information to help small businesses understand their regulatory requirements.

Compliance Assistance Centers:

- Agriculture <http://www.epa.gov/agriculture/>

- Auto Recyclers <http://www.ecarcenter.org>
- Auto Service Industry <http://www.ccar-greenlink.org>
- Chemicals <http://www.chemalliance.org/>
- Construction Industry <http://www.cicacenter.org>
- Local Government <http://www.lgean.org/>
- Metal Finishing <http://www.nmfrc.org/>
- Paints and Coatings <http://www.paintcenter.org/>
- Printed Wiring Boards <http://www.pwbrc.org/>
- Printing <http://www.pneac.org/>
- Transportation <http://www.transource.org/>
- U.S./Mexico Border <http://www.bordercenter.org>

EPA also manages a National Compliance Assistance Clearinghouse as a guide to compliance information on the Internet. This site gives comprehensive links to EPA environmental compliance assistance materials, as well as materials from all 50 states and other organizations. The Clearinghouse contains many features allowing small businesses to interact directly with EPA and improve communication and collaboration among compliance assistance providers.

EPA’s Small Business Compliance Policy promotes environmental compliance among small businesses by providing incentives to discover, disclose, and make good faith efforts to correct violations. Software is also available to assist in certain reporting requirements. The “Toxics Release Inventory—Made Easy” (TRI-ME) software guides users through the entire Toxics Release Inventory reporting process from start to finish.

EPA is also distributing a newsletter for compliance assistance providers. Entitled Compass, each addition of the newsletter focuses on a theme or topic of interest to the compliance assistance provider community. The newsletter also has a calendar of upcoming events and a “hot news” section to highlight important information such as new policies, guidance, tools, events or reports related to EPA’s compliance assistance program. The primary audience for this newsletter is compliance assistance providers but other environmental assistance providers as well the regulated community-including small businesses-will find it useful. EPA plans to publish the newsletter three times a year.

Information on EPA’s initiatives and activities is available on the EPA Small Business Ombudsman Web site <http://www.epa.gov/sbo>. This site links to the

Small Business Environmental Home page <http://www.smallbiz-enviroweb.org/>, which provides extensive small business assistance information. EPA National Asbestos & Small Business hotline for inquiries on environmental regulations may be reached via a toll free number (1-800-368-5888).

Environmental Protection Agency
Single Point of Contact: Karen V. Brown, Director, Small Business Division, EPA Small Business Ombudsman (SBPRA Point of Contact), 1200 Pennsylvania Avenue NW., MC 1807T, Washington, DC 20460. Telephone: (202) 566-2816. Fax: (202) 566-0954. E-mail: brown.karen@epa.gov

Export-Import Bank

The Export-Import Bank of the United States (Ex-Im Bank) is the official export credit agency of the United States. Ex-Im Bank's mission is to assist in financing the export of U.S. goods and services to international markets. Ex-Im Bank enables U.S. companies—large and small—to turn export opportunities into real sales that help to maintain and create U.S. jobs and contribute to a stronger national economy.

Ex-Im Bank does not compete with private sector lenders but provides export financing products that fill gaps in trade financing. We assume credit and country risks that the private sector is unable or unwilling to accept. We also help to level the playing field for U.S. exporters by matching the financing that other governments provide to their exporters.

Ex-Im Bank provides working capital guarantees (pre-export financing); export credit insurance (post-export financing); and loan guarantees and direct loans (buyer financing). No transaction is too large or too small. On average, 85% of our transactions directly benefit U.S. small businesses.

With nearly 70 years of experience, Ex-Im Bank has supported more than \$400 billion of U.S. exports, primarily to developing markets worldwide.

- Export-Import Bank Mission Statement: <http://www.exim.gov/about/mission.html>

- Pre-Export Financing To Help U.S. Exporters Maximize Borrowing Potential: http://www.exim.gov/products/work_cap.html

- Increase Your Export Sales While Minimizing Risks: <http://www.exim.gov/products/insurance/index.html>

- Special Initiatives for Underserved Small Businesses: <http://www.exim.gov/products/special/underserved.html>

Export-Import Bank Single Point of Contact: Sam Zytcer, Director of the Small Business Office, Export-Import

Bank, 811 Vermont Avenue, NW., Washington, DC 20571. Telephone: (202) 565-3782

Equal Employment Opportunity Commission

Small Business Initiative

EEOC has developed a Small Business Initiative (SBI) to improve customer service and expand outreach, education, and technical assistance to the small business community. The SBI aims to promote voluntary compliance by building a more cooperative and collaborative relationship with the small and mid-sized business community and to address EEO concerns expressed by small business owners. The main components of the SBI include:

Small Business Liaisons. Every EEOC District office has a Small Business Liaison available to employers who have questions about the laws enforced by EEOC or about compliance with those laws in specific workplace situations. Information on contacting Small Business Liaisons can be found at www.eeoc.gov/employers/contacteeoc.html.

Small Business Web Page. www.eeoc.gov/employers/smallbusinesses.html—While the information on this page applies to all employers, it has been specifically designed for small businesses which may not have a human resources department or a specialized EEO staff. The page is designed to make it easier for small businesses to comply with the anti-discrimination laws and help them in their dealings with the EEOC.

No-Cost Outreach and Education Programs

EEOC's outreach and education programs provide information about the employment discrimination laws enforced by EEOC and the EEOC charge/complaint process. EEOC representatives are available at no cost to make presentations and participate in meetings with employers and their representative groups. For example, EEOC hosts regular meetings with employers and employer groups, such as stakeholder advisory councils to get feedback on legal and operational issues; provides speakers and trainers for conferences, seminars, workshops and classroom presentations and for regular scheduled meetings of organizations, professional associations, etc; distributes information materials on EEO laws and represent the Commission at events, such as job fairs, conventions and conferences; and participates in media presentations—including radio and TV interviews, as well as cyber-chats.

A list of outreach coordinators and contact information can be found at www.eeoc.gov/outreach/coordinators.html.

Fee-Based Training and Technical Assistance

EEOC presents a wide variety of fee-based training and technical assistance programs throughout the country geared to employers in the private sector, including small businesses, as well as Federal, State and local government agencies. Training and technical assistance available includes:

Technical Assistance Program Seminars (TAPS). Seminars emphasize how to prevent EEO problems from developing and how to resolve discrimination complaints effectively when they do arise. Real-life case studies and examples often are used to show how equal employment requirements apply to specific employment practices. Updates on important legal developments, Commission policy and procedures and vital information about EEOC's latest initiatives and alternative dispute resolution program are discussed. Specialized topics will differ by seminar and may include in-depth sessions on issues such as: Sexual and racial harassment; complex ADA issues, including the ADA's relation to other workplace laws; and religious and national origin discrimination. Whenever practicable, small group breakouts, question and answer periods, interactive formats and informal discussions are used in the seminars, which enable participants to receive answers to specific EEO questions.

Customer Specific Training Programs. EEOC staff provide specialized training on various employment discrimination topics for employers at their work site or at an organization's meeting or training events.

Training Products. EEOC has developed training course materials on Workplace Harassment Issues: How to Identify, Prevent and Eliminate Workplace Harassment, which are available for employers who want to deliver their own training. Additional training courses on the Americans with Disabilities Act and other topics are under development and will be available in the future. Information on Training Contacts can be found at www.eeotraining.eeoc.gov.

Publications

EEOC fact sheets, information materials and brochures and other publications are available at no cost. They can be ordered by calling 1-800-669-3362 (voice) or 1-800-800-3302

(TTY) or through the Internet at www.eeoc.gov/publications.html.

Training and Technical Assistance Materials available for direct purchase—A seven volume set of resource manuals provides a comprehensive and invaluable EEO library on employment discrimination issues. Each volume contains training exercises, practical guidance and copies of EEOC's most important policy interpretations, including information concerning recent important Supreme Court decisions affecting Federal EEO law. The volumes are compiled and written by legal experts and training professionals from the EEOC, the Federal agency responsible for enforcing and interpreting the country's various Federal employment discrimination laws. The entire series is updated annually to reflect changes in law, court decisions and new EEOC guidance. These materials are useful for employers, human resource/EEO professionals, attorneys, labor representatives and others interested in EEO matters in the private, Federal and State and local government sectors. These manuals can be ordered through www.eeotraining.eeoc.gov.

Web Page

- EEOC's Web page—www.eeoc.gov—provides easy-to-use information on federal laws prohibiting job discrimination, including a question and answer format. The site also provides copies of news/press releases, laws enforced by EEOC, regulations, and policy guidance issued by EEOC, as well as information on outreach, training and technical assistance and publications.

- The site provides links to other Federal labor law enforcement agencies and other Federal agencies which may have information/resources useful to employers.

- EEOC has also worked with many Federal agencies, such as the Small Business Administration, Office of the National Ombudsman, to ensure EEOC's Web page is available as a link.

New Freedom Initiative

EEOC is working closely with small business organizations and disability groups to conduct a series of free outreach and education events for small businesses as part of President Bush's New Freedom Initiative. EEOC expects to continue putting on these events throughout fiscal years 2003 and 2004. EEOC has also produced The Americans with Disabilities Act: A Primer for Small Business, which is a practical, reader-friendly handbook for the small business person outlining the employment provisions of the ADA as

they relate to both employees and job applicants. Information on the workshops is available at www.eeoc.gov/initiatives/nfi/index.html. A copy of the Primer is available at www.eeoc.gov/ada/adahandbook.html.

Guidance Letters

EEOC's Office of Legal Counsel issues approximately 90 significant guidance letters a year explaining the employment discrimination statutes to employers and other stakeholders.

Equal Employment Opportunity Commission Single Point of Contact: Laura Hinton, National Outreach Coordinator, Office of Field Programs, EEOC, 1801 L Street, NW., Washington, DC 20507. Telephone: 202-663-4811. E-mail: laura.hinton@eeoc.gov

Federal Communications Commission

The Federal Communications Commission (FCC) is an independent U.S. government agency, directly responsible to Congress. The FCC was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The FCC's jurisdiction covers the 50 States, the District of Columbia, and U.S. possessions.

The FCC is directed by five Commissioners appointed by the President and confirmed by the Senate for 5-year terms, except when filling an unexpired term. The President designates one of the Commissioners to serve as Chairperson. Only three Commissioners may be members of the same political party. None of them can have a financial interest in any Commission-related business.

The Commission staff is organized by function. There are six operating Bureaus and ten Staff Offices. The Bureaus' responsibilities include: Processing applications for licenses and other filings; analyzing complaints; conducting investigations; developing and implementing regulatory programs; and taking part in hearings. The Offices provide support services. Even though the Bureaus and Offices have their individual functions, they regularly join forces and share expertise in addressing Commission issues. The six operating Bureaus are: Consumer and Governmental Affairs, Enforcement, International, Media, Wireless Telecommunications, and Wireline Competition.

Concerning FCC small entity enforcement and compliance issues, the primary sources for information are the Enforcement Bureau, which enforces the Communications Act as well as the

Commission's rules, orders and authorizations, and the Office of Communications Business Opportunities (OCBO), which provides advice to the Commission on issues and policies concerning telecommunications opportunities for small, minority, and women-owned communications businesses. In addition, the FCC Consumer Center, within the Consumer and Governmental Affairs Bureau, provides a wealth of consumer information and other service.

E-Mail, Small Entity Contact Point: ocboinfo@fcc.gov

Telephone Service:

- Office of Communications Business Opportunities (OCBO): 202-418-0990
- Enforcement Bureau: 202-418-7450
- FCC Consumer Center, Toll-Free Telephone Service: 1-888-CALL-FCC (1-888-225-5322)

- TTY, FCC Consumer Center, Toll-Free Telephone Service: 1-888-TELL-FCC (1-888-835-5322)

Online Service:

- FCC Homepage and News Location: <http://www.fcc.gov>

- Office of Communications Business Opportunities (OCBO): <http://www.fcc.gov/ocbo/>

- Enforcement Bureau: <http://www.fcc.gov/eb/> (this site includes the resource, "How to File Complaints")

- Consumer and Governmental Affairs Bureau: <http://www.fcc.gov/cgb/>

- Consumer Alerts and Factsheets—Directory: http://www.fcc.gov/cgb/information_directory.html

- Current Major Initiatives: <http://www.fcc.gov/initiatives.html>

Federal Communications Commission Single Point of Contact: Carolyn Fleming Williams, Director, Office of Communications Business Opportunities, U.S. Federal Communications Commission, 445 12th Street, S.W., Telephone: 202-418-0990. Fax: 202-418-0235. E-mail: Carolyn.Williams@fcc.gov.

Federal Deposit Insurance Corporation

The FDIC provides compliance guidance to small banks on the range of supervisory and regulatory issues to strengthen banks' own compliance expertise and to enable banks to structure their own operations in compliance with the law. Within the banking industry, a longstanding custom has developed in which individual institutions contact FDIC examiners for guidance on questions and concerns, both to prevent non-compliance and to promptly and appropriately correct any problems that might exist.

Compliance assistance products and services provided by the FDIC include a variety of venues and provides a broad range of information (in both web-based and print versions) that addresses the mission, activities, and administrative actions of the FDIC, and provides access to manuals, guidelines, and regulations, as well as to policy research, data, and analysis of emerging issues in banking and the economy.

- The FDIC maintains a toll-free hotline and an Internet site for bankers and consumers to contact the FDIC if they have a problem or concern.

- The FDIC provides a compliance assistance web site at <http://www.fdic.gov>. The FDIC web site includes information on examinations, deposit insurance, laws and regulatory reporting, reports and statistics, forms and publications, and consumer and community affairs. Several of the FDIC sites are of particular interest to small banks. FDICconnect is the secure internet channel for FDIC-insured institutions to conduct business and exchange information with FDIC. The Director's Corner includes items of interest to bank directors such as Interagency Policy Statements, Supervisory Guidance, and Financial Institution Letters. The Office of the Ombudsman site provides assistance to FDIC-supervised and insured banks, serving as a bridge to the Corporation.

- The FDIC has a compliance assistance employee available for each of its regulated institutions. At the Regional and Territory Office levels there are case managers, field examiners, and other senior staff assigned to a specific bank as the single point of contact for that institution. The supervised institution and the FDIC point of contact exchange numerous telephone calls and other direct communication both to give guidance and to respond to informational requests. In addition, there are Subject Matter Experts available at the Regional and Washington Offices to answer questions in more technical areas such as Information Systems, Capital Markets, Accounting, Trust and other subject areas.

- The agency provides compliance assistance education. Perhaps the most extensive educational activities occur during the examination process. Examiners review a bank's procedures, practices, policies, and records to determine compliance with laws, regulations, and supervisory policies. The vast majority of banks are well run and compliance information customized to the individual bank's activities is provided to bank management and employees to assist in future activities.

In the case of problem institutions, a more formal program to correct deficiencies identified at the examination is put in place. Between examinations, the FDIC has a Banker Outreach Program where senior FDIC staff contact and meet with bank management to discuss new technologies, product innovations, and recent statutory changes.

The FDIC maintains a structured compliance educational program in its Directors' Colleges and in FDIC sponsored symposiums, roundtables, and conferences. In 2003 and 2004, the FDIC held outreach roundtable discussions on Consumer Debt, the Corporate Credit Cycle, and the Commercial Real Estate Cycle and a symposium on Tapping the Unbanked Market and Protecting the Financial Sector. Compliance assistance is also provided when bankers meet with senior FDIC officials at state banker association meetings and industry gatherings.

The FDIC provides a number of compliance assistance publications and other regulatory information:

Supervisory Information:

- Financial Institution Letters—supervisory guidance on regulations and policies

- FDIC Law, Regulations, Related Acts

- FDIC Enforcement Decisions and Orders

- Merger Decisions

Examination Manuals:

- Manual of Examination Polices
- Compliance Examination Manual
- FFIEC Information Technology

Examination Handbook

- Information Technology

Examination Procedures

- E-Banking Examination Procedures
- Trust Examination Manual
- Guide to the Interagency Country

Exposure Review Committee Process

- Guidelines for Payday Lending

Monthly, Quarterly, and Annual

Publications:

- FDIC Annual Report—summary of operations and initiatives for the year
- Letter to Stakeholders—Chairman's report on FDIC's priorities
- FYI—An electronic newsletter that highlights analyses in the areas of risk

- FDIC Banking Review—Academic research on banking and supervision
- Working Paper Series—Academic research on banking and finance
- FDIC Outlook—Economic and Banking Risk Analysis from national and regional perspectives

- FDIC State Profiles—Macroeconomic and banking conditions in each state

- Quarterly Banking Profile—Bank performance, trends and data tables
- FDIC Consumer News—Banking and financial information for consumers
- Failed Bank Cost Analysis
- FDIC/OTS Summary of Deposit
- Trust Assets of Financial Institutions

On-Line Data Queries:

- Institution Directory
- Statistics on Depository Institutions
- Call & Thrift Financial Reports
- Electronic Deposit Insurance

Estimator

- CRA Statute and Tools
- RESPA Escrow Program

Guides for Bankers and Consumers:

- Pocket Guide for Directors
- Financial Institution Employees Guide to Deposit Insurance
- International Directory of Deposit Insurers

Mortgage Loan Pre-qualifications: Applications or Not?

- Side by Side: A Guide to Fair Lending

- Uninsured Investment Products: A Pocket Guide

- FDIC Guide to Real Estate Sales
- Privacy Choices
- Symbol of Confidence
- Your Insured Deposit; Your Investments

Investments

- Consumer Facts and Investments

Information for Contractors:

- FDIC Acquisitions Policy Manual
- Information for Prospective Outside Counsel

- Office of Executive Secretary Contractor Ethics Decisions, 1996–Present

Office of the Ombudsman:

<http://www.fdic.gov/regulations/resources/ombudsman/index.html>

Federal Deposit Insurance

Corporation Single Point of Contact: Carol L. Middlebrook, Ombudsman Specialist, 550 Seventeenth Street, NW., PA-1730-2126, Washington, DC 20429. Telephone: 202-942-3807. Fax: 202-942-3041. E-mail: cmiddlebrook@fdic.gov

cmiddlebrook@fdic.gov

Federal Energy Regulatory Commission

Federal Energy Regulatory Commission Single Point of Contact: Kimberly F. Fernandez, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Telephone: 202-502-8302. E-mail: kimberly.fernandez@ferc.gov

Federal Housing Finance Board

Federal Housing Finance Board Single Point of Contact: Janice Kaye, Federal Housing Finance Board, Office of

General Counsel, 1777 F Street, NW., Washington, DC. Phone: 202-408-2505. E-mail: kayej@fhfb.gov

Federal Maritime Commission

Federal Maritime Commission Single Point of Contact: Jane E. Gregory, Executive Assistant, Executive Director's Office, Federal Maritime Commission, 800 N. Capitol Street, NW., Washington, DC 20573. Telephone: 202-523-5800. Fax: 202-523-5827. E-mail: janeg@fmc.gov

Federal Mediation and Conciliation Service

Federal Mediation and Conciliation Service Single Point of Contact: Dan Funkhouser, Chief Information Officer, Federal Mediation and Conciliation Service, 2100 K St NW., Washington, DC 20427. Telephone: 202-606-5477. E-mail: dfunkhouser@fmcs.gov

Federal Reserve Board

Procurement (Companies wishing to conduct business with the Board): Carlos Gutierrez, Small Business Procurement Liaison, 20th and C Streets, NW., M/S 128, Washington, DC 20551. Telephone: 202-452-2458. E-mail: Carlos.Gutierrez@frb.gov

General Financial Information for Small Businesses

General Community Development information: www.federalreserve.gov/community.htm

A Guide to Business Credit for Women, Minorities, and Small Businesses: www.federalreserve.gov/community.htm

Federal Reserve Regulatory Reporting Forms

Current Reporting Forms: www.federalreserve.gov/boarddocs/reportforms/default.cfm

Reporting Forms Under Review

www.federalreserve.gov/boarddocs/reportforms/review.cfm

Banking and Regulatory Information

General Banking and Regulatory information: www.federalreserve.gov/banknreg.htm

Regulations (PDF files): www.federalreserve.gov/regulations/default.htm

Supervision & Regulation Letters (SR Letters): www.federalreserve.gov/boarddocs/srletters/

Federal Reserve Board Publications Department

Publications available free-of-charge on-line: www.federalreserve.gov/publications.htm

Publications available for order (on-line order form and information): Federal Reserve Board, 20th and C Streets, NW., Publications Services, M/S 127, Washington, DC 20551. Telephone: 202-452-3245. Fax: 202-728-5886.

www.federalreserve.gov/pubs/order.htm

News and Events

General News and Events, including: Testimonies and speeches; press releases; and services (e-mail notification for press releases and other unscheduled postings; personal digital assistant wireless service for press releases; and e-mail notification for testimony and speeches):

www.federalreserve.gov/newsevents.htm

General Federal Reserve Public website: www.federalreserve.gov
Federal Reserve Board Single Point of Contact: Cindy Ayouch, Chief, Financial Reports section, 20th and C Streets, NW., M/S 41, Washington, DC 20551. Telephone: 202-452-3829. Fax: 202-728-5856. E-mail: Cynthia.M.Ayouch@frb.gov

Federal Trade Commission

The FTC offers a broad array of resources to aid small businesses in understanding their obligations under the laws and regulations administered by the Commission. The FTC offers general information in a variety of forms to address issues and questions that small businesses frequently encounter. Such guidance usually will satisfy the needs of small businesses for guidance as to their obligations. For example, the FTC issues many types of publications designed to explain how small businesses and others can conduct their affairs in compliance with the laws and regulations administered by the FTC. These include materials specifically directed to businesses, such as (1) compliance guides explaining the requirements of specific FTC rules in a non-technical manner; (2) industry guides addressing common compliance issues under the Federal Trade Commission Act, as applied to particular industries or particular practices; (3) guidelines and policy statements explaining the application of antitrust laws to particular practices or industries. These materials frequently contain specific examples and illustrative fact patterns that show how the agency would apply the law to a particular set of facts. The FTC holds public workshops, conferences and other forums to discuss specific topics, which often include compliance concerns. Also, FTC staff members and Commissioners frequently give speeches and conduct programs geared to

explaining statutory and regulatory requirements and to answering attendees' questions. Where the topics are of particular interest to small business, these speeches may involve appearances before groups representing small-business interests. Other sources of information include full texts of FTC-administered statutes and rules, advisory opinions issued by the Commission or its staff, texts of speeches and testimony, and information on enforcement actions. The FTC also produces and disseminates numerous print and broadcast materials that, while directed to consumers, can benefit small businesses by identifying the practices that generate consumer protection issues between businesses and their customers and explaining how they should be handled. These materials and information are readily available to small businesses through a variety of sources, including (1) through the FTC's website www.ftc.gov, and from links at www.business.gov, www.firstgov.gov, and www.sba.gov/yourgovt/federal.html, and (2) directly from the FTC, Room H-130, 600 Pennsylvania Ave. NW., Washington, DC 20580, or call (toll-free) 877-FTC-HELP.

FTC Compliance Guides are available at <http://www.ftc.gov/ftc/businessinfo/consumer.htm>, and include, among others:

- Frequently Asked Advertising Questions: A Guide for Small Business <http://www.ftc.gov/bcp/online/pubs/buspubs/ad-faqs.htm>
- Complying with the Telemarketing Sales Rule, <http://www.ftc.gov/bcp/online/pubs/buspubs/tsrcomp.htm#privacy>
- How to Comply with the Privacy of Consumer Financial Information Rule of the Gramm-Leach-Bliley Act, A Guide for Small Businesses from the Federal Trade Commission <http://www.ftc.gov/bcp/online/pubs/buspubs/glblong.htm>
- How to Comply With The Children's Online Privacy Protection Rule <http://www.ftc.gov/bcp/online/pubs/buspubs/coppa.htm>

Where the sources of general information are insufficient to provide the needed guidance or assistance, an FTC staff member may provide specific, informal advice or arrange for a more formal response. Small businesses may make inquiries of the Commission by various means. Inquiries can be informal and the business need not even identify itself. The FTC also has procedures for providing, where appropriate, either a staff advisory opinion or, in specified circumstances, a Commission advisory opinion. It is generally most effective to discuss the

issue with a staff person before deciding whether to seek a formal advisory opinion.

Inquiries regarding consumer protection issues: FTC, Room H-130, 600 Pennsylvania Ave. NW., Washington, DC 20580. Telephone: (toll-free) 1-877-FTC-HELP (1-877-382-4357).

Inquiries regarding competition issues: Office of Policy and Evaluation, Bureau of Competition, Federal Trade Commission, Washington, DC 20580. Telephone (202) 326-3300. Fax (202) 326-2884.

Federal Trade Commission Single Point of Contact: Donald Clark, The Office of the Secretary, Federal Trade Commission, 600 Pennsylvania Ave. NW., Washington, DC 20580. Telephone: 202-326-2514. Fax: 202-326-2496.

Businesses may also contact any of the FTC's regional offices.

General Services Administration

General Services Administration Single Point of Contact: Mr. Felipe Mendoza, Associate Administrator, Office of Small Business Utilization, General Services Administration, 1800 F Street, NW., Room 6029, Washington, DC 20405. Telephone: 202-501-0864.

Institute of Museum and Library Services

Institute of Museum and Library Services Single Point of Contact: Rebecca W. Danvers, Ph.D., Director of Research and Technology, Institute of Museum and Library Services, 1100 Pennsylvania Avenue NW., Room 223, Washington, DC 20506. Phone: 202-606-2478. Fax: 202-606-0395. E-mail: rdanvers@imls.gov.

Merit Systems Protection Board

Merit Systems Protection Board Single Point of Contact: Richard A. Dorr, Merit Systems Protection Board, 1615 M Street NW., Suite 500, Washington, DC 20036. Telephone: 202-653-6772 ext.1113. Fax: 202-653-7821. E-mail: richard.dorr@mspb.gov.

National Aeronautics and Space Administration

The Office of Small and Disadvantaged Business Utilization (OSDBU) promotes the utilization of small, disadvantaged and women-owned businesses in compliance with Federal laws, regulations, and policies. We assist such firms in obtaining contracts and subcontracts with NASA and its prime contractors. The OSDBU also facilitates the participation of small businesses in NASA's technology transfer and commercialization

activities. Our objective is not only to ensure that small businesses are integrated seamlessly into the aerospace industrial base of the country, but that they can contribute to the performance of NASA missions. NASA supports a non-retaliation policy against small businesses as stated in NASA Policy Directive 5101.32 for the Ombudsman program.

Small businesses seeking work with NASA are directed to our website <http://osdbu.nasa.gov>. Activities in support of small businesses are listed with information on how to get involved in obtaining contracts and subcontracts. Request for Proposals open for bid can be reviewed on the Internet at <http://procurement.nasa.gov>.

To get the highest return on investment, the NASA OSDBU has designed, implemented, and facilitated user-friendly programs and initiatives. This ensures the full integration of capable and high-quality small businesses into the competitive base of contractors from which NASA regularly purchases products and services. In addition, the OSDBU has an outreach effort to communicate with its target small business constituents, as well as an in-reach program to educate NASA technical, procurement, and administrative personnel about programs and policies. The OSDBU also disseminates information about its programs through conferences, forums, training and development programs, counseling, promotional materials, and the Internet. A free three-day course called Training and Development for Small Businesses in Advanced Technologies (TADSBAT) acquaints companies with the NASA culture. This course is held four times a year at different locations nationally. In addition, two forums were developed to seek high-technology firms capable of participating in the Agency's most complex programs. The Aerospace Technology Small Disadvantaged Forum is conducted twice a year at two of the aeronautics Field Centers where three to five high-tech SDBs are selected to give presentations to senior level technical managers. From the forum's inception in 1993 through FY 2001, more than \$85 million have been awarded to some of the presenters. A similar format is used for the Semi-annual Science Forums for Small Businesses. The Science Forums create a "high-level marketing opportunity" for selected small businesses to present their capabilities to earth science personnel at the Goddard Space Flight Center and to space science personnel at The Jet Propulsion Laboratory. Since the inception of this program in 1997, over

\$47 million in contracts and subcontracts have been awarded to participants.

As NASA's premier initiative, the Mentor-Protégé Program is designed to encourage prime contractors to assist disadvantaged companies in expanding their technical capabilities where such firms are underrepresented in the market. Prime contractors receive a variety of incentives during the source selection process, plus award fee increments during the period of the contract, if performed successfully. To spur small businesses to actively pursue opportunities for commercializing NASA technology, the OSDBU, in conjunction with the Minority Owned Business Technology Transfer Consortium (MBTTC) puts on seminars throughout the year. Companies learn about the NASA Commercialization Technology Network, how to identify technologies and work with researchers and scientists, how to apply for licensing agreements, and how to find financing sources.

"Socioeconomic Procurement as a Business Imperative" is a one-day course given four times a year at different NASA Centers to a cross-section of the Agency's technical, procurement, and administrative personnel. The course emphasizes the value-added benefit of utilizing diverse small businesses (in addition to being in compliance with laws and regulations that require it). On its own initiative, NASA has established a one percent goal as a percent of total contract value awarded yearly to Historically Black Colleges and Universities and other minority educational institutions. NASA is promoting the integration of this underutilized national resource.

To enhance the competitive advantage of small businesses in the national and world marketplace NASA has promoted the international quality management standard, ISO 9000. Since 1996, NASA has conducted seminars at major small business conferences on how to get certified. The NASA OSDBU staff became the first Federal headquarters office to become certified. The OSDBU wants to ensure that small businesses are aware of the fundamentals of an effective teaming agreement with large prime contractors. Seminars are taught by the Assistant Administrator for Small Business and are designed to enable small businesses to understand the legal structure of written teaming agreements, as well as the factors to consider when choosing a potential teaming partner. The NASA Minority Business Resource Advisory Committee (MBRAC) was organized to include executive members from disadvantaged companies who

could advise the Administrator on how to increase small business involvement in NASA and remove regulatory obstacles to that end. Recommendations have been made and implemented in the areas of procurement source criteria, contract fee structure, contracting goals, and the review of subcontracting plans. The NASA Prime Contractor Roundtable was designed to facilitate an exchange between NASA and its prime contractors, mainly on how to increase the use of small businesses in their respective subcontracting programs. NASA's Assistant Administrator for Small Business is a board member of the World Association of Small and Medium Enterprises, an affiliated organization to the United Nations. Through this association, NASA is able to advise American small businesses on the advantages of competing in the world marketplace.

National Aeronautics and Space Administration Single Point of Contact: Ms. Patricia L. Dunnington, Chief Information Officer, National Aeronautics and Space Administration (NASA), 300 E Street, SW., Washington, DC 20546. Telephone: (202) 358-3261. Fax: (202) 358-3063. E-mail: pat.dunnington@nasa.gov.

National Archives & Records Administration

The National Archives and Records Administration (NARA) ensures, for citizens and Federal officials, ready access to essential evidence that documents the rights of American citizens, the actions of Federal officials, and the national experience. It establishes policies and procedures for managing U.S. Government records and assists Federal agencies in documenting their activities, administering records management programs, scheduling records, and retiring noncurrent records. NARA accessions, arranges, describes, preserves, and provides access to the essential documentation of the three branches of Government; manages the Presidential Libraries system; and publishes the laws, regulations, and Presidential and other public documents. It also assists the Information Security Oversight Office, which manages Federal classification and declassification policies, and the National Historical Publications and Records Commission, which makes grants nationwide to help nonprofit organizations identify, preserve, and provide access to materials that document American history.

See www.archives.gov for information on the National Archives and Records Administration's programs and activities. One resource for small

businesses is NARA's Office of the Federal Register (see http://www.archives.gov/federal_register/index.html). That office provides ready access to the official text of Federal laws, Presidential documents, administrative regulations and notices, and descriptions of Federal organizations, programs and activities.

National Archives and Records Administration Single Point of Contact: Nancy Allard, Policy and Communications Staff, Office of the Archivist, NARA. Telephone: 301-837-1477. Fax: 301-837-0319. E-mail: nancy.allard@nara.gov.

National Commission on Libraries & Information Science

National Commission on Libraries and Information Science Single Point of Contact: Madeleine C. McCain, Director of Operations, U.S. National Commission on Libraries and Information Science. Telephone: (202) 606-9200. E-mail: mmccain@nclis.gov. Web site: www.nclis.gov.

National Credit Union Administration

Point of Contact: Neil McNamara, National Credit Union Administration, 1775 Duke St., Alexandria, VA 22314-3428. Telephone: (703) 518-6440. Telephone: (703) 518-6570. Other points of contact are accessible through the NCUA website at www.ncua.gov and by telephone at (703) 518-6300.

National Endowment for the Arts

National Endowment for the Arts Single Point of Contact: William Hummel, 1100 Pennsylvania Ave. Rm. 618, Washington, DC 20506. Telephone: 202-682-5417. E-mail: hummelw@arts.gov.

National Endowment for the Humanities

National Endowment for the Humanities Single Point of Contact: Susan G. Daisey, Director, Office of Grant Management, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 311, Washington, DC 20506. Telephone: 202-606-8494. Fax: 202-606-8633. E-mail: sdaisey@neh.gov.

National Indian Gaming Commission

National Indian Gaming Commission Single Point of Contact: Penny Coleman, Acting General Counsel, NIGC, 1441 L Street NW., Suite 9100, Washington, DC 20005. Telephone: 202-632-7003. Fax: 202-632-7066. Web site: www.nigc.gov

National Labor Relations Board

National Labor Relations Board Single Point of Contact: Hugo Voogd, Deputy to the Assistant General Counsel, National

Labor Relations Board, Division of Operations-Management, 1099 14th Street, NW., Room 10204, Washington, DC 20570. Telephone: 202-273-0057.

The following actions have been taken to provide compliance assistance to all NLRB "customers":

- NLRB strives to improve services to members of the public with limited English proficiency. These improvements would assist small businesses owned or managed by non-English speakers. Recent improvements include adding a folder to its web site that explains the NLRB's function and services in Spanish.

- NLRB continually seeks to improve the public information officer program in its field offices to ensure that the public is assisted properly with questions about their rights under the National Labor Relations Act (NLRA). NLRB information officers have responded to over 150,000 inquiries annually. Most direct individuals to other agencies or provide explanations about the individual's rights under the NLRA. The services provided under our public information officer program assists small businesses by discouraging the filing of frivolous charges. Recently, the NLRB made available to the public a toll-free telephone number that will connect the caller directly to the NLRB's office that is closest to caller's residence or office. Information provided through the toll-free telephone number is also available in Spanish.

- NLRB web site contains a statement of its Standards of Service, providing clear explanations about what parties to NLRB proceedings can expect after charges and petitions are filed. Our web site provides for a procedure for the public to comment on how our services can be improved. (www.nlrb.gov) In addition, the web site now makes available to members of the public, including small businesses, electronic copies of case handling manuals, the Board's Rules and Procedures, and recently issued Board decisions and other memoranda.

- NLRB has implemented new procedures on its web site that enhance the ability of parties to its proceedings to communicate with the Agency through e-mail and submit certain documents electronically.

- NLRB field offices are continually encouraged to expand their outreach programs by speaking to business groups and labor organizations about our procedures, and participating in labor-management conferences where changes in the current case law are explained and discussed. Many small businesses take advantage of these conferences so that they can learn how

to stay in compliance with the National Labor Relations Act.

National Mediation Board

National Mediation Board Single Point of Contact: Denise M. Vines, Supervisory Finance & Administration Specialist, Washington, DC 20572. Telephone: 202-692-5010. E-mail: vines@nmb.gov.

National Science Foundation

National Science Foundation Single Point of Contact: Donald Senich, Director, Office of Small and Disadvantaged Business Utilization Research and Development, 4201 Wilson Blvd, Rm. 527, Arlington, VA 22230. Telephone: 703-292-7082. Fax: 703-292-9055. E-mail: dsenich@nsf.gov

National Transportation Safety Board

National Transportation Safety Board Single Point of Contact: Deborah Bruce, PhD, National Transportation Safety Board, Safety Studies and Statistical Analysis Division, 490 L'Enfant Plaza East, SW., Washington, DC 20594. Telephone: 202-314-6511. E-mail: bruced@ntsb.gov

Nuclear Regulatory Commission

Nuclear Regulatory Commission Single Point of Contact: Brenda Shelton, Chief, NRC Records Mgmt Branch, OCIO, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: 301-415-7233. Fax: 301-415-6434. E-mail: BJS1@NRC.GOV. web site: <http://www.nrc.gov/>

Compliance Assistance Information

Mauricio Vera (MXV@NRC.GOV) (Telephone: 301-415-7160) is the point of contact for small business inquiries pertaining to contracting opportunities with NRC. Detailed information on the small business program can be found at <http://www.nrc.gov/who-we-are/small-business.html>.

Michael Lesar (MTL@NRC.GOV) is the point of contact to provide assistance to small entities that have questions regarding compliance with NRC regulations and/or the impact of NRC rulemakings on small entities. Information on NRC's policy and procedures in this area can be found at <http://www.nrc.gov/what-we-do/regulatory/rulemaking/flexibility-act.html>.

Office of Personnel Management

Office of Personnel Management Single Point of Contact: Tina B. McGuire, Chief, Contracting Group, CCFAS, United States Office of Personnel Management, 1900 E Street, NW., Room 1342, Washington, DC

20415. Telephone: (202) 606-4591. E-mail: tina.mcguire@opm.gov

Overseas Private Investment Corporation

General Information, Small Business Hotline: 1-800-CALL-SBC; (1-800-225-5722), Local Area Telephone: 202-336-8700, Fax: 202-336-8701, E-mail: smallbiz@opic.gov.

Overseas Private Investment Corporation Single Point of Contact: Mitchell Strauss, Small and Medium Enterprise Department, Overseas Private Investment Corporation, 1100 New York Ave NW., Washington, DC 20527. Phone: 202-408-6300. Fax: 202-408-9866. E-mail: mstra@opic.gov

Peace Corps

The Peace Corps, as a small Federal Agency, relies on and contracts with small businesses for a majority of our products and services. The Office of Contracts maintains a list of submitted contractors to match against our posted contracting requirements. The list is maintained for one year after submission. An agency database is maintained for overseas contractors. To enroll in this database, visit our web site.

Many short-term training contractors are needed for overseas services. Contracting opportunities available are posted on our web site. Visit our web site at www.peacecorps.gov under the heading About the Peace Corps, click on Management, and then click on Contracting Opportunities. On this web page, click on learn more to see overseas training services needed and to find information about being added to our database. Contracts for over \$25,000 are posted on FedBizOpps.

Any questions or for further information, contact Ms. Judy Dawes. Ms. Dawes will provide assistance and explanations in complying with Peace Corps regulatory procedures and requirements for contracting.

Peace Corps Single Point of Contact: Judy Dawes, Peace Corps, Office of Contracts, Deputy Director, 1111 20th Street, NW., Room 4444, Washington, DC 20526. Telephone: 202-692-1624. Fax: 202-692-1621. Toll Free: 800-424-8580. E-mail: jdawes@peacecorps.gov Website: www.peacecorps.gov

Pension Benefit Guaranty Corporation

Customer Service Center

A toll free number (1-800-736-2444) dedicated to pension plan administrators and plan professionals.

Office of the RegFair Representative

This office functions independently of enforcement and compliance activities,

addresses issues raised by businesses that sponsor defined benefit pension plans, the vast majority of which are small businesses. The RegFair Representative is also PBGC's Problem Resolution Officer for plan practitioners, and can be reached via a toll-free number (1-800-736-2444, ext. 4163) or e-mail (practitioner.pro@pbgc.gov).

Ask an Attorney

An attorney in PBGC's Office of the General Counsel is available by telephone or e-mail for informal advice on legal issues pertaining to compliance, enforcement, and other matters of concern. The General Inquiry Attorney can be reached via a toll-free number (1-800-736-2444, ext. 4020) or e-mail (AskOGC@pbgc.gov).

PBGC's Web site

The PBC web site (www.pbgc.gov) includes:

- The Small Business Guide to the PBGC. This easy-to-read synopsis of all of a small plan sponsor's obligations under ERISA and our regulations makes it much easier for the small business owner to understand and comply with the program requirements. The booklet also contains phone numbers and other information on where to go for help.
- Frequently Asked Questions.
- PBGC forms and instructions.
- Fact sheets on PBGC programs.
- Opinion Letters. The General Counsel issues formal opinions on legal issues under Title IV of the Employee Retirement Income Security Act (ERISA).
- The Blue Book sets forth various questions of general interest to practitioners posed by representatives of the Enrolled Actuaries Program Committee, and provides answers from PBGC staff.
- PBGC's Annual Report provides financial information and describes its customer service, enforcement and compliance activities.

Note: All resources and publications available on PBGC's website can also be obtained by calling our Customer Service Center (1-800-736-2444).

Outreach

PBGC's outreach efforts include:

- Meetings and conferences. PBGC representatives participate in meetings and conferences with pension practitioners to address issues of mutual concern and to get their feedback.
- Focus groups. We conduct periodic focus groups to help determine ways in which we can better serve our customers; for example, with members of the American Society of Pension

Actuaries (ASPA), a group which serves primarily small businesses.

- Surveys. Surveys are conducted regularly to continuously receive feedback from our pension practitioners, the majority of whom deal with the pension plans of small businesses.

Alternative Dispute Resolution (ADR) Policy

Under PBGC's ADR policy, PBGC examines the suitability of using ADR to resolve issues that would otherwise be resolved by adversarial administrative or judicial processes. In appropriate disputes, PBGC uses ADR in a good faith effort to achieve consensual resolution of issues in controversy, including compliance and enforcement matters.

Pension Benefit Guaranty Corporation Single Point of Contact: Diane Morstein, Customer Service Center, Practitioner Problem Resolution Officer. Toll Free: 1-800-736-2444 ext 4136.

The public can fully resolve most issues by calling PBGC Customer Service Center staff, at 1-800-736-2444.

Railroad Retirement Board

The Railroad Retirement Board's primary function is to administer comprehensive retirement-survivor and unemployment-sickness benefit programs for the nation's railroad workers and their families under the Railroad Retirement and Railroad Unemployment Insurance Acts. In connection with the retirement program, the RRB has administrative responsibilities under the Social Security Act for certain benefit payments and railroad workers' Medicare coverage.

Railroad Retirement Board Single Point of Contact: Ronald J. Hodapp, Chief, Information Resources Management, Railroad Retirement Board, Telephone: 312-751-3366. E-mail: Ronald.Hodapp@rrb.gov Web site: www.rrb.gov.

Securities and Exchange Commission

Congress created the Securities and Exchange Commission in 1934 to protect investors, and to maintain fair, honest, and efficient national securities markets. The Commission provides extensive compliance assistance to the public. Small businesses subject to SEC regulation include:

- Issuers of securities,
- Investment companies and investment advisers,
- Broker-dealers, and
- Transfer agents.

Other businesses affected by SEC regulation include auditors of companies whose stocks are publicly

held and subject to registration with the SEC. The SEC's Office of Small Business Policy, telephone number (202-942-2950), should generally be the first point of contact for any small business that seeks compliance assistance from the Securities and Exchange Commission. This office is the primary resource for small business issuers of securities. Small regulated entities may wish to contact the appropriate Division or other office directly (Market Regulation for broker-dealers and transfer agents; Investment Management for investment companies and investment advisers; the Office of Chief Accountant for accountants).

Members of the public seeking compliance assistance for Securities and Exchange Commission regulation may contact SEC staff by mail, e-mail, or telephone.

Sources of SEC Information

- Organization and functions of the SEC: The Investor's Advocate: <http://www.sec.gov/about/whatwedo.shtml>
- Brief review of governing federal regulations: The Laws That Govern the Securities Industry <http://www.sec.gov/about/laws.shtml>
- SEC regulation of small business capital formation and smaller public companies: Q & A: Small Business and the SEC <http://www.sec.gov/info/smallbus/qasbsec.htm>
- SEC regulation of securities brokers and dealers: Compliance Guide to the Regulation of Brokers and Dealers <http://www.sec.gov/divisions/marketreg/bdguide.htm>
- Regulations and Forms for Small Securities Issuers that issue securities subject to SEC regulation: Regulations and Forms Applicable to Small Businesses <http://www.sec.gov/info/smallbus.shtml>
- Regulations and forms for registered investment advisers: Investment Adviser Regulation <http://www.sec.gov/divisions/investment/iard/iastuff.shtml>
- SEC forms and instructions for registered investment advisers: Investment Adviser Forms <http://www.sec.gov/divisions/investment/iard/iastuff.shtml>
- Procedures for obtaining accounting or auditing advice from the SEC's Chief Accountant's Office: Guidance on Consulting with the Office of the Chief Accountant <http://www.sec.gov/info/accountants.shtml>
- Descriptions of most commonly used SEC forms: <http://www.sec.gov/info/edgar/forms.htm>
- SEC regulations for recordkeeping and capital requirements for securities brokers and dealers: Broker-Dealer Net Capital and Books and Records

Guidance <http://www.sec.gov/divisions/marketreg/bdnetcapital.htm>

- Staff analyses of securities laws and regulations as applied to particular legal, regulatory, or accounting issues: Staff Interpretations <http://www.sec.gov/interps.shtml>.

Seminars and Classes

- Annual meeting to explore means to improve capital formation for small business: Annual Government-Business Forum on Small Business Capital Formation <http://www.sec.gov/info/smallbus/sbforum.shtml>

Web-Based Compliance

- Small Cap and Private Companies: <http://www.sec.gov/info/smallbus/qasbsec.htm>
- Investment Adviser Registration: IARD <http://www.sec.gov/divisions/investment/iaregulation.shtml>
- Registration and disclosure documents required to be and voluntarily filed electronically: EDGAR—electronic filing of SEC disclosure documents <http://www.sec.gov/edgar.shtml>

Telephone Service

- Office of Small Business Policy: 202-942-2950
- Division of Enforcement: 202-942-4530
- Toll-Free Consumer Information: 1-800-SEC-0330
- Small and minority business procurement: (202) 942-4990
- Public company disclosure requirements: 202-942-2825
- Office of Interpretations and Guidance for Market Regulation: 202-942-0069
- Regulation of Investment Companies and Investment Advisers: 202-942-0659

Online/e-mail Service

- Inquiries about federal requirements for securities registration and corporate disclosure: cfletter@sec.gov
- Inquiries about applicability of securities laws to small business: smallbusiness@sec.gov
- Inquiries about the conduct of federally-regulated securities markets: marketreg@sec.gov
- Inquiries about federal regulation of investment advisers: IARDLIVE@sec.gov
- Inquiries about federal regulation of investment companies: IMOCC@sec.gov

Contacts

- Homepage: <http://www.sec.gov>
- News: <http://www.sec.gov/news.shtml>

- Regulatory: <http://www.sec.gov/about/laws.shtml>; <http://www.sec.gov/rules.shtml>

- Small Business: <http://www.sec.gov/info/smallbus.shtml>

- E-mail: smallbusiness@sec.gov

- Phone Number: (202) 942-2950

Securities and Exchange Commission
Single Point of Contact: Gerald Laporte,
Chief, Office of Small Business Policy,
Division of Corporation Finance,
Securities and Exchange Commission,
450 5th Street NW., Room 3501,
Washington, DC 20549-0310.
Telephone: 202-942-2950. Fax: 202-
942-9516. E-mail: laporteg@sec.gov.

Selective Service System

Selective Service System Single Point
of Contact: Calvin Montgomery, 1515
Wilson Blvd., Arlington, VA 22209.
Telephone: 703-605-4038. E-mail:
cmontgomery@sss.gov.

Small Business Administration

Small businesses wanting access to
SBA programs should call SBA's
Answer Desk toll-free or e-mail
answerdesk@sba.gov. In many cases, the
SBA information technician receiving a
call will directly answer the question. If
a matter needs attention from a
particular program specialist in the
caller's immediate area of the country,
the SBA Answer Desk can put the caller
in touch with a specific individual in an
SBA District Office or program office.

SBA Answer Desk: 6302 Fairview
Road, Suite 300, Charlotte, North
Carolina 28210. Answer Desk TTY:
(704) 344-6640. 1-800-UASK-SBA (1-
800-827-5722). TTY Directory [Text] or
[PDF]. Send e-mails to:
answerdesk@sba.gov.

Other good ways to access compliance
information about SBA programs are
going to the SBA website's frequently
asked questions about SBA programs at
<http://app1.sba.gov/faqs/> or to SBA's
main webpage <http://www.sba.gov/>.

Small Business Administration Single
Point of Contact: Ms. Jacqueline K.
White, Chief, Administrative
Information Branch, U.S. Small
Business Administration, 409 3rd Street,
SW., MC5101, Washington, DC 20416-
0005. Telephone: 202-205-7044. Fax:
202-481-2916. E-mail:
jacqueline.white@sba.gov.

Social Security Administration

The majority of the services listed
below are offered as a part of the Social
Security Administration's (SSA) service
to the business community in general,
not specifically to small businesses.
These services are directed primarily to
employers, businesses or organizations
that serve as representative payees to

Social Security beneficiaries, businesses
that seek contracts with SSA and
schools. There are four primary avenues
of access to these services with
significant overlaps among them.

Toll-Free Telephone Service

- Employers may use the toll-free
access number (800 772-1213) to verify
that they have the correct Social
Security number (SSN) for an employee.
This verification prevents the often
difficult job of correcting wage reports
made under an incorrect SSN. Up to five
SSNs may be verified with one call if
the employer can furnish his or her
address and employer identification
number (EIN). If employers need to
verify more than 5 SSNs, but less than
50, the teleservice representative will
advise the employer to contact the
nearest SSA Field Office (FO) and will
provide the FO's telephone number and
address. There is a procedure for
verifying more than 50 SSNs, but we do
not expect that to be an issue with small
businesses.

- New employers wishing to apply
for an EIN may also call 800-772-1213
and request that application form SS-4,
Application for Employer Identification
Number, be sent to them along with the
Internal Revenue Service (IRS)
publication, Instructions for Form SS-4.

- SSA maintains the SSA Employer
Reporting Service Center at 800 772-
6270 or online at [http://
www.socialsecurity.gov/employer/](http://www.socialsecurity.gov/employer/). It
can also be reached online from the SSA
employer portal page. The Center can
provide detailed information on the best
way for an employer to report wages. An
employer calling the main SSA 800
number and wanting more in-depth
information about reporting wages, etc.,
will be referred to this number or
website.

- Organizational Representative
Payees include governmental or non-
profit social service agencies that
manage benefits for beneficiaries who
are not able to manage benefits on their
own and who have no friends or
relatives suitable or willing to be
payees. Organizational representative
payees who must deal with the many
issues that arise with beneficiaries who
cannot manage their own benefits,
including changes in address or
circumstances, non-receipt of check,
work issues and many other issues, can
interact with SSA primarily by calling
the main 800 number.

Online Services

- The SSA website, [http://
www.socialsecurity.gov/](http://www.socialsecurity.gov/), contains a link
that directs businesses to the Business
Services Online (BSO) website, [http://
www.socialsecurity.gov/bsowelcome.htm](http://www.socialsecurity.gov/bsowelcome.htm).

www.socialsecurity.gov/bsowelcome.htm. BSO is a suite of
business services including Registration
Services, Employer Services (Submit a
Wage File, W-2 Online, View Status,
View Notices and View Errors) and the
Social Security Number Verification
Service. The W-2 Online portion of the
website is designed specifically for
small businesses. The site allows
employers to complete up to 20 W-2
forms on their computer screens. The
service automatically computes the W-
2 data for them, and the report is
transmitted to SSA electronically.
Employers can also print copies for their
employees and for their records.
Multiple sets of 20 W-2s can be
submitted.

In 2003, almost 200,000 W-2s for
2002 were submitted to SSA via W-2
Online that would have otherwise been
submitted on paper forms. The
employer must be a registered BSO user
to use these services, but registration is
free. Businesses needing personalized
assistance with wage reporting can
follow a link, [http://
www.socialsecurity.gov/employer/
wage_reporting_specialists.htm](http://www.socialsecurity.gov/employer/wage_reporting_specialists.htm), to find
a current list of Employer Services
Liaison Officers in each region who are
available to discuss specific wage
reporting issues by phone. The Social
Security personnel can help callers with
all questions about how to submit W-
2s to SSA. The telephone numbers are
not toll-free.

- SSA's Office of Acquisition and
Grants (OAG) maintains a website,
www.socialsecurity.gov/oag, which
contains acquisition information to
assist small businesses interested in
doing business with SSA. SSA's policies
make doing business with the Agency
easy for small businesses. All contracts
are offered on an "open bid" basis,
which means the bidding contractor
does not have to be on any specific list
of approved contractors. Some contracts
are reserved for award to small
businesses only.

- SSA maintains a website,
www.socialsecurity.gov/payee,
dedicated to Representative Payee
requirements and responsibilities. This
is significant, because many
beneficiaries who need a payee have no
family or friends willing to serve in this
capacity. As a result, many small social
service organizations serve as payees.
This website makes it easy for small
businesses to apply and be approved as
an organizational payee. Training
materials for payees are available at the
website, including a written lesson, a
PowerPoint presentation and a video.
The written material and the
PowerPoint program can be downloaded

from the website, and the video can be ordered. Interested parties can request the material, including the video, on a compact disk.

- SSA must verify the full time attendance of certain students by asking school officials to complete a form certifying that the student/beneficiary is in full time attendance at the school. School officials can access a dedicated website, <http://www.socialsecurity.gov/schoolofficials/>, which explains the verification process, why the information is needed and what is expected of them. The site also has a "Frequently Asked Questions" page for school officials and also a page, http://www.socialsecurity.gov/schoolofficials/faqs_students.htm, for students. School officials and students are able to download the form if they lose the form they received from SSA.

Publications

- SSA publishes a quarterly newsletter in conjunction with the IRS called the "SSA-IRS Reporter." This newsletter is mailed by IRS along with Form 941, Employer's Quarterly Federal Tax Return. It contains up-to-date wage and tax reporting information. While it is mailed to all employers, surveys show that it is predominately read by small business owners.

- The Employer's Guide to Filing Timely and Accurate W-2 Wage Reports is available both in hard copy and on the SSA website at <http://www.socialsecurity.gov/employer/pub.htm>. This pamphlet (SSA Pub. No. 16-004) explains an employer's responsibilities, how to file, where to file, how to avoid common reporting errors, how to correct them, finding help, etc.

- The publication, A Guide for Farmers, Growers and Crew Leaders (SSA Publication No. 05 10025), provides information on Social Security's benefit package and how to report income to SSA. This guide is available on SSA's website at <http://www.socialsecurity.gov/employer/pub.htm>.

Outreach

- SSA participates in a number of IRS-related events. Staff attend six tax seminars a year presented by IRS. SSA staffs a booth at these public seminars and also provides a 1½-hour workshop on employer reporting. A number of small businesses attend these workshops. SSA staff make presentations at eight payroll reporting conferences each year in different parts of the country. These conferences are attended primarily by larger businesses, but they are open to any business.

- SSA holds The National Payroll Reporting Forum on an annual basis at its Baltimore headquarters. This forum was established in 1990 so that Federal agencies and the business community could gather, identify, discuss and resolve common wage and tax reporting issues. This forum has had a significant effect on the accuracy of the wage data submitted to SSA. The forum also provides the business community an opportunity to have a voice in initiatives that will ultimately affect the way it does business. The forum is attended by many small companies from the surrounding states as well as by national payroll organizations and service bureaus. The Agency is holding the 2004 conference on May 20, 2004 at SSA headquarters in Baltimore.

- SSA's Office of Small and Disadvantaged Business Utilization assists small businesses by scheduling one-on-one meetings and participating in various procurement trade shows and conferences.

Social Security Administration Single Point of Contact: Elizabeth A. Davidson, SSA Reports Clearance Officer, 1338 Annex Building, 6401 Security Boulevard, Woodlawn, MD 21235. Telephone: 410-965-0454. Fax: 410-965-6400. E-Mail: Liz.Davidson@ssa.gov.

Surface Transportation Board

The Surface Transportation Board (STB) is an independent adjudicatory body administratively housed within the Department of Transportation. STB is responsible for the economic regulation of interstate surface transportation, primarily railroads, within the United States. STB's mission is to ensure that competitive, efficient and safe transportation services are provided to meet the needs of shippers, receivers and consumers. In furtherance of its mission, STB provides a number of services that small businesses might find useful:

- General Information: 202-565-1500
- Procurement: 202-565-1701
- Public Services: 202-565-1592 (how to participate in agency proceedings)
- Library/publications: 202-565-1668
- Rail Consumer Assistance (toll free): 866-254-1792
- Home page: www.stb.dot.gov
- Publications: Overview—

Abandonments and Alternatives to Abandonments; So You Want to Start a Small Railroad

Surface Transportation Board Single Point of Contact: Anne K. Quinlan, 1925 K Street, NW., Ste. 894, Washington, DC

20423-0001. Telephone: 202-565-1727. E-mail: quinlana@stb.dot.gov.

Tennessee Valley Authority

Business Incubation Program

Over the years, TVA has provided capital to help communities establish business incubators to support new and expanding enterprises. The TVA Business Incubation Network includes 24 operational sites across the Valley where tenants share services, equipment, and building space. TVA provides technical and financial assistance to members of the TVA-supported network and also maintains the Business Incubator Tenant Loan Fund, a revolving fund that helps tenants meet short-term needs for cash flow and operating capital.

Online Business Resource Center

TVA's Web-based center serves as an information gateway to valuable public and private resources on entrepreneurship, financial and technical assistance, industrial organizations, and business services. Topics range from setting up a business plan to finding capital, paying taxes, and marketing. The site provides access to the programs and services offered by TVA, other Tennessee Valley organizations, and nationwide resources. Visit the Online Business Resource Center at www.tva.com/econdev/obr.

Minority Business Development Program

TVA supports the growth and expansion of minority and socially and economically disadvantaged businesses with diverse packages of technical, capital, and managerial assistance. A key feature of the program is the Minority Business Development Loan Fund (MBDLF), a revolving fund that provides for loans ranging from \$50,000 to \$500,000. Through the MBDLF and the Valley Coalition, a partnership between TVA and regional banks, TVA promotes job creation and stimulates capital investment in the Valley.

Small and Minority Business Mentoring

Small and minority businesses that provide services to TVA receive support through TVA's mentoring program, which helps these firms grow and enhance their business operations. Assistance includes matching suppliers with business opportunities, identifying key business contacts, encouraging joint ventures and alliances, and linking TVA procurement needs with manufacturers and businesses in the Tennessee Valley.

Partners

TVA's economic development programs are delivered in partnership with public and private organizations. Some of our partners are:

- Distributors of TVA power
- Chambers of commerce and local economic development authorities
- TVA-supported business incubators
- State departments of economic and community development
- The U.S. Small Business Administration

• The U.S. Department of Commerce's Minority Business Development Agency

- Small business development centers

• U.S. Department of Agriculture Rural Development

- The Valley Coalition, a public/private lending and business assistance partnership between TVA and participating Valley financial institutions.

Small Business Assistance Web site: <http://www.tva.com/econdev/smallbiz.htm>

Tennessee Valley Authority Single Point of Contact: Philip S. McMullan, Project Manager, Business Growth and Innovation, TVA. Telephone: 615-232-6227. Fax: 615-232-6189. E-mail: psmcmullan@tva.gov Web site: www.tva.com/econdev/obr

Morris K. Udall Foundation

Morris K. Udall Foundation Single Point of Contact: Ellen Wheeler, Deputy Executive Director and General Counsel, Morris K. Udall Foundation, 130 S. Scott Avenue, Tucson, AZ 85701. Telephone: 520-670-5529. Fax: 520-670-5530. E-mail: wheeler@udall.gov

U.S. Access Board

The U.S. Access Board (Board) develops and maintains accessibility guidelines and standards for the built environment, transportation vehicles, electronic and information technology and telecommunications. These design requirements are used to enforce several different laws, including the Americans with Disabilities Act. A key part of the Board's mission is providing technical assistance on the design requirements it develops and maintains. Information about any of the Board's guidelines or standards or accessible design can be obtained through the Board's toll free numbers at 800-872-2253 (v) and 800-993-2822 (TTY); through fax at 202-272-0081; mail addressed to U.S. Access Board 1331 F St. NW., Ste. 1000, Washington, DC 20004; e-mail to ta@access-board.gov or from the Board's Web site <http://www.access-board.gov>.

In addition, the Board participates in a wide range of training programs and conferences throughout the country every year. Information on upcoming events is available from the Board and is posted on its Web site at <http://www.access-board.gov/research&training/Training.htm>. The Board also publishes a host of guidance materials on its design requirements and other aspects of accessible design. Board publications are available in a variety of accessible formats. Copies of all Board publications are available free from the Board, including through its Web site at <http://www.access-board.gov/indexes/pubsindex.htm>.

U.S. Access Board Single Point of Contact: Elizabeth Stewart, Deputy General Counsel, U.S. Access Board, 1331 F Street NW., Suite 1000, Washington, DC 20004. Telephone: (202) 272-0042. TTY: (202) 272-0082. Fax: (202) 272-0081. E-mail: stewart@access-board.gov.

U.S. International Trade Commission

U.S. International Trade Commission Single Point of Contact: John Greer, 500 E St. SW., Washington DC 20436. Telephone: 202-205-3141. Fax: 202-205-2139. E-mail: john.greer@usitc.gov.

U.S. Trade Representative

U.S. Trade Representative Single Point of Contact: Gregory M. Walters, Director of Small Business Affairs, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508. Telephone: (202) 395-6120. Fax: (202) 395-3692. E-Mail: Gwalters@ustr.gov.

[FR Doc. 04-14659 Filed 6-25-04; 8:45 am]

BILLING CODE 3110-01-P

OFFICE OF PERSONNEL MANAGEMENT**Proposed Collection; Comment Request for Review of a Revised Information Collection: RI 38-47**

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. Information and Instructions on Your Reconsideration Rights, RI 38-47, outlines the procedures required to request reconsideration of an initial OPM

decision about Civil Service or Federal Employees retirement, Federal or Retired Federal Employees Health Benefits requests to enroll or change enrollment, or Federal Employees' Group Life Insurance coverage. This form lists the procedures and time periods required for requesting reconsideration.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of the Office of Personnel Management, 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; 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 techniques or other forms of information technology.

Approximately 3,100 annuitants and survivors request reconsideration annually. We estimate it takes approximately 45 minutes to apply. The annual burden is 2,325 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via E-mail to mbtoomey@opm.gov. Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operation Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349A, Washington, DC 20415-3540.

For Information Regarding Administrative Coordination, Contact: Cyrus S. Benson, Team Leader, Publications Team, RIS Support Services/Support Group, (202) 606-0623.

Office of Personnel Management.

Kay Coles James,
Director.

[FR Doc. 04-14579 Filed 6-25-04; 8:45 am]

BILLING CODE 6325-38-U

OFFICE OF PERSONNEL MANAGEMENT**Proposed Collection; Comment Request for Review of an Existing Information Collection: Court Orders Affecting Retirement Benefits, 5 CFR 838.221, 838.421, and 838.721**

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of an existing information collection. The regulations describe how former spouses give us written notice of a court order requiring us to pay benefits to the former spouse. Specific information is needed before OPM can make court-ordered benefit payments.

Comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, 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; 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 techniques or other forms of information technology.

Approximately 19,000 former spouses apply for benefits based on court orders annually. We estimated it takes approximately 30 minutes to collect the information. The annual burden is 9,500 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, fax (202) 418-3251 or via e-mail to mbtoomey@opm.gov. Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349A, Washington, DC 20415-3540.

FOR FURTHER INFORMATION CONTACT: Cyrus S. Benson, Team Leader, Publications Team, RIS Support Services/Support Group, (202) 606-0623.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 04-14581 Filed 6-25-04; 8:45 am]

BILLING CODE 6325-38-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Form BD-N/Rule 15b11-1, SEC File No. 270-498, OMB Control No. 3235-0556.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 15b11-1 and Form BD-N (17 CFR 249.501b) serve as the form of notice for futures commission merchants and introducing brokers that register as broker-dealers by notice pursuant to Section 15(b)(11)(A) of the Exchange Act. Specifically, the form requires a broker-dealer registering by notice to indicate whether it is filing a notice registration to conduct a securities business in security futures products and if so, that it satisfies the statutory conditions for notice registration.

The total annual burden imposed by Rule 15b11-1 and Form BD-N is approximately 36 hours, based on approximately 79 responses (65 initial filings + 14 amendments). Each initial filing requires approximately 30 minutes to complete and each amendment requires approximately 15 minutes to complete. There is no annual cost burden.

The Commission will use the information collected pursuant to Rule 15b11-1 to elicit basic identification information as well as information that will allow the Commission to ensure that the futures commission merchants and introducing brokers meet the statutory conditions to register by notice pursuant to Section 15(b)(11) of the Exchange Act. This information will assist the Commission in fulfilling its regulatory obligations.

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

of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: June 21, 2004.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 04-14583 Filed 6-25-04; 8:45 am]

BILLING CODE 8010-01-U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49889; File No. SR-Amex-2004-34]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by American Stock Exchange LLC Relating to the Handling of Principal Acting as Agent Orders

June 17, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹, and Rule 19b-4² thereunder, notice is hereby given that on May 13, 2004, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the requirements regarding the handling of Principal Acting as Agent Order ("P/A Orders") pursuant to the options intermarket linkage (the "Linkage"). The text of the proposed rule change is

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

available at the Office of the Secretary, 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to implement proposed Joint Amendment No. 10 to the Plan for the Purpose of Creating and Operating an Intermarket Options Linkage (the "Linkage Plan").³ Joint Amendment No. 10 to the Linkage Plan, together with this proposed rule change, proposes to clarify the manner in which an Amex member may send P/A Orders that are larger than the Firm Customer Quote Size ("FCQS"). A P/A Order is an order for the account of an Amex specialist (or specialist equivalent on another options exchange) reflecting the terms of an unexecuted customer order for which the Amex specialist is acting as agent. The FCQS is the minimum size for which an exchange must provide an execution in its automatic execution system for a P/A Order, if the exchange's automatic execution system is available.

Currently, Linkage Plan section 7(a)(ii)(B) and Amex Rule 941 (the "Rule") provide an Amex specialist with two ways to handle P/A Orders that are larger than the FCQS. The specialist may send a P/A Order (representing the entire public customer order) larger than the FCQS for manual processing at the receiving exchange. Alternatively, the specialist may send an initial P/A Order for up to the FCQS to be executed in the automatic execution system of the receiving exchange, if available. If the specialist then seeks to send another P/A Order, it must send an order for the lesser of

the entire remaining size of the underlying customer order or 100 contracts.

The proposed rule change addresses the handling of orders if the specialist chooses the second alternative, the sending of multiple P/A Orders. As currently drafted, the Linkage Plan and Rule do not recognize the possibility that an exchange's disseminated quotation may be for less than either the remaining size of the customer order or 100 contracts. Thus, the proposed rule change specifies that a specialist sending a second P/A Order may limit such order to the lesser of: (1) The remaining size of the customer order; (2) 100 contracts; or (3) the size of the receiving exchange's disseminated quotation.

In addition, there is a practical issue if multiple exchanges are displaying the same bid or offer. In that case, the Linkage Plan is unclear as to whether a specialist must send the entire order to one exchange or can send orders to multiple exchanges, as long as they are for the size of the entire order or 100 contracts, in the aggregate. This proposed rule change clarifies Amex Rule 941 to specify that a specialist may send P/A Orders to multiple exchanges, as long as all such orders, in the aggregate, are for the lesser of the entire remaining size or 100 contracts. However, as is the case when only one exchange is at the NBBO, a specialist may limit the size of any single additional order to the size of the receiving exchange's disseminated quotation.

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act⁴ in general and furthers the objectives of section 6(b)(5)⁵ in particular in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change 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-2004-34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-Amex-2004-34. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal offices 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-

³ See Securities Exchange Act Release No. 49689 (May 12, 2004), 69 FR 28953 (May 19, 2004) (File No. 4-429) (Notice of Filing of Joint Amendment No. 10 to the Linkage Plan).

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

2004–34 and should be submitted on or before July 19, 2004.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

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.⁶ In particular, the Commission finds that the proposed rule change is consistent with the requirements of section 6(b)(5) of the Act⁷ 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 to protect investors and the public interest. The Commission believes that the proposed rule change should clarify the specialist's obligations in handling P/A Orders, which should facilitate the efficient handling of P/A Orders through the Linkage.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice thereof in the **Federal Register**. As noted above, the proposed rule change incorporates changes into the Amex Rules that correspond to changes made to the Linkage Plan through Joint Amendment No. 10, which was published for comment on May 19, 2004.⁸ The Commission received no comments on the substance of that Amendment. The Commission believes that no new issues of regulatory concerns are being raised by Amex's proposed rule change. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with sections 6 and 19(b) of the Act.⁹

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,¹⁰ that the proposed rule change (SR-Amex-2004-34) is approved on an accelerated basis.

⁶ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁷ 15 U.S.C. 78f(b)(5).

⁸ See Securities Exchange Act Release No. 49689 (May 12, 2004), 69 FR 28953.

⁹ 15 U.S.C. 78f and 78s(b).

¹⁰ 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04-14585 Filed 6-25-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49892; File No. SR-Amex-2004-46]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to an Extension of Automatic Execution for Exchange Traded Funds

June 18, 2004.

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 June 7, 2004, 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, II and III below, which the Amex has prepared. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex seeks an extension of Amex Rule 128A to continue its pilot program for the automatic execution of orders for Exchange Traded Funds until the implementation of the new technology embodied in SR-Amex 2004-04 or six months, whichever is sooner.

The text of the proposed rule change is available at the Office of the Secretary, 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 its proposal and discussed any comments it had received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 June 19, 2001, the Commission approved the Exchange's proposal to permit the automatic execution of orders for Exchange Traded Funds ("ETFs") on a six-month pilot program basis.³ On December 20, 2001, June 17, 2002, December 30, 2002, July 17, 2003, and December 5, 2003, the Exchange extended the pilot for consecutive terms of six months.⁴ The Exchange now seeks to extend the pilot until the implementation of the new technology embodied in SR-Amex 2004-04 or another six months, whichever is sooner.

Since 1986, the Exchange has had an automatic order execution feature ("Auto-Ex") for eligible orders in listed options. The Chicago Board Options Exchange, Inc., the Philadelphia Stock Exchange, Inc., and the Pacific Stock Exchange, Inc. established similar automatic option order execution features at about the same time as the Amex, and the newest options exchange, the International Stock Exchange, Inc., also features automatic order execution. Auto-Ex, accordingly, has been a standard feature of the options markets for a number of years.

In 1993, the Amex commenced trading Standard and Poor's Depository Receipts® ("SPDRs®"), the first of the Exchange's increasingly popular ETFs. ETFs are individual securities that represent a fractional, undivided interest in a portfolio of securities. Currently, more than 100 ETFs are listed on the Amex. Like options, ETFs are a derivative security. Their price is a function of the value of the portfolio of securities underlying the ETF. Thus, as is the case with options, the Exchange is not the price discovery market for ETFs; the price discovery market is the market or markets where the underlying securities trade.

The Exchange is now proposing to extend its current Auto-Ex technology

³ See, Securities Exchange Act Release No. 34-44449 (June 19, 2001), 66 FR 33724 (June 25, 2001), approving File No. SR-Amex-2001-29.

⁴ See, Securities Exchange Act Release Nos. 45176, 66 FR 67582 (December 31, 2001); 46085, 67 FR 42836 (June 25, 2002); 47105, 68 FR 592 (January 6, 2003); and 48126, 68 FR 41189 (July 10, 2003) (notices of filing and immediate effectiveness of File Nos. SR-Amex-2001-105, SR-Amex-2002-42, SR-Amex-2002-99, and SR-Amex-2003-61, 48964, 68 FR 75664 (December 31, 2003) SR-Amex-2003-107, respectively).

for an additional six months to ETFs listed under Amex Rules 1002, 1002A, and 1202. This will provide investors that send eligible orders to the Exchange with faster executions than they otherwise would receive. Many investors desire rapid executions in trading securities that are priced derivatively since the value of the underlying instruments may fluctuate during order processing. The Amex, moreover, will incorporate a price improvement algorithm into Auto-Ex for ETFs. This will provide investors with better execution prices on their orders. The price improvement algorithm works in the following manner.

When the Amex establishes the National Best Bid or Offer ("NBBO"), Auto-Ex will be programmed to execute eligible incoming ETF orders at the Amex Published Quote ("APQ") plus a programmable number of trading increments with respect to the Amex bid, and less a programmable number of trading increments in the case of the Amex offer. For example, if the Amex Published Quote were 90.10 to 90.20, incoming sell orders might be automatically executed at 90.12 (the Amex bid plus two ticks) and incoming buy orders might be executed at 90.18 (the Amex offer less two ticks). If the Amex did not constitute the NBBO, Auto-Ex would execute eligible orders unless a trade through would result from an away ITS participant market. If a trade through would result, the order would be routed to the specialist for electronic processing through the Amex

electronic order book.⁵ Using the example above, if the Amex bid were 90, and an away ITS market were bidding 90.01, an incoming sell order would be automatically executed on the Amex at 90.02. (Recall that Auto-Ex in the example is programmed to execute the order at the Amex bid plus two ticks.) Continuing the example, if the away market were bidding 90.02, an incoming sell order would be automatically executed on the Amex at 90.02 (matching the away market). If the away market were bidding 90.03, the incoming sell order would not be automatically executed. Instead, it would be routed to the specialist for electronic processing through the electronic order book.

The amount of price improvement will be determined by the Auto-Ex Enhancements Committee ("Committee") upon the request of a specialist and may differ among ETFs. The Committee consists of the Exchange's four Floor Governors and the Chairmen (or their designees) of the Specialists Association, Options Market Makers Association and the Floor Brokers Association. The Exchange anticipates that the amount of price improvement will vary among securities based upon factors such as the width of the spread, the volatility of the underlying basket of securities, and liquidity of available hedging vehicles. The amount of price improvement may be adjusted intra-day. Auto-Ex for ETFs with price improvement will be unavailable when the spread is at a specified minimum and maximum

variation that may be adjusted security to security. The Committee will determine, upon the request of a specialist, the minimum and maximum spreads at which Auto-Ex will be unavailable.

Auto-Ex will be unavailable with respect to incoming sell orders when the Amex bid is for 100 shares. Auto-Ex will similarly be unavailable with respect to incoming buy orders when the Amex offer is for 100 shares. Orders that are otherwise Auto-Ex eligible orders also will be routed to the specialist and will not be automatically executed in situations where the specialist in conjunction with a Floor Governor or two Floor Officials determines that quotes are not reliable and the Exchange is experiencing communications or systems problems, "fast markets," or delays in the dissemination of quotes. Members and member organizations will be notified when the Exchange has determined that quotes are not reliable prior to disengaging Auto-Ex.

Specialists and Registered Options Traders that sign-on to the system will be automatically allocated the contra side of Auto-Ex trades for ETFs. Due to the automatic price improvement feature, the specialist and Registered Options Traders that sign onto Auto-Ex for ETFs will be deemed to be on parity for purposes of allocating the contra side of ETF Auto-Ex trades. The Exchange proposes to use the following methodology for the allocation of the contra side to Auto-Ex ETF trades.

Number of ROTs signed on to Auto-Ex in a crowd	Approximate number of trades allocated to the specialist throughout the day ("Target Ratio") (percent)	Approximate number of trades allocated to ROTs signed on to Auto-Ex throughout the day ("Target Ratio") (percent)
1	60	40
2-4	40	60
5-7	30	70
8-15	25	75
16 or more	20	80

At the start of each trading day, the sequence in which trades will be allocated to the specialist and Registered Options Traders signed-on to Auto-Ex will be randomly determined. Auto-Ex trades then will be automatically allocated in sequence on a rotating basis to the specialist and to the Registered Options Traders that

have signed-on to the system so that the specialist and the crowd achieve their "target ratios" over the course of a trading session. If an Auto-Ex eligible order is greater than 100 shares, Auto-Ex will divide the trade into lots of 100 shares each. Each lot will be considered a separate trade for purposes of

determining target ratios and allocating trades within Auto-Ex.

Round lot orders delivered to the post electronically for 2,000 shares or less are eligible for Auto-Ex for ETFs. Orders for an account in which a market maker in ETFs registered as such on another market has an interest are ineligible for Auto-Ex for ETFs. If orders for such

⁵ Once an order that is Auto-Ex eligible is sent to the Exchange, the person that initiated the order has no control over its execution. This is the case regardless of whether the order is executed by Auto-

Ex or is executed by the specialist because Auto-Ex is unavailable. If the order is routed to the specialist for handling because Auto-Ex is unavailable, the specialist does not know if the

order is for the account of a broker-dealer or for the account of a customer. This information is in the Exchange's order processing systems and is unavailable to the specialist.

market makers were eligible for Auto-Ex with price improvement, Amex specialists and Registered Options Traders would be unable to make markets with the proposed liquidity for other investors. (Orders for Amex Registered Traders are ineligible for Auto-Ex for ETFs pursuant to Commentaries .04 and .05 to Amex Rule 111 and Amex Rule 950(c).)

The specialist may request the Exchange to increase the maximum size of Auto-Ex eligible orders. Such requests will be reviewed by the Committee, which will approve, disapprove or conditionally approve such requests. The Committee will balance the interests of investors, the specialist, Registered Options Traders in the crowd, and the Exchange in determining whether to grant a request to increase the size of Auto-Ex eligible orders. The Committee also will consider requests from the specialist or Registered Options Traders to reduce the size of Auto-Ex eligible orders, balancing the same interests that it would consider in reviewing a request to increase the size of Auto-Ex eligible orders. The Committee, however, may not reduce the size of Auto-Ex eligible orders below 2,000 shares. In the event of system problems or unusual market conditions, a Floor Governor may reduce the size of Auto-Ex eligible orders below 2,000 shares or increase the size of Auto-Ex eligible orders up to 5,000 shares. Any such change will be temporary and will only last until the end of the unusual market condition or the correction of the system problem. Members and member organizations will be notified when the size of Auto-Ex eligible orders is adjusted due to system problems or unusual market conditions.

The Chairman and Vice Chairman of the Exchange, acting jointly, will determine which ETFs are Auto-Ex eligible.

2. Statutory Basis

The Amex believes the proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and with Section 6(b)(5)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 regulating, clearing, settling, processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market

and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers. The Amex believes that the proposed rule change will allow the Auto-Ex for ETFs pilot program to continue for an additional six months. The Amex further believes that the proposal will facilitate the comparison and settlement of trades since Auto-Ex transactions result in "locked-in" trades.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Amex neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- (i) Significantly affect the protection of investors or the public interest;
- (ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹ At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁰ normally does not become operative prior to 30 days after the date of filing. However, pursuant to Rule 19b-4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Amex has requested that the Commission waive both the five-day notice and the 30-day operative delay specified in Rule 19b-4(f)(6)(iii).¹¹

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).

¹¹ 17 CFR 240.19b-4(f)(6)(iii).

The Commission believes that waiving the five-day notice and the 30-day operative delay is consistent with the protection of investors and the public interest¹² because it will allow the Amex to continue to the pilot without interruption. For these reasons, the Commission designates the proposed rule change as effective and operative on June 7, 2004. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-Amex-2004-46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-Amex-2004-46. 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

¹² For purposes of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the 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-2004-46 and should be submitted on or before July 19, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04-14586 Filed 6-25-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49888; File No. SR-ISE-2004-06]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by International Securities Exchange, Inc., Relating to Handling of Principal Acting as Agent Orders Under Linkage

June 17, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 4, 2004, the International Securities Exchange, Inc. (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend the requirements regarding how our Members handle Principal Acting as Agent Orders ("P/A Orders") pursuant to the intermarket linkage ("Linkage").

The text of the proposed rule change is available at the Office of the Secretary, ISE, 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 Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to implement proposed Joint Amendment No. 10 to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage ("Linkage Plan").³ That amendment, together with this proposed rule change, will clarify the manner in which an ISE Member may send P/A Orders that are larger than the Firm Customer Quote Size ("FCQS"). A P/A Order is an order for the account of an ISE Primary Market Maker ("PMM") or a specialist or specialist equivalent on another exchange for its own account reflecting the terms of an unexecuted customer order for which the PMM has responsibility. The FCQS is the minimum size for which an exchange must provide an execution in its automatic execution system for a P/A Order, if the exchange's auto-ex system is available.

Currently, Linkage Plan Section 7(a)(ii)(B) and ISE Rule 1901 ("ISE Rule") provide a PMM with two ways to handle such orders. First, the PMM may send a P/A Order larger than the FCQS for manual processing at the receiving exchange. Second, the PMM may send an initial P/A Order for up to the FCQS. If the PMM then seeks to send another P/A Order, it must send an order for the lesser of the entire remaining size of the underlying customer order or 100 contracts.

This proposed rule change addresses the handling of orders if the PMM

chooses the second alternative, the sending of multiple P/A Orders. As currently drafted, the Linkage Plan and ISE Rule do not recognize the possibility that an exchange's disseminated quotation may be for less than either the remaining size of the customer order or 100 contracts. Thus, this proposal specifies that a PMM sending a second P/A Order may limit such order to the lesser of: (1) The remaining size of the customer order; (2) 100 contracts; or (3) the size of the receiving exchange's disseminated quotation.

In addition, there is a practical issue if multiple exchanges are displaying the same bid or offer. In that case, the Linkage Plan is unclear as to whether a PMM must send the entire order to one exchange or can send orders to multiple exchanges, as long as they are for the size of the entire order, or 100 contracts, in the aggregate. This proposed rule change clarifies the ISE Rule to specify that a PMM may send P/A Orders to multiple exchanges, as long as all such orders, in the aggregate, are for the lesser of the entire remaining size or 100 contracts. However, as is the case when only one exchange is at the NBBO, a PMM may limit the size of any single additional order to the size of the receiving market's disseminated quotation.

2. Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) of the Act⁴ 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 foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transaction in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the Exchange believes that the proposed rule change will enhance the national market system for options by improving the way all exchanges handle P/A Orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

¹³ 17 CFR 200.30-3(a)(12).

¹⁴ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 49689 (May 12, 2004), 69 FR 28953 (May 19, 2004) (File No. 4-429) (Notice of Filing of Joint Amendment No. 10 to the Linkage Plan).

⁴ 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. 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-ISE-2004-06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609.

All submissions should refer to File Number SR-ISE-2004-06. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal offices of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions

should refer to File Number SR-ISE-2004-06 and should be submitted on or before July 19, 2004.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

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.⁵ In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act⁶ 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 to protect investors and the public interest. The Commission believes that the proposed rule change should clarify the PMM's obligations in the handling of P/A Orders, which should facilitate the efficient handling of P/A Orders through the Linkage.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice thereof in the **Federal Register**. As noted above, the proposed rule change incorporates changes into the ISE Rules that correspond to changes made to the Linkage Plan through Joint Amendment No. 10, which was published for comment on May 19, 2004.⁷ The Commission received no comments on the substance of that Amendment. The Commission believes that no new issues of regulatory concern are being raised by ISE's proposed rule change. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with Sections 6 and 19(b) of the Act.⁸

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,⁹ that the proposed rule change (SR-ISE-2004-06) is approved on an accelerated basis.

⁵ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁶ 15 U.S.C. 78f(b)(5).

⁷ See note 3, *supra*.

⁸ 15 U.S.C. 78f and 78s(b).

⁹ 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04-14584 Filed 6-25-04; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49890; File No. SR-PCX-2004-33]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Pacific Exchange, Inc. Relating to How Members Handle Principal Acting as Agent Orders Pursuant to Intermarket Linkage

June 17, 2004.

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 15, 2004, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend the requirements regarding how our Members handle Principal Acting as Agent Orders ("P/A Orders") pursuant to the intermarket linkage ("Linkage"). The text of the proposed rule change is available at the Office of the Secretary, PCX, 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to implement Joint Amendment No. 10 to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage ("Linkage Plan").³ That amendment, together with this proposed rule change, will clarify the manner in which a PCX Member may send P/A Orders that are larger than the Firm Customer Quote Size ("FCQS"). A P/A Order is an order for the account of a PCX Lead Market Maker ("LMM") or a specialist or specialist equivalent account on another exchange for its own account reflecting the terms of an unexecuted customer order for which the LMM has responsibility. The FCQS is the minimum size for which an exchange must provide an execution in its automatic execution system for a P/A Order, if the exchange's auto-ex system is available.

Currently, Linkage Plan Section 7(a)(ii)(B) and PCX Rule 6.93 ("PCX Rule") provide a LMM with two ways to handle such orders. First, the LMM may send a P/A Order larger than the FCQS for manual processing at the receiving exchange. Second, the LMM may send an initial P/A Order for up to the FCQS. If the LMM then seeks to send another P/A Order, it must send an order for the lesser of the entire remaining size of the underlying customer order or 100 contracts.

This proposed rule change addresses the handling of orders if the LMM chooses the second alternative, the sending of multiple P/A Orders. As currently drafted, the Linkage Plan and the PCX Rule do not recognize the possibility that an exchange's disseminated quotation may be for less than either the remaining size of the customer order or 100 contracts. Thus, the proposed rule change specifies that a LMM sending a second P/A Order may limit such order to the lesser of: (1) The remaining size of the customer order; (2) 100 contracts; or (3) the size of the receiving exchange's disseminated quotation.

In addition, there is a practical issue if multiple exchanges are displaying the

same bid or offer. In that case, the Linkage Plan is unclear as to whether a LMM must send the entire order to one exchange or can send orders to multiple exchanges, so long as they are for the size of the entire order, or 100 contracts, in the aggregate. This proposed rule change clarifies the PCX Rule to specify that a LMM may send P/A Orders to multiple exchanges, as long as all such orders, in the aggregate, are for the lesser of the entire remaining size or 100 contracts. However, as is the case when only one exchange is at the NBBO, a LMM may limit the size of any single additional order to the size of the receiving market's disseminated quotation.

2. Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act⁵ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of change, 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 a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File

Number SR-PCX-2004-33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-PCX-2004-33. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal offices of the PCX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-PCX-2004-33 and should be submitted on or before July 19, 2004.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

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 In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act⁷ 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

³ See Securities Exchange Act Release No. 49689 (May 12, 2004), 69 FR 28953 (May 19, 2004) (File No. 4-429) (Notice of Filing of Joint Amendment No. 10 to the Linkage Plan).

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

⁶ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁷ 15 U.S.C. 78f(b)(5).

mechanism of a free and open market, and to protect investors and the public interest. The Commission believes that the proposed rule change should clarify the LLM's obligations in handling P/A Orders, which should facilitate the efficient handling of P/A Orders through the Linkage.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice thereof in the **Federal Register**. As noted above, the proposed rule change incorporates changes into the PCX Rules that correspond to changes made to the Linkage Plan through Joint Amendment No. 10, which was published for comment on May 19, 2004.⁸ The Commission received no comments on the substance of that Amendment. The Commission believes that no new issues of regulatory concern are being raised by PCX's proposed rule change. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with Sections 6 and 19(b) of the Act.⁹

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁰ that the proposed rule change (SR-PCX-2004-33) is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 04-14540 Filed 6-25-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49891; File No. SR-Phlx-2004-26]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Sending Multiple Principal Acting as Agent Orders That Are Larger Than the Firm Customer Quote Size

June 17, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹, and Rule 19b-4² thereunder,

notice is hereby given that on April 23, 2004, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 1084(c), Operation of the Linkage, to clarify the manner in which the Exchange may send a Principal Acting as Agent Order ("P/A Order")³ that is larger than the Firm Customer Quote Size ("FCQS")⁴ under the Plan for the Purpose of Creating and Operating an Options Intermarket Linkage (the "Linkage Plan"). The text of the proposed rule change is available at the Office of the Secretary, Phlx, 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 Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

³ A Principal Acting as Agent ("P/A") Order is an order for the principal account of a specialist (or equivalent entity on another Participant Exchange that is authorized to represent Public Customer orders), reflecting the terms of a related unexecuted Public Customer order for which the specialist is acting as agent. See Phlx Rule 1083(k).

⁴ "Firm Customer Quote Size" means the lesser of (a) the number of option contracts that the Participant Exchange sending a P/A Order guarantees it will automatically execute at its disseminated price in a series of an Eligible Option Class for Public Customer orders entered directly for execution in that market; or (b) the number of option contracts that the Participant Exchange receiving a P/A Order guarantees it will automatically execute at its disseminated price in a series of an Eligible Option Class for Public Customer orders entered directly for execution in that market. See Phlx Rule 1083(g).

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 clarify the manner in which an Exchange member may send P/A Orders that are larger than the FCQS. Currently, under Linkage Plan Section 7(a)(ii)(B) and Exchange Rule 1084, a specialist may send a P/A Order through Linkage in one of two ways when the P/A Order is larger than the FCQS. First, a specialist may send a P/A Order larger than the FCQS for manual processing at the receiving exchange. Second, the specialist may send an initial P/A Order for up to the FCQS. If the receiving exchange executes the P/A Order and continues to disseminate the same price at the National Best Bid or Offer ("NBBO") for 15 seconds after reporting the execution of the initial P/A Order, the specialist may send an additional P/A Order to the same Participant Exchange for the lesser of the entire remaining size of the customer order or 100 contracts.

The proposed rule change addresses the handling of orders when the specialist chooses the second alternative, *i.e.*, to send multiple P/A Orders. The current Linkage Plan and Exchange rules do not account for the possibility that an exchange's disseminated quotation may be for less than either the remaining size of the customer order or 100 contracts. In order to properly address that possibility, the proposed amendment to Phlx Rule 1084(c)(2)(ii) would specify that a specialist sending a second P/A order may limit the size of such an order to the lesser of: (1) The size of the receiving exchange's disseminated quotation; (2) 100 contracts; or (3) the entire remaining size of the customer order.

The proposal also addresses how multiple P/A orders are handled when more than one exchange is disseminating the same bid or offer at the NBBO. Currently, the Linkage Plan and exchange rules are not definitive as to whether, in the case of multiple P/A orders, the specialist must send the entire order to one exchange or may send orders to multiple exchanges that are disseminating the same bid or offer at the NBBO. The proposed rule change would permit a specialist to send P/A orders to multiple exchanges, provided that all such orders are for the lesser of the entire remaining size or 100 contracts in the aggregate. A specialist may, nonetheless, limit the size of any single additional P/A order to the size

⁸ See note 3, *supra*.

⁹ 15 U.S.C. 78f and 78s(b).

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.

of the receiving exchange's disseminated quotation.

The proposed rule change also includes administrative provisions relating to the time period within which a receiving exchange must inform the specialist of the amount of the order executed and the amount, if any, that was canceled, and the time period for which a sending exchange must wait while the receiving exchange continues to disseminate the same price at the NBBO before sending a second P/A order. Currently, the applicable time period for each such circumstance is 15 seconds. The proposed rule change contemplates that the Options Linkage Authority could determine different applicable time periods for both circumstances, and that any change to such time periods must be approved by the Commission before becoming effective.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act⁶ in particular, in that it is designed to perfect the mechanisms of a free and open market and the national market system, protect investors and the public interest and promote just and equitable principles of trade, by permitting Exchange specialists to send multiple P/A Orders to multiple exchanges for a number of contracts equal to the receiving exchange's disseminated size.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. 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-Phlx-2004-26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-Phlx-2004-26. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal offices of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2004-26 and should be submitted on or before July 19, 2004.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

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.⁷ In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act⁸ 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 to protect investors and the public interest. The Commission believes that the proposed rule change should clarify the specialist's obligations in handling P/A Orders, which should facilitate the efficient handling of P/A Orders through the Linkage.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice thereof in the **Federal Register**. As noted above, the proposed rule change incorporates changes into the Phlx Rules that correspond to changes made to the Linkage Plan through Joint Amendment No. 10, which was published for comment on May 19, 2004.⁹ The Commission received no comments on the substance of that Amendment. The Commission believes that no new issues of regulatory concern are being raised by Phlx's proposed rule change. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with Sections 6 and 19(b) of the Act.¹⁰

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹¹ that the proposed rule change (SR-Phlx-2004-26) is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 04-14539 Filed 6-25-04; 8:45 am]

BILLING CODE 8010-01-P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of proposed priorities; request for public comment.

SUMMARY: As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the Federal sentencing guidelines, and in accordance with Rule 5.2 of its

⁹ See Securities Exchange Act Release No. 49689 (May 12, 2004), 69 FR 28953.

¹⁰ 15 U.S.C. 78f and 78s(b).

¹¹ 15 U.S.C. 78s(b)(2).

¹² 17 CFR 200.30-3(a)(12).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁸ 15 U.S.C. 78f(b)(5).

Rules of Practice and Procedure, the Commission is seeking comment on possible priority policy issues for the amendment cycle ending May 1, 2005.

DATES: Public comment should be received on or before August 5, 2004.

ADDRESSES: Send comments to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2-500, South Lobby, Washington, DC 20002-8002, Attention: Public Affairs-Priorities Comment.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502-4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for Federal sentencing courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

For the amendment cycle ending May 1, 2005, and possibly continuing into the amendment cycle ending May 1, 2006, the Commission has identified the following tentative priorities:

(1) Implementation of crime legislation enacted during the second session of the 108th Congress warranting a Commission response.

(2) Continuation of its policy work regarding immigration offenses, specifically, offenses under §§ 2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien), and 2L1.2 (Unlawfully Entering or Remaining in the United States), and chapter two, part L, subpart 2 (Naturalization and Passports), which also may involve the formation of an ad hoc advisory group on immigration offenses.

(3) Continuation of its work on the "15 Year Study," which is composed of a number of projects geared toward analyzing the guidelines in light of the goals of sentencing reform described in the Sentencing Reform Act.

(4) Continuation of its multi-year research, policy work, and possible guideline amendments relating to chapter four (Criminal History and Criminal Livelihood), which may include (A) assessment of the calculation of criminal history points for first time offenders and offenders who are in the highest criminal history categories; (B) assessment of the criminal history rules for the inclusion or exclusion of certain prior offenses;

(C) assessment of the criminal history rules for related cases; and (D) consideration of other application issues relating to simplifying the operation of chapter four.

(5) Continued review of data regarding the incidence of downward departures and fast-track programs, in view of the PROTECT Act.

(6) Continuation of its work with Congress and other interested parties on cocaine sentencing policy in view of the Commission's 2002 report to Congress, *Cocaine and Federal Sentencing Policy*.

(7) A general review of the firearms guidelines in chapter two, part K (Offenses Involving Public Safety), including an assessment of non-MANPADS destructive devices.

(8) Consideration of policy statements pertaining to compassionate release programs.

(9) A general review of, and possible amendments pertaining to, hazardous materials, and possibly other environmental offenses under chapter two, part Q (Offenses Involving the Environment).

(10) Continued monitoring of, and/or possible amendments pertaining to, section 5 of the CAN-SPAM Act, Public Law 108-187.

(11) Other miscellaneous and limited issues pertaining to the operation of the sentencing guidelines, including (A) resolution of a number of circuit conflicts, including the circuit conflict regarding the definition of "felony", as incorporated into § 2K2.6 (Possessing, Purchasing, or Owning Body Armor by Violent Felons) effective November 1, 2004; (B) continuation of policy work regarding offenses involving gamma-butyrolactone (GBL), a precursor for gamma-hydroxybutyric acid (GHB), sentenced under § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy); (C) simulated controlled substances; (D) structural issues regarding the Sentencing Table in chapter five, part A, particularly "cliff-like" effects occurring between levels 42 and 43, and a possible adjustment to the offense level computation when the offense level exceeds level 43; (E) commentary regarding the appropriate starting point for departures under § 5K1.1 (Substantial Assistance), particularly in cases in which the government has moved for relief from imposition of an otherwise applicable mandatory minimum term of imprisonment; and (F) commentary to § 3C1.1 (Obstructing or Impeding the Administration of Justice) regarding encryption; and

(12) Amendments to the Commission's Rules of Practice and

Procedure regarding retroactivity, public access to Commission materials, and access to nonpublic Commission meetings.

The Commission hereby gives notice that it is seeking comment on these tentative priorities and on any other issues that interested persons believe the Commission should address during the amendment cycle ending May 1, 2005, including short- and long-term research issues. To the extent practicable, comments submitted on such issues should include the following: (1) A statement of the issue, including scope and manner of study, particular problem areas and possible solutions, and any other matters relevant to a proposed priority; (2) citations to applicable sentencing guidelines, statutes, case law, and constitutional provisions; and (3) a direct and concise statement of why the Commission should make the issue a priority.

Authority: 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 5.2.

John R. Steer,
Vice Chair.

[FR Doc. 04-14592 Filed 6-25-04; 8:45 am]

BILLING CODE 2210-40-P

DEPARTMENT OF STATE

[Public Notice 4752]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Eurasian Undergraduate Exchange Program

SUMMARY: The Office of Academic Exchange Programs of the Bureau of Educational and Cultural Affairs announces an open competition for the Eurasian Undergraduate Exchange Program (formerly the FREEDOM Support Act Undergraduate Program). Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3) may submit proposals to administer the recruitment, selection, placement, monitoring, evaluation, follow-on, and alumni activities for the FY 2005 Eurasian Undergraduate Exchange Program. Organizations with less than four years of experience in conducting international exchange programs are not eligible for this competition.

Overview: The Eurasian Undergraduate Exchange Program provides scholarships for one-year, non-degree study at U.S. institutions of higher education to outstanding students from Eurasia (Armenia,

Azerbaijan, Belarus, Georgia, Kazakhstan, Krygyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan). Scholarships are available in the fields of agriculture, American studies, business, computer science, economics, education, environmental management, international relations, journalism and mass communication, political science, and sociology. Applicant organizations should propose other appropriate fields of study. Scholarships are granted to students who have completed at least one year of study at an accredited university in their home countries. Eurasian Undergraduate Exchange Program participants will be enrolled in one-year, non-degree programs at both four-year colleges and universities, and community colleges. Students will enhance their academic education with participation in community service and an internship during the academic year. Interested organizations should read the entire **Federal Register** announcement for all information prior to preparing a proposal.

Budget Guidelines: Awards will begin on or about October 1, 2004, and will be approximately two years in duration.

Applicants must submit a comprehensive budget for the entire program. The level of funding for FY 2005 is uncertain, but is anticipated to be approximately \$5,000,000. Based on this figure, applicant organizations should submit a budget funding approximately 170 participants. The Bureau anticipates awarding one grant under this competition. Applicant organizations are encouraged, through cost sharing and other methods, to provide for as many scholarships as possible based on approximated funding. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions. The Bureau grant guidelines state that organizations with less than four years experience in conducting international exchange programs are limited to \$60,000 in Bureau funding. It is anticipated that the grant or grants awarded under this competition will well exceed \$60,000. Therefore, organizations with less than four years experience per above, are not eligible under this competition.

Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is the Bureau's intent to renew this grant for

two additional fiscal years, before openly competing it again.

Announcement Title and Number: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/E/EUR-05-04.

FOR FURTHER INFORMATION CONTACT: The Office of Academic Exchange Programs, ECA/A/E/EUR, Room 246, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC 20547, phone: 202-205-7494; fax: 202-260-7985, jilkalm@state.gov to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Manager Lucy Jilka on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package via Internet: The entire Solicitation Package may be downloaded from the Bureau's Web site at <http://exchanges.state.gov/education/RFGPs>. Please read all information before downloading.

New OMB Requirement

AN OMB policy directive published in the **Federal Register** on Friday, June 27, 2003, requires that all organizations applying for Federal grants or cooperative agreements must provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for all Federal grants or cooperative agreements on or after October 1, 2003. The complete OMB policy directive can be referenced at http://www.whitehouse.gov/omb/fedreg/062703_grant_identifier.pdf. Please also visit the Bureau Web site at <http://exchanges.state.gov/education/rfgps/menu.htm> for additional information on how to comply with this new directive.

Shipment and Deadline for Proposals: Important note: The deadline for this competition is July 30, 2004. In light of recent events and heightened security measures, proposal submissions must be sent via a nationally recognized overnight delivery service (*i.e.*, DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.) and be shipped no later than the above deadline. The delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that

may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at the Bureau more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to the Bureau via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Applicants must follow all instructions in the Solicitation Package. The original and eight (8) copies of the application should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/E/EUR-05-04, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Along with the Project Title, all applicants must also enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instruction (PSI) document.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to the Public Affairs Sections at the U.S. Embassies for review.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total

proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Grantee will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov> or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD-SA-44, Room 734, 301 4th Street, SW., Washington, DC 20547. Telephone: (202) 401-9810. Fax: (202) 401-9809.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Affairs Sections overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be

reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.
2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.
3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.
4. *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.
5. *Support of diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).
6. *Institutional capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.
7. *Institution's record/ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.
8. *Follow-on activities:* Proposals should provide a plan for continued follow-on activity ensuring that Bureau supported programs are not isolated events.

9. *Project evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

10. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through FREEDOM Support Act legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by

Congress, allocated and committed through internal Bureau procedures.

Dated: June 22, 2004.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 04-14599 Filed 6-25-04; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 4751]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Survey of International Educational Exchange Activity in the United States (Foreign Students and Scholars in the U.S. and U.S. Students Studying Abroad)

Summary: The Educational Information and Resources Branch, Office of Global Educational Programs, Bureau of Educational and Cultural Affairs (the Bureau) announces an open competition for a survey of International Educational Exchange Activity in the United States. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to conduct a statistical survey (census) of foreign nationals affiliated with institutions of higher learning in the United States. The survey, which should be conducted in the most economical way possible, should identify the number of foreign students and scholars studying, conducting research, or teaching at all accredited universities and colleges in the United States during the 2004/2005 academic year (fall 2004 through spring 2005). It must also provide detailed individual student profile data, country-specific aggregate data that enumerate the numbers of foreign students and scholars from a given country affiliated with individual U.S. institutions. Finally, as an indicator of U.S. institutional support for international educational exchange, the report should also include data about the number of American students studying abroad in credit-bearing programs of all types (year-long, semester, short-term and summer). Proposals should describe the methodology that will be used to collect the data, whether by survey, in collaboration with the Department of Homeland Security or some combination thereof, and how the material will be analyzed and presented to the public. The proposal must also include plans to establish an advisory

board to provide assistance in identifying and framing policy issues that may need to be addressed by policymakers.

Program Information

Overview: The State Department's Bureau of Educational and Cultural Affairs, with its mandate under the Fulbright-Hays Act to promote mutual understanding through international educational exchange, has supported a survey of foreign students in the United States since 1974 in order to gain an accurate and up-to-date picture of international educational exchange activity in the United States. Recent reports have expanded on the original survey's parameters to include foreign scholars and U.S. students studying overseas.

Proposals to conduct this project should describe plans for a statistical survey that would offer a detailed and comprehensive picture of the number and academic characteristics (major fields of study or program, level of study, etc.) of non-immigrant foreign nationals (that is, excluding permanent residents and refugees) affiliated with (*i.e.*, enrolled at, employed by, etc.) American institutions of higher learning, as well the number of U.S. students studying abroad. Topics that should be covered in the survey include the number of foreign students and scholars, their gender and countries of origin. Information about students' academic level (undergraduate, graduate, post-doctorate), fields of study, primary source of financial support, financial contributions they make while in the United States, and location of study should be included.

Proposals may request Bureau funding of a publication, Web site, database, newsletter, or another medium that is presented as a viable vehicle for making this data widely available in a timely manner and in a clear and concise format. The Bureau reserves the right to reproduce, publish or otherwise use any work developed under this grant for U.S. Government purposes.

Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant for two additional fiscal years before the next competition. Future support will be contingent upon accurate data collection, quality of presentation of that data, and prompt publication of the census.

Guidelines: Proposals should include a precise description of the methodology to be used to obtain the data called for in this solicitation. Applicants are reminded of the need to

find the most economical approach to gathering the data and are encouraged to explore electronic data collection. Applicants should also seek ways of making the information available within the academic year that it is collected.

Data collected should be published annually for public consumption. Applicants are also encouraged to include information about their capacity to carry out electronic surveys and report on findings at the request of the Bureau that would focus on one or more critical issues that may arise during the period in which census data is being gathered.

To provide for a more detailed analysis and cross tabulation of the characteristics of foreign students studying in the United States, individual student profile data should also be collected. This individual student profile data should be provided to the Bureau in a format that is country-specific and should show the number of students from a specific country attending selected institutions of higher education in each state of the U.S.

The Bureau seeks a clear presentation and rigorous analysis of the data collected that will draw conclusions about trends in foreign student enrollments, numbers of foreign scholars on U.S. campuses and American students studying abroad that can be used to guide policy discussions for both government and academia.

The grantee must establish an advisory board on the annual survey to provide assistance in identifying and framing policy issues to be addressed; the board should meet at least once a year. Board members would likely be drawn from a broad range of educational associations and organizations such as NAFSA: Association of International Educators, the American Association of Collegiate Registrars and Admissions Officers and the Council of Graduate Schools, among others, and would be expected to provide perspectives on topics that are related to the internationalization of higher education.

Scholarly analyses of survey data addressing pertinent policy issues should be included in the final report, which will be read by policymakers in government, academia, and business, as well as practitioners in international educational exchange. The report should also include a narrative on the mechanics and uses of data analysis, highlighting how conclusions can be drawn from the data collected, some of the limitations of that analysis, and how the data can benefit the educational institutions supplying it, for example, as a campus advocacy or recruiting tool.

Applicants should include with the proposal a complete list of proposed chapter headings and sample analyses.

The Bureau welcomes innovative approaches to the presentation of material, including possible breakdowns for minority-serving institutions such as Historically Black Colleges and Universities and the Hispanic Association of Colleges and Universities. The Bureau also encourages applicants to consider including comment on other topics of current interest in the final report, such as:

(1) How the international exchange population is affected by U.S. visa policies;

(2) How student flows to the U.S. may have been affected by efforts of other countries to attract foreign students, by the expansion of the European Union and its efforts to build an academic market via the Bologna Agreement, etc.

(3) How political and economic trends in other countries are reflected in student flows to the U.S.;

(4) How economic trends in the U.S., including the rise in tuition levels and the cost of living, may have affected student flows to the U.S.;

(5) As an element of global trade, how international student flows may have commercial significance for the development of foreign markets for U.S. education and training;

(6) The impact of international students and scholars on U.S. academic institutions and departments;

(7) Demonstrated benefits of study abroad; for example, as seen by employers;

(8) U.S. institutions' activities to educate foreign students in their home countries, through, for example, overseas campuses or distance education programs to complement the data now collected on education of foreign students in the United States.

(9) The numbers of foreign students studying in intensive English language programs in the United States.

The grant should begin on or about October 1, 2004, and run through September 30, 2005.

Budget Guidelines: Grants awarded to eligible organizations with less than four years experience in conducting international exchange programs will be limited to \$60,000. The Bureau anticipates awarding one grant in the amount of \$190,000 to support program and administrative costs required to implement this program. The Bureau encourages applicants to provide maximum levels of cost-sharing and funding from private sources in support of its programs.

Applicants must submit a comprehensive budget for the entire program. Awards may not exceed \$190,000. There must be a summary budget as well as breakdown reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Allowable costs for the program include the following:

(1) Salaries and fringe benefits; travel and per diem;

(2) Other direct costs, inclusive of rent, utilities, etc.;

(3) Overhead expenses and auditing costs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number: All communications with the Bureau concerning this RFGP should refer to the announcement's title and reference number *ECA/A/S/A 05-01*.

FOR FURTHER INFORMATION CONTACT: The Office of Global Educational Programs, Educational Information and Resource Branch, U.S. Department of State, 301 4th Street, SW., (SA-44), Washington, DC 20547, tel: (202) 619-5549, fax: (202) 401-1433, e-mail: PrinceAL@state.gov to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Ann Prince on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package via Internet: The entire Solicitation Package may be downloaded from the Bureau's Web site at: <http://exchanges.state.gov/education/RFGPs>. Please read all information before downloading.

New OMB Requirement

AN OMB policy directive published in the **Federal Register** on Friday, June 27, 2003, requires that all organizations applying for Federal grants or cooperative agreements must provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for all Federal grants or cooperative agreements on or after October 1, 2003. The complete OMB policy directive can be referenced at <http://www.whitehouse.gov/omb/>

[fedreg/062703_grant_identifier.pdf](http://www.fedreg/062703_grant_identifier.pdf). Please also visit the ECA Web site at <http://exchanges.state.gov/education/rfgps/menu.htm> for additional information on how to comply with this new directive.

Shipment and Deadline for Proposals: Important note: The deadline for this competition is July 30, 2004. In light of recent events and heightened security measures, proposal submissions must be sent via a nationally recognized overnight delivery service (*i.e.*, DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.) and be shipped no later than the above deadline. The delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages may not be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/A-05-01, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Along with the Project Title, all applicants must also enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instruction (PSI) document.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to the Public Affairs Section at the U.S. embassy for its review.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

If applicable, the Grantee will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov>

or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA-44, Room 734, 301 4th Street, SW., Washington, DC 20547. Telephone: (202) 401-9810. Fax: (202) 401-9809.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

- (1) *Quality of the Program Idea*: Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.
- (2) *Program Planning*: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.
- (3) *Ability to Achieve Program Objectives*: Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.
- (4) *Support of Diversity*: Proposals should demonstrate substantive support of the Bureau's policy on diversity.
- (5) *Institutional Capacity*: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.
- (6) *Institution's Record/Ability*: Proposals should demonstrate an institutional record of successful data collection and statistical analysis, as well as responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The

Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

(7) *Project Evaluation*: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives are recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

(8) *Cost-Effectiveness*: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

(9) *Cost-sharing*: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative.

Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 22, 2004.

C. Miller Crouch,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 04-14600 Filed 6-25-04; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Advisory Circular 23.1311-1B, Installation of Electronic Displays in Part 23 Airplanes**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed advisory circular (AC) and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed AC. Proposed AC 23.1311-1B provides information and guidance concerning an acceptable means, but not the only means, of compliance with Title 14 of the Code of Federal Regulations (14 CFR), part 23, applicable to the installation of electronic displays in part 23 airplanes. This AC contains over twenty updates since the last issuance. Two of the major revisions are new sections: field-of-view and color for weather displays.

DATES: Comments must be received on or before August 27, 2004.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Regulations and Policy (ACE-111), 901 Locust Street, Kansas City, Missouri 64106. Electronic comments may be sent to the individual named under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Ervin Dvorak (*erv.dvorak@faa.gov*), Standards Office, Small Airplane Directorate, Aircraft Certification Service, Kansas City, Missouri 64106, telephone (816) 329-4123, fax (816) 329-4090.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed AC by contacting the person named above under **FOR FURTHER INFORMATION CONTACT**. A copy of the AC will also be available on the Internet at

<http://www.airweb.faa.gov/AC> within a few days.

Comments Invited: We invite interested parties to submit comments on the proposed AC. Commenters must identify AC 23.1311-1B and submit comments to the address specified above. The FAA will consider all communications received on or before the closing date for comments before issuing the final AC. The proposed AC and comments received may be inspected at the Standards Office (ACE-110), 901 Locust, Room 301, Kansas City, Missouri, between the hours of 8:30 and 4:00 p.m. weekdays, except Federal holidays, by making an appointment in advance with the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background: AC 23.1311-1B, "Installation of Electronic Displays in Part 23 Airplanes," will replace AC 23.1311-1A, "Installation of Electronic Display Instrument Systems in Part 23 Airplanes," dated March 12, 1999. Amendment 23-41, effective November 26, 1990, established airworthiness standards under § 23.1311 for installing electronic display instrument systems in normal, utility, acrobatic, and commuter category airplanes. When the first electronic displays were developed, they replaced conventional electromechanical components. Later designs provided more extensive information integration. Amendment 23-49, effective March 11, 1996, harmonized 14 CFR, part 23, with the Joint Aviation Requirements. The most recent revision to § 23.1311 removed redundant requirements and clarified what secondary instruments are required.

Issued in Kansas City, Missouri on June 16, 2004.

William J. Timberlake,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-14632 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Intent To Rule on Request To Release Airport Property Owned by the Cities of Winfield and Arkansas City, Winfield, Kansas**

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of Request to Release Airport Property.

SUMMARY: The FAA proposes to rule and invites public comment on the release of

approximately 654 acres of airport land located approximately 15 miles from the Strother Field Airport/Industrial Park under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before July 28, 2004.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Federal Aviation Administration, Central Region, Airports Division, ACE-610C, 901 Locust, Kansas City, Missouri 64106-2325. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jerald Hooley, Chairman, Strother Field Commission, at the following address: Strother Field Airport/Industrial Park, P.O. Box 747, Winfield, Kansas 67156.

FOR FURTHER INFORMATION CONTACT: Mrs. Nicoletta S. Oliver, Airports Compliance Specialist, Federal Aviation Administration, Central Region, Airports Division, ACE-610C, 901 Locust, Kansas City, Missouri 64106-2325. The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property owned by the Cities of Winfield and Arkansas City, Winfield, Kansas, under the provisions of AIR21.

On April 8, 2004, the FAA determined that the request to release property owned by the Cities of Winfield and Arkansas City, Winfield, Kansas, submitted by the Strother Field Commission met the procedural requirements of the Federal Aviation Regulations, Part 155.

The FAA will approve or disapprove the request, in whole or in part, no later than July 30, 2004.

The following is a brief overview of the request.

The Strother Field Commission requests the release of approximately 654 acres of airport property on the West Auxiliary Site, which was acquired through the Surplus Property Act of 1944. This land is located nearly 15 miles from the airport and was used by the Army during World War II as an auxiliary land site, but is currently not being used for aeronautical purposes. Because of this property's distance from the actual location of the airport/industrial park, staff is not able to regularly patrol or inspect this property. The release of the property will allow for the sale of the land to generate revenue for use at the Strother Field Airport/Industrial Park. The Strother

Field Commission has current oil and gas leases, which have produced income for the airport and the Commission will retain these leases.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

CONTACT.

In addition, any person may inspect the request, notice and other documents germane to the request in person at the Strother Field Airport/Industrial Park.

Issued in Kansas City, Missouri, on April 8, 2004.

George A. Hendon,

Manager, Airports Division Central Region.

[FR Doc. 04-14520 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for a Change in Use of Aeronautical Property at Thomasville Municipal Airport, Thomasville, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: Section 125 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) requires the FAA to provide an opportunity for public notice and comment prior to the "waiver" or "modification" of a sponsor's Federal obligation to use certain airport land for aeronautical purposes.

The Federal Aviation Administration is requesting public comment on the city of Thomasville's request to change a portion (10.5 acres) of airport property from aeronautical use to non-aeronautical use.

The subject property is located adjacent to the County Oaks Public Golf Course located on Lawhorn Road in Land Lots 218 of the 13th Land District of Thomas County, Georgia.

DATES: Comments must be received on or before July 28, 2004.

ADDRESSES: Documents are available for review at the Airport Manager's office and the FAA Airport District Office at the following addresses below:

Mr. John F. Wood, Airport Operations Engineer, Thomasville Municipal Airport, 111 Victoria Place, Thomasville, GA 31792.

Atlanta Airport District Office, 1701 College Ave., Suite 2-260, Columbia Ave., Suite 2-260, College Park, GA 30337-2747.

FOR FURTHER INFORMATION CONTACT: Phillip Cannon, Program Manager,

Federal Aviation Administration Southern Region, Atlanta Airports District Office, Campus Building, 1701 College Ave., Suite 2-260, College Park, GA 30337-2747. 404-305-7152, Fax: -7155.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the City of Thomasville to release 10.5 acres located at Thomasville Municipal Airport on the south side of Lawhorn Road west of its intersection with Centennial Road in Lot 218 on the 13th Land District of Thomas County, Georgia. Property is currently shown on the approved Airport Layout Plan as aeronautical land; however the property is currently not being used for aeronautical purposes and will not have an impact to aviation related work. Thomas County will continue to retain the property for use by the County Oaks Public Golf Course. The aviation easement will continue to be in effect for the Thomasville Municipal Airport. Property was acquired through the Thomasville Army Training Air Base and released by the Department of Defense in 1970. This surplus property is owned by the City of Thomasville and Thomas County. Sponsor's proposed sale of property is for the reorientation of the driving range of the County Oaks Public Golf Course away from its current location paralleled to Route 122. The disposition of the sale profit will enter into the Thomasville Municipal Airport Enterprise Fund at fair market value \$2000 per acre. (Almand & Company Appraisal Consultants, Valdosta, GA.)

Documents reflecting the Sponsor's request are available for inspection at the Airport Manager's office and the FAA Airport District Office.

Issued in Atlanta, Georgia on June 15, 2004.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 04-14634 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Federally Obligated Property Release at Warren County Memorial Airport, McMinnville, Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the Warren County Office of County Executive/Warren County Airport Commission to waive the requirement that a 0.40-acre parcel of federally obligated property, located at Warren County Memorial Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before July 28, 2004.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 2862 Business Park Drive, Bldg. G, Memphis, TN 38118-1555.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Kenneth Rogers, Warren County Executive, at the following address: Warren County Courthouse, Suite 1, 201 Locust Street, McMinnville, TN 37110.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Program Manager, Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, TN 38118-1555, (901) 322-8186. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by Warren County Office of County Executive/ Warren County Airport Commission to release a small strip of land, approximately 20 feet wide and 870 feet long, containing 0.40 acres of federally obligated property at Warren County Memorial Airport. The property will be exchanged for an adjacent tract that is in the Object Free Area for Runway 05/23. The land to be released is along a portion of the existing property line on the northwest side of the airfield. Release and exchange of the property will allow the airport owner to meet current Federal Aviation design standards for Runway 05/23 and construct a security fence to enhance the security of the airfield.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Warren County Regional Airport Authority.

Issued in Memphis, Tennessee on June 18, 2004.

LaVerne F. Reid,

Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 04-14521 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

RIN 2120-AA64

Draft Environmental Assessment for Rerouting Regional Jet and Turboprop Aircraft**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice of Availability of a Draft Environmental Assessment.

SUMMARY: The Federal Aviation Administration (FAA) is making available for comment a Draft Environmental Assessment (EA) regarding the proposed rerouting of regional jet and turboprop aircraft within airspace controlled by the new Boston Consolidated TRACON. The FAA is preparing the EA to comply with Environmental Quality Regulations, 40 CFR parts 1500-1508, and FAA Order 1050.1E, Policies and Procedures for Considering Environmental Impacts.

DATES: Comments must be received on or before July 29, 2004.**ADDRESSES:** Send all comments on to Ms. Terry Flieger, Environmental Specialist, Federal Aviation Administration, Air Traffic Organization, 12 New England Executive Park, Burlington MA 01803.**FOR FURTHER INFORMATION CONTACT:** Ms. Terry Flieger, Environmental Specialist, Air Traffic Organization, at the above address, telephone: 781-238-7524, fax: 781-238-7585, or Mr. Christopher DePaolo, Air Traffic Control Specialist, Air Traffic Organization, at the above address, telephone: 781-238-7533, fax: 781-238-7585.**SUPPLEMENTARY INFORMATION:** The FAA is making available the Draft Environmental Assessment (EA) for the proposed rerouting of regional jet (RJ) and turboprop (TP) aircraft approaching Boston-Logan (BOS) from the east. The proposal will route these aircraft along an existing TP route approaching BOS from the north. A Draft Environmental Assessment has been prepared and is now available for public review and comment. An electronic version of the document can be found on the following Internet address: www.faa.gov/programs/en/ane/noise under the heading Public Notices. The FAA will carefully review all comments received by the date published in the **DATES** section of this notice.

Issued in Burlington, Massachusetts, on June 16, 2004.

William C. Yuknewicz,

Acting Manager, Air Traffic Organization, FAA, New England Region.

[FR Doc. 04-14635 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Monthly Notice of PFC Approvals and Disapprovals. In May 2004, there was one application approved. This notice also includes information on one application, approved in April 2004, inadvertently left off the April 2004 notice. Additionally, one approved amendment to a previously approved application is listed.**SUMMARY:** The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.**PFC Applications Approved***Public Agency:* Scotts Bluff County Airport Authority, Scottsbluff, Nebraska.*Application Number:* 04-02-C-00-BFF.*Application Type:* Impose and use a PFC.*PFC Level:* \$4.50.*Total PFC Revenue Approved in This Decision:* \$112,700.*Earliest Charge Effective Date:* July 1, 2004.*Estimated Charge Expiration Date:* April 1, 2007.*Class of Air Carriers Not Required To Collect PFC'S:* None.*Brief Description of Project Approved For Collection and Use:* Construct new terminal.*Decision Date:* April 27, 2004.**FOR FURTHER INFORMATION CONTACT:** Lorna K. Sandridge, Central Region Airport Division, (816) 329-2641.*Public Agency:* Central West Virginia Regional Airport Authority, Charleston, West Virginia.*Application Number:* 04-09-C-00-CRW.*Application Type:* Impose and use a PFC.*PFC Level:* \$4.50.*Total PFC Revenue Approved in this Decision:* \$6,426,159.*Earliest Charge Effective Date:* February 1, 2006.*Estimated Charge Expiration Date:* March 1, 2011.*Classes of Air Carriers Not Required To Collect PFC'S:*

(1) Charter operators for hire to the general public under Part 135; (2) charter operators for hire to the general public under Part 121; (3) non-signatory and non-scheduled air carriers.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that each proposed class accounts for less than 1 percent of the total annual placements at Yeager Airport.*Brief Description of Projects Approved for Collection and Use:*

Runway 5 safety area improvements. Runway 23 safety area improvements. Airport drainage.

Acquire loading bridges for gates A, B and C4.

Acquire security vehicle.

Main terminal building emergency generator.

Main terminal building fire suppression system.

Main terminal building expansion at gate 10.

Acquire loading bridge for gate 10.

Runway 15/33 seal coat.

General aviation apron seal coat.

Environmental assessment for runway 5 protection zone land acquisition and obstruction removal.

Acquire snow removal equipment (two plows with spreaders).

Acquire snow removal equipment (broom).

Brief Description of Projects Approved for Collection:

Runway 5 obstruction removal.

Runway 5 protection zone land acquisition.

Rehabilitate taxiways A and B.

Decision Date: May 17, 2004.**FOR FURTHER INFORMATION CONTACT:**

Larry F. Clark, Beckley Airports District Office, (304) 252-6216.

Amendment to PFC Approvals:

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
01-03-C-02-LIT Little Rock, AR	05/14/04	\$15,986,750	\$18,850,300	04/01/15	08/01/05

Issued in Washington, DC on June 18, 2004.

JoAnn Horne,

Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. 04-14522 Filed 6-25-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Preparation of Supplemental Environmental Impact Statement on the Silver Line Phase III, Boston, MA

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement (SEIS).

SUMMARY: The Federal Transit Administration (FTA) and the Massachusetts Bay Transportation Authority (MBTA) intend to prepare a Supplemental Environmental Impact Statement (SEIS) in accordance with the National Environmental Policy Act (NEPA) and a Supplemental Environmental Impact Report (SEIR) in accordance with the Massachusetts Environmental Policy Act (MEPA) for Phase III of the Silver Line. The Silver Line is comprised of two formerly separate MBTA bus rapid transit (BRT) projects: the South Boston Piers Transitway (now Silver Line Phase II), providing service from downtown Boston to the South Boston Waterfront area and Logan International Airport, and the Washington Street Replacement Transit Service (now Silver Line Phase I), extending from Dudley Square to downtown Boston. Phase III will connect Silver Line Phases I and II and will run from South Station to Washington Street along Essex and Boylston Streets. Two new Silver Line Stations are proposed: at Boylston Station (connecting to the MBTA Green Line) and Chinatown Station (connecting to the MBTA Orange Line). Alternative alignments for the tunnel extension to the portal connection to Washington Street will be evaluated in the SEIS.

Phase III of the Silver Line incorporates what had originally been the second phase of the South Boston Piers Transitway, a tunnel connection

between South Station and Boylston Station. An alignment for this phase, extending from South Station along Essex Street, Avenue de Lafayette, and Avery/Tremont Streets to Boylston Station terminating in a loop underneath the Boston Common Central Burying Ground, was reviewed and approved as part of the 1993 *South Boston Piers/Fort Point Channel Transit Project Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR)*. The FTA issued its Record of Decision (ROD) for the Full Build Alternative of the South Boston Piers Transitway Project (which was intended to be built in two phases) on May 12, 1994. The initial phase of the Transitway project (now Phase II of the Silver Line) is currently under construction between South Station and the South Boston waterfront. This SEIS will evaluate the alignment modifications from South Station (where it will connect to the Phase II tunnel) to Boylston Station and the alternative tunnel alignment and portal locations for the connection to Phase I of the Silver Line, which is currently providing service on Washington Street.

DATES: A Public Hearing will be held Wednesday, July 14, 2004 at 7 p.m. at the Renaissance School at 250 Stuart Street, Boston, Massachusetts. Written Comments on the scope of the SEIS should be sent to Mr. Andrew Brennan no later than Friday, July 30, 2004. See **ADDRESSES** below.

ADDRESSES: Written comments should be sent to Mr. Andrew Brennan, Director of Environmental Affairs, Massachusetts Bay Transportation Authority, 10 Park Plaza, Room 6720, Boston, MA 02116. Phone No. 617-222-3126.

FOR FURTHER INFORMATION CONTACT: Donna Laidley, Federal Transit Administration, Region 1, 55 Broadway, Kendall Square, Cambridge, MA 02142, Phone No. 617-494-2484. Project Information can also be found on the MBTA's Web site at www.allaboutsilverline.com.

SUPPLEMENTARY INFORMATION:

I. Public Comment

FTA and MBTA will establish the scope of the SEIS for Silver Line Phase III after consulting with Federal, State, and local resource and regulatory

agencies through meetings and correspondence, and after hearing from the general public. Interested individuals, organizations, and agencies are invited to comment on the alternatives to be evaluated and related issues of concern. Written comments on the alternatives and potential impacts to be considered should be sent to Andrew Brennan at the MBTA.

II. Alternatives

A preferred alternative for the core tunnel segment has been selected. This core tunnel segment connects to the existing Silver Line Phase II tunnel in Atlantic Avenue, near South Station. The tunnel extends down Essex and Boylston Street to a turnaround loop under the intersection of Charles and Boylston Streets. Two new underground Silver Line stations at Chinatown and Boylston Street will be provided. The core tunnel segment is substantially similar to the project that was reviewed in the prior 1993 FEIS/FEIR, for which the FTA issued a ROD, and the Massachusetts Executive Office of Environmental Affairs (EOEA) issued a Certificate of Adequacy.

The preferred portal location and tunnel alignment connecting the core tunnel segment to the portal have not been selected at this point. The public comment process will provide input into the analysis of alternatives, following which a preferred portal location and tunnel alignment alternative will be selected through the SEIS process. The FTA and the MBTA propose that the following alternatives be considered in the SEIS:

Alternative 1: No-Action

This Alternative assumes existing conditions within the Silver Line Phase III corridor, and that Silver Line Phase I and Phase II would operate as independent services. This alternative further assumes no transit investment in the corridor, and therefore avoids any impacts or benefits associated with the Build Alternatives. It serves as the NEPA baseline against which the transportation, environmental and community impacts of the other alternatives are compared. The No Action Alternative further consists of the transportation network contained in the Regional Transportation Plan for the year 2025.

Alternative 2: Transportation System Management (TSM)

This alternative includes increased Frequency of Existing Service. Under this option revenue service on Phases I and II would be increased to a level consistent with that proposed for Phase III operation. Headways for both Phases would be decreased and connections between Phases I and II would be made via transfer to and from the Red Line at Downtown Crossing Station (to access the waterfront and Logan Airport) or South Station (to access destinations along Washington Street). For the purpose of the FTA's Section 5309 New Starts evaluation process, this TSM alternative serves as the baseline for quantifying the transportation benefits of the build alternatives.

Alternatives 3 Through 5

The MBTA has developed a set of portal location and portal route alignment alternatives that respond both to the concerns of various stakeholders within the project area and to engineering and operational criteria. Each of these alternatives has in common the core tunnel segment from South Station to the turnaround loop at Charles Street that follows an alignment on Essex and Boylston Streets. This core tunnel segment configuration provides the option of the following alternative alignments to a portal.

Alternative 3: Tremont Street/NEMC Portal

This Alternative consists of a tunnel extending from the core tunnel segment on a Tremont Street alignment to a portal located between the New England Medical Center (NEMC) garage and the Doubletree Hotel (the NEMC Portal) with a ramp providing access to Washington Street.

Alternative 4: Charles Street/NEMC Portal

This Alternative consists of a tunnel extending south from the core tunnel segment along a Charles Street alignment, and turning east crossing under Elliot Norton Park and Tremont Street to the NEMC Portal and ramp to Washington Street.

Alternative 5: Charles Street/Elliot Norton Park Portal

This Alternative consists of a tunnel extending south from the core tunnel segment along a Charles Street alignment to a portal located within Elliot Norton Park, with a ramp to Tremont Street.

Other Alternatives

The Silver Line Phase III project will serve the Washington Street corridor as far as Dudley Station, and will also provide parallel service to the Back Bay, providing a connection from both areas to the South Boston waterfront and Logan Airport. Throughout the development of the project, individuals and stakeholders have raised the concept of shifting the portal to a location closer to the Back Bay, making this connection more direct. Under such an alignment, the MBTA would still connect to Phase I service in Washington Street, but via a portal in the Columbus Avenue area, as opposed to a portal on Washington Street. The FTA and MBTA are interested in receiving public comment on the viability and feasibility of such an alternative, and whether it would be appropriate for detailed impact analysis in the SEIS.

III. Public Involvement

A comprehensive public involvement program has been developed. The program includes: Outreach to local officials and community and civic groups, a public hearing to identify issues of concern among all interested parties, and development of a project Web site www.allaboutsilverline.com.

IV. Probable Effects and Potential Impacts for Analysis

The FTA and MBTA will evaluate environmental, social, and economic impacts of alternatives analyzed in the SEIS. The likely impact areas to be addressed include: Noise and vibration; land use; visual/aesthetic values; cultural and historical resources; water quality, natural resources, air quality; traffic and parking; hazardous materials; utilities; energy use and conservation; public safety and security; and community impacts. The SEIS will evaluate environmental justice issues as well as secondary, cumulative, and construction-related impacts. The need for right-of-way acquisitions and relocations will also be evaluated. Measures to avoid, minimize, and mitigate adverse impacts will be developed and evaluated.

V. FTA Procedures

In accordance with FTA policy, all Federal laws, regulations, and executive orders affecting project development, including but not limited to the regulations of the Council on Environmental Quality and FTA's regulations implementing NEPA (40 CFR parts 1500–1508, and 23 CFR part

771) will be addressed to the maximum extent practicable during the NEPA process. In addition, the MBTA seeks 5309 New Starts funding for the project and will therefore be subject all the requirements contained in the FTA New Starts regulation (49 CFR part 611).

Issued on: June 21, 2004.

Richard H. Doyle,

Regional Administrator.

[FR Doc. 04–14637 Filed 6–25–04; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****Office of Hazardous Materials Safety; Notice of Application for Exemptions**

AGENCY: Research and Special Programs 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 by on or before July 28, 2004.

ADDRESS COMMENTS TO: Record Center, Research and Special Programs 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 June 23, 2004.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Safety Exemptions & Approvals.

NEW EXEMPTIONS FOR JUNE 2004

Application No.	Docket No.	Application	Regulation(s) affected	Nature of exemption thereof
13580-N		Carleton Technologies Inc., Orchard Park, NY.	49 CFR 178.65	To authorize the manufacture, marking, sale and use of non-DOT specification pressure vessels for use in transporting certain compressed gases. (Modes 1, 2, 4.)
13581-N		Bengal Products Inc., Baton Rouge, LA.	49 CFR 173.306(a)(3)	To authorize the transportation in commerce of certain aerosols in packagings manufactured under DOT-E 12573 as consumer commodity ORM-D. (Modes 1, 2, 3, 4.)
13582-N		Linde Gas LLC (Linde), Independence, OH.	49 CFR 173.301(j)	To authorize the transportation in commerce of certain cylinders manufactured to a foreign specification for use in transporting certain Zone A toxics. (Modes 1, 3.)
13583-N		Structural Composites Industries (SCI), Pomona, CA.	49 CFR 178.35	To authorize the manufacture, marking, sale and use of non-DOT specification DOT-CFFC standard cylinders for use in transporting certain compressed gases.
13584-N		Degussa Corporation, Parsippany, NJ.	49 CFR 177.848	To authorize the transportation in commerce of certain hazardous materials to be transported together in the same transport vehicle. (Mode 1.)
1385-N		Texaco Ovonic Hydrogen Systems, L.L.C., Rochester Hills, MI.	49 CFR 173.301(a)(1)	To authorize the transportation in commerce of non-DOT specification cylinders for use in transporting hydrogen in a metal hydride storage system. (Mode 1.)

[FR Doc. 04-14639 Filed 6-25-04; 8:45 am]

BILLING CODE 4909-60-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs 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 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. These applications have been separated from the new application for exemption to facilitate processing.

DATES: Comments must be received on or before July 13, 2004.

ADDRESS COMMENTS TO: Record Center, Research and Special Programs 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 June 23, 2004.

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
7765-M .....	.....	Carleton Technologies Inc., Orchard Park, NY.	49 CFR 173.302(a)(4); 175.3.	7765	To modify the exemption to authorize the use of an additional non-DOT specification pressure vessel reservoir assembly for the transportation of Division 2.2 materials.
10981-M .....	.....	Austin Powder Company, Cleveland, OH.	49 CFR 172.101; 173.62; 176.83.	10981	To modify the exemption to authorize an additional loading operation location for the transportation of Division 1.5D materials in DOT Specification IM 102 portable tanks.
11241-M .....	.....	Rohm and Haas Co., Philadelphia, PA.	49 CFR 179.13; Part 107, Subpart B, Appendix B, Paragraph 2; 172.203(a); 173.31(c)(1).	11241	To modify the exemption to authorize increasing the maximum gross weight on rail to 286,000 pounds for DOT Specification 105J300W tank cars transporting Class 3 materials.
11537-M .....	.....	American Development Corporation, Vanceboro, NC.	49 CFR 177.834(h) ..	11537	To modify the exemption to authorize additional Class 8 materials in UN Standard UN31H2 or UN31HA1 Intermediate Bulk Containers (IBCs) to be unloaded while on a motor vehicle.
11579-M .....	.....	Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 177.848(e)(2); 177.848(g)(3).	11579	To modify the exemption to authorize the transportation of additional Division 1.4, 1.5, 5.1, & Combustible materials and the use of several DOT Specification and non-DOT specification bulk packagings.
11667-M .....	.....	Weldship Corporation, Bethlehem, PA.	49 CFR 173.302a(b); 180.205 & 180.209.	11667	To modify the exemption to authorize rail freight as an additional mode of transportation for transporting Division 2.1, 2.2 and 2.3 materials in DOT Specification 3AA, 3AAX and 3T cylinders.
12184-M	RSPA-98-4886	Weldship Corporation, Bethlehem, PA.	49 CFR 173.302a(b); 180.205 & 180.209.	12184	To modify the exemption to authorize rail freight as an additional mode of transportation for transporting Division 2.1, 2.2 and 2.3 materials in DOT Specification 3A and 3AA cylinders.
12574-M	RSPA-00-8318	Weldship Corporation, Bethlehem, PA.	49 CFR 173.302a(b); 180.205 & 180.209.	12574	To modify the exemption to authorize rail freight as an additional mode of transportation for transporting Division 2.2 materials in manifolded and framed non-DOT specification seamless steel cylinders.
13057-M	RSPA-02-12819.	MINTEQ International, Inc., Easton, PA.	49 CFR 172 Subparts D, E and F; 173.24(c) Subparts E and F of Part 173.	13057	To modify the exemption to authorize the use of wooden spools to coil and ship core-filled steel tubing, with an inner core containing various hazardous materials, that is securely affixed on a wooden pallet.
13083-M	RSPA-02-12994.	Rockwood Pigments NA, Inc., St. Louis, MO.	49 CFR 172.101 (SP IB6 or IP2).	13083	To reissue the exemption originally issued on an emergency basis for the transportation of a Division 4.2 material in UN13H2 or UN13H3 Intermediate Bulk Containers (IBCs).
13441-M	RSPA-04-17052.	Eastman Kodak Company, Rochester, NY.	49 CFR 173.6(a)(1)(ii), 173.6(d).	13441	To modify the exemption to increase the weekly/yearly number of bulk shipments transporting Class 8 & 9 Division 2.1 & 2.2 materials and increase the maximum bulk roll-off packaging weight to 39,000 pounds.

[FR Doc. 04-14640 Filed 6-25-04; 8:45 am]

BILLING CODE 4909-60-M

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Ex Parte No. 558 (Sub-No. 7)]****Railroad Cost-of-Capital—2003****AGENCY:** Surface Transportation Board, DoT.**ACTION:** Notice of decision.

SUMMARY: On June 22, 2004, the Board served a decision to update its computation of the railroad industry's cost-of-capital for 2003. The composite after-tax cost-of-capital rate for 2003 is found to be 9.4%, based on a current cost-of-debt of 5.0%; a cost of common

equity capital of 12.7%; and a capital structure mix comprised of 42.8% debt and 57.2% common equity. The cost-of-capital finding made in this proceeding will be used in a variety of Board proceedings.

DATES: *Effective Date:* This action is effective June 28, 2004.

FOR FURTHER INFORMATION CONTACT:

Leonard J. Blistein, (202) 565-1529. (Federal Information Relay Service (FIRS) for the hearing impaired: 1 (800) 877-8339).

SUPPLEMENTARY INFORMATION: The cost-of-capital finding in this decision may be used for a variety of regulatory purposes. The Board's decision is posted on the Board's Web site, www.stb.dot.gov. In addition, copies of the decision may be purchased from ASAP Document Solutions by calling 301-577-2600 or by e-mailing asapdoc@verizon.net.

Environmental and Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of this action are to update the annual railroad industry cost-of-capital finding by the Board. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Authority: 49 U.S.C. 10704(a).

Decided: June 22, 2004.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams,

Secretary.

[FR Doc. 04-14590 Filed 6-25-04; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-NEW]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to identify and properly protect certain VA benefit records.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 27, 2004.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail irmnkess@vba.va.gov. Please refer to "OMB Control No. 2900-NEW" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Annual Certification of Veteran Status and Veteran-Relatives, VA Form 20-0344.

OMB Control Number: 2900-NEW.

Type of Review: New collection.

Abstract: VBA employees, non-VBA employees in VBA space and Veteran Service Organization employees who

have access to VA's benefit records complete VA Form 20-0344. These individuals are required to provide personal identifying information for themselves and any veteran relatives, in order for VA to identify and protect those benefit records. VA uses the information to determine which benefit records require special handling to guard against fraud, conflict of interest, improper influence etc. by VA and non-VA employees.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,834 hours.

Estimated Average Burden Per Respondent: 25 minutes.

Frequency of Response: Annually.
Estimated Number of Respondents: 14,000.

Dated: June 21, 2004.

By direction of the Secretary.

Loise Russell,

Director, Records Management Service.

[FR Doc. 04-14577 Filed 6-25-04; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Office of Research and Development

Government Owned Invention Available for Licensing

AGENCY: Office of Research and Development, Veterans Affairs.

ACTION: Notice of Government Owned Invention Available for Licensing.

SUMMARY: The invention listed below is owned by the U.S. Government as represented by the Department of Veterans Affairs, and is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 and/or CRADA Collaboration under 15 U.S.C. 3710a to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on the invention may be obtained by writing to: Robert W. Potts, Department of Veterans Affairs, Director Technology Transfer Program, Office of Research and Development, 810 Vermont Avenue NW., Washington, DC 20420; fax: 202-254-0473; e-mail at bob.potts@hq.med.va.gov. Any request for information should include the Number and Title for the relevant invention as indicated below. Issued patents may be obtained from the

Commissioner of Patents, U.S. Patent
and Trademark Office, Washington, DC
20231.

SUPPLEMENTARY INFORMATION: The
invention available for licensing is: U.S.

Provisional Patent Application No. 60/
545,532 "Method of Ameliorating or
Abrogating the Effects of a
Neurodegenerative Disorder, such as
Huntington's Disease, by Sodium
Butyrate Chemotherapy."

Dated: June 21, 2004.

Anthony J. Principi,

Secretary, Department of Veterans Affairs.

[FR Doc. 04-14578 Filed 6-25-04; 8:45 am]

BILLING CODE 8320-01-P

Corrections

Federal Register

Vol. 69, No. 123

Monday, June 28, 2004

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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Ch. VIII

Unified Agenda of Federal Regulatory and Deregulatory Actions

Correction

In proposed rule document 04-12485 appearing on page 38134 in the issue of Monday, June 28, 2004, make the following correction:

In the third column, in the file line, the Federal Register document number "04-12435" should read, "04-12485."

[FR Doc. C4-12485 Filed 6-25-04; 8:45 am]

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

[NUREG-1600]

NRC Enforcement Policy

Correction

In notice document 04-13523 beginning on page 33684 in the issue of Wednesday, June 16, 2004, make the following corrections:

1. On page 33684, in the third column, in the third full paragraph, in the second line "20 CFR" should read "10 CFR".

2. On the same page, in the same column, in the same paragraph, in the fifth line, "20 CFR" should read "10 CFR".

[FR Doc. C4-13523 Filed 6-25-04; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-18010; Airspace Docket No. 04-ACE-39]

Modification of Class E Airspace; Broken Bow, NE

Correction

In rule document 04-13836 beginning on page 34060 in the issue of Friday, June 18, 2004, make the following corrections:

1. On page 34061, in the first column, under the **Comments Invited** heading, in the fourth line from the bottom, "Docket No. FAA-2004-1800" should read, "Docket No. FAA-2004-18010".

§71.1 [Corrected]

2. On the same page, in §71.1, in the third column, in the second line, "79-mile radius" should read, "7.9-mile radius".

[FR Doc. C4-13836 Filed 6-25-04; 8:45 am]

BILLING CODE 1505-01-D

Reader Aids

Federal Register

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Monday, June 28, 2004

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Federal Register/Code of Federal Regulations	
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ELECTRONIC RESEARCH

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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 "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at http://www.archives.gov/federal_register/public_laws/public_laws.html.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.gpoaccess.gov/plaws/index.html>. Some laws may not yet be available.

H.R. 1086/P.L. 108-237

To encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes. (June 22, 2004; 118 Stat. 661)

S. 1233/P.L. 108-238

National Great Black Americans Commemoration Act of 2004 (June 22, 2004; 118 Stat. 670)

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-052-00001-9)	9.00	4Jan. 1, 2004
3 (2003 Compilation and Parts 100 and 101)	(869-052-00002-7)	35.00	1Jan. 1, 2004
4	(869-052-00003-5)	10.00	Jan. 1, 2004
5 Parts:			
1-699	(869-052-00004-3)	60.00	Jan. 1, 2004
700-1199	(869-052-00005-1)	50.00	Jan. 1, 2004
1200-End	(869-052-00006-0)	61.00	Jan. 1, 2004
6	(869-052-00007-8)	10.50	Jan. 1, 2004
7 Parts:			
1-26	(869-052-00008-6)	44.00	Jan. 1, 2004
27-52	(869-052-00009-4)	49.00	Jan. 1, 2004
53-209	(869-052-00010-8)	37.00	Jan. 1, 2004
210-299	(869-052-00011-6)	62.00	Jan. 1, 2004
300-399	(869-052-00012-4)	46.00	Jan. 1, 2004
400-699	(869-052-00013-2)	42.00	Jan. 1, 2004
700-899	(869-052-00014-1)	43.00	Jan. 1, 2004
900-999	(869-052-00015-9)	60.00	Jan. 1, 2004
1000-1199	(869-052-00016-7)	22.00	Jan. 1, 2004
1200-1599	(869-052-00017-5)	61.00	Jan. 1, 2004
1600-1899	(869-052-00018-3)	64.00	Jan. 1, 2004
1900-1939	(869-052-00019-1)	31.00	Jan. 1, 2004
1940-1949	(869-052-00020-5)	50.00	Jan. 1, 2004
1950-1999	(869-052-00021-3)	46.00	Jan. 1, 2004
2000-End	(869-052-00022-1)	50.00	Jan. 1, 2004
8	(869-052-00023-0)	63.00	Jan. 1, 2004
9 Parts:			
1-199	(869-052-00024-8)	61.00	Jan. 1, 2004
200-End	(869-052-00025-6)	58.00	Jan. 1, 2004
10 Parts:			
1-50	(869-052-00026-4)	61.00	Jan. 1, 2004
51-199	(869-052-00027-2)	58.00	Jan. 1, 2004
200-499	(869-052-00028-1)	46.00	Jan. 1, 2004
500-End	(869-052-00029-9)	62.00	Jan. 1, 2004
11	(869-052-00030-2)	41.00	Feb. 3, 2004
12 Parts:			
1-199	(869-052-00031-1)	34.00	Jan. 1, 2004
200-219	(869-052-00032-9)	37.00	Jan. 1, 2004
220-299	(869-052-00033-7)	61.00	Jan. 1, 2004
300-499	(869-052-00034-5)	47.00	Jan. 1, 2004
500-599	(869-052-00035-3)	39.00	Jan. 1, 2004
600-899	(869-052-00036-1)	56.00	Jan. 1, 2004
900-End	(869-052-00037-0)	50.00	Jan. 1, 2004

Title	Stock Number	Price	Revision Date
13	(869-052-00038-8)	55.00	Jan. 1, 2004
14 Parts:			
1-59	(869-052-00039-6)	63.00	Jan. 1, 2004
60-139	(869-052-00040-0)	61.00	Jan. 1, 2004
140-199	(869-052-00041-8)	30.00	Jan. 1, 2004
200-1199	(869-052-00042-6)	50.00	Jan. 1, 2004
1200-End	(869-052-00043-4)	45.00	Jan. 1, 2004
15 Parts:			
0-299	(869-052-00044-2)	40.00	Jan. 1, 2004
300-799	(869-052-00045-1)	60.00	Jan. 1, 2004
800-End	(869-052-00046-9)	42.00	Jan. 1, 2004
16 Parts:			
0-999	(869-052-00047-7)	50.00	Jan. 1, 2004
1000-End	(869-052-00048-5)	60.00	Jan. 1, 2004
17 Parts:			
1-199	(869-050-00049-1)	50.00	Apr. 1, 2003
200-239	(869-050-00050-4)	58.00	Apr. 1, 2003
240-End	(869-050-00051-2)	62.00	Apr. 1, 2003
18 Parts:			
1-399	(869-050-00052-1)	62.00	Apr. 1, 2003
400-End	(869-052-00054-0)	26.00	Apr. 1, 2004
19 Parts:			
1-140	(869-050-00054-7)	60.00	Apr. 1, 2003
141-199	(869-050-00055-5)	58.00	Apr. 1, 2003
200-End	(869-050-00056-3)	30.00	Apr. 1, 2003
20 Parts:			
1-399	(869-050-00057-1)	50.00	Apr. 1, 2003
400-499	(869-050-00058-0)	63.00	Apr. 1, 2003
500-End	(869-050-00059-8)	63.00	Apr. 1, 2003
21 Parts:			
1-99	(869-052-00061-2)	42.00	Apr. 1, 2004
100-169	(869-050-00061-0)	47.00	Apr. 1, 2003
170-199	(869-050-00062-8)	50.00	Apr. 1, 2003
200-299	(869-052-00064-7)	17.00	Apr. 1, 2004
300-499	(869-050-00064-4)	29.00	Apr. 1, 2003
500-599	(869-052-00066-3)	47.00	Apr. 1, 2004
600-799	(869-052-00067-1)	15.00	Apr. 1, 2004
800-1299	(869-050-00067-9)	58.00	Apr. 1, 2003
1300-End	(869-052-00069-8)	24.00	Apr. 1, 2004
22 Parts:			
1-299	(869-050-00069-5)	62.00	Apr. 1, 2003
300-End	(869-050-00070-9)	44.00	Apr. 1, 2003
23	(869-050-00071-7)	44.00	Apr. 1, 2003
24 Parts:			
0-199	(869-050-00072-5)	58.00	Apr. 1, 2003
200-499	(869-050-00073-3)	50.00	Apr. 1, 2003
500-699	(869-052-00075-2)	30.00	Apr. 1, 2004
700-1699	(869-050-00075-0)	61.00	Apr. 1, 2003
1700-End	(869-050-00076-8)	30.00	Apr. 1, 2003
25	(869-050-00077-6)	63.00	Apr. 1, 2003
26 Parts:			
§§ 1.0-1-1.60	(869-050-00078-4)	49.00	Apr. 1, 2003
§§ 1.61-1.169	(869-050-00079-2)	63.00	Apr. 1, 2003
§§ 1.170-1.300	(869-050-00080-6)	57.00	Apr. 1, 2003
§§ 1.301-1.400	(869-050-00081-4)	46.00	Apr. 1, 2003
§§ 1.401-1.440	(869-052-00083-3)	62.00	Apr. 1, 2004
§§ 1.441-1.500	(869-050-00083-1)	50.00	Apr. 1, 2003
§§ 1.501-1.640	(869-050-00084-9)	49.00	Apr. 1, 2003
§§ 1.641-1.850	(869-050-00085-7)	60.00	Apr. 1, 2003
§§ 1.851-1.907	(869-050-00086-5)	60.00	Apr. 1, 2003
§§ 1.908-1.1000	(869-052-00088-4)	60.00	Apr. 1, 2004
§§ 1.1001-1.1400	(869-050-00088-1)	61.00	Apr. 1, 2003
§§ 1.1401-1.1503-2A	(869-050-00089-0)	50.00	Apr. 1, 2003
§§ 1.1551-End	(869-052-00091-4)	55.00	Apr. 1, 2004
2-29	(869-050-00091-1)	60.00	Apr. 1, 2003
30-39	(869-050-00092-0)	41.00	Apr. 1, 2003
40-49	(869-052-00094-9)	28.00	Apr. 1, 2004
50-299	(869-050-00094-6)	41.00	Apr. 1, 2003
300-499	(869-050-00095-4)	61.00	Apr. 1, 2003

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
500-599	(869-050-00096-2)	12.00	⁵ Apr. 1, 2003	72-80	(869-050-00149-7)	61.00	July 1, 2003
600-End	(869-050-00097-1)	17.00	Apr. 1, 2003	81-85	(869-050-00150-1)	50.00	July 1, 2003
27 Parts:				86 (86.1-86.599-99)	(869-050-00151-9)	57.00	July 1, 2003
1-199	(869-050-00098-9)	63.00	Apr. 1, 2003	86 (86.600-1-End)	(869-050-00152-7)	50.00	July 1, 2003
200-End	(869-050-00099-7)	25.00	Apr. 1, 2003	87-99	(869-050-00153-5)	60.00	July 1, 2003
28 Parts:				100-135	(869-050-00154-3)	43.00	July 1, 2003
0-42	(869-050-00100-4)	61.00	July 1, 2003	136-149	(869-150-00155-1)	61.00	July 1, 2003
43-End	(869-050-00101-2)	58.00	July 1, 2003	150-189	(869-050-00156-0)	49.00	July 1, 2003
29 Parts:				190-259	(869-050-00157-8)	39.00	July 1, 2003
0-99	(869-050-00102-1)	50.00	July 1, 2003	260-265	(869-050-00158-6)	50.00	July 1, 2003
100-499	(869-050-00103-9)	22.00	July 1, 2003	266-299	(869-050-00159-4)	50.00	July 1, 2003
500-899	(869-050-00104-7)	61.00	July 1, 2003	300-399	(869-050-00160-8)	42.00	July 1, 2003
900-1899	(869-050-00105-5)	35.00	July 1, 2003	400-424	(869-050-00161-6)	56.00	July 1, 2003
1900-1910 (§§ 1900 to 1910.999)	(869-050-00106-3)	61.00	July 1, 2003	425-699	(869-050-00162-4)	61.00	July 1, 2003
1910 (§§ 1910.1000 to end)	(869-050-00107-1)	46.00	July 1, 2003	700-789	(869-050-00163-2)	61.00	July 1, 2003
1911-1925	(869-050-00108-0)	30.00	July 1, 2003	790-End	(869-050-00164-1)	58.00	July 1, 2003
1926	(869-050-00109-8)	50.00	July 1, 2003	41 Chapters:			
1927-End	(869-050-00110-1)	62.00	July 1, 2003	1, 1-1 to 1-10		13.00	³ July 1, 1984
30 Parts:				1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
1-199	(869-050-00111-0)	57.00	July 1, 2003	3-6		14.00	³ July 1, 1984
200-699	(869-050-00112-8)	50.00	July 1, 2003	7		6.00	³ July 1, 1984
700-End	(869-050-00113-6)	57.00	July 1, 2003	8		4.50	³ July 1, 1984
31 Parts:				9		13.00	³ July 1, 1984
0-199	(869-050-00114-4)	40.00	July 1, 2003	10-17		9.50	³ July 1, 1984
200-End	(869-050-00115-2)	64.00	July 1, 2003	18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
32 Parts:				18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
1-39, Vol. I		15.00	² July 1, 1984	18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
1-39, Vol. II		19.00	² July 1, 1984	19-100		13.00	³ July 1, 1984
1-39, Vol. III		18.00	² July 1, 1984	1-100	(869-050-00165-9)	23.00	⁷ July 1, 2003
1-190	(869-050-00116-1)	60.00	July 1, 2003	101	(869-050-00166-7)	24.00	July 1, 2003
191-399	(869-050-00117-9)	63.00	July 1, 2003	102-200	(869-050-00167-5)	50.00	July 1, 2003
400-629	(869-050-00118-7)	50.00	July 1, 2003	201-End	(869-050-00168-3)	22.00	July 1, 2003
630-699	(869-050-00119-5)	37.00	⁷ July 1, 2003	42 Parts:			
700-799	(869-050-00120-9)	46.00	July 1, 2003	1-399	(869-050-00169-1)	60.00	Oct. 1, 2003
800-End	(869-050-00121-7)	47.00	July 1, 2003	400-429	(869-050-00170-5)	62.00	Oct. 1, 2003
33 Parts:				430-End	(869-050-00171-3)	64.00	Oct. 1, 2003
1-124	(869-050-00122-5)	55.00	July 1, 2003	43 Parts:			
125-199	(869-050-00123-3)	61.00	July 1, 2003	1-999	(869-050-00172-1)	55.00	Oct. 1, 2003
200-End	(869-050-00124-1)	50.00	July 1, 2003	1000-end	(869-050-00173-0)	62.00	Oct. 1, 2003
34 Parts:				44	(869-050-00174-8)	50.00	Oct. 1, 2003
1-299	(869-050-00125-0)	49.00	July 1, 2003	45 Parts:			
300-399	(869-050-00126-8)	43.00	⁷ July 1, 2003	1-199	(869-050-00175-6)	60.00	Oct. 1, 2003
400-End	(869-050-00127-6)	61.00	July 1, 2003	200-499	(869-050-00176-4)	33.00	Oct. 1, 2003
35	(869-050-00128-4)	10.00	⁶ July 1, 2003	500-1199	(869-050-00177-2)	50.00	Oct. 1, 2003
36 Parts:				1200-End	(869-050-00178-1)	60.00	Oct. 1, 2003
1-199	(869-050-00129-2)	37.00	July 1, 2003	46 Parts:			
200-299	(869-050-00130-6)	37.00	July 1, 2003	1-40	(869-050-00179-9)	46.00	Oct. 1, 2003
300-End	(869-050-00131-4)	61.00	July 1, 2003	41-69	(869-050-00180-2)	39.00	Oct. 1, 2003
37	(869-050-00132-2)	50.00	July 1, 2003	70-89	(869-050-00181-1)	14.00	Oct. 1, 2003
38 Parts:				90-139	(869-050-00182-9)	44.00	Oct. 1, 2003
0-17	(869-050-00133-1)	58.00	July 1, 2003	140-155	(869-050-00183-7)	25.00	Oct. 1, 2003
18-End	(869-050-00134-9)	62.00	July 1, 2003	156-165	(869-050-00184-5)	34.00	Oct. 1, 2003
39	(869-050-00135-7)	41.00	July 1, 2003	166-199	(869-050-00185-3)	46.00	Oct. 1, 2003
40 Parts:				200-499	(869-050-00186-1)	39.00	Oct. 1, 2003
1-49	(869-050-00136-5)	60.00	July 1, 2003	500-End	(869-050-00187-0)	25.00	Oct. 1, 2003
50-51	(869-050-00137-3)	44.00	July 1, 2003	47 Parts:			
52 (52.01-52.1018)	(869-050-00138-1)	58.00	July 1, 2003	0-19	(869-050-00188-8)	61.00	Oct. 1, 2003
52 (52.1019-End)	(869-050-00139-0)	61.00	July 1, 2003	20-39	(869-050-00189-6)	45.00	Oct. 1, 2003
53-59	(869-050-00140-3)	31.00	July 1, 2003	40-69	(869-050-00190-0)	39.00	Oct. 1, 2003
60 (60.1-End)	(869-050-00141-1)	58.00	July 1, 2003	70-79	(869-050-00191-8)	61.00	Oct. 1, 2003
60 (Apps)	(869-050-00142-0)	51.00	⁸ July 1, 2003	80-End	(869-050-00192-6)	61.00	Oct. 1, 2003
61-62	(869-050-00143-8)	43.00	July 1, 2003	48 Chapters:			
63 (63.1-63.599)	(869-050-00144-6)	58.00	July 1, 2003	1 (Parts 1-51)	(869-050-00193-4)	63.00	Oct. 1, 2003
63 (63.600-63.1199)	(869-050-00145-4)	50.00	July 1, 2003	1 (Parts 52-99)	(869-050-00194-2)	50.00	Oct. 1, 2003
63 (63.1200-63.1439)	(869-050-00146-2)	50.00	July 1, 2003	2 (Parts 201-299)	(869-050-00195-1)	55.00	Oct. 1, 2003
63 (63.1440-End)	(869-050-00147-1)	64.00	July 1, 2003	3-6	(869-050-00196-9)	33.00	Oct. 1, 2003
64-71	(869-050-00148-9)	29.00	July 1, 2003	7-14	(869-050-00197-7)	61.00	Oct. 1, 2003
				15-28	(869-050-00198-5)	57.00	Oct. 1, 2003
				29-End	(869-050-00199-3)	38.00	⁹ Oct. 1, 2003
				49 Parts:			
				1-99	(869-050-00200-1)	60.00	Oct. 1, 2003

Title	Stock Number	Price	Revision Date
100-185	(869-050-00201-9)	63.00	Oct. 1, 2003
186-199	(869-050-00202-7)	20.00	Oct. 1, 2003
200-399	(869-050-00203-5)	64.00	Oct. 1, 2003
400-599	(869-050-00204-3)	63.00	Oct. 1, 2003
600-999	(869-050-00205-1)	22.00	Oct. 1, 2003
1000-1199	(869-050-00206-0)	26.00	Oct. 1, 2003
1200-End	(869-048-00207-8)	33.00	Oct. 1, 2003
50 Parts:			
1-16	(869-050-00208-6)	11.00	Oct. 1, 2003
17.1-17.95	(869-050-00209-4)	62.00	Oct. 1, 2003
17.96-17.99(h)	(869-050-00210-8)	61.00	Oct. 1, 2003
17.99(i)-end	(869-050-00211-6)	50.00	Oct. 1, 2003
18-199	(869-050-00212-4)	42.00	Oct. 1, 2003
200-599	(869-050-00213-2)	44.00	Oct. 1, 2003
600-End	(869-050-00214-1)	61.00	Oct. 1, 2003
CFR Index and Findings			
Aids	(869-052-00049-3)	62.00	Jan. 1, 2004
Complete 2004 CFR set	1,342.00		2004
Microfiche CFR Edition:			
Subscription (mailed as issued)	325.00		2004
Individual copies	2.00		2004
Complete set (one-time mailing)	298.00		2003
Complete set (one-time mailing)	298.00		2002

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 2003, through January 1, 2004. The CFR volume issued as of January 1, 2002 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2003. The CFR volume issued as of April 1, 2000 should be retained.

⁶ No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2003. The CFR volume issued as of July 1, 2000 should be retained.

⁷ No amendments to this volume were promulgated during the period July 1, 2002, through July 1, 2003. The CFR volume issued as of July 1, 2002 should be retained.

⁸ No amendments to this volume were promulgated during the period July 1, 2001, through July 1, 2003. The CFR volume issued as of July 1, 2001 should be retained.

⁹ No amendments to this volume were promulgated during the period October 1, 2001, through October 1, 2003. The CFR volume issued as of October 1, 2001 should be retained.